

The Corporation of the City of Richmond Hill

Schedule of Conditions

Draft Plan of Condominium
“Common Element Condominium”

City File: CON-25-0001 **(19CDM(R)-25001)**

Montagna Capital (BT) Inc.

Block 4, Registered Plan 65M-4807

City of Richmond Hill

City of Richmond Hill

Development Planning Division

1. Approval shall relate to a draft Plan of Condominium prepared by R-PE Surveying LTD., Job Number 23-341, dated April 4, 2025.
2. The Owner shall fulfill provisions pertaining to a related Development Agreement between the Owner and the City dated November 27, 2024 and registered in the Land Registry Office of the Land Titles Division of York Region as Instrument YR3748761, 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 Services 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 Development 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 Development Agreement. To guarantee completion of the aforesaid work, the letter of credit secured through the Development Agreement or an Amending Development 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, 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 acknowledges to grant a non-exclusive surface easement (the "Access Easement") over the interior private driveway and sidewalk to be built on a portion of the grade level of the subject lands. The Access Easement would be in favour of the lands identified as Part 227 of the Draft Plan (the "North Benefitting Lands") for the purpose of providing vehicular and pedestrian access and egress from the North Benefitting Lands, and from all adjoining public roadways, being Vogell Road. The Access Easement shall be a strata/surface easement, which may be created and/or granted all at once or in phases and may be created pursuant to Section 20 of the Condominium Act, 1998 (Ontario) by describing the Access Easement in the condominium declaration and description or approval by the Committee of Adjustment. The Access Easement shall be in a form and location satisfactory to the Commissioner of Infrastructure and Engineering Services and the Owner shall be responsible for the preparation

of any and all Reference Plan(s) necessary for the creation or conveyance of the Access Easement and all other costs related thereto. In no event shall any condominium declaration(s) be registered in connection with any of the lands within the Plan until such time as all the aforementioned reciprocal and/or cross easements or joint use agreements are provided.

10. The Owner shall include the following warning clause into the Condominium Declaration:

"Purchasers/tenants are advised that there is a non-exclusive surface easement over Peace Lane in favour of the abutting property or properties to the north (the "Benefitting Lands), bounded by Peace Lane to the south, Major Mackenzie Drive to the north, Vogell Road to the west, and Highway 404 to the east, for the purpose of providing vehicular and pedestrian access and egress from the Benefitting Lands and from the adjoining public roadway, being Vogell Road. As such, purchasers/tenants are advised that a future driveway connecting to Peace Lane from the Benefitting Lands may be constructed in the future."

The Owner shall include the following noise warning clauses into the Condominium Declaration as appropriate, as per the recommendations of the approved Environmental Noise Study for the Subject Lands dated January 23, 2024, prepared by Valcoustics Canada Ltd. The Parts referenced in the following noise warning clauses correspond to the Draft Plan:

Type A: (Inclusion of Noise Control Features)

"Purchasers/tenants of dwellings that are located within Parts 1 to 10, 18 to 52, 91 to 144, and 176 to 217 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 occasionally interfere with some activities of the dwelling occupants as the sound level may exceed the noise criteria of the Municipality and the Ministry of the Environment, Conservation and Parks (MECP)."

Type B: (Supply with Central Air Conditioning System)

"Purchasers/tenants of dwellings that are located within Parts 1 to 4, 18 to 47, 91 to 108, 176 to 203, and 211 to 217 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 noise criteria of the Municipality and the Ministry of the Environment, Conservation and Parks (MECP)."

Type C: (Provision of Adding Central Air Conditioning)

"Purchasers/tenants of dwellings that are located within Parts 5 to 10, 48 to 52, 109 to 144, and 204 to 210 are advised that the dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density

developments 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 (MECP)."

Type D: (Proximity to Adjacent Mid-/High-Density Block)

"Purchases/tenants of dwellings that are located within Parts 1 to 4, and 18 to 42 are advised that due to the proximity of the adjacent mid- or high-density block identified as Part 227 of the Draft Plan, noise from this development may at times be audible."

Type E: (Proximity to Stationary Sources)

"Purchasers/tenants of dwellings that are located within Parts 1 to 4, 18 to 47, and 91 to 108 are advised that due to the proximity of the MTO/York Region road maintenance facility located at 1700 Major Mackenzie Drive East, Richmond Hill, noise from this facility may at times be audible."

Type F: (Class 4 Area Notification)

"Purchases/tenants of dwellings that are located within Parts 1 to 4, 18 to 47, and 91 to 108 are further advised that sound levels due to the MTO/York Region road maintenance facility located at 1700 Major Mackenzie Drive East, Richmond Hill are required to comply with sound level limits that are protective of indoor areas and are based on the assumption that windows and exterior doors are closed. This dwelling unit has been supplied with a ventilation/air conditioning system which will allow windows and exterior doors to remain closed."

Corporate and Financial Services Department

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

Park and Natural Heritage Planning Section

14. 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.
15. The Owner shall complete all required landscape works to the satisfaction of the Commissioner of Planning and Building Services.

16. The Owner shall meet all of the Development Agreement (YR3748761 D06-21023) requirements associated with the preparation and conveyance of the parkland (see paragraphs 37 and 38 in the Development Agreement) prior to registration of the declaration and description for the last condominium to be created for the subject lands.

Regional Municipality of York

17. Prior to final approval, the Owner shall provide confirmation that all of the conditions of the Site Plan application under Regional file No. SP.21.R.0148 have been satisfied.
18. The Owner shall include in the Condominium Agreement or Condominium Declaration the following clauses:
 - a. "Despite the inclusion of noise attenuation features within the development area and within the individual building units, noise levels will continue to increase, occasionally interfering with some activities of the building's occupants."
 - b. "As the site is within a Highly Vulnerable Aquifer (HVA), the storage of bulk fuel (\geq 2500L) (e.g. fuel oil for backup generators, etc.) or bulk chemicals (\geq 500L) is not permitted without the approval of York Region's Water Resources group, which will require the submission of a Contaminant Management Plan for review and approval before permission can be granted."

Bell Canada

19. The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.
20. The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

Clearance Conditions

21. The City of Richmond Hill shall advise that Conditions 1 to 16 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 17 and 18 have been satisfied. The clearance letter shall include a brief statement detailing how each condition has been met.

23. Bell Canada shall advise that Conditions 19 and 20 have been satisfied. The clearance letter shall include a brief statement detailing how each 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 draft Plan of Condominium was given, pursuant to the Planning Act, R.S.O. 1990, the approval to this draft Plan of Condominium shall lapse at the expiration of three (3) years after the date upon which approval to the draft Plan of Condominium was given, but 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.