

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: August 01, 2024

CASE NO(S):

OLT-24-000054

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Pilla Investments Incorporated
Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description: To permit development of an industrial subdivision on the subject lands
Reference Number: D12/PIL/22 & Z/19/22
Property Address: 7723 Highway 89
Municipality/UT: Adjala-Tosorontio/Simcoe
OLT Case No.: OLT-24-000054
OLT Lead Case No.: OLT-24-000054
OLT Case Name: Pilla Investments Incorporated v. Adjala-Tosorontio (Township)

PROCEEDING COMMENCED UNDER subsection 51(39) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Pilla Investments Incorporated
Subject: Proposed Plan of Subdivision – Refusal by Approval Authority
Description: To permit development of an industrial subdivision on the subject lands
Reference Number: D12/PIL/22 & Z/19/22
Property Address: 7723 Highway 89
Municipality/UT: Adjala-Tosorontio/Simcoe
OLT Case No.: OLT-24-000055
OLT Lead Case No.: OLT-24-000054

Heard: July 4, 2024, by video hearing

APPEARANCES:**Parties****Counsel**

Pilla Investment Incorporated

Kim Mullin

Township of Adjala-Tosorontio

James Feehely

MEMORANDUM OF ORAL DECISION DELIVERED BY KURTIS SMITH ON JULY 4, 2024 AND ORDER OF THE TRIBUNAL

INTRODUCTION/BACKGROUND

[1] The Tribunal convened a Settlement Hearing to consider the Zoning By-law Amendment (“ZBA”) and Draft Plan of Subdivision (“DPS”) (together “Applications”) that were appealed by Pilla Investment Incorporated (“Applicant”) due to the refusal of the applications by the Council of the Township of Adjala-Tosorontio (“Township”).

[2] The Subject Lands, municipally known as 7723 Highway 89 is an irregularly shaped vacant parcel that is 29 hectares in size with frontage along Highway 89 and Concession Road 7.

[3] The purpose of the Applications is to facilitate the creation of a 23 hectare parcel industrial subdivision with one stormwater management block and two 0.3 metre reserve blocks. More specifically, the ZBA being sought would see the rezoning of the narrow winding Open Space Conservation (“OSC”) zone through the Subject Lands to the Employment Hold (“E1-(H1)”) zone mirroring the balance of the Subject Lands’ current zoning. Contained on the OSC zoned lands is a headwater drainage feature.

[4] Resulting from ongoing positive communication between the Parties, Minutes of Settlement (“MOS”) were able to be executed.

[5] To support the Settlement Proposal the Tribunal, based on Ellen Ferris’ Curriculum Vitae and Acknowledgement of Expert’s Duty, qualified Ms. Ferris to provide opinion evidence in the area of land use planning.

SETTLEMENT HEARING

[6] Ms. Ferris provided the Tribunal with a robust witness statement (**Exhibit 1**) and oral evidence to support her opinion that the Applications have regard for s. 2 of the *Planning Act* (“Act”), is consistent with the Provincial Policy Statement, 2020 (“PPS”), conforms to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (“Growth Plan”), and conforms to the County of Simcoe Official Plan (“COP”) and the Township Official Plan (“TOP”). Furthermore, she is of the opinion that the DPS meets the criteria established in s. 51(24) of the Act, and that the proposed conditions for Draft Plan approval are appropriate for the development., . She concluded that the Applications represent good planning for the following reasons:

- a. “The subject property is part of a planned employment corridor along Highway 89 and is designated and zoned for employment uses in the Township Official Plan and Zoning By-law. The Zoning By-law Amendment and Draft Plan of Subdivision approval implement the planned function for the subject property.
- b. The technical work completed has confirmed that the headwater drainage feature on the subject property is not valued fish habitat and the proposed stormwater management strategy will maintain the function of the existing headwater drainage feature through proposed stormwater management features.
- c. The technical work completed has confirmed the suitability of the proposed stormwater management and servicing strategy to maintain the protection of water quantity and quality. The Conditions of Draft Plan Approval will appropriately implement the recommendations from the technical reports and are appropriate for the development.
- d. The lots within the Draft Plan of Subdivision comply with the E1 Zone provisions in the Township Zoning By-law and it is anticipated that future development can be accommodated in a manner which complies with other applicable provisions within the Township Zoning By-law.”

[7] As part of the MOS, the conditions for the DPS were revised to address the Township’s concerns. Ms. Ferris explained that the “revisions generally include expanding the matters that can be dealt with through various agreements (Condition 3), specifying that the need for any road widening to accommodate the development be identified in the updated Traffic Impact Study (Condition 6), and clarifying required

details around the general site development plan and construction management plan (Conditions 16 and 22).”

[8] Neighbouring property owner and Participant to this matter, Tenga Capital Corporation (“Tenga”), submitted its statement (Exhibit 2) which raises its concerns of the relating potential traffic impacts. More specifically, the Tenga property is home to a “Peavy Mart” and its concerns relate to ensuring the access to and from their property will not be negatively impacted by the proposed development on the Subject Lands.

[9] Ms. Ferris explained that the original DPS proposed two (2) accesses to the Subject Lands, (1) onto Highway 89 and the second onto Concession Road 7. However, comments and discussions with the Ministry of Transportation (“MTO”), that has jurisdiction of Highway 89 during the review process, resulted in the removal of the entrance onto Highway 89. She went on to explain that “completion of an updated Traffic Impact Study and implementation of any recommendations, including any required road widening which may be required to accommodate the development, will be required as a Condition of Draft Plan Approval (Conditions #6, 47 & 60). The updated Traffic Impact Study will consider the approved Draft Plan of Subdivision and will be required to be completed to the satisfaction of the Township and MTO.”

FINDINGS

[10] The Tribunal accepts the uncontested planning evidence of Ms. Ferris and is satisfied that the ZBA and DPS represent good planning, have regard for matters of provincial interest, are consistent with the PPS, conform to the Growth Plan, COP, and TOP and constitute an appropriate site-specific amendment to the Town’s Zoning By-law. Additionally, the Tribunal finds the DPS has appropriate regard to the criteria set out in s. 51(24) of the Act, and the conditions are reasonable and appropriate for the proposed development pursuant to s. 51(25) of the Act.

ORDER

[11] **THE TRIBUNAL ORDERS THAT** the Zoning By-law appeal is allowed in part and By-law #03-57 of the Township of Adjala-Tosorontio is hereby amended as set out in **Attachment 1** to this Order. The Tribunal authorizes the municipal clerk to assign a number to this by-law for record keeping purposes.

[12] **THE TRIBUNAL ORDERS THAT** the Proposed Plan of Subdivision appeal is allowed in part and the draft plan set out in **Attachment 2** is approved subject to the fulfillment of the conditions set out in **Attachment 3** to this Order;

[13] **AND THE TRIBUNAL ORDERS THAT** pursuant to subsection 51(56.1) of the *Planning Act*, the Township of Adjala-Tosorontio shall have the authority to clear the conditions of draft plan approval and to administer final approval of the plan of subdivision for the purposes of subsection 51(58) of the Act. In the event that there are any difficulties implementing any of the conditions of draft plan approval, or if any changes are required to be made to the draft plan, the Tribunal may be spoken to.

“Kurtis Smith”

KURTIS SMITH
MEMBER

Ontario Land Tribunal

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT 1**The Corporation of The Township of Adjala-Tosorontio****By-law No. 24- _____ - OLT****A By-law to amend Zoning By-law 03-57, as amended,
of the Township of Adjala-Tosorontio**

**Part of Lot 32, Concession 6, geographic Township of Adjala, 7723 Highway 89
(4301-010-003-092-00)**

Whereas Zoning By-law No. 03-57, as amended, constitutes the comprehensive Zoning By-law for the Township of Adjala-Tosorontio save and except those lands within the Oak Ridges Moraine area;

AND WHEREAS it is deemed necessary and desirable to further amend By-law No. 03-57, as amended;

AND WHEREAS this amendment will conform to the Official Plan of the Township of Adjala-Tosorontio;

**NOW THEREFORE THE ONTARIO LAND TRIBUNAL (OLT) ENACTS AS
FOLLOWS:**

1. **THAT** Schedule "A-4" of By-law No. 03-57, as amended, is hereby further amended by changing the zone symbol applying to the lands located at Part of Lot 32, Concession 6, geographic Township of Adjala, from Open Space Conservation (OSC) Zone to the Employment Hold (E1-(H1)) Zone, as shown on Schedule "A1", attached hereto.
2. **THAT** Section 21.5.3 does not apply to the entirety of the subject lands, therefore permitting the alteration of the lot area and lot frontage.
3. **THAT** Schedule "A" is hereby declared to form part of this By-law.

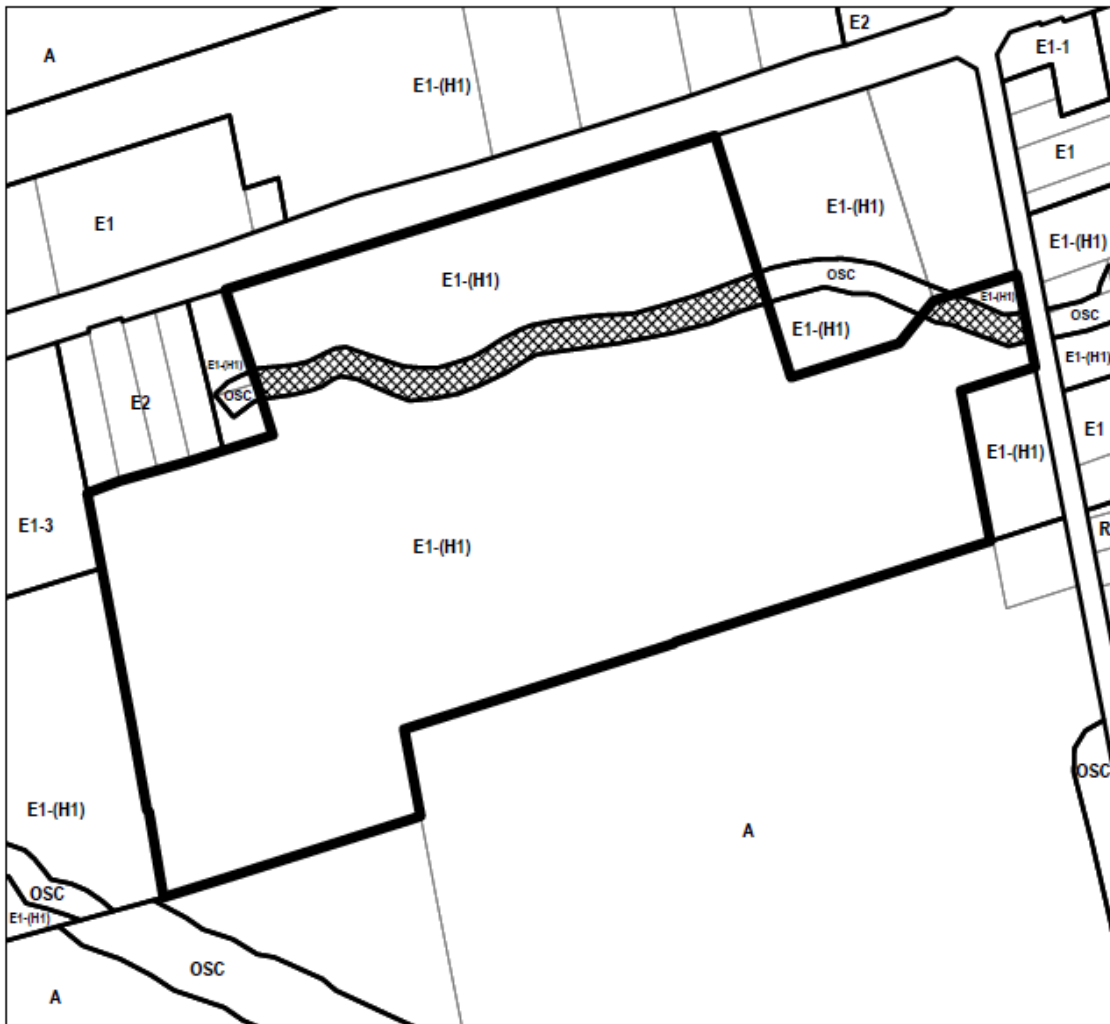
THAT this By-law shall come into force on the date of the OLT decision.


Schedule "A1"

To By-law No. 24-___

Schedule 'A1'

Part of Lot 32, Concession 6
Township of Adjala-Tosorontio
County of Simcoe



 Lands to be rezoned from Open Space Conservation (OSC) Zone to Employment Hold (E1-(H1)) Zone

ATTACHMENT 3

Conditions of Draft Plan of Subdivision Approval (May 3rd, 2024)

Applicant: Pilla Investments

File Number: D12/PILL/22

Municipality: Township of Adjala-Tosorontio

Subject Lands: 7723 Highway 89

Legal Description: ADJALA-TOSORONTIO CON 6 PT; LOT 32 RP 51R39971 PT PART 1; RP 51R40869 PART 2

No. Condition

1) That this approval applies to the draft plan prepared by, MHBC Planning dated, June 20, 2023 and includes the following:

- a) Twenty-Three (23) commercial/industrial lots (Lots 1 to 23),
- b) One (1) stormwater management areas (Block 24)
- c) One (1) 30 metres right-of-way (Street 'A')
- d) Two (2) 20 metres right-of-way (Street 'B' and 'C')

2) That the Owner shall agree in writing to satisfy all the requirements, financial and otherwise, of the Township of Adjala-Tosorontio and shall make satisfactory arrangements with the Township of Adjala-Tosorontio regarding land dedications, detail design, construction of streets and municipal servicing within the Plan.

3) That the Owner shall enter into servicing, development, subdivision and other necessary agreements, satisfactory to the Township of Adjala-Tosorontio or any other appropriate authority prior to any development within the plan. These agreements may deal with matters including but not limited to the following:

- engineering, construction, and conservation works which include municipal services;

- hydro-electric;
- storm water management, storm drainage facilities;
- road widening and reconstruction;
- monitoring wells;
- cash contributions, levies (development charges), securities or letters of credit;
- emergency services;
- land dedications and easements, reserves;
- parking;
- noise abatement;
- fencing, sidewalks, berming, buffer blocks and planting;
- providing well water to each lot approved;
- providing septic service for each lot approved;
- road signage, including truck turning signs;
- grading and sodding;
- signed entry features;
- parkland, tree preservation and hoarding;
- culvert removal,
- warning clauses, and
- the details of which are indicated in correspondence from appropriate commenting agencies and departments.

4) That the Township of Adjala-Tosorontio shall confirm that the subdivision agreement has been registered by the municipality against the lands to which it applies as provided for in the Planning Act.

- 5) That the Owner agrees that development charges, processing and administrative fees be paid in accordance with the County of Simcoe, Simcoe County District School Board, Simcoe Muskoka Catholic District School Board and Township of Adjala-Tosorontio policies and the by-laws in effect at the time of final approval and upon issuance of a building permit.

- 6) That the Owner shall convey/dedicate, free of cost and encumbrances, any required road or highway widening, 0.3 metre reserves, walkways, sight or daylight triangles, buffer blocks and utility or drainage easements to the Township of Adjala-Tosorontio or any other authority in accordance with the policies and procedures of that body. The need for any road widening which may be required to accommodate the development and satisfy this condition will be identified in the updated Traffic Impact Study required under Condition 47 to be provided to the satisfaction of the Township of Adjala-Tosorontio and the Ministry of Transportation Ontario.

- 7) The Owner agrees that the proposed streets shall be named to the satisfaction of the Township of Adjala-Tosorontio. Further, the selection of street names shall be made having consideration of 911 emergency response.

- 8) The Owner agrees that the subdivision agreement will contain clauses to ensure that a municipal numbering system be assigned to the satisfaction of the Township of Adjala-Tosorontio with regard to a 911 emergency servicing; and that the Owner agrees in the subdivision agreement to display the lot number and corresponding municipal address in a prominent location on each lot in a manner that makes the address fully visible for emergency servicing.

- 9) That the Owner shall, upon registration of the plan of subdivision, convey up to 2% of land or cash-in-lieu to the Township of Adjala-Tosorontio for park or other recreational purposes.

- 10) That a copy of the proposed Final Plan is to be forwarded to the Township of Adjala-Tosorontio for their review and final approval in a format satisfactory to the Township.

11) That Bell Canada or Rogers Communication shall confirm that satisfactory arrangements, financial and otherwise, have been made with Bell Canada or Rogers Communications for any communication facilities serving this draft plan of subdivision which are required by the Township of Adjala-Tosorontio to be installed underground. A copy of such confirmation shall be forwarded to the Township of Adjala-Tosorontio.

12) That the Owner shall agree in the subdivision agreement, in wording satisfactory to Bell Canada or Rogers Communication, to grant to Bell Canada or Rogers Communications any easements that may be required for telecommunication or other services and should there be any conflict with existing communication facilities or easements, the Owner shall be responsible for rearrangements or relocation.

13) That prior to final approval, confirmation be received from Canada Post that the applicant has made satisfactory arrangements for the installation of a central mail facility, if required, in the development.

14) Prior to final approval, a drainage plan be prepared by the Owner's consultant to the satisfaction of the Nottawasaga Valley Conservation Authority, Ministry of Environment, Conservation and Parks, County of Simcoe and the Township Engineer. This plan will show how surface water will be controlled on and off the site and will include swales and/or easements, where necessary. Any necessary erosion control measures will be shown. This approved plan will form part of the subdivision agreement with the Township of Adjala-Tosorontio.

15) Prior to final approval, a general lot grading plan be prepared by the Owner's consultant to the satisfaction of the Township Engineer. This approved plan will form part of the subdivision agreement with the Township of Adjala-Tosorontio.

16) Prior to final approval the Owner's consultant shall prepare a general site development plan to the satisfaction of the Township of Adjala-Tosorontio. This site plan will be in conformity with Conditions 14 and 15 and contain the following information:

- a) A building envelope for the commercial/industrial buildings.
- b) Envelopes for the sewage system sites including mantles, as required.

- c) Location and type of proposed water wells.
 - d) Header invert elevation for each sewage system, as required.
 - e) Drainage swales and lot gradients.
 - f) This approved plan will form part of the subdivision agreement with the Township of Adjala-Tosorontio and confirm that all well and septic services will be internal to the Plan and the lots within the Plan. Well and septic services will not be provided by the Township of Adjala-Tosorontio.
- 17) That the Owner agrees that all roads and services within the proposed development will be constructed to the satisfaction of the Township of Adjala-Tosorontio, including curb & gutter, hot asphalt, granular, streetlights, traffic signs, driveway approaches, sodded boulevards, boulevard trees and landscaping.
- 18) Prior to Final Approval of the Draft Plan, the Owner shall submit landscape plans to the satisfaction of the Township of Adjala-Tosorontio. These plans are to be prepared by a qualified landscape architect in good standing with the Ontario Association of Landscape Architects (OALA) and shall include street tree planting, concept layout plan for all park blocks and planting and fencing of the stormwater management facility.
- 19) The Owner agrees that the subdivision agreement shall contain clauses with wording to the satisfaction of the Township of Adjala-Tosorontio that building permits will not be applied for until the Township of Adjala-Tosorontio is satisfied that adequate water, wastewater treatment, utilities and roads are available within the Plan to service the lots within the development.
- 20) The Owner agrees that the subdivision agreement will contain clauses with wording satisfactory to the Township of Adjala-Tosorontio to the effect that any works required in the approved plans will be carried out by the Developer, at no cost to the Township of Adjala-Tosorontio, unless otherwise agreed upon.
- 21) Prior to final approval of the Draft Plan, the Owner shall prepare an updated Functional Servicing Report and provide details on the private servicing per Condition #16 should be provided to the satisfaction of the Township of Adjala-Tosorontio. Any requirements resulting from this Report and the comments resulting from a peer review by the Township of Adjala-Tosorontio shall be incorporated into the subdivision agreement.

22) The Owner will submit a construction management plan which includes temporary stormwater management and ESC provisions to the satisfaction of the Township of Adjala-Tosorontio which demonstrates the staging of the construction of services and the location for construction access points within the development and a haul route as approved by the Township.

23) The Owner agrees that the subdivision agreement will contain clauses with wording satisfactory to the Township of Adjala-Tosorontio to the effect that all lots or blocks that are left vacant for longer than 9 months, shall be maintained and/or restored by the Owner to the satisfaction of the Township of Adjala-Tosorontio.

24) The Owner agrees that the subdivision agreement will contain clauses with wording satisfactory to the Township of Adjala-Tosorontio to the effect that the Township of Adjala-Tosorontio will not be responsible for any cost for the provision of stormwater management facilities.

25) The Owner agrees that the subdivision agreement will contain clauses with wording satisfactory to the Township of Adjala-Tosorontio to the effect that any works required in the approved plans shall be carried out by the Developer, at no cost to the Municipality, unless otherwise agreed upon.

26) The Owner agrees that the subdivision agreement will contain clauses with wording satisfactory to the Township of Adjala-Tosorontio to the effect that the stormwater management facility and drainage outlets including pursuant to the *Drainage Act* (if required) be constructed to the satisfaction of the Township of Adjala-Tosorontio and the Nottawasaga Valley Conservation Authority.

27) The Owner shall provide wording in the subdivision agreement to the effect that the Owner will provide to the Township of Adjala-Tosorontio a soils report prepared by a geotechnical consultant which recommends the material and methods necessary for the construction of roads and services to meet Township of Adjala-Tosorontio standards including but not limited to the construction of the stormwater management facilities, wastewater treatment and disposal facilities and construction of buildings.

28) The Owner shall agree to provide wording in the subdivision agreement to the satisfaction of the Township of Adjala-Tosorontio to engage a professional engineer qualified in the area of the required certification, to administer and inspect all works and to certify in writing that the works were constructed in accordance with the plans, reports and specifications, as approved by the Ministry of the Environment, Conservation and Parks, Nottawasaga Valley Conservation Authority, the Ministry of Transportation and the Township of Adjala-Tosorontio.

29) The Owner shall agree to provide clauses with wording satisfactory to the Township of Adjala-Tosorontio that the Owner will submit a Phase 1 Environmental Site Assessment Report, stating soils are clear of all contaminants, prepared by a professional engineering consultant or equivalent, in accordance with the Ministry of the Environment, Conservation and Parks guidelines or other guidelines as appropriate, for all lands to be conveyed or dedicated to the Township of Adjala-Tosorontio, to the satisfaction of the Township of Adjala-Tosorontio.

30) The Owner shall agree to provide clauses with wording satisfactory to the Township of Adjala-Tosorontio that secure any external or internal easements necessary to the construction of storm drainage works to the satisfaction of the Township of Adjala-Tosorontio.

31) The Owner agrees that the subdivision agreement will contain clauses with wording satisfactory to the Township of Adjala-Tosorontio to the effect that electric, telephone, gas and television cable services and any other form of telecommunication services shall be constructed at no cost to the Township of Adjala-Tosorontio as underground facilities within the public road allowances or within other appropriate easements as approved on the Composite Utility Plan to be provided, to the satisfaction of the Township of Adjala-Tosorontio and authorized agencies.

32) The Owner agrees that the subdivision agreement will contain clauses with wording satisfactory to the Township of Adjala-Tosorontio to the effect that individual lot owners may be required to obtain the services of a qualified professional engineer to prepare a detailed site development plan to the satisfaction of the Township of Adjala-Tosorontio prior to the issuance of a sewage system permit. This site plan will be in conformity with Conditions 14 to 16 above, and will contain the following information:

- I. The location of the proposed buildings and any other structures on the lot.
- II. The location, size and header invert elevation of the sub-surface sewage system and all engineering design criteria and standards pertaining thereto.
- III. The existing and proposed grades of the disturbed areas on the lot after buildings, drainage and sewage works have been completed.
- IV. Type and location of water well.
- V. The engineer may be required to check the elevations of the building footings, prior to further construction, to ensure conformity with the approved plans noted above, and
- VI. The engineer may be required, prior to the issuance of a final inspection report, to certify to the Township of Adjala-Tosorontio, in writing, that the installed works have been carried out in accordance with the approved plans.

33) That prior to any site alteration, the following shall be prepared to the satisfaction of the Nottawasaga Valley Conservation Authority and the Township of Adjala-Tosorontio:

- I. An Erosion and Sedimentation Control Plan,
- II. A Detailed Grading Plan, and
- III. A Detailed Storm Water Management Plan.

34) No grading or other soil disturbances shall take place on the subject property prior to the Ministry of Tourism, Culture and Sport confirming in writing to the Approval Authority that all archaeological resource concerns have met licensing and resource confirmation requirements.

- 35) The Owner shall agree in the Subdivision Agreement to the following:
- a) Should previously unknown or unassessed deeply buried archaeological resources be uncovered during development, such resources may be a new archaeological site and therefore subject to Section 48(1) of the Ontario Heritage Act. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed archaeologist to carry out archaeological fieldwork, in compliance with Section 48(1) of the Ontario Heritage Act
 - b) Anyone working on the subject lands who uncovers a burial site containing human remains shall cease fieldwork and/or construction activities and immediately report the discover to the police or coroner in accordance with the Funeral, Burial and Cremation Services Act.
- 36) The Owner agrees that the subdivision agreement shall contain clauses with wording satisfactory to the Township of Adjala-Tosorontio to the effect that any major works required in the approved plans noted in Conditions 14, 15 and 34 will be carried out by the developer.
- 37) That the Owner shall agree in the subdivision agreement, in wording acceptable to the Nottawasaga Valley Conservation Authority and the Township of Adjala-Tosorontio, that site alteration and construction will occur in accordance with the construction management plan.
- 38) That the Owner shall agree in the subdivision agreement, in wording acceptable to the Nottawasaga Valley Conservation Authority, to carry out or caused to be carried out the recommendations and measures contained within the plans and reports set out in Conditions 33 and 37
- 39) That the Owner shall agree that easements required for drainage purposes shall be granted to the Township of Adjala-Tosorontio. Once determined through technical study, the location of easements, if any, shall be identified on the final plans. This may require red line revisions.

- 40) That the Owner shall agree in the subdivision agreement to engage a qualified professional to certify in writing that the works were constructed in accordance with the plans, reports and specifications, as approved by the Nottawasaga Valley Conservation Authority and the Township of Adjala-Tosorontio.
- 41) That the subdivision agreement between the Owner and the Township of Adjala-Tosorontio shall include provisions whereby all Offers of Purchase and Sale will include information that satisfies subsection 59(4) of the Development Charges Act (Please see Note 7, below)
- 42) That prior to any site alteration, a final detailed storm water management plan shall be prepared to the satisfaction of the Nottawasaga Valley Conservation Authority, Ministry of the Environment, Conservation and Parks, County of Simcoe and the Township of Adjala-Tosorontio.
- 43) That the Owner shall agree that no trees are removed or damaged prior to plan registration, or during any phase of the servicing and construction of the site, without prior approval from the County of Simcoe and Township of Adjala-Tosorontio.
- 44) The Owner agrees that the subdivision agreement shall contain clauses with wording satisfactory to the Township of Adjala-Tosorontio to the effect that any major works required in the approved plan will be carried out by the developer.
- 45) That the Owner shall agree in the subdivision agreement that all streets are graded to final elevation prior to the installation of the gas lines, and provide the necessary field survey information required for the installation of the gas lines, all to the satisfaction of Enbridge Consumers Gas.
- 46) That the Owner shall agree in the subdivision agreement that all the natural gas distribution system will be installed within the proposed road allowances and easements will not be required.

47) That the Owner shall submit and have approved by the Township of Adjala-Tosorontio and the Ministry of Transportation Ontario a Traffic Impact Study. The completion of the approved Study may require the applicant to enter into financial agreements with the Ministry of Transportation Ontario prior to execution of the subdivision agreement with the Township in the event road improvements are required to be undertaken.

48) That the Owner agrees that the draft plan approval of the development is for a period of three (3) years. The Owner acknowledges that any extensions must be applied at least 60 days prior to lapsing.

49) That prior to final approval, the Township of Adjala-Tosorontio is to be advised in writing by the Nottawasaga Valley Conservation Authority how Conditions 14, 26, 28 & 33 have been satisfied.

50) That prior to final approval, the Township of Adjala-Tosorontio is to be advised in writing by the Ministry of the Environment, Conservation and Parks how Conditions 14 & 42 have been satisfied.

51) That prior to final approval, the Township of Adjala-Tosorontio is to be advised in writing by Bell Canada or Rogers Communication how Conditions 11, 12 & 31 have been satisfied.

52) That prior to final approval, the Township of Adjala-Tosorontio is to be advised in writing by Canada Post, how Condition 13 has been satisfied.

53) That prior to final approval, the Township of Adjala-Tosorontio is to be advised in writing by Enbridge Consumers Gas how Conditions 31, 45 & 46 have been satisfied.

54) That prior to final approval, the Township of Adjala-Tosorontio is to be advised in writing by the Hydro Electric agency, how Condition 31 has been satisfied.

55) That prior to final approval, the Township of Adjala-Tosorontio is to be satisfied

that all Draft Plan Conditions including third party agency clearances have been satisfied.

56) That the Owner agrees prior to final approval, to create and transfer to the Township of Adjala-Tosorontio at no cost, a fee simple, unencumbered interest in the following:

- a) Block 24 for stormwater management purposes.

57) The owner further agrees to the following special conditions:

- a) That the Owner shall agree in the Subdivision Agreement to construct a fence or provide landscape buffering on lots 1-4 and 13-25, to the satisfaction of the Township of Adjala-Tosorontio, which will then be maintained by the owner of the respective lots.
- b) That the Owner further agrees in the Subdivision Agreement, that the fencing and landscape buffering described above, will be constructed prior to the development of the respective individual lot.
- c) That the Owner further agrees that the Subdivision Agreement shall include warning clauses that the maintenance of the constructed fencing and landscape buffering is the responsibility of the individual lot owner.
- d) That the Owner agrees in the Subdivision Agreement, to conduct sampling based on provincial regulations to ensure Ontario Drinking Water Quality Standards (ODWQS).
- e) That the Owner agrees in the Subdivision Agreement, to follow best management practices in the application, handling and storage of pesticides, fertilizers, chemicals, snow and road salt on the property.
- f) That the Owner agrees in the Subdivision Agreement, that the development of each lot is subject to the Township of Adjala-Tosorontio's Site Plan Control By-law, and that additional studies for the proposed development may be requested by the Township of Adjala-Tosorontio in accordance with

the provisions of the Township Official Plan.

Ministry Transportation Ontario

58) That prior to final approval, the owner shall submit a detailed stormwater management report for Ministry of Transportation review and approval, in accordance with the following MTO drainage guidelines: SydneyEnterprise: Portal (gov.on.ca) (under the drainage tab).

59) That prior to final approval, the owner shall submit preliminary site grading / servicing / drainage / electrical (including photometric) plans for Ministry of Transportation review and approval.

60) That prior to final approval, the owner shall submit a traffic impact study for Ministry of Transportation review and approval.

61) That prior to final approval, the owner shall enter into a legal agreement with the Ministry of Transportation whereby the owner agrees to assume financial responsibility for the construction of the street entrance and all necessary associated highway improvements (unless prior agreements have been established and approved by the Township and MTO).

62) That prior to final approval, calculated daylight triangles and a 0.3 m reserve extending across the entire highway frontage (with the exception of the proposed street entrance) be conveyed by deed to the Ministry of Transportation (all deeds must be free and clear of all encumbrances).

63) That prior to final approval, the owner shall submit a draft M-Plan for MTO review and approval.

Bell Canada

64) 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.

65) 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.

Nation of Huronne-Wendat

66) That the Owner agrees that the Huronne-Wendat be notified of excavation or earthworks and invited to send construction monitors. This shall be completed by Owner of each lot.

NOTES:

1. It is the applicant's responsibility to fulfill the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the Approval Authority, quoting the file number (DI2/PILL/22).

2. We suggest that you make yourself 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).

3. It is suggested that the municipality register the subdivision agreement as provided by subsection 51(26) of the Planning Act, R.S.O. 1990 against the land to which it applies, as notice to prospective purchasers.

4. All measurements in subdivision and condominium final plans must be presented in metric units.

5. For your information, easements required for utility or drainage purposes should be granted to the appropriate authority.

6. All deeds to be conveyed must be free and clear of encumbrances.

7. A Development Charge, adjusted to the date of payment, with respect to water supply services, sanitary sewer services, storm drainage services,

transportation services and electrical power or energy services shall be calculated and payable in accordance with the policies of the Township.

8. The Township of Adjala-Tosorontio requires all engineering drawings to be submitted in an electronic format suitable to the County of Simcoe as well as a hard copy. The County of Simcoe has specific requirements for the submission to digital drawings. Contact the Planning Department for additional information.

9. The Nottawasaga Valley Conservation Authority will require a copy of the executed subdivision agreement prior to the clearance of draft plan conditions.

10. Clearances are required from the following agencies:

- a. The Corporation of the County of Simcoe
Administration Centre
1110 Highway #26
Midhurst, ON L9X 1N6
- b. The Nottawasaga Valley Conservation Authority
8195 8th Line
Utopia, ON L0M 1T0
- c. The Ministry of the Environment

Southwestern Regional Office
659 Exeter Road, 2nd Floor
London, Ontario N6E 1L3

- d. Canada Post
Delivery Planning
193 Church Street, Suite 200
Oakville, ON L6J 7S9

- e. Enbridge Consumers Gas
500 Elgin Mills Road East
Richmond Hill, ON L4C 5G1

- f. Bell Canada
Right of Way
136 Bayfield Street
Barrie, ON L4M 3B1

- g. Ministry of Transportation Ontario
Central Operations Branch
Corridor Management Section
7th Floor
159 Sir William Hearst Avenue
Toronto, ON M3M 0B7

11. If agency conditions concern conditions of the subdivision agreement, a copy of the agreement should be sent to them. This will expedite clearance of the final plan.

12. Please be advised that the approval of this draft plan three years and of the development is for a period of three (3) years and will lapse on December 31, 2027. This approval may be extended pursuant to subsection 51(33) of the Planning Act.

13. MTO Building & Land Use permits are required for all buildings / structures within 45m of the limits of Highway 89 and within a 395m radius of the centrepont of any intersection with Highway 89 (including Highway 89 / Street d), in accordance with Section 38(2)(a) of the PTHIA. MTO permits are also required prior to site grading / servicing / internal road construction, including storm ponds, and for site signs. MTO Encroachment permits are required for construction of any required highway improvements, as well as for any proposed servicing or utility connections within

Highway 89 ROW.

14. All buildings and structures (above and below ground), including land uses considered integral to site operations (eg. ponds, drainage features, drive-thrus, loading docks, fire routes, etc.) must be setback a minimum of 14m from Highway 89 ROW limits. Wells must be setback a minimum of 30m.

15. It is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development.

If no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.