

Applicant	Celeste Phillips, Agent 2006316 Ontario Inc., Owner	Date of Decision	Wednesday, July 12, 2023
File No.	PEN-SUB-2021-01	Date of Notice	Wednesday, July 19, 2023
Legal Description	Part of Lot 116 Concession 1	Last Date for Filing Appeal	Tuesday, August 8, 2023
Municipal Address	123 Robert Street East	Lapse Date	Wednesday, July 12, 2028

**The conditions to final plan approval for registration of this subdivision, File No. PEN SUB-2021-01 are as follows:**

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**No.    CONDITIONS**

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**General**

1. This approval applies to the Draft Plan of Subdivision for 123 Robert Street East (hereinafter referred to as “the subject lands”) prepared by Celeste Phillips Planning Inc., and signed by Rudy Mak (OLS) dated June 27, 2022 which includes:
  - Blocks 1 to 6 inclusive for Townhouse Dwelling Units;
  - Block 10 for Future Road Dedication;
  - Blocks 7 and 8 for Daylight Triangles; and,
  - Block 9 as a 3.0 metre Road Widening;
  
2. This draft approval shall apply for a period of five (5) years from Wednesday, July 12, 2023, and shall accordingly lapse on Wednesday, July 12, 2028 unless extended by the Town upon application by the Owner.
  
3. The Owner acknowledges and understands that prior to final approval of this Draft Plan of Subdivision or any phase of this subdivision, amendments to the Town of Penetanguishene Zoning By-law 2023-08 as amended, or any replacements of, to implement the plan shall have come into effect in accordance with the provisions and regulations of the *Planning Act*.
  
4. Prior to final approval, the Owner shall enter into a Subdivision Agreement with the Town, which agreement shall be registered on title to the subject lands, and wherein the Owner agrees to satisfy all requirements, financial or otherwise of the Town of Penetanguishene (“Town”), including but not limited to those identified in the applicable conditions that follow.

**Road Widening and Daylight Triangle**

5. Prior to final approval, the Owner is to convey to the Town a 3.0 m parcel, identified as Block 9 within the Draft Plan of Subdivision, for future Road Widening purposes.

6. Prior to final approval, the Owner is to convey to the Town two (2) Daylight Triangles, identified as Block 7 and Block 8.
7. The Owner is to convey to the Town Block 10 for future road dedication purposes.

### **Construction**

8. Prior to final approval, the Owner shall prepare a Construction Staging and Parking Area Plan and a Construction Activity Mitigation Plan to the satisfaction of the Town in consultation with any affected authorities. The Plans and the requirements thereof shall be incorporated in the Subdivision Agreement.

### **Parkland**

9. That parkland be provided pursuant to the Town's Parkland By-law No. 2023-17 as cash-in-lieu as a percentage of the area of the draft plan in full satisfaction of the parkland dedication requirements of Section 51.1 of the *Planning Act*. The Town shall undertake an appraisal to determine the value of cash-in-lieu of parkland, to be paid by the Owner.

### **Tree Compensation**

10. Prior to final approval, the Owner shall submit a Tree Compensation Plan to the satisfaction of the Town. Such Plan shall detail the replacement and enhancement planting or replacement value for any trees to be removed based on the following:
  - i. trees between 20 cm and 40 cm diameter at breast height (DBH) shall be replaced at a value of 2:1;
  - ii. all trees over 40 cm DBH shall be replaced at a value of 3:1;
  - iii. where the site does not permit a 2:1 or 3:1 replacement as provided for in subsections i) and/or ii) above the Town will require the Owner to provide or pay for tree planting on an alternative site, the effect of which is to address any shortfall.

The Owner shall be required to implement the Compensation Plan approved by the Town and such Compensation Plan shall be incorporated in the Subdivision Agreement.

### **Community Design**

11. As part of the Subdivision Agreement, the Owner agrees to the inclusion of elevation drawings for the proposed units. The Owner further agrees, within the Subdivision Agreement, to provide building elevation drawings as part of any building permit application package. The Town will confirm that the elevation drawings submitted in the building permit application are similar to the elevation drawings within the Subdivision Agreement.

### **Conveyances: Easements**

12. The Owner shall agree in the Subdivision Agreement that such easements as may be required for access, utility or drainage purposes shall be granted to the appropriate body including the Town of Penetanguishene and the Owner shall be responsible for resolving any conflicts with existing easements and shall provide said easements free and clear of all encumbrances to the satisfaction of the Town of Penetanguishene and all appropriate agencies or authorities.

### **Natural Heritage Features**

13. The required Subdivision Agreement shall include provisions addressing vegetation removal, building demolition and site alteration - such activities shall occur outside of the active Barn Swallow and Species at Risk bat breeding/roosting/nesting season, and Migratory Bird nesting window (April 1st to October 31st). If the work schedule requires that building demolition and site alteration be completed during the active season, screening by an ecologist with knowledge of bird and bat species present in the area shall be undertaken to confirm if works can proceed without contravention of the Endangered Species Act or Migratory Birds Convention Act. If evidence of Barn Swallow, Bats or Migratory Birds is confirmed, demolition will be postponed until the end of the active season or as otherwise complies with the respective Act.

### **Municipal Servicing and Utilities**

14. Prior to final approval of the draft plan, the Owner shall prepare to the Town's satisfaction, a Functional Servicing Report to determine the infrastructure necessary to provide all required services to the Plan of Subdivision. The Owner shall also agree in the Subdivision Agreement to implement all works as recommended in the Stormwater Management Report and Plan.
15. Prior to final approval the Owner shall prepare, to the satisfaction of the Town, detailed engineering drawings which shall include, but not be limited to, grading control plans, plan and profile drawings of all underground and aboveground services, general plans, drainage plans, composite utility plans, stormwater management detail plans, etc. Such approved engineering drawings and specifications shall be incorporated in the Subdivision Agreement.
16. The Subdivision Agreement shall include provisions requiring the Owner to construct all services including without limitation, curbs, gutters, sidewalks (in accordance with the applicable Town standards or alternative standards as approved), underground and above ground services and facilities, street lights, street signs, utilities, stormwater management facilities, etc., pertaining to the Plan of Subdivision to the satisfaction of and at no cost to the Town.

17. That the Owner coordinate the preparation of an overall Utility Distribution Plan for the Subdivision to the satisfaction of the affected utility and service providers.
18. That the Owner enter into an Agreement with Alectra Utilities pertaining to their requirements for the servicing of the Subdivision to the satisfaction of Alectra Utilities.
19. The Subdivision Agreement shall include provisions requiring that all electricity supply, telephone, gas and television cable services, and any other forms of telecommunication required to service the Plan of Subdivision shall be constructed at no cost to the Town. Such services shall be required to be underground facilities within the public road allowances or within appropriate easements which shall be shown on the Composite Utility Plan, to the satisfaction of the Town and authorized agencies and utilities.

### **Canada Post**

20. That the Owner make arrangements with Canada Post for the location of community mailboxes and that such locations, including lay-bys, shall be approved by both Canada Post and the Town.
21. The Owner/Developer agrees in the Subdivision Agreement to include a "Display Map" on the wall of the sales office in a place readily available to the public which indicates the location of the Canada Post Community Mailbox site, as approved by Canada Post and the Town of Penetanguishene, if applicable.
22. That the Owner/Developer agrees in the Subdivision Agreement to include in all Offers of Purchase and Sale, a statement, which advises the prospective new home purchaser that mail delivery will be from a designated Community Mailbox, and to include the exact location of the Community Mailbox location; and further, advise any affected homeowners of any established easements granted to Canada Post.
23. The Owner/Developer agrees in the Subdivision Agreement that they will be responsible for officially notifying the purchasers of the exact Community Mailbox location prior to the closing of any home sales with specific clauses in the Offer of Purchase and Sale, on which the homeowners sign off.
24. The Owner/Developer agrees in the Subdivision Agreement to provide the following for each Community Mailbox site and include these requirements on appropriate servicing plans:
  - a. A Community Mailbox concrete base pad per Canada Post specifications;
  - b. Any required walkway across the boulevard, as per municipal standards; and
  - c. Any required curb depressions for wheelchair access.
25. The Owner/Developer agrees in the Subdivision Agreement to determine, provide and fit up (a) suitable temporary Community Mailbox location(s) which may be utilized by Canada Post until the permanent mailbox pads, curbs, sidewalks and final grading have been completed at the permanent Community Mailbox site locations. This is will enable Canada

Post to provide mail service to new residences as soon as homes are occupied. The Owner/Developer further agrees to fit up the temporary area 30 to 60 days prior to the first occupancy and notify Canada Post of the first occupancies at this time. The developer should provide evidence of how they intend to co-ordinate this activity in a timely manner to a safe and clean usable area.

26. The Owner/Developer agrees in the Subdivision Agreement to provide in the Purchase and Sale Agreement between the Owner/Developer/Builder and the homeowner notification to all new homebuyers of the process to initiate Mail Delivery. Once the homeowner has closed their home sale, the new homeowner can go to the local Post Office and show their warranty documentation as well as a license for identification to begin the process of requesting Mail Delivery. The location of the local Post Office is 175 Main St, Penetanguishene L9M 1A0 (705) 549-8221. The draft Purchase and Sale Agreement containing this clause is a requirement of this approval.

### **Building Permits**

27. The Subdivision Agreement shall include clauses advising that building permits will not be available for any lands within the Plan of Subdivision until the Chief Building Official has been advised by the Director of Emergency Services and Emergency Management (Fire Chief) that there is an adequate water supply within the Plan of Subdivision for firefighting operations and acceptable access for firefighting equipment.
28. Prior to final approval, it shall be confirmed that water supply and sewage servicing capacity for the Plan of Subdivision exists and that the Town has allocated sufficient capacity for the development thereof.

### **Excess Soils**

29. Prior to final approval, the Owner shall prepare an Excess Soils and Materials Management Plan, addressing but not limited to how excess soils, rock and other excavated materials will be used, managed and disposed of during the development of the entire subdivision, to the satisfaction of the Town. The Plan and the requirements thereof, as approved by the Town, shall be incorporated in the Subdivision Agreement.

### **Stormwater Management**

30. Prior to final approval, the Owner shall submit an updated Stormwater Management Report and Plan to the satisfaction of the Town. Such Report and Plan must be prepared in accordance with the MOE Stormwater Management Planning and Design Manual (MOE 2003 or as updated). The Owner shall be required to implement all works as recommended in the updated SWM Report and Plan approved by the Town and such plans/required works shall be incorporated in the Subdivision Agreement.
31. Prior to final approval the Owner shall submit a Sediment and Erosion Control Plan to the satisfaction of the Town. Such Plan shall be prepared in accordance with the MOE Stormwater Management Planning and Design Manual (MOE 2003 or as updated). The

Owner shall be required to implement all works as recommended in the Sediment and Erosion Control Plan approved by the Town and such plans/required works shall be incorporated in the Subdivision Agreement.

### **Grading**

32. That prior to any grading, or as applicable, further alteration of the grade of the subject lands, the Owner shall submit a Grading Plan and an Erosion and Sediment Control Plan both prepared by a certified engineer for approval by the Town.

### **Subdivision Agreement**

33. That the Subdivision Agreement shall include provisions requiring the Owner to provide confirmation from a qualified geotechnical engineer of the depth and extent to which building or excavations will significantly change the stress in the soil or to such a depth and extent to provide necessary information for the design and construction of footings and foundations for proposed residential dwellings, including potential interference from groundwater.

### **Other Town Requirements**

34. That the Fire Chief approves the location of Fire Breaks within the Plan of Subdivision, which locations are to be incorporated implemented in the Subdivision Agreement.
35. That prior to final approval the Town of Penetanguishene receives confirmation that any wells are decommissioned.

### **Simcoe County District School Board**

36. That the Owner agrees to include in all Offers of Purchase and Sale a statement advising prospective purchasers that accommodation within a public school in the community is not guaranteed and students may be accommodated in temporary facilities; including but not limited to accommodation in a portable classroom, a "holding school", or in an alternate school within or outside of the community.
37. That the Owner agrees to include in all Offers of Purchase and Sale a statement advising prospective purchasers that if school buses are required within the Subdivision in accordance with Board Transportation policies, as may be amended from time to time, school bus pick up points will generally be located on the through street at a location as determined by the Simcoe County Student Transportation Consortium.
38. The Owner shall agree in the Subdivision Agreement to include in all Offers of Purchase and Sale a statement that prospective purchasers will be notified that space in the local school is not guaranteed and that students may be accommodated in portables or directed to a school outside of the current attendance area. Purchasers should also be advised that school bus pick up points will be at a location determined by the Simcoe County Student Transportation Consortium.

## **Simcoe Muskoka Catholic District School Board**

39. The Owner shall agree in the Subdivision Agreement to include in all Offers of Purchase and Sale a statement that pupils from this development attending educational facilities operated by the Simcoe Muskoka Catholic District School Board may be transported to/ accommodated in temporary facilities out of the neighbourhood school's area.

## **County of Simcoe**

40. Prior to final approval, the Town shall provide the County with a copy of the draft Subdivision Agreement for review and approval.

## **Lapse of Approval**

41. This draft approval shall lapse five (5) years from the date of issuance.

42. That prior to the final approval by the Town, Conditions 1 – 36 shall be satisfied.

## **NOTES:**

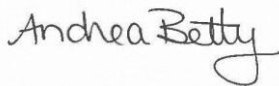
1. It is the Owners' responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the Town quoting the file number (PEN-SUB-2021-01).
2. The Town suggests that the Applicant make themselves aware of Section 144 of the *Land Titles Act*, and subsection 78(10) of the *Registry Act*.
3. Subsection 144(1) of the *Land Titles Act* requires that a Plan of Subdivision of land that is located in a land titles division be registered under the *Land Titles Act*.
4. The draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the Town, to implement or integrate any recommendations resulting from the studies and/or reports required as a condition of draft approval.
5. All measurements in Subdivision and Condominium final plans must be presented in metric units.
6. For the Owner's information, easements required for utility or drainage purposes should be granted to the appropriate authority.
7. The Town of Penetanguishene requires all engineering drawings to be submitted in AutoCAD and Adobe formats as well as a hard copy. The County of Simcoe has specific requirements from the submission to digital drawings. Contact the County of Simcoe for additional information.
8. Clearances are required from the following agencies: Alectra Utilities, Enbridge, Canada

Post, Communications Service Providers (telephone, cable, etc.) as per the Development Agreements. If agency conditions are included in the Subdivision Agreement, a copy of the Agreement should be sent to them. This will expedite clearance.

9. Please be advised that the approval of this Draft Plan will lapse on Wednesday, July 12, 2028. This approval may be extended pursuant to subsection 51(33) of the *Planning Act*, but no extension can be granted once the approval has lapsed. If final approval is not given to this Plan and no extensions have been granted, draft approval will lapse under subsection 51(32) of the *Planning Act*, R.S.O. 1996 as amended. If the owner wishes to request an extension to draft approval, an application, together with a Planning Report setting out how the Plan still conforms to the planning control documents in place along with any required fees, must be received a minimum of 90 days prior to the lapsing date. Please note that an updated review of the plan, and revision to the conditions of approval, may be necessary if an extension is granted.
10. In recognition of the long term build out of the development, that the Town may from time to time amend, delete or add to the conditions of approval in respect to any phase within the draft plan of subdivision and notice will be provided, where required, in accordance with subsections 51(45) and 51 (47) of the Planning Act.

Subject to the conditions set forth above, the Draft Plan is approved under Section 51 of the *Planning Act*, R.S.O. 1990, Chapter 13, as amended, by Council of the Corporation of the Town of Penetanguishene as set out in Resolution No. 2023-06-14.

Dated this 19<sup>th</sup> day of July, 2023.



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Andrea Betty, MCIP, RPP  
Director of Planning and Community Development  
Town of Penetanguishene