

# Memo

**To:** Mayor and Members of Council  
**From:** Planning Services Department  
**CC:** Jane Clohecy, CAO  
Neil Garbe, Commissioner of Community Development  
**Date:** February 9, 2022  
**Subject:** Item 4.2 – Recommendation Report, Draft Plan of Condominium, MC Oakvillage GP Inc. (Minto Communities Canada), File No.: 24CDM-21007/1312 – 348 Wheat Boom Drive

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The purpose of this memo is to advise that Appendix A of the staff report dated February 1, 2022 is proposed to be replaced with a revised version prepared by staff to address conditions received from the Halton Catholic District School Board (HCDSB) and the Halton District School Board (HDSB). Public notice is not required in accordance with the provisions of the *Planning Act*.

A revised recommendation is now proposed:

That the Director of Planning Services be authorized to grant draft plan approval to the Draft Plan of Condominium (24CDM-21007/1312) submitted by MC Oakvillage GP Inc., and prepared by R-PE Surveying Ltd. dated November 9, 2021, subject to the conditions contained in Appendix A of the Planning Service Report dated February 1, 2022, as revised in accordance with the memo dated February 9, 2022;

The below excerpts from the revised Draft Plan of Condominium Conditions outlines the required conditions of the HCDSB and the HDSB. As the Agreements of Purchase and Sale have already been executed between the owner and prospective purchasers, the Condominium Declaration will be amended and subsequently registered on title in order to achieve the school boards objectives.

## Proposed additional Draft Plan of Condominium Conditions:

### HALTON CATHOLIC DISTRICT SCHOOL BOARD

- 8.** a. The owner agrees to place the following notification in the Condominium Declaration for all lots/units and in the Town's subsequent agreements, to be registered on title: **HCDSB**
- i. Prospective purchasers are advised Catholic school accommodation may not be available for students residing in this area, and that you are notified that students may be accommodated in temporary facilities and/or bused to existing facilities outside the area.
  - ii. Prospective purchasers are advised that the HCDSB will designate pick up points for the children to meet the bus on roads presently in existence or other pick up areas convenient to the Board, and that you are notified that school busses will not enter cul-de-sacs.
- b. In cases where Condominium Declarations have already been provided, the owner is to send a letter to all purchasers which include the above statements.

#### **HALTON DISTRICT SCHOOL BOARD**

- 9.** a. The owner agrees to place the following notification in the Condominium Declaration for all lots/units and in the Town's subsequent agreements, to be registered on title: **HDSB**
- i. Prospective purchasers are advised that schools on sites designated for the Halton District School Board in the community are not guaranteed. Attendance at schools in the area yet to be constructed is also not guaranteed. Pupils may be accommodated in temporary facilities and/or be directed to schools outside of the area.
  - ii. Prospective purchasers are advised that school busses will not enter cul- de- sacs and pick up points will be generally located on through streets convenient to the Halton Student Transportation Services. Additional pick up points will not be located within the subdivision until major construction activity has been completed.
- b. That in cases where Condominium Declarations have already been executed, the owner send a letter to all purchasers which include the above statements.

#### **CLOSING CONDITIONS**

- 10.** Prior to signing the final plan, the Director of Planning Services shall be advised by the Halton Catholic District School Board that Condition 8 has been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied. **OAK (A)  
HCDSB**

11. Prior to signing the final plan, the Director of Planning Services shall be advised by the Halton District School Board that Condition 9 has been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.

**OAK (A)**  
**HDSB**

**Attachment:**

- Revised Appendix A – Draft Plan of Condominium Conditions

**REVISED**

**Appendix A – Draft Plan of Condominium Conditions**

**TOWN OF OAKVILLE CONDITIONS FOR FINAL APPROVAL  
FOR THE REGISTRATION OF THE DRAFT PLAN OF CONDOMINIUM BY  
MC Oakvillage GP Inc.**

This approval applies to the Draft Plan of Condominium (File 24CDM-21007/1312) submitted by MC Oakvillage GP Inc., prepared by R-PE Surveying Ltd. dated November 9, 2021, for a private road, landscaping and sidewalk common elements. The final plans are to be reviewed and cleared to the satisfaction of the Town of Oakville.

The Town of Oakville conditions applying to the approval of the final plan for registration of MC Oakvillage GP Inc., Draft Plan of Condominium (File 24CDM-21007/1312) are as follows:

<i><b>CONDITIONS</b></i>	<i><b>CLEARANCE AGENCY</b></i>
<b>GENERAL</b>	
1. That the owner provides confirmation to the satisfaction of the Town’s Finance Department that all outstanding property taxes have been paid prior to plan registration.	<b>OAK(F)</b>
2. That the owner provides any necessary easements to the satisfaction of the Town (if necessary).	<b>OAK(L)</b>
3. The owner provide a certificate signed by the surveyor and the owner that the plan proposed to be submitted for registration is the same as the latest (most recent) draft approved plan and, if the plans are not the same, that any differences between the proposed registered plan and the latest draft plan are accepted/approved by the Town.	<b>OAK (A)</b>
4. The Owner shall provide a certificate from the Owner’s engineer stating that all servicing, grading, drainage, overland flow route, and stormwater management requirements, and base asphalt paving have been completed in accordance with the plans and conditions in the original site plan agreement, or that arrangements to the satisfaction of the Director of Transportation and Engineering have been made for their completion.	<b>OAK (DS)</b>
<b>LEGAL</b>	
5. The Owner shall file with the Director of Planning, a complete copy of the final version of the Declaration and Description to be registered, which includes the following schedules:  a. Schedule “A” containing statement from the declarant’s solicitor that in this or her opinion, based on the parcel register or abstract index and the plans and drawings recorded in them, the legal description is correct and any easements mentioned in the schedule will exists in law upon the registration of the Declaration and Description; and  b. Schedule “G” being the certification of the project engineer and/or architect that all buildings have been constructed in accordance with the regulations under the Condominium Act.	<b>OAK (L)</b>

- When the Owner files a copy of the Declaration with the Director of Planning, it shall be accompanied with a letter of undertaking, stating that, “This is our undertaking to register the Declaration in the same form and content as was provided to you, subject to any changes the Land Registrar may require. This is also our undertaking to provide you with a registered copy of the Declaration once it is registered. If the Land Registrar requires any amendments to the Declaration we will advise you.”

The Owner shall include in Schedule “A” to the condominium declaration all necessary and appropriate easements to the satisfaction of the Town, including but not limited to:

- c. Access easement over the adjoining private driveway in favour of the condominium, to the satisfaction of the Towns Legal Department; and
- d. Temporary easement over the adjoining private driveway for two visitor parking spaces which shall remain in place until two visitor parking spaces are granted to the condominium in the underground garage being constructed beside the condominium by way of a permanent easement or ownership of two parking units

The declaration shall include a clause notifying the owners of the temporary visitor parking and specifying that the visitor parking shall form part of the common elements or be an asset of the corporation, and shall not be used or sold to unit owners or third parties, or be considered part of the exclusive use portions of the common elements.

**ZONING**

- 6. a. That the owner/applicant confirms as-built compliance with the Zoning By-law and that any deficiencies be brought into compliance with the Zoning By-law through the Committee of Adjustment and/or a Zoning By-law amendment prior to plan registration.
- b. Confirmation is required that accommodation for the two required visitor parking spaces which are located on the adjacent property (Block 8 Plan 20M-2011) have been accommodated within the proposed development which abuts the property including any easements that are required, to be registered in the condominium declaration to the satisfaction of the Planning and Legal Departments.

**OAK (Z)**

**HALTON REGION**

- 7. a. That the Owner provide an updated Truck Turning Template illustrating all turning radius to the satisfaction of Halton Region.
- b. That the Declarant provide a letter stating that the Condominium Corporation will provide private waste collection of garbage, recycling and green cart services, to the satisfaction of the Region of Halton.
- c. That the Declarant provides confirmation that all agreements of purchase and sale shall include a Notice Letter/ Acknowledgment informing the prospective purchasers that the site will be serviced by private waste collection in the Purchaser’s welcome package, to the satisfaction of the Region of Halton.

**RMH**

Where purchase agreements have already been signed, an amended welcome package shall be provided and the change indicated.

- d. That the following is inserted in the Condominium Declaration to the satisfaction of Halton Region:

*“That the proposed development, as designed, does not comply with the Regional Guidelines for Development Design Guidelines for Source Separation of Solid Waste and as such is not eligible for Regional Waste Collection.”*

#### **HALTON CATHOLIC DISTRICT SCHOOL BOARD**

8. a. The owner agrees to place the following notification in the Condominium Declaration for all lots/units and in the Town’s subsequent agreements, to be registered on title: **HCDSB**
- i. Prospective purchasers are advised Catholic school accommodation may not be available for students residing in this area, and that you are notified that students may be accommodated in temporary facilities and/or bused to existing facilities outside the area.
  - ii. Prospective purchasers are advised that the HCDSB will designate pick up points for the children to meet the bus on roads presently in existence or other pick up areas convenient to the Board, and that you are notified that school busses will not enter cul-de-sacs.
- b. In cases where Condominium Declarations have already been provided, the owner is to send a letter to all purchasers which include the above statements.

#### **HALTON DISTRICT SCHOOL BOARD**

9. a. The owner agrees to place the following notification in the Condominium Declaration for all lots/units and in the Town’s subsequent agreements, to be registered on title: **HDSB**
- i. Prospective purchasers are advised that schools on sites designated for the Halton District School Board in the community are not guaranteed. Attendance at schools in the area yet to be constructed is also not guaranteed. Pupils may be accommodated in temporary facilities and/or be directed to schools outside of the area.
  - ii. Prospective purchasers are advised that school busses will not enter cul- de- sacs and pick up points will be generally located on through streets convenient to the Halton Student Transportation Services. Additional pick up points will not be located within the subdivision until major construction activity has been completed.
- b. That in cases where Condominium Declarations have already been executed, the owner send a letter to all purchasers which include the above statements.

## CLOSING CONDITIONS

10. Prior to signing the final plan, the Director of Planning Services shall be advised by the Halton Catholic District School Board that Condition 8 has been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied. **OAK (A)  
HCDSB**
11. Prior to signing the final plan, the Director of Planning Services shall be advised by the Halton District School Board that Condition 9 has been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied. **OAK (A)  
HDSB**
12. Prior to signing the final plan the Director of Planning Services shall be advised that all conditions have been carried out to the satisfaction of the relevant agencies, and that a brief but complete statement detailing how each condition has been satisfied has been provided. **OAK (A)**

All of the above conditions shall be satisfied within 3 years of the granting of draft approval, being *[Month Day, Year]*. (Date of Draft Approval to be inserted as the day after the last date for appeals if no appeals are received). **OAK (A)**

### NOTES – The owner is hereby advised:

1. If the condominium is not registered within 3 years of the date of draft plan approval, then this approval shall be null and void and the plans and drawings must be resubmitted to the Town of Oakville for approval.
2. Fees are required by Halton Region and may be required by the Local Municipality for each extension to draft approval and for major revisions to the draft plan or conditions.
3. It should be noted that Educational Development Charges are payable in accordance with the applicable Education Development Charge By-law and are required at the issuance of a building permit. Any building permits that are additional to the maximum unit yield that is specified by the Subdivision Agreement are subject to Education Development Charges prior to the issuance of a building permit, at the rate in effect at the date of issuance.

### Halton Region: Requirements at the time of registration

- Final draft condominium plans signed and dated by the Owner, Surveyor and initialed by the Town's Planner
- Regional Registration fee
- Registry Office review form (Appendix D Form (Formerly Schedule J Form)).
- Letter from Applicant/Owner indicating how the Region's conditions of draft approval have been addressed.

## LEGEND – CLEARANCE AGENCIES

- OAK (A)      Town of Oakville – Planning Administration
- OAK (F)      Town of Oakville – Finance
- OAK (L)      Town of Oakville – Legal

OAK (DS)	Town of Oakville – Development Services Department
OAK (Z)	Town of Oakville – Building Services Department, Zoning Section
OAK (T)	Town of Oakville – Transportation and Engineering
RMH	Regional Municipality of Halton
HCDSB	Halton Catholic District School Board
HDSB	Halton District School Board