

**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 phased draft plan of condominium (File 24CDM-22006/1312) submitted by MC Oakvillage Inc., prepared by R-PE Surveyors Ltd., dated December 12, 2022. Phase 1 consists of four stacked back-to-back townhouse blocks with 100 units, and Phase and 18-storey tower with 175 units which will be registered together as the initial condominium. Phase 2, consisting of a 20-storey tower with 261 units and free-hold commercial space at-grade, is dependent on construction timelines and will be registered at a later date.**

**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 the MC Oakvillage Inc., phased Draft Plan of Condominium (File 24CDM-22006/1312) are as follows for Phase 1:**

<i>PHASE 1 CONDITIONS</i>	<i>CLEARANCE AGENCY</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 a certificate signed by the surveyor and the Owner stating 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>
3. That the Owner provides 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 Engineering have been made for their completion.	<b>OAK(DE)</b>
4. That the Owner confirms to the satisfaction of the Town that detailed design drawings for the construction of the pedestrian and cycling facility, identified as Parts 1 and 2 on Plan 20R-21573, in accordance with the Minutes of Settlement and Final Order for PL170666, are prepared using the Town's design standards.	<b>OAK(POS)</b>
<b>ZONING</b>	
5. That the Owner/Applicant confirms to the satisfaction of the Town that the “as-built drawings” comply 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.	<b>OAK (Z)</b>

## **LEGAL**

**OAK(L)**

6. That 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 a statement from the declarant's solicitor that in his 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 exist 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.

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."

7. The Owner shall provide evidence of a shared facilities agreement between the Phase 1 condominium and the adjacent lands retained by the Owner.
8. That the Owner shall include in Schedule "A" to the condominium declaration all necessary and appropriate easements to the satisfaction of the Town, and provide evidence satisfactory to the Town's legal department that the necessary easements are in place, or will be created in the declaration, to allow the Phase 1 condominium to function completely independent and compliant from the adjacent lands retained by the Owner in all perspectives.
9. Visitor parking shall be unitized in the Condominium with ownership to be conveyed to the Condominium and the Declarant (as owner of the retail non condominium space) immediately after registration to be co-owned equally by the Condominium and Declarant. The Owner shall provide an irrevocable direction to its solicitor to effect this transfer and the Owner's solicitor shall provide the Town with an undertaking to effect this transfer. Once conveyed to these parties, the visitor parking units shall not thereafter be conveyed to any other party or mortgaged and the Declaration shall contain a restriction to this effect. The Declaration shall also include wording to provide and maintain the visitor parking spaces for the exclusive use of visitors to the condominium and the retail non condominium space.

Notwithstanding the restriction on future conveyances, the owner of the non-condominium retail component can convey its interest in the visitor parking units to any condo corporation it creates on the retail lands and to any owner of the whole of the non-condo retail space.

## **HALTON REGION**

10. All applicable noise warning clauses in relation to impacts from the Regional Road, as set out in the approved Noise Impact Study and listed in the Town's Site Plan Agreement shall be included in the Condominium Declaration, to the satisfaction of Halton Region. **RMH (PPW)**

In this regard, submission of the proposed Condominium Declaration is required.

#### **HALTON SCHOOL BOARDS**

11. The Owner agrees to place the following notification in all offers of purchase and sale for all lots/units: **HDSB  
HCDSB**
- a) Prospective purchasers are advised that pupils may be accommodated in temporary facilities and/or directed to school outside of the area.
  - b) Prospective purchasers are advised that school busses will not enter cul-de-sacs and pick up points will be generally located on roads presently in existence, on through streets, or other pick up areas convenient to the Halton Student Transportation Services and the Halton Catholic District School Board. Additional pick up points will not be located within the subdivision until major construction activity has been completed.
12. That in cases where offers of purchase and sale have already been executed, the Owner sends a letter to all purchasers which include the above statements.
13. That the developer agrees that, should the development be phased, a copy of the phasing plan must be submitted prior to final approval to the Halton District School Board and the Halton Catholic District School Board. The phasing plan will indicate the sequence of development of residential units for each phase.
14. That the Owner shall supply, erect and maintain signs at all major entrances in the new development advising prospective purchasers that pupils may be directed to schools outside of the area. The Owner will make these signs to the specifications of the Halton District School Board and the Halton Catholic District School Board and erect them prior to the issuance of building permits.
15. That a copy of the approved sidewalk plan, prepared to the satisfaction of the Town of Oakville be submitted to the Halton District School Board and the Halton Catholic District School Board.

#### **BELL CANADA**

16. That the Owner provides written confirmation that all Bell Canada matters have been satisfactorily addressed. **BC**

#### **CANADA POST**

17. That the Owner provides written confirmation that all Canada Post matters have been satisfactorily addressed. **CP**

#### **ROGERS**

- |     |   |   |
|-----|---|---|
| 18. | That the Owner provides written confirmation that all necessary easements and maintenance agreements required by those CRTC-licensed telephone companies and broadcasting distribution companies intending to serve the Condominium (collectively, the “Communications Service Providers”). | R |
| 19. | That the Owner, in consultation with the applicable utilities and Communication Service Providers, provide confirmation that the overall utility distribution plan that shows the locations of the installed, and phased, utility infrastructure for the Condominium.                       |   |

### **CLOSING CONDITIONS**

- |    |  |              |
|----|--|--------------|
| 1. | 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)      |
| 2. | Prior to signing the final plan, the Director of Planning Services shall be advised by the Regional Municipality of Halton that condition 10, 11, and 12 have been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied. | RMH (PPW)    |
| 3. | Prior to signing the final plan, the Director of Planning Services shall be advised by Bell Canada that condition 16 has been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.                                      | OAK(A)<br>BC |
| 4. | Prior to signing the final plan, the Director of Planning Services shall be advised by Canada Post that condition 17 has been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.                                      | OAK(A)<br>CP |
| 5. | All of the above conditions shall be satisfied within 3 years of the granting of draft approval, being <b>DATE</b>   | 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.
4. **HALTON REGION - Requirements at the time of registration**
  - a) Fees are required by Halton Region for each extension to draft approval and for major revisions to the draft plan or conditions and for registration of the plan.
  - b) Please note the Owner should be made aware that Halton Region will have the following requirements at the time of registration of the condominium:

- 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)); and,
- Letter from Applicant/Owner indicating how the Region's conditions of draft approval have been addressed.

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**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 the MC Oakville Inc., phased Draft Plan of Condominium (File 24CDM-22006/1312) are as follows for Phase 2:**

<i>PHASE 2 CONDITIONS</i>		<i>CLEARANCE AGENCY</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 a certificate signed by the surveyor and the Owner stating 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>
3.	That the Owner provides 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 Engineering have been made for their completion.	<b>OAK (DE)</b>
<b>ZONING</b>		
4.	That the Owner/Applicant confirms to the satisfaction of the Town that the "as-built drawings" comply 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.	<b>OAK (Z)</b>
<b>LEGAL</b>		
5.	That 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:	<b>OAK (L)</b>

(a) Schedule "A" containing a statement from the declarant's solicitor that in his 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 exist 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.

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."

6. The Owner shall provide evidence of a shared facilities agreement between the condominium corporation and commercial freehold lands retained by the Owner.
7. That the Owner shall include in Schedule "A" to the condominium declaration all necessary and appropriate easements to the satisfaction of the Town, and provide evidence satisfactory to the Town's legal department that the necessary easements are in place, or will be created in the declaration, to allow the Phase 3C condominium to function completely independent and compliant from the retained commercial freehold lands in all perspectives.
8. Visitor parking shall be unitized in the Condominium with ownership to be conveyed to the Condominium and the Declarant (as owner of the retail non condominium space) immediately after registration to be co-owned equally by the Condominium and Declarant. The Owner's solicitor shall provide the Town with an undertaking to effect this transfer and once conveyed to these parties, the visitor parking units shall not thereafter be conveyed to any other party or mortgaged and the Declaration shall contain a restriction to this effect. The Declaration shall also include wording to provide and maintain the visitor parking spaces for the exclusive use of visitors to the condominium and the retail non condominium space.

Notwithstanding the restriction on future conveyances, the owner of the non-condominium retail component can convey its interest in the visitor parking units to any condo corporation it creates on the retail lands and to any owner of the whole of the non-condo retail space.

#### **HALTON REGION**

9. The Owner shall provide an amended Condominium Declaration to include all proposed phases (Phase 1 and Phase 2), to the satisfaction of Halton Region.

**RMH (PPW)**

10. The Owner shall provide the proposed metering for each owned commercial/ retail unit, to the satisfaction of Halton Region.

Note: This may require some plumbing re-work inside the shared easements to accommodate the metering for each owned commercial/retail unit.

11. All applicable noise warning clauses in relation to impacts from the Regional Road, as set out in the approved Environmental Noise Assessment and listed in the Town's Site Plan Agreement shall be included in the Condominium Declaration, to the satisfaction of Halton Region.

In this regard, submission of the proposed Condominium Declaration is required.

12. The following clause shall be included in the Condominium Declaration, to the satisfaction of Halton Region:

*"Halton Region will provide waste collection services for the residential units. Halton Region will not provide waste collection services for the commercial/retail units."*

In this regard, submission of the proposed Condominium Declaration is required.

#### **HALTON SCHOOL BOARDS**

13. The Owner agrees to place the following notification in all offers of purchase and sale for all lots/units:

**HDSB  
HCDSB**

- c) Prospective purchasers are advised that pupils may be accommodated in temporary facilities and/or directed to school outside of the area.
- d) Prospective purchasers are advised that school busses will not enter cul-de-sacs and pick up points will be generally located on roads presently in existence, on through streets, or other pick up areas convenient to the Halton Student Transportation Services and the Halton Catholic District School Board. Additional pick up points will not be located within the subdivision until major construction activity has been completed.

14. That in cases where offers of purchase and sale have already been executed, the Owner sends a letter to all purchasers which include the above statements.
15. That the developer agrees that, should the development be phased, a copy of the phasing plan must be submitted prior to final approval to the Halton District School Board and the Halton Catholic District School Board. The phasing plan will indicate the sequence of development of residential units for each phase.
16. That the Owner shall supply, erect and maintain signs at all major entrances in the new development advising prospective purchasers that pupils may be directed to schools outside of the area. The Owner will make these signs to the specifications of the Halton District School Board and the Halton Catholic District School Board and erect them prior to the issuance of building permits.



17. That a copy of the approved sidewalk plan, prepared to the satisfaction of the Town of Oakville be submitted to the Halton District School Board and the Halton Catholic District School Board.

**BELL CANADA**

18. That the Owner provides written confirmation that all Bell Canada matters have been satisfactorily addressed. **BC**

**CANADA POST**

19. That the Owner provides written confirmation that all Canada Post matters have been satisfactorily addressed. **CP**

**ROGERS**

20. That the Owner provides written confirmation that all necessary easements and maintenance agreements required by those CRTC-licensed telephone companies and broadcasting distribution companies intending to serve the Condominium (collectively, the "Communications Service Providers"). **R**
21. That the Owner, in consultation with the applicable utilities and Communication Service Providers, provide confirmation that the overall utility distribution plan that shows the locations of the installed, and phased, utility infrastructure for the Condominium.

**CLOSING CONDITIONS**

1. 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)**
2. Prior to signing the final plan, the Director of Planning Services shall be advised by the Regional Municipality of Halton that condition 10, 11, and 12 have been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied. **RMH (PPW)**
3. Prior to signing the final plan, the Director of Planning Services shall be advised by Bell Canada that condition 16 has been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied. **OAK(A)  
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CP**
5. All of the above conditions shall be satisfied within 3 years of the granting of draft approval, being **DATE** **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.
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4. **HALTON REGION - Requirements at the time of registration**
  - c) Fees are required by Halton Region for each extension to draft approval and for major revisions to the draft plan or conditions and for registration of the plan.
  - d) Please note the Owner should be made aware that Halton Region will have the following requirements at the time of registration of the condominium:
    - 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)); and,
    - Letter from Applicant/Owner indicating how the Region's conditions of draft approval have been addressed.

## **LEGEND – CLEARANCE AGENCIES**

BC	Bell Canada
CP	Canada Post
C	Cogeco
R	Rogers
HCDSB	Halton Catholic District School Board
HDSB	Halton District School Board
HO	Hydro One
CH	Conservation Halton
ENB	Enbridge Pipeline
CN	Canadian National Railway
MCzCR	Ministry of Citizenship, Culture and Recreation
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 (PS)	Town of Oakville – Current Planning Services
OAK (LR)	Town of Oakville – Long Range Planning
OAK (Z)	Town of Oakville – Building Services Department, Zoning Section
OAK (FD)	Town of Oakville – Fire Department
OAK (POS)	Town of Oakville – Parks and Open Space Department
OAK (EC)	Town of Oakville – Engineering and Construction Department
OAK (T)	Town of Oakville – Transit
OH	Oakville Hydro
RMH (PPW)	Regional Municipality of Halton – Planning and Public Works Department
UG	Union Gas