

Appendix D-Sub-Conditions PL-80-24 (revised)



**CONDITIONS APPLYING TO THE APPROVAL OF THE FINAL
PLAN FOR REGISTRATION OF PLAN OF SUBDIVISION BY:**

Branthaven735 Oval Inc.
Branthaven 740 Oval Inc.
S&G Consulting Inc.
1602211 Ontario Limited
5135 Fairview Holdings Inc.

The Conditions which shall be fulfilled prior to final approval of this Plan of Subdivision are as follows:

1. This approval applies to the draft plan of subdivision prepared by A.T. McLaren Limited, Plan of Subdivision Lots 1, 2, 3, 4, 5, 6, and 7, Plan 20M-524 dated October 8, 2024.
2. Prior to registration, the owner shall sign the City of Burlington's Standard Subdivision Agreement and amendments thereto, subject to such modifications to reflect these conditions, and any other necessary agreement(s) in effect on the date of signing thereof to satisfy all requirements, financial, servicing and otherwise, of the City of Burlington. Such agreements will apply to and be registered on lands within the draft plan of subdivision.
3. Prior to registration, taxes must be paid on parcels associated with this file. This includes all outstanding balances plus current year taxes that have been billed but not yet due.
4. Prior to the registration, the Owner will convey Block 8 (creek block) to the City in fee simple, for nominal consideration, and at no cost to the City, such lands to be free and clear of all physical and title encumbrances.
5. Within 2 years of the execution of the Minutes of Settlement the owner enters into an agreement with the City for the construction of active transportation bridge and pedestrian pathway to be completed on City owned lands.
6. Prior to registration of Block 1, 2 and 3, the owner shall legally demolish the existing building at 735 Oval Court to the satisfaction of the City, where applicable.
7. Prior to registration of Block 4, the owner shall legally demolish the existing building at 740 Oval Court to the satisfaction of the City, where applicable.
8. Prior to registration of Block 5, the owner shall legally demolish the existing buildings at 740 and 720 Oval Court to the satisfaction of the City, where applicable.
9. Prior to registration of Block 6, the owner shall legally demolish the existing building at 5135 Fairview Street to the satisfaction of the City, where applicable.

10. Prior to registration of Block 7, the owner shall legally demolish the existing building at 5155 Fairview Street to the satisfaction of the City, where applicable.
11. Prior to registration, the Owner shall enter into a Landowners Group Cost Sharing Agreement and provide the City's Community Planning Department with a written acknowledgment from the Group Trustee that the Owner has executed the agreement, is in good standing, confirming that the Owner has met all obligations for its proportionate share of shared infrastructure that directly benefits the development of the Owner's Lands, including but not limited to:
 - a. Oval Court Reconstruction
 - b. Fairview Street Reconstruction
 - c. Appleby Creek Regrading Works and Fairview Street Crossing
 - d. Pedestrian Bridge Connection
 - e. Watermain to Harvester Road

Nothing in this condition relieves the Owner of its obligations with respect to the works referenced above as otherwise required by these conditions, or other agreements.

12. The owner shall complete the following prior to the registration to the satisfaction of the Director of Engineering Services of the City of Burlington:
 - a) Agree to complete all design works, including but not limited to site grading, servicing, roads, sidewalks, boulevards, street lighting, driveway locations, (including the restoration of all disturbed municipal property and infrastructure).
 - b) Agree to provide the necessary security deposit for all the works, all in accordance with all agency's requirements and the approved engineering drawings.
 - c) Agree that no stockpiling or use of Sherwood Forest Park including Oval Court for construction staging will be permitted, unless permitted by the City.
 - d) Agree to provide access for vehicles, pedestrians, and parking for any of the existing buildings that remain operational on Oval Court during construction and agree to pay for any required signage, barricades or other measures, as needed.
 - e) Agree to obtain the necessary demolition permit(s) and post the necessary securities to ensure the proper removal of all existing onsite buildings, structures, servicing.
 - f) Prior to the registration dedicate to the City free of charge the following:
 - i) any easements over the subject property required for access, drainage, services and/or utilities;
 - ii) any easements over adjacent properties as required to accommodate access, services, Creek Blocks, and/or overland flow swales.
 - g) Prepare and deposit all reference plans required for the foregoing dedications and a reference plan showing the boundaries of the property to UTM, NAD 83 Datum and

provide the City a digital copy of the plan in .dwg format with all points and line work on separate layers.

- h) Submit a copy of the updated parcel register when survey plans are submitted for the preparation of the Subdivision Agreements.
- i) Acknowledge that the suitability of the land for the proposed use is the responsibility of the landowner, and that prior to registration of the plan the Owner shall undertake an environmental assessment performed by a Qualified Person to ensure that the land is suitable for the proposed use. If in the opinion of the Qualified Person, the environmental site assessment indicates the land may not be suitable for the proposed use, the Qualified Person must so advise the Ministry of the Environment Conservation and Parks and the City of Burlington. The Owner undertakes to do further investigative studies and to do all works required to make the lands suitable for the proposed use. The Owner shall also agree to make available for inspection to all prospective purchaser's copies of the completed Environmental Site Assessment and Record of Site Condition, if applicable.
- j) Agree to submit an amended Geotechnical Study, if required, and to implement the recommendations of the approved Geotechnical Study for road construction as well as subdivision and site plan servicing works.
- k) Agree to submit an amended Functional Servicing Report including but not limited to Grading, Servicing and Stormwater Management, if required, and to implement the necessary stormwater management recommendations of the approved Functional Servicing Report. The Owner shall also agree to make any revisions to the draft plan necessary to implement the approved recommendations.
- l) Agree that foundation drainage shall discharge directly into the storm sewer either by gravity or sump pump installation. Connections by gravity will not be permitted unless hydraulic grade line analysis confirms that surcharging of the storm sewer during a 100-year design storm will not result in any underground parking or foundation damage.
- m) Agree to submit an Erosion and Siltation Control Plan, for approval, and implementation during all phases of construction, including servicing and building construction.
- n) Agree to submit an amended Environmental Noise and Vibration Study, for approval, and to implement the recommendations of the approved Environmental Noise and Vibration Study.
- o) Agree to make provisions in all Offers, Leases, Tenancy, Sales, and Reservations Agreements inserting the necessary environmental noise and vibrations warning clauses of the approved Environmental Noise and Vibration Study.
- p) Agree to pay for any alterations including but not limited to removal and relocation of existing utilities, pavement, and services, etc. that may be necessary to accommodate the connection of Oval Court with Fairview Street.
- q) Agree to install all servicing and utilities (including hydro) underground throughout the development.

- r) Agree to obtain a Municipal Consent Permit and enter into an agreement for any works on public lands, including but not limited to daylighting, temporary staging, grading, servicing, construction, or disturbance of vegetation. Fees for a Municipal Consent Permit shall be in accordance with the City's Rates and Fees By-law, as amended.
 - s) Agree to construct the necessary fencing as shown on the approved engineering drawings, namely between all boundaries abutting either open space/creek blocks, parks, walkway blocks, or commercial blocks and business blocks abutting either open space/creek blocks or transit corridor block, if applicable.
 - t) Agree to comply with the City Policy in effect at the time of the subdivision registrations with respect to the following conditions:
 - i. Agree to hire a contractor on retainer to deal with after hour problems related to unsafe situations in active subdivisions and provide the City with the contractor's 24 hour/7 days a week emergency contact phone number.
 - ii. Agree to install "Illegal Dumping Prohibited" signs at all lots/blocks intended for future development.
 - iii. Agree to regrade with topsoil and seed within 7 days, and cut weeds and remove debris within 48 hours, of a request by the City on any undeveloped blocks as may be requested.
 - u) Agree to provide written certification by the Civil Engineer prior to final assumption of the subdivision works including underground services (i.e. storm sewers, CCTV Inspection, etc.) and aboveground services including landscape works (i.e. roads, sidewalks, boulevards, etc.), has been constructed in conformance to the City standards and the approved engineering drawings.
13. Prior to the registration, the Owner complete the following to the satisfaction of the Director of Transportation Services:
- a) Agrees that, as a condition of Site Plan Approval for each phase, the Owner will submit for approval a Draft Reference Plan identifying any land conveyances and easements that are clearly labeled with part numbers. The items shall include but not be limited to the full right-of-way labelled with full dimensions matching the criteria received from Transportation Services and other City sections: daylight triangles, park dedication, "Privately Owned Public Spaces" (POPS), woodlot, easements, setbacks, etc.
 - b) Design, secure for, and install transportation infrastructure improvements, including an updated works cost estimate, based on the findings of the Transportation Impact Study and any requirements of the Transportation Services Department.
 - c) Submit and obtain City approval for a pavement marking, parking, and street sign plan, for each public street adjacent to the development, including but not limited to all existing and proposed above ground utilities such as fire hydrants, poles, transit stops, and Canada Post Community Mailbox locations.

- d) Submit and obtain City approval for Street Lighting Photometric Drawings, Temporary Photometric and Electrical Drawings and final Electrical Drawings, for the public rights-of-way within and abutting this development.
 - e) Deposit such Transportation Services securities as are agreed to in the Subdivision Agreements, where applicable.
 - f) The Owner shall submit and obtain City approval for an On-Street Parking Plan for the public roads adjacent to the development that reflects City requirements including the following:
 - i. Parking is not permitted within minimum distances of intersections and pedestrian crossings as set-out within OTM Book 15, Pedestrian Crossing Treatments, and applicable City of Burlington By-Laws and practices.
 - ii. A minimum no parking set-back of 9 metres from an intersection or bridge.
 - iii. Parking will not be permitted within the cul-de-sac.
 - g) Agree to implement the Transportation Demand Management (TDM) measures recommended in the TIS, as revised, and/or as per Transportation Services comments, fully at the expense of the Owner. Transportation Services reserve the right to include additional TDM measures with future Site Plan Approval. Furthermore, agree to submit written confirmation that the Transportation Demand Management (TDM) measures per Transportation Services comments have been implemented.
 - h) Agree that prior to a full security release,
 - i. Dedicate to the City and/or the Region free of charge lands in accordance with this Agreement.
 - ii. Inspection(s) by City staff of the completed Transportation Services works as set out in the agreed terms.
14. Prior to the registration, the Owner shall complete the following to the satisfaction of the Director of Engineering Services and the Director of Transportation Services of the City of Burlington:
- a) Provide a cash deposit to be used by the City for contracted or in-house expenses for dealing with non-compliance with City requirements for control of grading issues, weeds, mud, dust and debris on roads and further agree that inspection staff time for invoicing on work undertaken will be charged at double the normal rate.
 - b) Submit and obtain City approval for a Construction & Mobility Management Plan (CMMP), for Oval Court and Fairview Street reconstruction works, which includes but is not limited to:
 - i. Installation of temporary street lighting, street name, stop signs and other traffic control measures on streets throughout the development after placement of base asphalt and prior to building permits being issued and maintain the signs until such time as the permanent installations have been completed by the City.
 - c) Submit a Utility Coordination Plan for Oval Court and Fairview Street reconstruction works, for approval and implementation, addressing the location (shared or otherwise),

timing and phasing of all required utilities (on-grade, below-grade, or above-grade), including street lighting, gas, electrical, telecommunications, water, wastewater, and stormwater services. Such Utility Coordination Plan shall be to the satisfaction of all utility providers and shall be approved by the City prior to construction of any of the required utilities.

15. Prior to the registration, the Owner shall complete the following to the satisfaction of the Director of Road, Parks and Forestry of the City of Burlington:
 - a) Prior to executing the Subdivision Agreements where applicable, the owner shall complete the following to the satisfaction of the Manager of Parks Design and Construction for Oval Court and Fairview Street reconstruction works:
 - i. The Owner shall submit detailed Landscape Construction Drawings to the satisfaction of the City, prepared and stamped by a full member of the Ontario Association of Landscape Architects (OALA) in good standing. The Landscape Construction Drawings shall be completed in accordance with the City of Burlington Official Plan, any associated secondary plans, City of Burlington Development Standards, general or site-specific Guidelines and industry best practices.
 - ii. The Landscape Construction drawings shall include but not be limited to:
 - Conceptual public street tree plantings
 - Fencing for the delineation of between City and private owned lands
 - Measures to protect existing vegetation, permanent and during construction.
 - iii. The Owner shall submit detailed cost estimate(s) that relate to the Landscape Drawings for approval and sign off by the City.
 - iv. The owner shall prepare and submit an Arborist Report and Tree Inventory and Preservation Plan, by a Certified Arborist to the satisfaction of the City. The report and plans shall document and inventory all existing trees (minimum 10cm dbh) within and adjacent to the subject lands (6.0m beyond property line) and provide an assessment of significant trees to be preserved, removed, or monitored together with the proposed methods of tree protection and preservation of endangered species and the removal of invasive species. The report shall be prepared in accordance with the City's guidelines and indicate if a subsequent hazard tree monitoring report is required.
 - v. The Owner shall submit detailed cost estimate(s) that relate to the Arborist Report and Drawings for approval and sign off by the City.
 - vi. The Owner acknowledges and agrees that the removal of trees on neighboring properties, or that are located on a shared property line (boundary trees) will require consent from the adjoining and/or adjacent Owner(s) in writing.
 - vii. The Owner acknowledges and agrees to obtain a tree permit required for all work around City trees, in accordance with Public Tree Bylaw 68-2013, including the payment of the Tree Permit fee and securities for trees to be retained.

- b) The following clauses shall be included in all Subdivision Agreements to the satisfaction of the Manager of Parks Design and Construction:
- i. From the start of the Oval Court and Fairview Street reconstruction works until final assumption of the subdivision works including the related landscape works by the City, the Owner shall be responsible for ongoing maintenance, repairs and replacements of future owned City assets that are on all future City owned lands. Examples of maintenance includes debris removal, grass cutting, etc. and must be to the satisfaction of the City.
 - ii. Prior to final assumption of the subdivision works including related landscape works, the Owner shall implement the approved Landscape Construction Drawings, at the sole cost of the Owner, to the satisfaction of the City.
 - iii. Prior to final assumption of the subdivision works including related landscape works, the Owner shall submit a final certification from the same Landscape Architect who is a full member of the Ontario Association of Landscape Architects (OALA) in good standing, confirming that all deficiencies have been addressed. Certification shall be accompanied with as constructed drawings and all applicable certifications, to the satisfaction of the City.
 - iv. All required landscape works to be warranted minimum two years after substantial completion or at time of assumption, whichever is later.
 - v. The Owner's Certified Arborist to carry out, or cause to carry out, in a timely manner, the recommendations set out in the Arborist Report(s), Tree Preservation Plans and any other associated documents (i.e., Public tree By-law) to the satisfaction of the City. The consultant is required to certify in writing, that the tree preservation fencing has been installed and contact city staff for inspection and approval prior to injury and/or removal(s).
 - vi. Upon completion of the implemented works, the consultant is required to certify in writing that the removals have been completed as per the approved Arborist Report(s), Tree Preservation Plans and any other associated documents.
 - vii. An additional certification from the same Certified Arborist shall be required prior to assumption, confirming that any long-term requirements and recommendations (e.g., mitigative measures) in the report(s), plan(s) and document(s) have been carried out, to the satisfaction of the City.
 - viii. In the event that trees, vegetation, or environmentally significant features are removed or altered without the written consent of the City, the Owner shall restore the lands and/or provide compensation to the satisfaction of the City.
 - ix. It is the sole responsibility of the Owner for ongoing maintenance and repairs to tree protection fencing to the satisfaction of the City.
 - x. Tree protection fencing and associated measures are to be inspected daily by the Owner or Owner's designate, with all noted deficiencies rectified within 24 hours to the satisfaction of the City. All tree protection fencing and tree protection measures

are to remain in place on site until written permission for removal is granted by the City.

- c) Prior to the registration, the Owner shall complete the following to the satisfaction of the Manager of Parks Design and construction:
 - i. Agree to include the following in a registered portion of all subdivision agreements and agree to ensure that warning clauses to this effect are included on all offers to purchase and sale and reservation agreements, and within the Condominium Declaration, for all residential units:
 - (a) "Purchasers and/or tenants are advised that publicly owned open spaces, natural features and stormwater management facilities will be left in a naturally vegetated condition. In accordance with O. Reg. 162/06, these areas will not be manicured and shall receive minimal maintenance. Uses such as private picnics, barbequing, garden areas, storage of materials, dumping of refuse, snow storage or erection of structures, etc. shall not be permitted on these lands."
 - (b) "Purchasers and/or tenants are advised that unauthorized encroachment onto natural heritage and vegetative protection blocks shall not be permitted. Furthermore, vehicle and machinery access through the natural heritage and vegetative protection blocks shall not be permitted."
 - (c) "Purchasers and/or tenants are advised that trees planted on public property are City owned assets and are regulated under the City's Public Tree By-law (06-2013), as amended. Planting of trees on public property by the purchaser and/or tenant is prohibited and subject to enforcement under the City's Public Tree By-law. No decorative or hard landscaping is permitted in the municipal boulevard."
 - d) The Owner shall complete the following to the satisfaction of the Manager of Parks Design and Construction:
 - i. Agree that prior to building permit issuance and/or building permit, the Owner shall provide cash-in-lieu of parkland dedication in accordance with the City's Parkland Dedication By-laws.
16. Prior to the registration, the owner shall complete the following to the satisfaction of the Director of Community Planning of the City of Burlington:
- a) provide a list of lot and block widths and areas prepared by an Ontario Land Surveyor, to ensure all blocks conform to Zoning by-law 2020, as amended.
 - b) prior to final approval of each phase, pay any outstanding City staff processing costs incurred to that date in the processing of the application.

- c) prior to final approval of each phase, pay the City's per unit registration processing fee;
 - d) prior to the issuance of draft approval, provide proposed street names for all streets in the plan where applicable.
17. Prior to the registration, the Owner shall complete the following to the satisfaction of the Director of Community Planning of the City of Burlington:
- a) agree to display a copy of the approved draft plan and draft plan conditions in the sales office for the information of purchasers;
 - b) agree to provide copies of the draft plan conditions for the review of purchasers, if requested;
 - c) agree to make available to all purchasers a copy of the City of Burlington "Information Sheet for New Home Buyers".
 - d) agree to provide all new home purchasers in the subdivision with an information brochure containing information on the ecological value and function of the natural areas within the community to be preserved, and appropriate stewardship behaviour such as domestic pet control, no debris/garbage dumping, no vegetation control and no pedestrian access except at specified trail locations.
18. Prior to the registration, the Owner shall complete the following to the satisfaction of the Director of Community Planning, Director of Engineering Services, Director or Transportation Services, of the City of Burlington, Region of Halton and the Halton District School Board.
- a) Prior to registration of any portion of the subdivision, the owner shall submit a comprehensive phasing plan indicating the sequence of development, the land area in hectares, the number of lots and blocks for each phase, the proposed use of all blocks including the proposed number of units, and how comprehensive development is to proceed, including construction of public services and creek block work. The phasing plan shall be incorporated by the City into these conditions of approval, all prior to registration of the first phase. For clarity, the amended conditions are intended to provide for the required sequence of development including construction of public services and creek block work required to support the proposed phases.
19. Prior to the registration of the subdivision, the Owner shall complete the following to the satisfaction of Halton Region:
- a) The Owner is required to provide digital copies of the registered plan of subdivision in AutoCAD 2012 or later version with the following coordinate system NAD 83 / UTM Zone 17 to the Regional Municipality of Halton and the City of Burlington.
 - b) The Owner shall submit to the City of Burlington Planning Services Department digital copies of the final draft plan of subdivision along with applicable Land

Registry Office Appendix D form for sign off. Upon acceptance, the town will forward these materials to the Region of Halton for final sign off.

- c) The Owner agrees that a phasing plan shall be submitted prior to registration of the first phase. The phasing plan will indicate the sequence of development, the land area in hectares, the number of lots and blocks for each phase and the proposed use of all blocks including the proposed number of units, the specific lots to be developed, site access to each phase, grading and the construction of public services. The phasing must be reflected in all engineering reports.
- d) The Owner shall prepare a detailed engineering submission to be submitted to the Regional Development Project Manager for review and approval prior to the preparation of the Regional subdivision agreement.
- e) That the owner acknowledges, in writing, that registration of all or part of this plan of subdivision may not take place until notified by the Region's Development Project Manager that sufficient water capacity exists to accommodate this development.
- f) The Owner acknowledges, in writing, that registration of all or part of this plan of subdivision may not take place until notification by the Region's Development Project Manager that sufficient Wastewater Plant capacity exists to accommodate this development.
- g) That the Owner acknowledges, in writing, that registration of all or part of this plan of subdivision may not take place until notification by the Region's Development Project Manager that sufficient storage and pumping facilities and associated infrastructure relating to both water and wastewater are in place.
- h) All works which are the responsibility of the Owner to complete shall be supervised during construction by a licensed Professional Engineer of the Province of Ontario with all professional engineering fees paid by the Owner. The Owner's engineer must provide competent full time inspection staff on site during construction activities to obtain the required "as constructed" field information, and to ensure compliance with the approved drawings and the Region's Current Construction and Design Standards.
- i) The development shall be subject to full municipal water and sanitary sewer services to the satisfaction of the Region of Halton.
- j) The Owner shall enter into a subdivision agreement and satisfy all requirements, financial and otherwise, of The Regional Municipality of Halton, including but not limited to, the phasing of the plan for registration, investigation of soil contamination and soil restoration, the provision of roads and the installation of water and sanitary sewer services, utilities and drainage works. This agreement is to be registered on title to the lands.
- k) That the Owner be required to design and construct a local watermain extension from Fairview Street to Harvester Road northward that is external to this subdivision on City of Burlington lands at their sole expense as per the design

standards of the Region of Halton and to the satisfaction of Halton's Development Project Manager.

- l) That a minimum 8.0m wide Regional easement be provided on the City of Burlington lands and to be located along the horizontal alignment of the proposed external watermain extension to the Regional Municipality of Halton for the purpose of sanitary sewer protection. The easement shall be transferred by the City free and clear of any and all encumbrances and a Certificate of Title shall be provided in a form satisfactory to the Regional Director of Legal Services and Corporate Counsel.
 - m) That the Owner is required to design and construct a maintenance roadway/pathway if required within the City of Burlington lands that will provide maintenance vehicle access to the proposed external watermain extension to the satisfaction of the City of Burlington and the Region of Halton.
 - n) That the Owner is required to arrange and provide any access easements, license agreements, encroachment agreements and/or other arrangements required by the City of Burlington for the Region of Halton to obtain access within the City's lands that will provide vehicle access to the proposed external watermain extension and easement to the satisfaction of the City of Burlington and the Region of Halton.
 - o) That the Owner obtains all approvals from Metrolinx for the proposed watermain extension and crossing of the existing rail lines north of the property and pays all fees and enters into any required licenses, pipe crossing and/or encroachment agreements, etc. necessary to cross the Metrolinx lands with the proposed watermain extension.
20. Prior to the registration, the Owner shall complete the following to the satisfaction of Enbridge Gas (formerly Union Gas Ltd):
- a) The Owner agrees to provide Enbridge Gas Inc. (Enbridge Gas) the necessary easements at no cost and/or agreements required by Enbridge Gas for the provision of local gas services for this project, in a form satisfactory to Enbridge Gas
21. Prior to the registration, the Owner shall complete the following to the satisfaction of the Halton District School Board:
- a) The owner agrees to place the following notification in all offers of purchase and sale for all lots/units and in all of the City's subdivision agreements, to be registered on title:
 - 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 community is also not guaranteed. Pupils may be accommodated in temporary facilities and/or be redirected 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.

- 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 (HSTS). Additional pick-up points will not be located within the subdivision until major construction activity has been completed.
- b) That in cases where offers of purchase and sale have already been executed, the owner sends a letter to all purchasers which includes the above statement.
 - c) That the Owner agrees that, a copy of the phasing plan be submitted prior to final approval of phase one 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.
 - d) 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 issuance of building permits.
 - e) That the Owner shall submit a copy of the approved sidewalk plan, prepared to the satisfaction of the City of Burlington, to the Halton District School Board and Halton Catholic District School Board.
 - f) That the Owner provides the Halton District School Board a geo-referenced AutoCAD file of the draft M-plan once all Lot and Block numbering configurations have 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.
22. Prior to the registration, the Owner shall complete the following to the satisfaction of Bell Canada:
- a) 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.
 - b) 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.
23. Prior to the registration, the Owner shall complete the following to the satisfaction of Metrolinx:
- a) That prior to registration where applicable, the owner/applicant shall confirm ownership and implementation timing of any proposed rail safety mitigation per the required rail safety report, which shall be subject to review and approval by the Metrolinx's Technical Advisor, including applicable fees, agreements and costs, which shall be borne by the owner/applicant; all of which, shall be to the satisfaction of Metrolinx.

24. Prior to the registration, the Owner shall complete the following to the satisfaction of Halton Catholic District School Board:
- a) The owner agrees to place the following notification in all offers of purchase and sale for all lots/units and in the City's agreements, to be registered on title:
 - i. Prospective purchasers are advised that 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 and private roads.
 - b) 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.
 - c) 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.
 - d) That the owner agrees that a copy of the phasing plan must be submitted prior to final approval of phase one to the HCDSB. The phasing plan will indicate the sequence of development, the land area, the number of lots and blocks and units for each phase.
 - e) That a copy of the approved sidewalk plan, prepared to the satisfaction of the City of Burlington be submitted to the HCDSB.
 - f) The owner shall provide HCDSB 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.

25. Prior to the registration, the Owner shall complete the following to the satisfaction of Conservation Halton:

- a) That the Owner agrees to redline revise/update the draft plan, as necessary, to address the conditions (listed below) to the satisfaction of Conservation Halton and the City of Burlington.

Prior to Pre-Grading

- b) That the Owner submits grading plans for all lots and blocks that contain or are abutting Conservation Halton's regulated area, to the satisfaction of Conservation Halton and the City of Burlington.

- c) That the Owner prepares and implements a report outlining erosion and sediment control measures required prior to and during earthworks to the satisfaction of Conservation Halton (for regulated areas) and the City of Burlington. A separate erosion and sediment control plan will be required for servicing and site construction, which may be deferred to the Site Plan stage as applicable.
- d) That the Owner erects a temporary barrier to work fence prior to and during construction or regrading along the rear of blocks abutting the watercourse block, including Conservation Halton regulated areas.
- e) That the Owner obtains Permit(s) from Conservation Halton, pursuant to the *Conservation Authorities Act* and Ontario Regulation 41/24, for any development activities, activities to change or interfere with watercourses or wetlands, and/or site alteration within the regulated area associated with pre-grading.

Prior to Registration:

- f) That the Owner obtains Permit(s) from Conservation Halton, pursuant to the *Conservation Authorities Act* and Ontario Regulation 41/24, for any development activities, activities to change or interfere with watercourses or wetlands and/or site alteration within the regulated area including, but not necessarily limited to, placement or excavation of fill, grading, stormwater outfalls, watercourse alterations or realignments, and watercourse crossings.
- g) That, prior to Registration, the Owner designs, constructs, stabilizes and has in operation all creek realignments and alterations as well as any other alterations to natural hazards to the satisfaction of the Conservation Halton and the City of Burlington.
- h) That, prior to Registration, the Owner designs, constructs, stabilizes and has in operation the Fairview Street Crossing over Appleby Creek, and demonstrates that safe access and egress under regulatory storm conditions is available, to the satisfaction of the Conservation Halton and the City of Burlington.
- i) That the Owner revises/updates the Functional Servicing and Stormwater Management Report to reflect all comments from the City of Burlington and Conservation Halton and agrees to implement all final recommendations contained within the approved report, including updating designs and the draft plan as necessary, to the satisfaction of the City of Burlington and Conservation Halton.
- j) That the Owner implements the approved Scoped Environmental Evaluation Report / Environmental Impact Assessment to the satisfaction of Conservation Halton as it relates to regulated areas.
- k) That the Owner agrees to phase the development of the subject lands to the satisfaction of Conservation Halton and the City of Burlington if necessary.
- l) That the Owner prepares a landscape and restoration plan for the restorative works within Conservation Halton regulated areas, in keeping with Conservation Halton

Guidelines for Landscaping and Rehabilitation Plans, to the satisfaction of the City of Burlington and Conservation Halton.

- m) That the Owner submits monitoring plans in accordance with the approved Scoped Environmental Evaluation Report / Environmental Impact Assessment to the satisfaction of Conservation Halton as applicable where it relates to Conservation Halton regulated areas.
- n) That the Owner provides digital copies of the registered plan of subdivision including all approved natural hazard delineations (e.g., wetland boundaries, stable top of bank, flood plain, meander belt, shoreline flooding limits, dynamic beaches and karst features as applicable) to Conservation Halton, prior to registration of the plan. Digital data should be delivered in one of the following formats:
 - i. ESRI geodatabasev10.x (or newer) feature classes
 - ii. ESRI shape file format.
 - iii. AutoCAD DWG or DXF Format, version 2019 or earlier

If the Project Consultant uses ESRI products to produce maps, the matching .mxd will be provided that corresponds to the map figure. Digital data will be provided in UTM NAD 83 Zone 17 NAD 83 datum. Data referencing elevations (e.g., floodplains) shall be referenced to appropriate vertical benchmarks. The datum must be specified as one of Canadian Geodetic Vertical Datum of 1928 (CGVD28) with 1978 adjustment, or Canadian Geodetic Vertical Datum of 2013 (CGVD2013). Vertical datums must be clearly identified in the survey documentation. Flood plain models used in the delineation of flood hazards must be provided to Conservation Halton and referenced to the above mapping standards.

- o) That the Owner pays any outstanding review fees to Conservation Halton, if it is determined that a balance is outstanding. Conservation Halton reserves the right to adjust the fees owing based on the current plan review schedule if time has lapsed since the initial application.
- p) That the Owner submits the final clearance fee to Conservation Halton, prior to registration of the draft plan. If the development is phased, each phase will require a separate clearance fee.

Closing Conditions:

- q) That the Owner agrees to obtain confirmation from Conservation Halton that conditions 18 a)-p) inclusive have been satisfied prior to the execution of the final plan.

Subdivision Agreements:

- r) That the Owner agrees to provide as-built drawings for the watercourse and natural hazard alterations and the creek crossings. Surveys undertaken to delineate any hazard shall be provided to Conservation Halton digital format. Digital data should be delivered in one of the following formats:
 - i. ESRI geodatabasev10.x (or newer) feature classes
 - ii. ESRI shape file format.

iii. AutoCAD DWG or DXF Format, version 2019 or earlier

If the Project Consultant uses ESRI products to produce maps, the matching.mxd will be provided that corresponds to the map figure. Digital data will be provided in UTM NAD 83 Zone 17 NAD 83 datum. Data referencing elevations (e.g., floodplains) shall be referenced to appropriate vertical benchmarks. The datum must be specified as one of Canadian Geodetic Vertical Datum of 1928 (CGVD28) with 1978 adjustment, or Canadian Geodetic Vertical Datum of 2013 (CGVD2013). Vertical datums must be clearly identified in the survey documentation. Flood plain models used in the delineation of flood hazards must be provided to Conservation Halton and referenced to the above mapping standards.

- s) That the Owner agrees, that should it be determined through detailed design that grade changes are required in order to accommodate development of lots/blocks, any grade changes that are separate of the approved hazard alterations must be accommodated further than 7.5m from the regulated hazards contained within the creek block and meet Conservation Halton regulatory policies if within regulated areas, and lot lines must be adjusted accordingly, to the satisfaction of Conservation Halton and the City of Burlington.
- t) That the Owner agrees to implement the monitoring program as per the approved Scoped Environmental Evaluation Report / Environmental Impact Assessment to the satisfaction of the City of Burlington and Conservation Halton (regarding natural hazards and regulated areas).
- u) That the Owner agrees to submit monthly (or after significant rainfall equal or greater than 10mm or snowmelt events) sediment and erosion control reports during construction to the satisfaction of Conservation Halton and the City of Burlington.
- v) That the Owner agrees to post acceptable securities with the City of Burlington as part of the phase one subdivision agreement, for the purpose of ensuring the construction and completion of all works identified on the approved plans including the rehabilitation of any Natural Heritage System block (including Conservation Halton regulated areas) or open space areas to the satisfaction of Conservation Halton and the City of Burlington which may be disturbed during the development of the subdivision.
- w) That the Owner agrees that any exposed soil within a watercourse block, either as a result of realignment or rehabilitation works, will be seeded or otherwise stabilized within 24 hours of exposure to minimize the transport of sediment downstream.
- x) That the Owner agrees that no fill from the site may be dumped on or off-site in an area regulated by a Conservation Authority without the prior written permission of the appropriate Conservation Authority.
- y) That the Owner agrees to not stockpile fill within Conservation Halton's regulated area without prior written approval on Conservation Halton.
- z) That purchasers and/or tenants of lots/blocks backing onto the Natural Heritage System (NHS) block are advised in the offers of purchase and sale that a portion of their lot/block may contain areas regulated by Conservation Halton under the

Conservation Authorities Act and Ontario Regulation 41/24, as proclaimed on April 1, 2024, and as may be amended from time to time. Permits are required from CH prior to undertaking development activities within CH's regulated area. For further information please contact CH at chplanning@hrca.on.ca or 905.336.1158.

26. Prior to signing the final plan, the Director of Community Planning shall be advised by the City Engineering Services Department that Conditions 12, 14, 18, 19 have been carried out to their satisfaction with a brief but complete statement detailing how each condition has been satisfied if applicable.
27. Prior to signing the final plan, the Director of Community Planning shall be advised by the Region of Halton that Conditions 18 and 19 has been carried out to their satisfaction with a brief but complete statement detailing how each condition has been satisfied if applicable.
28. Prior to signing the final plan, the Director of Community Planning shall be advised by the Halton District School Board that Conditions 18 and 21 have been carried out to their satisfaction with a brief but complete statement detailing how each condition has been satisfied if applicable.
29. Prior to signing the final plan, the Director of Community Planning shall be advised by the Bell Canada that Condition 22 has been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied if applicable.
30. Prior to signing the final plan, the Director of Community Planning shall be advised by the Metrolinx that Condition 23 has been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied, if applicable.
31. Prior to signing the final plan, the Director of Community Planning shall be advised by the Halton Catholic District School Board that Condition 18 and 24 has been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied if applicable.
32. Prior to signing the final plan, the Director of Community Planning shall be advised by the Conservation Halton that Condition 25 has been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied if applicable.
33. All of the above conditions shall be satisfied within 3 years of the granting of draft approval, being _____, 2027.

J. Tellier
Director of Community Planning

Date

If there are no appeals, Draft Approval is deemed to have been made on

NOTES:

- a) The owner is advised that additional fees are required by the City of Burlington and the Region of Halton for each Extension to Draft Approval and for Major Revisions to the draft plan or conditions.
- b) The owner, its successors and assigns, is hereby notified that City-wide Development Charges may be payable in accordance with By-law No. 72-2004, as may be amended, upon issuance of a building permit at the rate in effect on the date issued. For further information, the owner is advised to contact the City Burlington Department at 905-335-7731
- c) Regional Development Charges and Surcharges are payable in accordance with the applicable Regional Development Charges by-law and are required at the following stages:

Subdivision Agreement: Water and wastewater (including blocks intended for future development at the maximum density permitted under the applicable zoning by-law)

Building Permit Issuance: All remaining Region-wide Development Charges in effect at the date of issue.

NOTE: Any building permits which are additional to the maximum unit yield which is specified by the Subdivision Agreement are subject to all Regional Development Charges (including water, wastewater and surcharges not collected at subdivision agreement) prior to the issuance of the building permit, at the rate in effect at the date of issue.

- d) 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 which are additional to the maximum unit yield which 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.
- e) At any time prior to final approval of the plan for registration, the City or Region may amend, delete or add to the conditions and this may include the need for amended or new studies in accordance with Section 51 (18) of the Planning Act, 1990
- f) An electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 – Proximity – of the Regulations for Construction Projects in the Occupational Health and Safety Act, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on the wood poles supporting the conductors stating "**DANGER – Overhead Electrical Wires**" in all locations where personnel and construction vehicles might come in close proximity to the conductors.