

Appendix A

The Corporation of the City of Richmond Hill

Schedule of Conditions

Draft Plan of Condominium
("Common Element Condominium")

City File: D05-14003 (19CDM(R)-14003)

243 Sixteenth Ave. GP Inc.

Block 1, Registered Plan 65M-4689

City of Richmond Hill

City of Richmond Hill

Development Planning Division

1. Approval shall relate to a draft Plan of Condominium prepared by Speight, Van Nostrand, & Gibson Limited, Job Number 230-0002, dated January 20, 2025.
2. The Owner shall fulfill Site Plan provisions pertaining to a related Site Plan Agreement between the Owner and the City dated November 18, 2021, and registered in the Land Registry Office of the Land Titles Division of York Region as Instrument YR3370523, to the satisfaction of the Commissioner, Planning and Building Services Department.
3. The Owner shall enter into a Condominium Agreement, if required to do so by the City, which shall be registered on title and to the satisfaction of the City Solicitor, in priority to all other claims or interest.
4. The Owner shall submit Plans of Condominium pre-approved by the Land Registry Office, satisfactory to the City, prior to final approval of the Plan of Condominium.
5. Prior to final approval, the Owner shall, if required to do so by the City, submit to and obtain the approval of the City for the form and content of the Condominium Description and Declaration, and the Owner shall incorporate into the Plan and Declaration under Section 7 of the *Condominium Act, 1998, S.O. 1998, c. 19*, all right(s)-of-way and easements for vehicular and pedestrian access, on-site traffic circulation, private servicing, municipal servicing or utility servicing to the satisfaction of the City.

Building Division

6. Prior to final approval of the Plan, the Owner shall have fully complied with any orders issued pursuant to the *Building Code Act, 1992, S.O. 1992, c. 23* and shall have completed all work necessary to correct any building deficiencies related to said orders to the satisfaction of the City.

Infrastructure Planning and Development Engineering Division

7. Prior to final approval of the Plan, the Owner's Engineer shall confirm that all grading, drainage, above and below ground services, asphalt paving, concrete works and demarcation of parking spaces, bike parking within the Common Element Condominium area, and any other matters required to support the development of the lands within the Plan, including but not limited to, storm sewer outfall, any retaining walls, noise walls, utilities, rain barrels, low impact development features that are to be located within the Parcels of Tied Land and are to be secured with easements in favour of the Condominium Corporation, have been substantially completed in accordance with the plans and conditions in the said Site Plan Agreement or that the City holds sufficient security to cover the cost of the remaining works. Should there be insufficient security to cover the cost of the remaining works, the Owner shall arrange for the deposit of additional securities in the amount sufficient to cover the cost of all outstanding works through an amending site plan agreement. To guarantee completion of the aforesaid work, the letter of credit secured through the site plan agreement or an amending site plan agreement will be kept in full force by the City.
8. The Owner shall file with the City, if required to do so by the City, certification from a Solicitor authorized to practice in the Province of Ontario that all necessary easements required to service the lands and buildings within the Plan and any adjoining lands (if such adjoining lands were, at any time, a single parcel of land with the lands within the Plan) for, but not limited to, access, pedestrian connections, vehicle parking, bike parking, street lighting, water, sanitary sewer, storm sewer, structural support grading, retaining walls, low impact development features, amenity areas, access and maintenance purposes, have been lawfully created or will be lawfully created upon the registration of the Declaration referred to in Condition 5.
9. The Owner shall file with the City certification from a Solicitor authorized to practice in the Province of Ontario that appropriate warning clauses have been included in the Declaration to advise the future Owners and tenants that infiltration galleries, which forms an integral part of the stormwater water management infrastructure, are located on the Subject lands, within the Common Element Condominium area and private easements in favour of the Condominium Corporation. The future Owners and tenants acknowledge that there is the Condominium's responsibility to ensure that proper drainage is maintained and swales, which convey the stormwater to this system, remain in its original form. Should there be insufficient security to cover the cost of the remaining works, the Owner shall arrange for the deposit of additional securities in the amount sufficient to cover the cost of all outstanding works through an amending site plan agreement. To guarantee completion of the aforesaid work,

the letter of credit secured through the site plan agreement or an amending site plan agreement will be kept in full force by the City.

10. The Owner shall file with the City certification from a Solicitor authorized to practice in the Province of Ontario that appropriate warning clauses have been included in the Declaration to advise the future Owners and tenants that as a result of the shallow depth of the sanitary sewer system in the vicinity, the property has been equipped with a private wastewater pumping station to collect wastewater from each dwelling unit and mechanically transport said wastewater to a higher elevation. The future Owners and tenants acknowledge that ownership and maintenance of such pumping station is and shall remain the sole responsibility of the Condominium Corporation as part of the Common Element Condominium area. The future Owners and tenants acknowledge that the City of Richmond Hill shall not be liable for any damages, losses or costs incurred in any manner whatsoever in the event of failure to install such pumping station, the removal of such pumping station and the failure or inadequacy of such pumping station.
11. The Owner shall include the following noise warning clauses in the condominium declaration as per the recommendations of the approved Noise Feasibility Study prepared by HGC Engineering Limited, dated August 15, 2018. The POTLs included in the following noise warning clauses correspond to the Draft Plan of Condominium prepared by Speight, Van Nostrand and Gibson Limited:
 - i) Type A: (Exceedance of sound levels)

"Purchasers/tenants of POTLs 2 to 11 are advised that sound levels due to increasing road traffic and rail traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks."
 - ii) Type B: (Inclusion of noise control features)

"Purchasers/tenants of all POTL 1 are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks."
 - iii) Type C: (Provision for adding central air conditioning)

"Purchasers/tenants POTL 2 to 11 are advised that the dwelling units have been fitted with a forced air heating system and the ducting etc., was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City's and the Ministry of the Environment, Conservation and Parks' noise criteria."

iv) Type D: (Supply with central air conditioning system)

"Purchasers/tenants of POTL 1 are advised that the dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks."

v) Type E: (Proximity to Stationary Sources)

"Purchasers/tenants are advised that due to the proximity of the existing church and neighbouring commercial and institutional facilities, noise from the facility may at times be audible."

vi) "Purchasers/tenants are advised that Metrolinx (Formerly GO Transit) or its assigns or successors in interest has or have a right-of-way within 300 meters from the land the subject thereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future, including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way."

vii) "Purchasers/tenants are advised that the ownership and future maintenance of any acoustic fence for the subject property will be the responsibility of the developer or property owner as they will not be owned/maintained by the City of Richmond Hill in the future."

Corporate and Financial Services Department

12. Prior to final approval, the Owner shall pay the applicable Release Fees to the satisfaction of the City.
13. Prior to final approval, the Owner shall pay any outstanding taxes owing to the City.
14. Prior to final approval, the Owner shall pay any outstanding Local Improvement charges owing against the subject lands.

Park and Natural Heritage Planning Section

15. The Owner shall agree within the condominium declaration to make provisions for the ongoing maintenance and replacement of all common element landscape areas and private landscaping.
16. The Owner shall complete all required landscape works to the satisfaction of the Commissioner of Planning and Building Services.

Regional Municipality of York

17. Prior to final approval, the Owner shall provide confirmation that all of the conditions of the Site Plan Approval issued on September 18, 2023, for the subject property under Regional File No. SP.14.R.0082, have been satisfied.
18. The Owner shall execute all Regional Agreements and obtain all of the necessary permits required as part of the Site Plan Approval for the subject property under Regional File No. SP.14.R.0082.
19. The Owner shall confirm that all of the works within the Regional right-of-way have been completed to the satisfaction of the Region or that the Region holds sufficient securities to cover the cost of any outstanding works. Should there be insufficient security to cover the cost of the remaining works, the Owner shall arrange for the deposit of additional securities in the amount sufficient to cover the cost of all outstanding works.
20. The Owner shall provide confirmation that all transfers of obligation have been completed where Regional Agreements require responsibility to change from the Owner to the Condominium Corporation.

Clearance Conditions

21. The City of Richmond Hill shall advise that Conditions 1 to 18 inclusive have been satisfied; the clearance letter shall contain a brief statement detailing how each condition has been met.
22. The Regional Municipality of York shall advise that Conditions 19 to 22 inclusive have been satisfied. The clearance letter shall include a brief statement detailing how the condition has been met.

NOTE: Where final approval for registration has not been given within three (3) years after the date upon which approval to the proposed Plan of Condominium was given, pursuant to the *Planning Act*, R.S.O. 1990, the approval to this proposed Plan of Condominium shall lapse at the expiration of three (3) years after the date upon which approval to the proposed Plan of Condominium was given. The City of Richmond Hill may from time to time extend the duration of the approval by granting an extension prior to the lapsing date.