

### **Attachment 3: Draft Plan of Subdivision Conditions**

#### **DRAFT PLAN OF SUBDIVISION APPLICATION TB SUB 2001 0002 - Conditions of Draft Plan Approval**

That Draft Plan of Subdivision Application TB SUB 2001 0002 be draft plan approved, subject to the following conditions:

1. That this approval applies to the Draft Plan of Subdivision prepared by Schaeffer & Dzaldov Limited, Ontario Land Surveyors, dated July 25, 2006 as shown in Attachment 9 to the Final Staff Report dated August 25, 2006;
2. That the owner enter into and adhere to all conditions of the City's subdivision Agreement;
3. That the appropriate Standard Conditions as shown below (Conditions #1 to #40) shall apply and be included in the Subdivision Agreement;
4. That Block 4 be dedicated as a public highway on the final plan;
5. That Block 3 be dedicated to the City of Toronto as a public park;
6. That Blocks 5 and 6 be dedicated to the City of Toronto for road widening purposes;
7. That Blocks 7 and 8 be dedicated to the City of Toronto for 0.3 metre reserve purposes;
8. That the Specific Conditions (Conditions #41 to #53) shall apply and be included in the Subdivision Agreement; and
9. That draft approval shall expire after 3 years of the date of draft approval having been given.

#### **STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS**

1. **STREET NAMES** All street names proposed on the final plan shall be subject to the approval of the Toronto City Surveyor and the City Planning Division.
2. **ALIGNMENTS WITH ADJACENT PLANS** All streets in the new plan shall be aligned as to coincide with adjacent dedicated streets.
3. **STREET LIGHTS** Street lights shall be installed in locations as specified by the Toronto Hydro Electric Commission. The Applicant is responsible for street lighting costs as determined by Toronto Hydro Electric Commission.

4. EXISTING 0.3m RESERVES

Existing 0.3m reserves across access roads along the boundaries of the plan shall be dedicated as public highway by the Municipality after assumption of the roads within the plan.
5. LOTS SUBJECT AND/OR ADJACENT TO EASEMENTS AND/OR WALKWAYS

Building Permits will not be issued for lots on which easements have been imposed, or on lots immediately adjacent to easements and/or walkways until such time as the Executive Director, Technical Services certifies that the walkway has been paved and fenced and that the required service or services have been installed within the limits of the easement as granted to the city or that the easement descriptions have been adjusted in accordance with the location of the services as actually installed.
6. DEEDING OF LAND OR EASEMENTS

Deeds for such lands, easements and 0.3m reserves as may be required shall be conveyed to the Municipality and the Toronto Hydro Electric Commission free and clear of all encumbrances and any Reference Plan, necessary for the preparation of the easement documents, shall be provided by the subdivider at no cost to either the Municipality or the Commission.
7. SERVICES TO BE INSTALLED BY THE APPLICANT

All services to be installed by the Applicant shall be according to standard specifications for the former City of North York as laid down by the Executive Director, Technical Services (hereafter referred to as the “Executive Director”) and shall be secured by cash (20%) and irrevocable letter of credit (80%).
8. PROTECTION OF EXISTING SIDEWALKS, CURBS, ETC.

Monies shall be deposited with the City to provide for the protection of existing sidewalks, curbs, etc. in accordance with the policy of Council as contained in former City of North York Policy No. N-32.
9. RESTORATION OF EXISTING ROAD SURFACES

The Applicant covenants and agrees that they will, subsequent to the installation of all service, hydro and other underground connections on existing roads adjacent to, but outside this plan subdivision, at their own expense restore such disturbed road surface to approximately their original condition as determined by the Executive Director, or alternatively will deposit with the Treasurer of the

City a sufficient sum as calculated by the Executive Director to provide for this restoration.

10. MAINTENANCE OF ROAD SURFACES  
The Applicant covenants and agrees that they will at all times keep clean and maintain the road surfaces and/or keep clear the gutters and catchbasins on those roads in those areas where, in the opinion of the Executive Director, such roads are subject to traffic proceeding to and from the subdivision lands during the period of development and construction.
11. SERVICE CONNECTIONS  
No service connections shall be installed on a lot or block until the approval of such installation has been obtained from the Executive Director and/or Toronto Hydro.
12. DRAINAGE  
Occupancy of each lot shall not take place until the consultant certifies that the grading requirements have been satisfied, or as approved by the Executive Director.
13. SURFACE DRAINAGE RE: ADJOINING LANDS  
The Applicant covenants and agrees that should any grading or drilling operations within this plan of subdivision cause disturbances to the natural drainage pattern for the surrounding area, resulting in flooding or erosion of adjacent lands without the plan of subdivision itself, the Applicant will, at their own expense, perform all work and take such measures as considered necessary to correct the surface drainage situation and restore all damaged property to approximately its original condition as determined by and to the standards, specifications and satisfaction of the Executive Director.
14. SERVICE TO BE PAID IN CASH  
All required services which are not to be constructed by the Applicant shall be paid for in cash prior to registration of the plan.
15. CAPITAL COST OF SERVICES  
In addition to the services require herein, the Applicant shall pay all other monies as may be required to pay the capital cost, or proportionate share thereof, for the provisions of services to the extent that the City shall not be required to pay any portion of the capital cost thereof.
16. TAXES AND LOCAL IMPROVEMENTS  
All outstanding taxes and local improvement charges shall be paid prior to registration of the

plan.

17. FEES  
Water meter fees and 3% Engineering and Processing fee shall be paid.
18. REVIEW OF CONDITIONS  
In the event that this plan is not registered within a period of one-year following the date of draft approval, the conditions of approval shall be subject to review by the City having regard to standards and policies operative at that time.
19. WITHDRAWAL OF PLAN  
In the event that this plan is withdrawn by the Applicant, a reasonable charge may be imposed by the City and Toronto Hydro, having regard to the time and expense incurred by the City in the study and processing of the plan submitted.
20. REDIVISION OF BLOCKS  
Any further division of any block on the plan will be subject to recommendation of North York Community Council and approval of Council.
21. HYDRO DISTRIBUTION PLANT  
Prior to the registration of the plan, the Applicant shall conclude satisfactory arrangements with the Toronto Hydro Electric Commission as to the location of distribution plants as may be required within the plan.
22. ADEQUACY OF SCHOOL FACILITIES  
The date or release for registration of this plan by the City shall be subject to review by Council having regard to the adequacy of schools to serve children from the subdivision.
23. NOTIFICATION OF FUTURE USE OF MUNICIPAL LANDS  
Builders and purchasers of properties adjacent to lands being conveyed to the City shall be advised of the intended use of such municipal lands and of the services to be constructed.
24. SIGNS OF NEW PLANS OF SUBDIVISION  
The Developer of new plans of subdivision shall erect signs indicating street and lot pattern of the intended use of any and all blocks on the proposed plan in accordance with former City of North York policy established by Traffic, Fire and Licensing Committee Report #9, dated May 12, 1966 adopted by the former City of North York Council Resolution #66-404.

25. SOIL TESTS RE: BUILDING PERMITS
- If required by the City, soil tests shall be conducted on the lands herein by an approved independent testing laboratory as may directed by the Chief Building Official and such laboratory shall investigate and report on the stability of the soil, and its ability to sustain superimposed loads resulting from building and filling operations; all such tests and reports shall be made without expense to the Municipality and certified copies of the results thereof shall be furnished to the Chief Building Official.
26. REGISTRATION IN STAGES
- The Applicant may register the plan in stages provided that the boundary of each stage shall be subject to review by Council prior to release for registration.
27. DEVELOPMENT IN STAGES
- The Applicant may register the plan in its entirety but develop the lands in parcels of not less than 6 hectares in accordance with former City of North York Policy No. N-8.29.
28. DISEASED AND DEAD TREES
- The Applicant covenants and agrees that upon the registration of the overall Final Plan all diseased and dead trees upon the lands covered by the proposed plan of subdivision will be cut down and removed from the land. The decision of the General Manager, Parks, Forestry & Recreation shall be final as to the designation of such trees as diseased or dead and as to the manner of disposal of the diseased and dead trees.
29. PLANTING OF TREES
- Prior to the registration of the Plan, the Applicant shall pay sufficient monies to the City to cover the cost of planting one 4" (100mm) calliper tree every 8 to 12 metres, species determinate, for multiple family dwellings where there is no existing City trees protected on the lots, at a rate of \$535.00 per tree, in accordance with the following policies of the former City of North York Council:
- i) contained in Parks and Recreation Committee Report Number 12, Clause 8, dated May 16, 1963 adopted by Council on May 27, 1963, by Resolution Number 63-620;
  - ii) as contained in Parks and Recreation

Committee Report Number 7, Clause 10, dated February 22, 1979, adopted by Council on March 5, 1979, by Resolution Number 79-8.

30. CITY OWNED TREES AND TREE PRESERVATION AGREEMENT
- In the event that there are City owned trees on the lands involved in the draft plan of subdivision, the Applicant shall meet with the Parks, Forestry & Recreation Division's Urban Forestry staff and enter into and execute a "Tree Preservation Agreement" prior to the registration of the draft plan of subdivision.
- The Tree Preservation Agreement will require that the Applicant supply the City with a Cheque or letter of credit equal to the value of all the City trees affected by the draft plan of subdivision and shall ensure that protective measures are adhered to and, if necessary, the Applicant shall pay the cost to remove and replace the trees if they are damaged as a result of construction activity. This security deposit will be refunded immediately following construction, if there have been no infractions to the Tree Preservation Agreement.
31. TREE PRESERVATION REQUIREMENTS FOR CITY OWNED TREES
- Tree protection requirements for City owned trees shall include fencing erected at a distance of 6 times the diameter of the tree over the roots of any City owned tree located in the vicinity of construction activity. No construction traffic, digging or storage of materials may occur within the root protection zone, and work must be confined to areas outside of it.
32. SODDING OF ALL LAND WITHIN THE PLAN
- The Applicant shall sod, to the satisfaction of the Executive Director and/or the General Manager, Parks, Forestry & Recreation, all lands within the plan of subdivision, with the exception of those lands required for roads, sidewalks, walkways and driveways, or where the natural ground has, in the opinion of the Executive Director and/or the General Manager, Parks, Forestry & Recreation, remained undisturbed by construction and is satisfactory to his requirements.
33. UNDERGROUND WIRING FOR RESIDENTIAL SUBDIVISIONS
- The Applicant shall contribute to the cost of underground wiring in such amount as may be determined by the Toronto Hydro Electric

Commission.

34. CONVEYANCE OF LANDS
- The Applicant agrees that any document relating to the conveyance of any of the lands included in the plan of subdivision shall not contain any provisions that the person or corporation acquiring the lands is not required to comply with the terms and provisions of the agreement, or that is contrary to the provisions thereof.
35. AGREEMENTS
- That the Applicant enter into and adhere to all the conditions and specifications of the standard form Subdivision Agreement with the City.
36. PLAN ALTERATIONS
- That the draft plan be amended as necessary to conform with the layout shown on the display draft plan.
37. DESIGNATION OF PARK LANDS IN NEW PLAN OF SUBDIVISION
- As per Parks and Recreation Committee Report #14 (Clause 8) dated June 9, 1966, adopted by former City of North York Council Resolution #66-498.
38. SERVICES TO BE INSTALLED BY THE APPLICANT
- The Applicant agrees to install all necessary municipal services, which will be determined prior to final approval and registration of the plan. All public roads are to be constructed in accordance with the former City of North York Public Roads Policy No. N-62 dated June 28, 1993.
39. DEVELOPMENT CHARGES
- The Owner acknowledges that the subdivision lands are subject to the payment of development charges. The Owner agrees to pay the development charges with respect to water, sanitary sewers, roads and stormwater management services in accordance with the current development charge by-law, as may be amended from time to time.
- The Owner agrees to ensure that the persons who first purchase the lands on the plan are informed at the time the lands are transferred to the purchasers, of all the development charges related to the development.
- Any outstanding balance respecting a development charge as calculated is to be paid in full on the date a building permit is issued in relation to a building or structure on land to which a development charge applies and shall be calculated at the rate in effect

on the date the building permit is issued in accordance with the development charge by-law, as may be amended from time to time.

40. ENVIRONMENTAL  
ASSESSMENTS AND  
REMEDATION

- a) Applicant shall prior to the issuance of building permits submit a completed Record of Site Condition as set out in the most recent revision of the Ministry of the Environment and The Energy's June 1996 "Guideline for Use at Contaminated Sites in Ontario" indicating that either no soil or groundwater contaminants were found which exceeded the Ministry's standards and guidelines or if found have now been remediated to meet the said standards and guidelines for the intended use.
- b) The Applicant shall indemnify and save harmless the City and its respective officers, employees and agents from and against any and all actions, causes of action, claims, reasonable costs, demands, charges and expenses whatsoever and however incurred in any way resulting from or arising out of or in relation to the potential soil contamination or remediation of the lands described in the draft M-Plan, save and except to extent contributed to by the negligence, recklessness, acts or omissions of the City, its representatives, agents or employees.
- c) In the event that any action, cause of action, claim or other legal document or process or other alleged claim concerning the matters governed by the indemnity clause is commenced against or imposed upon the City, the City shall within a reasonable time give notice to the Applicant of such document, process or claim. Upon the receipt of such notice from the City, the Applicant at its own expense shall appeal, contest, defend or settle such legal document, process or claim on its own behalf and on behalf of the City, so long as the City is reasonably notified on a periodic basis of the progress of the matter. In the event that the Applicant does not take all



steps reasonably necessary on behalf of the City in connection with an appeal, a contestation, a defence or settlement negotiations, the City reserves the right to elect at any time to conduct its own appeal, contestation, defence or settlement negotiations at the Applicant's expense after giving notice of same to the Applicant.

#### SPECIFIC CONDITIONS

41. URBAN DESIGN GUIDELINES Prior to final approval and registration of the plan, the Applicant shall, at their expense, prepare Urban Design Guidelines to the satisfaction of the Chief Planner, City Planning Division. Upon approval by the Chief Planner, these guidelines will form part of the Subdivision Agreement.
42. LOCAL IMPROVEMENTS CHARGES The Applicant must commute any local improvement charges on the subject lands if required by the Finance Department.
43. PUBLIC ART CONTRIBUTION The applicant is required to contribute one (1) percent of the gross construction cost of the development for Public Art as per the Percent for Public Art Program Guidelines.
44. TECHNICAL SERVICES CONDITIONS The Applicant shall satisfy the following requirements and conditions as contained in the Technical Services, North York District memorandum dated February 20, 2007.
- a) All services to be installed by the Owner shall be according to City of Toronto standards and specifications as laid down by the Executive Director, Technical Services (formerly Commissioner of Works and Emergency Services) and shall be secured 100% by irrevocable letter of credit;
  - b) The Owner shall pay a 5% fee for City's engineering review and inspection services, based on the cost of all proposed infrastructure works for the subdivision, as estimated by the Owner's consultant and satisfactory to the Executive Director, Technical Services;
  - c) It is recommended that the City provide for the

design, tender, contract administration and construction supervision of the following municipal works:

- (i) The upgrading of 10 sections of sanitary sewer that have a total length of 725 metres along Kodiak Crescent and Whitehorse Road to accommodate the future sanitary sewage from the northwest corner of Sheppard Avenue West and Allen Road;
  - (ii) If this application is approved, a report will be submitted by the Technical Services Department to the Works Committee in order to allocate funds for construction of the above municipal services;
  - (iii) The Owner shall notify the Technical Services Department of their intention to proceed with the development at the earliest possible time, keeping in mind that a minimum one year period is required to design and install the required infrastructure to service this development; and
  - (iv) The required services as noted-above are to be paid from a combination of the Developer's contribution and City's Development Charges account;
- d) The Owner shall deposit, prior to the execution of the Subdivision Agreement, the amount of \$30,000.00 for the future monitoring and adjustment of signal timings at study area intersections;
- e) All costs associated with the introduction of DeBoers Drive including civil works, pavement marking, signage, and future traffic signals at the intersection of DeBoers Drive and Allen Road shall be born by the applicant. The new Public road known as DeBoers Drive, within the plan of subdivision, shall include the following:
- (i) Minimum 8.5 metre wide residential asphalt pavement roadways with curbs on 20 metre road allowances, designed

in accordance with T.P.U.C.C. Dwg. No. S-1 (Local Residential Streets); and

(ii) 6.1 metre radius corner roundings must be provided at the intersection of all streetlines on public roads within the plan and at all intersections to existing public roads, with the exception of Sheppard Avenue West and Allen Road which will require a 15 metre radius corner rounding;

f) The minimum and maximum permitted longitudinal roadway gradients are 0.7% and 6.0% (percent) respectively;

g) The Owner shall convey to the City, at nominal cost, such lands to be free and clear of all encumbrances, save and except for utility poles and subject to a right-of-way for access purposes in favour of the Grantor until such times as said lands have been laid out and dedicated for public highway purposes:

(i) 2.4 metre widening along the Sheppard Avenue West frontage of the site;

(ii) 6.1 metre radius corner rounding at the intersection of the streetlines for the following locations:

- southwest and northwest corner of DeBoers Drive and Allen Road;
- northeast and southeast corner of DeBoers Drive and Sheppard Avenue West; and
- southeast corner of Kodiak Crescent and Sheppard Avenue West.

(iii) 15 metre radius corner rounding at the northwest corner of the intersection of the Sheppard Avenue West and Allen Road.

(iv) Deeds for these lands, in a satisfactory form shall be deposited with the City Solicitors prior to the execution of the subdivision agreement and shall be registered by the

City.

The Owner shall convey all road widenings and/or servicing easements at no cost to the City and free of all encumbrances to the satisfaction of the Executive Director of Technical Services and the City Solicitor.

A draft Reference Plan of Survey shall be submitted to the Executive Director of Technical Services, for review and approval, prior to depositing in the Land Registry Office, in metric units and integrated with the Ontario Co-ordinate System, showing as separate PARTS thereof the lands to be conveyed to the City and the remainder of the site including any appurtenant rights-of-way.

The Owner shall pay all costs for registration and preparation of reference plan(s);

- h) The Owner will be responsible for all the costs associated with on-street signage and pavement markings for this development proposal;
- i) Municipal street lighting must be provided within proposed roadways at not cost to the City;
- j) All access onto public roadways must conform to the North District Driveway Entrance Policy for Residential Properties and must be located a minimum of 1.0 metres away from all utilities;
- k) 1.7 metre concrete sidewalks, located 1.0 metre from the streetline, shall be constructed on both sides of all streets as per Council policy;
- l) The existing sidewalk along the Sheppard Avenue West frontage of the site shall be relocated to 1.0 metre from the widened streetline;
- m) A new 1.7 metre wide concrete sidewalk shall be constructed along the Allen Road frontage of the site and located 1.0 metre from the

streetline;

- n) Public walkways within the plan shall be a minimum 3.0 metres wide, concrete paved, fenced and illuminated as required by the Transportation Services Section. If sewer and water services are proposed within the walkway, the walkway shall be a minimum 6.0 metres wide or wider depending on the infrastructure requirements;
- o) No encroachments are permitted on the City's existing or proposed road allowance;
- p) The geometrics for all parking spaces, aisles and driveways must conform to Zoning By-law 7625. All standard parking spaces must be a minimum of 2.7 m wide by 5.5m long;
- q) All uses shall comply with Zoning By-law 7625 for loading requirements;
- r) All proposed driveways on City property must have a 2% to 6% slope positively graded towards the roadway;
- s) A new public roadway, De Boers Drive, is proposed to be constructed as part of the proposed development of the site between Sheppard Avenue West and Allen Road. This proposed roadway will have a full-moves access with proposed traffic control signals at Allen Road and a right-in/right-out access at Sheppard Avenue. This roadway shall be designed and constructed to the satisfaction of the City of Toronto.
- t) All on-site loading must satisfy the requirements of Zoning By-law 7625. All pertinent dimensions associated with loading spaces must be clearly shown in the site plan application drawings, including vertical clearances.

All loading spaces must be shown to be accessible to an acceptable design vehicle, typically a Medium Single Unit Truck (MSU, Transportation Association of Canada). Where

larger vehicles are anticipated, accessibility for said vehicles must also be demonstrated.

All loading vehicle manoeuvres must be entirely accommodated on-site.

The loading area(s) for the Idomo store must be clarified on the plans, in the context of the proposed infill development;

- u) Solid waste and recycling will be collected in accordance with By-Law No. 235-2001, Waste Collection, Residential Properties, of the City of Toronto Municipal Code, as amended. The Owner shall be required to meet the guidelines of the "City of Toronto Requirements for Garbage and Recycling Collection from Developments and Redevelopments";
- v) For multiple dwelling residential buildings, the Owner shall provide a detailed site plan indicating the garbage and recycling collection area, concrete pads, container storage area, and enclosures with special attention to access and egress from the site by collection vehicles. The plan shall be submitted to Technical Services for review prior to site plan approval. The Applicant shall arrange to meet with Mr. Frank Clarizio, P. Eng. (416-395-6259) of this department to discuss a waste management plan for this site prior to the submission of a site plan application for this development;
- w) The City does not collect trade waste, which is defined as any solid waste originating from any one or more industrial process or business, industry or commercial establishment; Therefore, the Owner must arrange for private waste collection;
- x) The storm drainage outlets for the subject development are the existing 675 mm diameter storm sewer on Allen Road, 525 mm diameter storm sewer on Sheppard Avenue West and 900 mm diameter storm sewer on Kodiak Crescent;
- y) A gravity storm sewer system is required to service the plan of subdivision;

- z) A stormwater management report must be submitted by the Owner's consulting engineer for approval by the City. The report must address the following requirements:

Quality Controls (Minor and Major Systems):

- The underground storm sewer system within the plan of subdivision must be designed to accommodate and/or convey the minor storm flow, that is, the rainfall runoff resulting from the subject site and any external tributary areas using the City's 2 year design storm. The permissible minor storm discharge from the subject development must be limited to the lesser of either the allowance included for the subject site either a runoff coefficient of 0.50 or the existing pre-development site runoff resulting from a 2 year design storm. Any resulting post development runoff in excess of this permissible discharge rate must be controlled and detained within the plan of subdivision;
- The overland flow system within the plan of subdivision must be designed to accommodate and/or convey the major storm flow, that is, the rainfall runoff resulting from the subject site and any external tributary areas using the City's 100 year design storm, without causing damage to proposed and adjacent public and private properties. The permissible major storm discharge from the subject development must be limited to the existing pre-development runoff resulting from a 100 year design storm. Any resulting post development runoff in excess of this permissible discharge rate must be controlled and detained within the plan of subdivision;
- The installation of storm water pollution control devices, such as oil grit separators (stormceptors or equivalent devices), is recommended. Grass swales, perforated pipes,

infiltration/exfiltration and detention systems are recommended for stormwater quality management;

- The Owner will be required to drain 50 % of large impervious areas such as parking lots within the development site to pervious areas such as landscaped gardens, vegetative swales and/or perforated systems; and
  - An Erosion and Sediment Control Plan must be submitted as part of the Engineering Submission that shows all controls and devices necessary to limit erosion and the migration of sediment. Sediment and erosion control devices shall be in place prior to any earthworks commencing within this plan of subdivision;
- aa) Roof water from low-rise residential development shall be discharged directly to the ground surface;
- bb) Rooftop storage is recommended as part of the storm water management plan for any commercial and industrial development;
- cc) The Owner shall arrange for a cash-in-lieu payment, the greater of the cost of on-site stormwater quality controls or the TRCA recommended cash-in-lieu amount;
- dd) The drainage catchment boundary and area must be clearly indicated with any stormwater management plan;
- ee) The final grading of the lands shall be such that the surface water originating on or tributary to the said lands, including roof water from buildings and surface water from paved areas, will be discharged in a manner satisfactory to the Executive Director, Technical Services;
- ff) Minor storm drainage from the plan of subdivision shall not be drained overland onto adjacent properties;



- gg) Existing drainage patterns on adjacent properties shall not be altered;
- hh) The sanitary sewage outlet for the subject development is the existing 250 mm diameter sanitary sewer on Kodiak Crescent;
- ii) The sanitary sewage of the proposed development drains to the Don Trunk Sewer;
- jj) A gravity sanitary sewer system with minimum 300mm diameter pipes is required to service the plan of subdivision. Separate service connections must be made to each dwelling and/or building unit, including freehold condominium units, to be held under separate Ownership. Combined connections are not permitted. For single entity development such as a condominium, co-operative or rental property, only one sanitary service will be permitted;
- kk) A sanitary Sewer Analysis report dated November, 2005 prepared by R. J. Burnside & Associates Ltd., the Owner's consulting engineer, has illustrated that 725 metres of sanitary sewer (10 sections) on Kodiak Crescent and Whitehorse Road will require upgrades to accommodate the combined sanitary sewage from this development and the Department of National Defence's development on Sheppard Avenue West;
- ll) All sanitary inspection manholes shall be located entirely on private property;
- mm) 200 mm diameter water mains are required within the plan. Separate service connections must be made to each dwelling and/or building unit, including freehold condominium units, to be held under separate Ownership. Combined connections are not permitted. For single entity development such as a condominium, co-operative or rental property, only one water service connection will be permitted;
- nn) Water to this subdivision will be supplied by connections to the existing 400 mm diameter water main on Sheppard Avenue West and the

proposed 200 mm diameter watermain on Allen Road;

- oo) The 150 mm diameter watermain stub at the east limit of the property may not be in service and should be tested to verify if the proposed 200 mm diameter watermain connection will be permitted;
- pp) The Owner agrees to undertake the development of the Lands in a manner which promotes safe and healthy environmental conditions both on the Lands and in the immediate adjacent areas;
- qq) The Owner agrees to retain the services of a Qualified Person to ensure the Lands are developed in accordance with the legislative and regulatory requirements for assessing the environmental condition, cleanup and the filing of Records of Site Conditions (RSC) in the Ministry of the Environment's Environmental Site Registry;
- rr) Prior to the earlier of the Release for Construction of Services or Registration of the Plan of Subdivision, the Owner agrees to submit environmental assessment reports to Technical Services prepared in accordance with the Record of Site Contamination Regulation (O. Reg. 153/04) describing the current conditions of the lands and the proposed remedial action plan based on the site condition standards approach, for the lands to be conveyed to the City, in fee simple and as easements interests, both internal and external to the subdivision Lands, for third party peer review and concurrence;
- ss) The Owner agrees to pay all costs associated with the City retaining a third-party peer reviewer and submit a certified cheque payable to the City of Toronto in the amount of Five Thousand Dollars (\$5,000.00) as a deposit towards the cost of the peer reviewer, and to make further deposits in the specified amount as required by the City from time to time;

tt) Prior to the Registration of the Plan of Subdivision, the Owner agrees to environmentally remediate the Lands in accordance with the accepted Remedial Action Plan and following such environmental remediation, up submit a statement from the Qualified Person to Technical Services, that based on all necessary supporting environmental documents:

- All lands to be conveyed to the City in fee simple and as easement interest both internal and external to the Lands within the Subdivision meet the Ministry of Environment standards and regulations to the most environmentally sensitive adjacent land use; and
- It is unlikely that there is any off-site contamination, resulting from past uses on the subdivision lands, that has migrated from the site to the adjacent public rights-of-way, that would exceed applicable Ministry of the Environment standards and regulations.

uu) Prior to the Registration of the Plan of subdivision, the Owner agrees to file a Record of Site Condition (RSC) on the Ontario's Environmental Site Registry for all lands to be conveyed to the City in fee simple and as easement interest both internal and external to the Lands within the Subdivision, and submit the Ministry of the Environment's Letter of Acknowledgement of Filing of Record of Site Condition (RSC) confirming that that RSC has been prepared and filed in accordance with O. Reg. 153/04, and the MOE will not audit the RSC at this time or that the RSC has passed the Ministry of Environment's Audit;

vv) A co-ordinated utilities plan which shows all utilities (Bell, Hydro, Consumers Gas and Rogers Cable) in accordance with TPUCC Drawing No. S-1 and is approved by all utility companies must be submitted to the Works and Emergency Services Department as part of the Engineering Design drawings.

All of the above noted conditions must be met to the satisfaction of the Executive Director, Technical Services at no cost to the City of Toronto.

45. PARKS, FORESTRY &  
RECREATION CONDITIONS

The Applicant shall satisfy the following requirements and conditions, as contained in the Parks, Forestry and Recreation Division memorandum dated August 15, 2006.

- a) The lands to be conveyed as parkland to the City are to be free and clear, above and below grade, of all easements, encumbrances and encroachments. The lands are to be conveyed to the City, prior to the issuance of any building permits for this development;
- b) The Owner will be responsible for the base construction and installation of the park at their own expense which includes the following: grading (inclusive of topsoil supply and placement), sodding, fencing, all necessary drainage systems, electrical and water connections to the public streetline. Such work is to be completed prior to issuance of building occupancy permits and shall be to the satisfaction of the General Manager of Parks, Forestry and Recreation. The applicant will post a letter of credit as security for the installation of the base park improvements, equal to 120% of the value of the base park improvements. The landowner shall also be responsible for demolishing any existing buildings along with the removal of any foundations. Street trees are to be provided by the owner along all public road allowances, which abut City owned parkland. Such work is to be completed to the satisfaction of the General Manager of parks, Forestry and Recreation. No credit shall be given towards the Parks and Recreation component of the Development Charges for the costs associated with the above noted base park improvements;
- c) The Owner will be responsible for the construction and installation of all parkland improvements, above and beyond base park improvements;

- d) Prior to registration of the draft plan of subdivision, the Owner will post a letter of credit equal to 120% of the value of these parkland improvements as security for the construction and installation of these parkland improvements. The Applicant will be credited this work against the Parks and Recreation Component of the Development Charges associated with this development;
- e) All stated letters of credit that are to be provided by the Owner, unless determined otherwise by the General Manager, Parks, Forestry & Recreation, are intended to be in current dollars and accordingly, shall be adjusted, either upwards or downwards, annually, on the anniversary of the date of execution of the associated subdivision agreement, in accordance with change in the Construction Price Index during such one year period. Provided, however, that in no case shall the amount actually payable by the Owner at any time be less than the minimal amount set out in the agreement;
- f) If the Owner so desires, and subject to the terms of park occupancy permit, the lands to be conveyed as parkland may be utilized by the Owner for use as a construction staging area. The Owner will be required to enter into a Park Occupation Permit with the Policy and Development Division of the Parks, Forestry and Recreation Department for the occupation of the park for construction staging purposes. The agreement will outline the details of the park occupancy, restoration and associated fees. The terms of the agreement shall be to the satisfaction of the General Manager, Parks, Forestry & Recreation.
- g) Prior to conveyance of the parkland, the Applicant shall be responsible for an environmental assessment of the lands to be conveyed as parkland to the City and any associated costs or remediation works required as a result of the assessment. Such assessment or remediation shall ensure the dedicated parklands will, at the time of conveyance, meet

all applicable laws, regulations and guidelines respecting sites to be used for public park purposes, including City Council policies respecting soil remediation of sites to be acquired by the City. The environmental assessment is to be prepared by a qualified environmental consultant and acceptable to the Executive Director, Technical Services;

- h) The Applicant has agreed to convey Block 3 to the City as a park.

46. PARKS, FORESTRY &  
RECREATION, URBAN  
FORESTRY SERVICES  
CONDITIONS

The Applicant shall satisfy the requirements and conditions of Parks & Recreation, Urban Forestry Services.

47. TORONTO TRANSIT  
COMMISSION CONDITIONS

The Applicant/Owner shall satisfy the requirements and conditions of the Toronto Transit Commission.

- a) The Applicant/Owner shall pay \$100,000 to lengthen the west-to-north right-turn lane at Sheppard and Allen Road;
- b) The Applicant/Owner shall grant any grading easements that may be required for the construction of the Downsview Station to York University Busway for the area immediately adjacent to the west side of Allen Road in order to construct a new sidewalk in conjunction with the construction of the new busway. If this land is required, the Developer will be contacted by City Real Estate and TTC's Property Development Department;
- c) A small portion of property on the southwest corner of the site to be used for a "daylighting" triangle may be required;
- d) The Owner hereby acknowledges and agrees that it has been advised that the Toronto Transit Commission may, in future, construct and operate an extension to the Spadina Subway Line in the vicinity of the proposed development. It has been advised that the proximity of the proposed development (the "Development"), to the existing TTC subway right-of-way and the future Spadina Subway

extension may result in noise, vibration, electromagnetic interference, stray current, smoke and particulate matter transmissions (collectively referred to as “Interferences”) to the Development. The City of Toronto and the Toronto Transit Commission (the “Commission”) will not accept responsibility for such effects on any of the Development and/or its occupants.

- e) The Applicant is advised to apply reasonable attenuation measures in the proposed development to mitigate impacts from the levels of noise, vibration, electro-magnetic interference (EMI), particulate matter, smoke, and stray current that could result from the construction of the future Spadina Subway extension and Downsview Station to York University Busway.
  
- f) A TTC Warning Clause, as provided below and satisfactory to the TTC, shall be inserted into all offers of purchase and sale or lease and condominium declaration(s) for each unit forming part of the proposed development, as follows:

The Purchaser and/or Lessee specifically acknowledges and agrees that the proximity of the development of the lands municipally known as 1100 Sheppard Avenue (the Development) to existing and planned future TTC transit operations may result in noise, vibration, electromagnetic interference, stray current, smoke and particulate matter transmissions (collectively referred to as “Interferences”) to the Development and despite the inclusion of control features within the Development, Interferences from transit operations may continue to be of concern, occasionally interfering with some activities of the occupants in the Development. Notwithstanding the above, the Purchaser and/or Lessee agrees to release and save harmless the City of Toronto and the Toronto Transit Commission from all claims, losses, judgements or actions arising from any and all Interferences. Further the Purchaser and/or Lessee acknowledges and agrees that an electromagnetic

stray current and noise-warning clause similar to the one contained herein shall be inserted into any succeeding lease, sublease or sales agreement, and that this requirement shall be binding not only on the parties hereto but also their respective successors and assigns and shall not die with the closing of the transaction.

g) Prior to the registration of each condominium plan, the applicant is to provide its Solicitors confirmation to the Executive Director, Technical Services and the Toronto Transit Commission, to the satisfaction of the Toronto Transit Commission, advising that the warning clause set out above, has been included in the applicable Offers of Purchase and Sale or Rental Agreements to ensure that future occupants are aware of the possible transit Interferences; and undertake to have warning clause set out above placed on the title of each unit at it is transferred upon closing of transactions.

48. TORONTO HYDRO CONDITIONS

The Applicant shall satisfy the requirements and conditions of Toronto Hydro with regard to Overhead Hydro (O/H) plant, Underground (U/G) Hydro Plant and Infrastructures, Tree Planting, Shorings/Pilings, HydroVault/Kiosk/Manhole/Pad/Ductbank/Pole/Other Structures and Electrical Supply to New/Extension Building as referred to in their memorandum dated March 27, 2006.

49. ENBRIDGE GAS DISTRIBUTION INC. CONDITIONS

The Applicant shall satisfy the requirements and conditions of Enbridge Gas Distribution Inc.

a) The Developer shall contact Enbridge Gas Distribution Inc. to discuss installation and clearance requirements for service and metering facilities.

50. BELL CANADA CONDITIONS

The Applicant shall satisfy the requirements and conditions of Bell.

a) The Owner shall grant to Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In



the event of any conflict with existing Bell Canada facilities or easements, the Owner/Developer shall be responsible for the relocation of such facilities or easements;

- b) The Owner shall be required to enter into an agreement (Letter of Understanding) with Bell Canada complying with any underground servicing conditions imposed by the municipality, and if no such conditions are imposed the Owner shall advise the municipality of the arrangement made for such servicing;
- c) Bell Canada requires one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunication facilities are located to the street line; and
- d) Leased Telephone room and easement may be required.

51. TORONTO CATHOLIC DISTRICT  
SCHOOL BOARD CONDITIONS

The Applicant shall satisfy the requirements and conditions of the Toronto Catholic District School Board.

- a) The Developer shall insert in their Agreement of Purchase and Sale, or Lease, a Clause with respect to availability of school accommodation (for a period of 10 years after registration of the subdivision) as follows:

“Despite the best efforts of the Toronto Catholic District School Board, sufficient accommodation may not be available in local Catholic schools for students from the development area and students may need to be accommodated in school facilities outside the area.

The purchasers or tenants acknowledge that school bus service for students, if required, will be from designated school bus stops located within or outside the development area”; and

- b) The Developer shall place a sign on the site which states:

“The Toronto Catholic District School Board has plans to provide for the accommodation of all students from this development area. The accommodation may not be in the local development area at this time. Student accommodation, if not in this area, will be in existing facilities located in adjacent areas.

For information regarding Catholic Schools serving this development, please call the Planning Department at (416) 222-8282, ext. 2277”.

## 52. TORONTO DISTRICT SCHOOL BOARD CONDITIONS

The Applicant shall satisfy the requirements and conditions of the Toronto District School Board.

- a) The Applicant/Developer shall enter into an agreement to erect and maintain signs, at points of egress and ingress of the development site, advising that:

“The Toronto District School Board makes every effort to accommodate students locally. However, due to residential growth, sufficient accommodation may not be available in this area for all students. Students may be accommodated in facilities outside the area until adequate funding or space becomes available.

For information regarding designated school(s), please call (416) 394-7526.”

These signs shall be to the Board’s specifications and erected prior to registration or the issuance of any building permit; and

- b) The Applicant/Developer shall agree in the Servicing and/or Development agreement, or in a separate agreement between the School Board and the Developer, to include the following warning clauses in all offers of purchase and sale of residential units (prior to registration of the plan and for a period of ten years following registration), that:

“Despite the best efforts of the Toronto District School Board, sufficient accommodation may not be locally available for all students anticipated from the development area and that students may be accommodated in facilities outside the area, and further, that students may later be transferred.

Purchasers agree for the purpose of transportation to school, if bussing is provided by the Toronto District School Board in accordance with the Board’s policy, that students will not be bussed home to school, but will meet the bus at the designated locations in or outside of the area.”

### 53. CANADA POST CONDITIONS

The Applicant shall satisfy the requirements and conditions of Canada Post.

The Developer shall provide centralized mailbox systems internal to each multi tenant building.

