

## Appendix “A” – Conditions

### TOWN OF OAKVILLE CONDITIONS FOR FINAL APPROVAL FOR THE REGISTRATION OF THE DRAFT PLAN OF CONDOMINIUM BY BC TRAFALGAR LIMITED PARTNERSHIP

#### File 24CDM-24005/1312

This approval applies to the draft plan of condominium (File 24CDM-24005/1312) submitted by BC Trafalgar Limited Partnership and prepared by R-PE Surveying Limited, O.L.S. dated October 9, 2024 for an 20-storey residential building with 349 apartment units with associated parking at 3240 William Colston Avenue.

The Town of Oakville conditions applying to the approval of the final plan for registration of BC Trafalgar Limited Partnership Draft Plan of Condominium (File 24CDM-24005/1312) are as follows:

<b>CONDITIONS</b>	<b>CLEARANCE AGENCY</b>
<b>GENERAL</b>	
<b>1</b> 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>
<b>2</b> The owner provides a certificate signed by the professional engineer 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>
<b>3</b> 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 Development Engineering have been made for their completion.	<b>OAK (DS)</b>
<b>4</b> 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>OAK (Z)</b>
<b>5</b> The Owner provides certification from the Town’s building inspector or a Professional Engineer qualified to perform acoustical engineering services in Ontario stating that the noise control measures have been properly installed and constructed as per the recommendations of the Noise study.	<b>OAK (CP)</b>

- 6 The Owner provides a signed/stamped letter from the development Architect, stating that the recommendations from the final noise study will be implemented. **OAK (CP)**

**LEGAL**

- 7 The Owner shall file with the Director of Planning and Development, a complete copy of the final version of the Declaration and Description to be registered, which includes the following schedules: **OAK (L)**
- a) Schedule “A” containing 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 and Development, 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.”

Visitor parking spaces will be clearly delineated on the condominium plan to be registered and the Declaration shall contain wording to provide and maintain the visitor parking spaces for the exclusive use of visitors and specifying that visitor parking shall form part of the common elements and neither to be used or sold to unit owners or be considered part of the exclusive use portions of the common elements.

The Declaration shall contain wording that provides prospective purchasers/tenants with a Neighbourhood Information Map that delineates public transit and active transportation network, as well as access to certain facilities within the Town.

The Declaration shall contain wording that advises prospective purchasers/tenants that the Owner is responsible for the maintenance and any liability related to the stormwater management swales and facilities provided for the property; and that the Town has the right to enter the

property to install, inspect, and repair at the Owners expense, if necessary, the stormwater grading, swales and any other facilities.

The Declaration shall contain wording that advises prospective purchasers/tenants that the Owner and tenants/future purchasers will maintain a minimum tree canopy cover of 20% over the site area. Any tree removals granted by way of Town permits will require the replanting of trees so as to maintain this minimum tree canopy cover target to the satisfaction of the Town.

The Declaration shall contain wording that advises prospective purchasers/tenants that all Owners and tenants/future purchasers are required to maintain all access ramps and driveways, parking and loading areas, and walkways, unobstructed to ensure safe operations within this private development, and as there is insufficient on-site snow storage, all snow cleared from the access ramps and driveways, parking and loading areas, and walkways shall be removed from the site. In no circumstance shall snow cleared from the site be placed in a manner that might damage private or public landscaping, fences, or impinge on adjacent properties or open space. The contracting for private snow clearance/removal from the site shall remain the sole responsibility of the owners and tenants/future purchasers.

The Declaration shall contain wording that advises prospective purchasers/tenants that an easement exists across the adjacent lands to the south (3220 William Colston Avenue) for the purposes of access from the public pedestrian facilities along Trafalgar Road and William Colston Avenue, and that walkway facilities constructed within that development will be connected to municipal sidewalks that will attract people from outside the area.

The Declaration shall contain wording that advises prospective purchasers/tenants that Purchasers/tenants are advised that this development and associated blocks/units are directly adjacent/in close proximity to a Regional road. Halton's Regional roads are classified as major arterial roadways and as such: Serve mainly inter-regional and regional travel demands; May serve an Intensification Corridor; Accommodate all truck traffic; Accommodate higher order transit services and high occupancy vehicle lanes; Connect Urban Areas in different municipalities; Carry high volumes of traffic; Distribute traffic to and from Provincial Freeways and Highways; Accommodate active transportation. Truck traffic is permitted on all Regional roads, and is one of the functions of the Regional road network. Therefore, despite the inclusion of noise control features in the development and within the

building units, sound levels due to increasing road traffic will interfere with some activities of the dwelling occupants, including any raised patio and/or balcony, as sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.

The Declaration shall contain wording that advises prospective purchasers/tenants that Trafalgar Road is a designated future bus rapid transit corridor.

The Declaration shall contain wording that advises prospective purchasers/tenants that ground floor units with balconies with direct unobstructed access to the Regional road system and/or the Active Transportation Network will not be eligible under the retrofit provisions of the Region's Noise Attenuation Policy/Noise Abatement Guidelines in the future.

The Declaration shall contain wording that advises prospective purchasers/tenants that despite the inclusion of noise control features within this development sound levels due to increasing road traffic will continue to be of concern, occasionally interfering with some activities of the dwelling occupants as the sound levels exceeds the Municipality's and the Ministry of the Environment and Conservation and Parks noise criteria.

The Declaration shall contain wording that advises prospective purchasers/tenants that despite the inclusion of noise control features within this development and within the dwellings sound levels from increasing road traffic will continue to be of concern as the levels in the balcony exceed the Ministry of the Environment, Conservation and Parks criteria and that protected Common Outdoor Living Areas meeting the Ministry sound level criteria have been provided within the development.

The Declaration shall contain wording that advises prospective purchasers/tenants that dwellings have been supplied with central air conditioning which will allow windows and exterior doors to remain closed, thereby reducing the indoor sound levels to within the Municipality's and the Ministry of the Environment's noise criteria.

The Declaration shall contain wording that advises prospective purchasers/tenants that the Owner shall supply, erect and maintain signs at all major entrances into 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.

That the Owner provides any necessary easements to the satisfaction of the Town (if necessary).

**CANADA POST**

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

Canada Post requests that the owner/developer comply with the following two conditions:

- a) The Owner/Developer will provide each building with its own centralized mail receiving facility. This lock-box assembly must be provided and maintained by the Owner/Developer in order for Canada Post to provide mail service to the residents of this project. For any building where there are more than 100 units, a secure, rear-fed mailroom must be provided.
- b) The owner/developer agrees to provide Canada Post with access to any locked doors between the street and the lock-boxes via the Canada Post Crown lock and key system. This encompasses, if applicable, the installation of a Canada Post lock in the building's lobby intercom and the purchase of a deadbolt for the mailroom door that is a model which can be retro-fitted with a Canada Post deadbolt cylinder.

**BELL CANADA**

- 9 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. **BC**

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.

**HALTON CATHOLIC DISTRICT SCHOOL BOARD**

- 10 The owner agrees to place the following notification in all offers of **HCDSB**

purchase and sale for all lots/units and in the Town's agreements, to be registered on title:

- a. 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.
- b. 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 and private roads.

**11** In cases where offers of purchase and sale have already been executed, the owner is to send a letter to all purchasers which include the above statements. **HCDSB**

**12** That the owner agrees to the satisfaction of the HCDSB, to erect and maintain signs at all major entrances into the new development advising prospective purchasers that if a permanent school is not available alternative accommodation and/or busing will be provided. The owner will make these signs to the specifications of the HCDSB and erect them prior to final approval. **HCDSB**

**HALTON DISTRICT SCHOOL BOARD**

**13** The owner agrees to place the following notification in all offers of purchase and sale for all lots/units and in the Town's subdivision agreement, to be registered on title: **HDSB**

- a. 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. School attendance areas are subject to change and/or student redirections can be implemented to accommodate students outside of their community to address immediate school accommodation pressures.
- b. 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 (HSTS). Additional pick up points will not be located within the subdivision until major construction activity has been completed.

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| 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 statement.  | HDSB |
| 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. The phasing plan will indicate the sequence of development, the land area, the number of lots and blocks and units for each phase.   | HDSB |
| 16 | That the Owner shall supply, erect and maintain signs at all major entrances into 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 erect them prior to the final approval.                        | HDSB |
| 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.  | HDSB |
| 18 | The Owner shall provide Halton District School Board a geo-referenced AutoCAD file of the Draft M-plan once all Lot and Block numbering has been finalized. Should any changes occur after the initial submission to Lot and Block configuration or numbering on the draft M-plan the Owner shall provide a new AutoCAD file and a memo outlining the changes. | HDSB |

**CLOSING CONDITIONS**

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| 19 | Prior to signing the final plan the Director of Planning and Development 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)          |
| 20 | Prior to signing the final plan, the Director of Planning and Development shall be advised by Canada Post that <b>condition 8</b> has been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.  | OAK(A), CP       |
| 21 | Prior to signing the final plan, the Director of Planning and Development shall be advised by Bell Canada that <b>condition 9</b> has been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.  | OAK (A), BC      |
| 23 | Prior to signing the final plan, the Director of Planning and Development shall be advised by the Halton Catholic District School Board that <b>conditions 10, 11, &amp; 12</b> have been carried out to their satisfaction with a brief but complete statement detailing how the conditions have been satisfied. | OAK (A)<br>HCDSB |
| 24 | Prior to signing the final plan, the Director of Planning and Development shall be advised by the Halton District School Board that <b>conditions 13,</b>   | OAK (A)<br>HDSB  |

14, 15, 16, 17 & 18 have been carried out to their satisfaction with a brief but complete statement detailing how the condition have been satisfied.

25 Prior to signing the final plan, the Director of Planning and Development shall be advised by Halton Region that their requirements prior to registration have been met. **OAK (A)**

26 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 and for registration of the plan.
3. 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. It is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that 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.
5. If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.
6. 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 and



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**

BC	Bell Canada
CP	Canada Post
HCDSB	Halton Catholic District School Board
HDSB	Halton District School Board
OAK (A)	Town of Oakville – Planning Administration
OAK (CP)	Town of Oakville – Current Planning
OAK (F)	Town of Oakville - Finance
OAK (L)	Town of Oakville – Legal
OAK (DS)	Town of Oakville – Development Services Section
OAK (Z)	Town of Oakville – Building Services Department, Zoning Section
RC	Rogers Communications