

# DECISION

The conditions to final plan of approval for registration of this Subdivision (File No. 34T-MA23001) as provided by the County of Elgin are as follows:

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## No. Conditions

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1. That this approval applies to the **draft plan of subdivision** prepared by Stirk, Baldinelli, Moniz Ltd. **dated November 18, 2024**, that shows 11 rural residential lots with access via Street 'A' which intersects with Rogers Road and terminates in a turning circle at the eastern end of the lands which are legally described as Part of Lot 79, Registered Plan 11R-10469, Part 1 at the Geographic Township of Malahide, in the Township of Malahide, County of Elgin.
2. That the Owner shall enter into a subdivision agreement with the Municipality pursuant to the authority of Section 51 (26) of the Planning Act R.S.O. 1990, as amended, wherein the Owner agrees to satisfy all the requirements and conditions of the Municipality, financial, and otherwise, which may include but is not limited to: the payment of fees, provision of roads, installation and capacity of services, sanitary sewage collection system, storm water collection system, water distribution system, utilities, stormwater management facilities, sidewalks, traffic signage, streetlighting system, pavement markings, temporary lot drainage, temporary drainage systems at limits of subdivision phases, fencing, buffering, retaining walls, and trees for the development of the lands within the plan, all in accordance with approved drawings and specifications.

The subdivision agreement between the Owner and the Municipality shall contain provisions requiring financial contributions be made and/or secured to the Municipality including all required letters of credit, cash securities and insurances (for a period of time up to and including two years after final completion of all required municipal infrastructure and services). Securities (100% of estimated work on public lands), municipal water and sanitary sewage connection fees, impost fees, deposit for legal fees, costs incurred by the Municipality, Cash in lieu of parkland, and all other associated fees are to be paid upon submission of signed agreement.

3. That the subdivision agreement between the Owner and the Municipality shall be registered against the land to which it applies, and the Municipality is entitled to enforce the provisions of it against the Owner and, subject to the Registry Act and the Land Titles Act, any and all subsequent owners of the lands.

4. That the subdivision agreement contains provisions to the satisfaction of the Municipality regarding the phasing of the development, where proposed. The Owner shall submit plans showing any phasing to the Municipality for review and approval if this subdivision is to be developed in more than one registration. The phasing plan shall include the sequence of development, the land area, and the number of lots, blocks, and units for each phase. The Owner agrees that the phasing must also be reflected in all required reports.
5. That prior to final approval by the County of Elgin, the Owner shall submit for review and approval to the Municipality a draft of the final M plan.
6. That the Owner acknowledges that the Municipality may require minor red-line revisions to the draft plan to ensure proper alignment with existing or proposed lots, blocks, streets, and/or facilities on the plan or on lands adjacent to this draft plan and agreed to by the Owners.
7. Prior to final approval, the Owner shall pay in full all financial obligations/encumbrances owing to the Municipality on the subject lands, including property taxes.
8. That the Owner covenants and agrees that the subject lands will not be developed, serviced, altered, disturbed or graded prior to the final plan approval for each respective phase.
9. That the Owner submit all required detailed engineering drawings and reports, with the appropriate review fee, for review and approval to the satisfaction of the Municipality. The engineering design process shall be substantively complete prior to the preparation of the subdivision agreement.
10. That the Owner shall prepare and submit cross sections for the site grading and drainage plans based on the final elevations. These sections will include existing and proposed future grades, source, receiver and barrier/berm ground elevations, berm slopes, sidewalks, boulevards, ditches, stormwater management facilities, etc.
11. That the Owner shall provide easements as may be required for services, utility or drainage purposes, and where required by the Municipality, daylight corners and/or 0.3 metre reserves shall be shown on the final plan and conveyed in a form satisfactory to the Municipality or other relevant agency.
12. That prior to final approval, the Municipality shall confirm that supply capacity is available for all lots in the proposed development.
13. That the Owner shall demonstrate using a water distribution system model that there is adequate water supply and pressure for potable water as well as Fire protection to accommodate the development, to the satisfaction of Municipality.

14. That the subdivision agreement between the Owner and the Municipality contain provisions that require that the Owner establish a legal stormwater outlet under the provisions of the Drainage Act to service the subject lands, and shall request any required apportionments under the same, to the satisfaction of the Municipality.
15. That the subdivision agreement should contain provisions stating that any lands containing the stormwater management pond should be assumed by the Municipality.
16. That the subdivision agreement and all agreements of purchase and sale should contain provisions to advise the owners that owners will not undertake activities to impair the discharge of stormwater to its intended outlet.
17. That the Owner agrees to construct maintenance access to the Storm Water Management Facility, storm water bypass routes and overland flow routes to the satisfaction of the Municipality through the detailed design phase.
18. That the Owner shall prepare and submit an Environmental Monitoring Plan designed to evaluate the function, stability and performance of the Storm Water Management Facility from completion and certification to 1 year following assumption of the subdivision to ensure the pond operates as planned under full development conditions. The Owner shall further monitor the storm water management facility during the development process and undertake any necessary cleaning, at the Owner's expense, to ensure the pond operates as designed.
19. That the Owner will develop and implement an "Excess Soil Management Plan" and post any required securities with the Municipality to ensure effective implementation of the Plan prior to any earthworks advancing upon the lands.
20. That the Owner is to adhere to Ontario Soil Regulation O. Reg. 406/19. For inbound fill on lands to be conveyed to the Municipality, the Owner is obliged to ensure that all fill placed on these lands is suitable for the type of land use in which the land is being conveyed to the Municipality (Roads, Park, SWM). The Owner shall undertake the required testing and remediation (if necessary) to ensure the lands/soils are suitable for their intended use (i.e. residential development) and that the lands will remain suitable if/when fill material is brought to the site.
21. That upon draft approval, supporting infrastructure services (water, storm sewers, roads) within the plan of subdivision may be installed, provided the detailed engineering design drawings have been approved by the Municipality, the subdivision agreement has been executed, appropriate financial security has been posted, all relevant fees have been paid to the satisfaction of the Municipality and all requisite government approvals have been obtained and notices given to all public utilities.

22. The Owner shall construct all potable water utilities in accordance with the Municipal Drinking Water Works Permit (DWWP) and Municipal Drinking Water License (MDWL). All watermain alterations shall meet or exceed the minimum standards set forth by the MECP for Watermain Design Criteria for Future Alterations Authorized under the Drinking Water Works Permit. The Owner shall provide a detail watermain commissioning plan to the satisfaction of the Municipality.
23. That the Owner agrees to undertake the reconstruction of any existing infrastructure that is required to accommodate the planned road connections and planned servicing connections to the existing watermain as outlined and approved through the detailed engineering approvals. This may include infrastructure which is required to be relocated, improved, upsized or enlarged. Such infrastructure includes but is not limited to storm management facilities, storm sewers, watermains, and roads.
24. That the Owner shall agree to prepare engineering as-constructed drawings, to the satisfaction of the Municipality.
25. That the Owner designs, constructs, stabilizes and has in operation all stormwater management facilities and stormwater outfalls, or appropriate alternative measures, in accordance with the approved Stormwater Management Plan and prior to site alteration for each phase of development. The landscaping plan for the SWM pond must be to the satisfaction of the Municipality. The Owner agrees to plant all vegetation (which is not required for stabilization) within 12 months upon constructing the SWM Pond as per the approved landscape drawings. The Owner shall be entirely responsible for the implementation of these features including financial costs.
26. That the road allowances included on the draft plan shall meet the standards of the Municipality and be shown and dedicated as public rights-of-way on the final plan submitted for approval and registration.
27. That the street(s) within the draft plan of subdivision shall be named to the satisfaction of the Municipality.
28. That the Owner shall agree to obtain all required permits, including but not limited to, Road Occupancy Permits or Entrance Permits, from the Municipality prior to the commencement of any servicing or other works within any Municipality Road right-of-way.
29. That the Owner develop a construction access and site management plan for review and subsequent approval by the Municipality prior to the approval of the Subdivision Agreement. The plan shall, amongst other matters, set out how the Owner will be required to complete a pre-condition assessment of Rogers Road to monitor roadway conditions for those roads used to access the site, throughout the development of the lands and address safety issues to users. The Owner will be required to fully rehabilitate Rogers Road to the pre-existing condition should this

roadway be damaged from its use in support of developing the subject lands but not including normal wear and tear.

30. That the Owner will be required to provide a construction access and management plan setting out how they will address issues of noise, mud tracking and dust management and to provide a 24/7 contact number for staff to access a responsible party who has the authority to respond and resolve issues that may arise on these matters.
31. That the Owner shall agree within each phase of the development, that any road that is not a through street at the completion of the phase will be terminated as a temporary turning circle to the satisfaction of the Municipality.
32. That that Owner shall agree to provide adequate fire protection measures and the installation of fire hydrants, to the satisfaction of the Fire Chief for the Municipality and the Director of Public Works.
33. That the Owner shall agree that prior to final plan approval and registration of the plan in whole, or in part, that a fire flow testing report with recommendations regarding servicing of the development to achieve adequate water flow rates and pressures in the water mains for fire protection be prepared and implemented to the satisfaction of the Municipality.
34. That the Owner shall prepare and implement (implementation will be a Subdivision Agreement condition) a Landscape Plan for the stormwater management facility.
35. That the subdivision agreement between the Owner and the Municipality contain provisions that requires the septic systems which include Level IV treatment systems, as per the recommendations of the submitted Geotechnical Report prepared by LDS Consultants, to the satisfaction of the Municipality.
36. That the Owner agrees to provide payment in lieu of parkland dedication of the value of 5% of the land included within the plan of subdivision, with the value of the land to be calculated in accordance with Section 51.1(4) of the Planning Act, as amended. The Owner shall provide an appraisal of the value of the property as required under the Municipality's Parkland Dedication By-law.
37. Prior to final approval for the registration of the subdivision, the Owner shall submit a request for municipal addressing to the Municipality to be prepared by the Municipality and submitted to the appropriate agencies.
38. That the Owner agrees that any unplugged oil or gas wells discovered during the development process must be plugged in accordance with the Oil, Gas and Salt Resources Act at the sole expense of the Owner.
39. That the development agreement between the Owner and the Municipality shall contain a provision requiring the installation of fencing along the rear yards of all lots

and western lot boundary of Lots 5 and 11. The location, type, and height of the fencing shall be shown on the appropriate drawing, to the satisfaction of the Municipality. Fencing shall be installed prior to final approval by the Municipality, the cost of materials and installation shall be included in the calculation of securities and will be held to ensure completion.

40. That the subdivision agreement between the Owner and the Municipality contain a provision requiring the owner to notify in writing each person who first offers to purchase any subdivided lot within the plan of subdivision of all approved development charges, including development charges for school purposes, relating to any such lot pursuant to Section 59(4) of the Development Charges Act, 1997, and the Education Act.
41. That any study, report and assessment that is technically reviewed by a third-party qualified professional will be at the discretion of the Municipality, and notification provided to the Owner. The third-party review will be at the Owner's expense.
42. That the owner shall agree to provide private waste/recycling services for the occupied homes of the subdivision, until such time as the rights-of-way are dedicated to the Municipality and the roadways are constructed to a standard that is satisfactory of the Municipality to provide municipal waste/recycling collection services.
43. That the owner shall agree to provide private snow removal/winter control services within the subdivision, until such time as the rights-of-way are dedicated to and assumed by the Municipality.
44. That the Owner acknowledges and agrees to convey to Enbridge Gas Inc. (operating as Union Gas) the necessary easements and/or agreements required for the provision of gas services to the new lots.
45. Prior to final approval, the Owner will provide to Bell Canada the necessary easements and/or agreements required by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada. 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.
46. Prior to final approval the Owner shall ensure that the requirements of Canada Post have been satisfied:
  - a) The developer will consult with Canada Post to determine suitable permanent locations for the Community Mail Boxes. The developer will then indicate these locations on the appropriate servicing plans;
  - b) The developer agrees, prior to offering any units for sale/rent, to display a map on

- the wall of the sales office in a place readily accessible to potential owners/renters that indicates the location of all Community Mail Boxes within the development, as approved by Canada Post;
- c) The developer agrees to include in all offers of purchase/rental a statement which advises the purchaser/renter that mail will be delivered via Community Mail Box. The developer also agrees to note the locations of all Community Mail Boxes within the development, and to notify affected owners/renters of any established easements granted to Canada Post to permit access to the Community Mail Box.
  - d) The developer will provide a suitable and safe temporary site for a Community Mail Box until curbs, sidewalks and final grading are completed at the permanent Community Mail Box locations. Canada Post will provide mail delivery to new residents/tenants as soon as the homes/businesses are occupied; and
  - e) The developer agrees to provide the following for each Community Mail Box site and to include these requirements on the appropriate servicing plans:
    - i. Any required walkway across the boulevard, per municipal standards;
    - ii. Any required curb depressions for wheelchair access, with an opening of at least two to three metres (consult Canada Post for detailed specifications);
    - iii. A Community Mailbox concrete base pad per Canada Post specifications.

47. That prior to final approval, the County of Elgin is to be advised in writing by the Municipality how conditions 2-43 have been satisfied.

48. That prior to final approval, the County of Elgin is to be advised in writing by Enbridge Gas Inc. (operating as Union Gas) how condition 43 has been satisfied.

49. That prior to final approval, the County of Elgin is to be advised in writing by Bell Canada how condition 44 has been satisfied.

50. That prior to final approval, the County of Elgin is to be advised in writing by Canada Post how condition 45 have been satisfied.

**Notes to Draft Approval:**

1. That this approval applies to the **draft plan of subdivision** prepared by Stirk, Baldinelli, Moniz Ltd. **dated November 18, 2024**, that shows 11 rural residential lots with access via Street 'A' which intersects with Rogers Road and terminates in a turning circle at the eastern end of the lands which are legally described as Part of Lot 79, Registered Plan 11R-10469, Part 1 at the Geographic Township of Malahide, in the Township of Malahide, County of Elgin.
2. It is the Owner's sole responsibility to fulfill the conditions of draft approval.
3. It is suggested that the Owner be aware of section 144 of the *Land Titles Act* and subsection 78(10) of the *Registry Act*.

Subsection 144 (1) of the *Land Titles Act* requires that a plan of subdivision of land that is located in a land titles division be registered under the *Land Titles Act*. Exceptions to this provision are set out in subsection 144(2).

Subsection 78(10) of the *Registry Act* requires that a plan of subdivision of land that is located only in a registry division cannot be registered under the *Registry Act* unless that title of the owner of the land has been certified under the *Certification of Titles Act*. Exceptions to this provision are set out in clauses (b) and (c) of subsection 78(10).

4. The Owner is advised that in the event that deeply buried archaeological remains should be discovered during construction, it is recommended that archaeological staff of the Ontario Ministry of Tourism, Culture and Sport be notified immediately.

Similarly, in the event that human remains should be encountered during construction, it is recommended that the proponent immediately notify the Ontario Ministry of Tourism, Culture and Sport and the Registrar of the Cemeteries Regulation Unit of the Cemeteries Branch.

5. The Ontario Land Surveyor responsible for preparing the final plan for registration should contact the Township of Malahide regarding the preparation of the final plan to ensure the requirements of draft approval are properly addressed in the preparation of the final plan and that the final plan prepared contains sufficient geodetic information to locate the plan within the UTM Coordinate System, North American Datum 1983, prior to submitting the plan for final approval. A digital copy of the final plan, in a form satisfactory to the Municipality, is required as part of the final plan submission.
6. Inauguration, or extension of a piped water supply, a sewage system, or a storm drainage system, is subject to the approval of the Ministry of the Environment under Sections 52 and Section 53 of the *Ontario Water Resources Act*.
7. The Owner is hereby advised that the review of this plan of subdivision did not include groundwater, soil, or atmosphere testing to fully discount the possibility that waste materials and/or other contaminants are present within or near this subdivision. If either the Owner or the Municipality requires such assurance before proceeding with this plan of subdivision, a team of consultants should be retained to conduct any necessary investigations.
8. The Ministry of the Environment, Conservation, and Parks must be advised immediately should waste materials or other contaminants be discovered during the development of this plan of subdivision. If waste materials or contaminants are discovered, a further approval under Section 46 of the *Environmental Protection Act* may be required from that Minister.
9. The Owner is advised that if any unplugged petroleum wells or associated works are identified during the development of the site, the owner shall notify the Petroleum Resources Centre of the Ministry of Natural Resources and Forestry. The Owner shall

plug the wells and rehabilitate the surface according to the Provincial Standards of the *Oil, Gas and Salt Resources Act*. The Ministry of Natural Resources and Forestry recommends that no structures be built immediately over a plugged petroleum well.

10. Should the Owner or the Municipality require underground telecommunications facilities to serve this subdivision, the owner must confirm with the Municipality that satisfactory arrangements have been made with telecommunications provider for underground services. The Owner is also advised that, should any conflicts with the existing telecommunications facilities or easements arise, the Owner shall be responsible for realignments or relocation. Further, the Owner is to provide easements as required to service this subdivision.
11. Clearances are required from the Township of Malahide, Enbridge (Union Gas), Bell and Canada Post. If the agency's condition concerns a clause in the subdivision agreement, a copy of the agreement should be sent to them. This will expedite clearance of the final plan. A copy of the agreement is also required by the County of Elgin.
12. All measurements on subdivision and condominium final plans must be presented in metric units.
13. The final plan must be submitted digitally in AutoCAD (DWG) and Portable Document Format (PDF) with the appropriate citation from the Planning Act used. The AutoCAD (DWG) file must be consistent with the following standards:
  - Georeferenced to the NAD83 UTM Zone 17M coordinate system.
  - All classes of features must be separated into different layers.
  - Each layer should be given a descriptive name so that the class of feature it contains is recognizable.
14. The final plan approved by the County of Elgin must include the following paragraph on all copies (3 mylars and 4 paper) for signature purposes:

*Approval Authority Certificate*

*This final plan of subdivision is approved by the County of Elgin under Section 51 (58) of the Planning Act, R.S.O. 1990, on this \_\_\_ day of \_\_\_\_\_ 20\_\_.*

\_\_\_\_\_  
*Manager of Planning*

15. The approval of this draft plan of subdivision File No. 34T-MA23001 will lapse on June 10, 2028, pursuant to subsection 51(32) of the *Planning Act*, as amended. It is the responsibility of the Owner to request an extension of the draft approval if one is

needed. A request for extension should be made at least 60 days before the approval lapses since no extension can be given after the lapsing date. The request should include the reasons why an extension is needed and a resolution in support of the extension from Council of the Township of Malahide.

16. The final plan approved by the County of Elgin must be registered within 30 days or the County may withdraw its approval under subsection 51(59) of the *Planning Act*.