

Attachment 8: Draft Plan of Subdivision Conditions

In addition to the applicable standard obligations relating to implementation of a Plan of Subdivision and those contained in the City's standard subdivision, the development will include, but not be limited to, project specific subdivision requirements which are outlined below.

Lapse of Approval

1. Pursuant to Subsection 51(32) and (32.1) of the Planning Act, if the subdivision is not registered within five (5) years of the date of draft plan approval given by the Executive Director, Development Review or designate, then the approval shall lapse and be null and void. An extension of the approval may only be granted, at the discretion of the Executive Director, Development Review or designate before the lapsing date and the Director, Community Planning, Toronto and East York District will require resubmitted plans and drawings must be resubmitted well in advance of such lapsing to consider an extension to the draft plan approval.

General Conditions

2. The owner shall enter into the City's standard subdivision agreement and satisfy all pre-registration conditions.
3. The owner shall provide to the Director of Community Planning, Toronto and East York District, confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department, City of Toronto (statement of account or Tax Clearance Certificate) and that there are no outstanding City initiated assessment or tax appeals made pursuant to section 40 of the assessment Act or the provisions of the City of Toronto Act, 2006. In the event that there is an outstanding City initiated assessment or tax appeal, the owner shall enter into a financially secured agreement with the City satisfactory to the City Solicitor to secure payment of property taxes in the event the City is successful with the appeal.
4. The owner shall construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.
5. The owner shall not be entitled to and shall not proceed with any construction within the subdivision until entering into a subdivision agreement with the City and obtaining release for construction of services.
6. The owner shall not be entitled to and shall not proceed with any above-grade construction of any building within the subdivision until the roads have been constructed to base course asphalt together with services and the plan of subdivision has been registered.

Development Engineering

7. Dedicate all roads, corner roundings and road widenings shown on the plan.
8. Convey all necessary easements (internal and external) to the City.
9. Establish private easements, and where necessary for use by the general public, convey easements to the City, between the development blocks for any shared access below and above ground for pedestrian, vehicular, loading, and other related matters as may be further detailed and specified, to the satisfaction of the General Manager, Transportation Services, and the City Solicitor.
10. Prior to registration of the Plan of Subdivision, the applicant must prepare all documents and convey the following lands to the City for a nominal sum:
 - a) An 18.5 metre public right-of-way for the Street A;
 - b) A 0.4 metre wide strip of land along the entire O'Connor Drive site frontage;
 - c) A 5.0 metre corner rounding at the northwest corner of the O'Connor Drive/Street A intersection; and
 - d) Additional lands and corner rounding to the northeast of the proposed cul-de-sac to protect for potential future public street connection.

Such lands to be free and clear of all physical and title encumbrances, all to the satisfaction of the Director, Engineering Review, Development Review and the City Solicitor.

11. Prior to registration of the Plan of Subdivision, submit to the Director, Engineering Review, Development Review, a draft Reference Plan of Survey in metric units and integrated into the Ontario Coordinate System, with coordinate values shown on the face of the plan and delineating thereon, by separate PARTS, the lands to be conveyed to the City for public right-of-way purposes as identified in B(4), the remainder of the site, and any appurtenant right-of-way, for review and approval, prior to depositing it in the Land Registry Office.
12. Pay all costs for preparation and registration of reference plan(s).
13. Prior to Draft Plan approval, the applicant must submit acceptable civil plans and financial securities in the form of a letter of credit or certified cheque (amount to be determined) for the construction of Street A to the satisfaction of the Director, Engineering Review, Development Review and the General Manager, Transportation Services.
14. Prior to Draft Plan approval, the applicant must submit acceptable function (pavement marking/signage) plans and payments in the form of a certified cheques (amount to be determined) for the pavement marking and signage modifications and installations required for the New Public Road (Street A) and intersection with O'Connor Drive, to the satisfaction of the General Manager, Transportation Services.

15. Submit detailed engineering drawings and, if there have been any revisions, an updated functional servicing and stormwater management report for each phase of the subdivision for review and acceptance, all to the satisfaction of the Director, Engineering Review, Development Review.
16. Apply stormwater management techniques in the development of this subdivision to the satisfaction of Development Review.
17. Pay engineering and inspection fees in accordance with the terms and conditions of the standard subdivision agreement.
18. Submit financial security in accordance with the terms of standard subdivision agreement.
19. Pay for and construct all municipal infrastructure required to service the Plan of Subdivision, including municipal infrastructure external to the plan of subdivision.
20. Pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report, to be resubmitted for review and acceptance by the Director, Engineering Review, Development Review, should it be determined that improvements to such infrastructure are required to support this development.
21. Identify in the Subdivision Agreement the triggers and timing of the construction, dedication and assumption, by the City, of the proposed public highways, generally in accordance with the approved Phasing Plan.
22. Prior to registration of the Plan of Subdivision submit to the Director, Engineering Review, Development Review for review and acceptance, a detailed infrastructure Phasing Plan outlining the necessary infrastructure required to service all phases of the lands.
23. Prior to registration of the Plan of Subdivision submit to the Director, Engineering Review, Development Review for review and acceptance, all revisions and/or updates to the Servicing Report and Stormwater Management Report.
24. Prior to registration of the Plan of Subdivision revise and/or update the accepted Servicing Report, including the stormwater management strategy, if directed by the Director, Engineering Review, Development Review in the event that the Director, Engineering Review, Development Review determines that field conditions are not suitable for implementation of the servicing and storm water strategy recommended in the Functional Servicing Report prior to proceeding to the next development phase.
25. Prior to the earlier of the registration of the Plan of Subdivision or the Release for Construction of Services, submit to the Director, Engineering Review, Development Review for review and acceptance, a plan or plans, showing:
 - a) cross-sections of all roads within the Plan of Subdivision incorporating the approved pavement widths and other infrastructure elements, and including the proposed connections with, and any improvements to, the existing streets within and surrounding site;
 - b) the proposed pavement markings and signage for all new roads;

- c) modifications required to the pavement markings and signs on the existing Roads; and
 - d) minimum pedestrian clearway of 2.1 metres on all Roads and at intersection of all roads.
- 26. The Owner shall carry out, at their expense, any temporary or permanent, drainage works that may be necessary to eliminate ponding or erosion caused by design or construction deficiencies within the Subdivision to the satisfaction of the Director, Engineering Review, Development Review. The decision of the Director, Engineering Review, Development Review as to the required works to be undertaken in this regard shall be final and binding.
- 27. Prior to the earlier of the registration of the Plan of Subdivision or the Release for Construction of Services, submit to the Director, Engineering Review, Development Review:
 - a) Regarding Toronto Hydro-Electric System Limited (distribution group):
 - (i) copy of "offer to connect" (OTC),
 - (ii) written confirmation that financial securities have been posted, and
 - (iii) written confirmation that satisfactory arrangements have been made.
 - b) Regarding Toronto Hydro Energy (streetlight group):
 - (i) cost estimate of the construction/installation of streetlights, and the hydro inspection fee,
 - (ii) financial security in amount of 130% of the streetlight cost estimate and inspection fee.
 - (iii) copy of written confirmation from Toronto Hydro Energy that satisfactory arrangements have been made,
- 28. Prior to the earlier of the registration of the Plan of Subdivision or the Release for Construction of Services, submit to the City financial security in the amount of 120% of the value of the cost estimate of the street lighting required to be installed under this Agreement, to the satisfaction of Development Review.
- 29. Prior to registration of the Plan of Subdivision Undertake an environmental site assessments for lands to be conveyed to the City in accordance with the terms and conditions of the standard subdivision agreement including providing payment for a peer reviewer and the submission of a Record of Site Condition (RSC).
- 30. Pay all costs associated with the City retaining a third-party peer reviewer including all administrative costs to the City (14%), and submit an initial deposit of \$ 10,000.00 towards the cost of the Peer Review in the form of a certified cheque, to the Director, Engineering Review, Development Review. Submit further deposits when requested to cover all costs of retaining a third-party peer reviewer (unused funds will be refunded to the applicant by the City).
- 31. Submit, to the satisfaction of the City's peer reviewer, all Environmental Site Assessment reports prepared in accordance with the Record of Site Condition Regulation (Ontario Regulation 153/04, as amended) describing the current conditions of the land to be conveyed to the City and the proposed Remedial Action Plan based

on the site condition standards approach, to the Director, Engineering Review, Development Review.

32. At the completion of the site assessment/remediation process, submit a Statement from the Qualified Person based on the submitted environmental documents, to the Director, Engineering Review, Development Review for Peer Review and concurrence, which states:

a) In the opinion of the Qualified Person:

(i) It is either likely or unlikely that there is off-site contamination resulting from past land uses on the development site that has migrated onto adjacent City lands that would exceed the applicable Site Condition Standards; and

(ii) To the extent that the opinion in 26.a.(i) is that past migration is likely, it is either possible or unlikely that such off-site contamination on adjacent City lands poses an adverse effect to the environment or human health.

b) Lands to be conveyed to the City meets either:

(i) the applicable Ministry Generic Site Condition Standards (Tables 1, 2, 3, 6, 7, 8 and 9; subject to applicable exemptions as stated in O. Reg. 153/04) for the most environmentally sensitive adjacent land use; or

(ii) the Property Specific Standards as approved by the Ministry for a Risk Assessment/Risk Management Plan which was conducted in accordance with the conditions set out herein.

33. The Qualified Person's statement, referenced in condition 26 above, will include a Reliance Letter that is dated and signed by the applicant's Qualified Person, as defined in O. Reg. 153/04, as amended, confirming that both the City and the City's peer reviewer can rely on the environmental documentation submitted, consistent with O. Reg. 153/04 requirements, and the Qualified Person's opinion as to the conditions of the site; all environmental documentation consistent with O. Reg. 153/04 requirements and opinions shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with Ontario Regulation 153/04, as amended, insurance requirements or such greater amount specified by the Director, Engineering Review, Development Review.

34. For conveyance of lands requiring a Record of Site Condition:

a) File the RSC on the Ontario Environmental Site Registry; and

b) Submit the Ministry of the Environment's Letter of Acknowledgement of Filing of the RSC confirming that the RSC has been prepared and filed in accordance with O.Reg.153/04, as amended, to the Director, Engineering Review, Development Review.

Parks Development

Parkland Dedication

35. Prior to the issuance of the First Above Grade Building Permit, the Owner shall convey parkland pursuant to section 42 of the Planning Act, to the satisfaction of the Executive Director, Development Review and the City Solicitor.
36. The Owner shall convey to the City an on-site parkland dedication, having a minimum size of 1,155 square metres, to the satisfaction of the Executive Director, Development Review and the City Solicitor.

Fire Separation Distance – Ontario Building Code (OBC)

37. Prior to the fee simple transfer of the Park Block to the City, the Park Block shall nonetheless be deemed to be parkland in respect of the limiting distance requirements of the Ontario Building Code Act, 1992. Parks Development advises that the Owner must design the building to achieve Ontario Building Code (OBC) setbacks related to fire separation on their own site on the portions of the building that abut the park. A 5 metre setback will apply to any building located next to the Park or, the required setbacks which meet the OBC for fire separation, whichever is greater. Prior to the issuance of the First Above Grade Building Permit, the Owner will be required to demonstrate adequately that the OBC requirements have been achieved to the satisfaction of the Executive Director, Development Review. The City shall not enter into a Limiting Distance Agreement for the development.

Environmental Assessment

38. Prior to conveying the parkland to the City, the Owner must:
 - a. Submit a Qualified Person Preliminary Statement Letter, that is dated and signed by the Owner's Qualified Person, as defined in Ontario Regulation 153/04, as amended, describing the lands to be conveyed to the City, and identifying what environmental documentation will be provided to the City's peer reviewer to support this conveyance; all environmental documentation consistent with O. Reg. 153/04 requirements shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with O. Reg. 153/04, as amended, insurance requirements or such greater amount specified by the Executive Director, Engineering & Construction Services and copy to the Executive Director, Development Review;
 - b. Pay all costs associated with the City retaining a third-party peer reviewer including all administrative costs to the City, and submit an initial deposit of \$10,000.00 towards the cost of the Peer Review in the form of a certified cheque, to the Executive Director,. Submit further deposits when requested to cover all costs of retaining a third-party peer reviewer;

Submit, to the satisfaction of the City's peer reviewer, all Environmental Site Assessment reports prepared in accordance with the Record of Site Condition Regulation (O. Reg. 153/04, as amended) describing the current conditions of the land to be conveyed to the City and the proposed Remedial Action Plan based on the site condition standards approach, to the Executive Director,

- c. At the completion of the site assessment/remediation process, submit a Statement from the Qualified Person based on the submitted environmental documents, to the Executive Director, ECS for peer review and concurrence, which states:

- a) In the opinion of the Qualified Person:

- (i) It is either likely or unlikely that there is off-site contamination resulting from past land uses on the development site that has migrated onto adjacent City lands that would exceed the applicable Site Condition Standards; and
 - (ii) To the extent that the opinion in Condition No. 37.d.a.i is that past migration is likely, it is either possible or unlikely that such off-site contamination on adjacent City lands poses an adverse effect to the environment or human health.

- b) Land to be conveyed to the City meets either:

- (i) the applicable Ministry Generic Site Condition Standards (Tables 1, 2, 3, 6, 7, 8 and 9; subject to applicable exemptions as stated in O. Reg. 153/04) for the most environmentally sensitive adjacent land use; or
 - (ii) the Property Specific Standards as approved by the Ministry for a Risk Assessment / Risk Management Plan which was conducted in accordance with the conditions set out herein.

- d. The Qualified Person's statement, referenced in Condition No. 37.a. above, will include a Reliance Letter that is dated and signed by the Owner's Qualified Person, as defined in O. Reg. 153/04, as amended, confirming that both the City and the City's peer reviewer can rely on the environmental documentation submitted, consistent with O. Reg. 153/04 requirements, and the Qualified Person's opinion as to the conditions of the site; all environmental documentation consistent with O. Reg. 153/04 requirements and opinions shall be submitted with reliance extended to the City and its peer reviewer and any limitation on liability and indemnification is to be consistent with O. Reg. 153/04, as amended, insurance requirements or such greater amount specified by the Executive Director, ECS.

Park Construction Base Park Improvements

39. The Owner, at their expense, will be responsible for the base construction and installation of the parkland. The Base Park Improvements include the following:
- a. Demolition, removal and disposal of all existing materials, buildings, foundations and associated servicing;
 - b. Grading inclusive of 300mm depth topsoil supply and placement. Where lands have been environmentally risk assessed in accordance with MECP regulations, the required depth profile of the environmental soil / soft cap will be 1.5 m of engineered fill and certified by the consulting engineer;
 - c. In the case of a risk-assessed site, all materials brought on site shall comply with the site-specific standards outlined in the Certificate of Property Use. In the case where no risk assessment of the site was required, all materials brought on site shall comply with the Ontario Reg. 153/04 Table 3 RPI standards;
 - d. Sodding #1 nursery grade;
 - e. Fencing, where deemed necessary;
 - f. Sanitary and storm service connections with manholes at streetline;
 - g. Water and electrical service connections; (minimum water: 50mm to the street line including backflow preventers, shut off valves, water metre and chamber; electrical connection to the street line and electrical panel in a lockable cabinet (200 Amp service));
 - h. Street trees along all public road allowances abutting City-owned parkland; and
 - i. Standard park sign (separate certified cheque required).
40. All work is to be completed to the satisfaction of the General Manager, Parks and Recreation.
41. Prior to Site Plan Approval, the Owner shall submit drawings/plans to demonstrate the incorporation of the servicing connections (civil and grading plan) in the parkland dedication, as noted within the Base Park Improvements.
42. Prior to the issuance of the First Above Grade Building Permit, the Owner shall submit a cost estimate and any necessary plans for the Base Park Improvements, to the satisfaction of the General Manager, Parks and Recreation.
43. Prior to the issuance of the First Above Grade Building Permit, the Owner shall post an irrevocable Letter of Credit in the amount of 120% of the value of the Base Park Improvements for the parkland to the satisfaction of the General Manager, P&R. No credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with Base Park Improvements.
44. The construction of the Base Park Improvements to the park block shall be completed within two years after the issuance of the First Above Grade Building Permit, to the satisfaction of the General Manager, P&R. Unforeseen delays (e.g. weather) resulting in the late delivery of the park block shall be taken into consideration and at the

discretion of the General Manager, P&R, in consultation with the Executive Director, Development Review when determining a revised delivery date for the park block.

45. Should the Owner undertake Base Park Improvements on the park block following conveyance of the park block to the City, the Owner must obtain the necessary approvals and enter agreements in a form satisfactory to the General Manager, Parks and Recreation which include insurance requirements, extent of area permitted, permitted use, tree removal and replacement, and duration to the satisfaction of the General Manager, P&R. The Owner will indemnify the City against any claim during any interim use of or work carried out by the Owner on the park.

Temporary Fencing

46. Prior to conveyance of the parkland, the Owner shall be responsible for the installation and maintenance of temporary fencing around the parkland and its maintenance until such time as the development of the park block is completed.

Parkland Grading and Drainage

47. Prior to conveyance of the parkland, the Owner shall ensure that the grading and drainage of the adjacent development blocks are compatible with the grades of the parkland to the satisfaction of the General Manager, P&R.
48. The Owner must provide documentation from a qualified environmental engineer that any fill or topsoil brought onto the site meets all applicable laws, regulations and guidelines for use in a public park. Please contact SGQ@toronto.ca for more details.

Above Base Park Improvements - Credit against DCs for Above Base Park Improvements

Should the Owner agree to design and construct the Above Base Park Improvements for a development charge credit against the Parks and Recreation component of the Development Charges, the following conditions shall apply:

49. The Owner agrees to design and construct the Above Base Park Improvements to the new park for a development charge credit against Parks and Recreation component of the Development Charges to the satisfaction of the General Manager, P&R. The development charge credit shall be in an amount that is the lesser of the cost to the Owner of installing the Above Base Park Improvements, as approved by the General Manager, P&R, and the Parks and Recreation component of Development Charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.
50. **Prior to the issuance of the First Building Permit** or the permit that triggers the payment of the Development Charges, but in no event shall it be later than the

issuance of the First Above Grade Building Permit, the Owner shall submit a Letter of Credit equal to 120% of the Parks and Recreation component of the Development Charges.

51. **Prior to the issuance of the First Above Grade Building Permit**, the Owner shall submit a cost estimate and any necessary plans including working drawings, specifications, and landscape plans showing the scope and detail of the work for the Above Base Park improvements, for review and approval by the General Manager, P&R.
52. The Owner will be responsible to design and construct the Above Base Park Improvements to the satisfaction of the General Manager, P&R. Areas to be addressed in the design of the Park are: park programming, sustainable design and plantings, community and public safety, ground surface treatments, seating, vandalism etc. Final design and programming of the parkland shall be at the discretion of the General Manager, P&R.
53. The construction of Above Base Park Improvements to the park block shall be completed within two years after the issuance of the **First Above Grade Building Permit** to the satisfaction of the General Manager, P&R. Unforeseen delays (e.g. weather) resulting in the late delivery of the park block shall be taken into consideration and at the discretion of the General Manager, P&R when determining a revised delivery date for the park block.
54. Should the Owner undertake Above Base Park Improvements on the park block following conveyance of the park block to the City, the Owner must obtain the necessary approvals and enter agreements in a form satisfactory to the General Manager, Parks and Recreation which include insurance requirements, extent of area permitted, permitted use, tree removal and replacement, and duration to the satisfaction of the General Manager, P&R. The Owner will indemnify the City against any claim during any interim use of or work carried out by the Owner on the park.

Warranty

55. The Owner, upon satisfactory completion of the construction and installation of the Base Park and Above Base Improvements shall be required to guarantee such work and associated materials. The Owner shall provide certification from their Landscape Architect certifying that all work has been completed in accordance with the approved drawings. Should the cost to construct the Above Base Park Improvements as approved by the General Manager, P&R be less than the Parks and Recreation component of the Development Charges for the development, the difference shall be paid to the City by certified cheque prior to a reduction of the Financial Security for the Above Base Park Improvements. Upon the City's acceptance of the certificate, the Financial Security will be released less 20% which will be retained for the 2 year guarantee known as the Parkland Warranty Period.

56. Upon the expiry of the Parkland Warranty Period, the outstanding park security shall be released to the Owner provided that all deficiencies have been rectified to the satisfaction of the General Manager, P&R.
57. As-built drawings in print/hardcopy and electronic format, as well as a georeferenced AutoCAD file, shall be submitted to P&R. A complete set of “as built” plans shall be provided electronically in PDF format and in a georeferenced AutoCAD file, in addition to two (2) sets full size bond hard copies to the General Manager, P&R. The plans shall include, but not limited to specifications, locations of all hidden services, and all deviations from the design drawings, shop drawings, inspection reports, minutes of meeting, site instructions, change orders, invoices, certificates, progress images, warranties, close out documentation, compliance letters (for any play structures and safety surfaces), manuals etc. The files are to be organized in folders, including a file index and submitted with written warranties and related documents such as lists of contractor, sub-contractors together with contact persons, telephone numbers, warranty expiry dates and operating manuals.
58. Spare or replacement parts, special tools, etc. as provided by manufacturers, if any, are to be provided to Parks and Recreation.