

Draft Approval Conditions – MAY 24, 2023

Draft Plan of Subdivision Application 30T-19201 Official Plan Amendment Application OP19/002/C/GS Zoning By-law Amendment ZBA19/005/C/GS 321 Courtland Ave. Developments Inc.

1. That this approval applies to Plan of Subdivision 30T-19201 for 321 Courtland Ave. Developments Inc., as shown on the attached Plan of Subdivision prepared by the City of Kitchener dated May 13, 2023 which shows the following:

<u>Stage 1</u>		<u>Unit</u>	<u>Area</u>
Blocks 1	Mixed Use		0.87
Blocks 2	Mixed Use	528 units	1.40
Blocks 3	Mixed Use	159 units	0.52
Blocks 4	High Density Residential	553 units	1.04
Blocks 5	High Density Residential	981 units	1.29
Blocks 6	High Density Residential	332 units	0.76
Blocks 7	High Density Residential	574 units	0.98
Blocks 8	Medium Density Residential	107 units	0.39
Blocks 9	Medium Density Residential	108 units	0.28
Blocks 10	Street Townhouses	3 units	0.06
Blocks 11	Future Residential		0.03
Blocks 12, 14	Road Widening		0.12
Blocks 13	Park		0.71
Blocks 15	Mixed Use		0.83
	Road		1.08
Total		3,345 units	

2. CITY OF KITCHENER CONDITIONS:

- 2.1 That the Subdivider shall enter into a City Standard Residential Subdivision Agreement, as approved by CITY Council, respecting those lands shown outlined on the attached Plan of Subdivision dated May 12, 2023.

Standard conditions are modified as follows:

Condition 1.1 m) is modified to:

“A Streetscape Plan is a comprehensive plan that depicts the inter-relationship between engineering servicing, utility location (including Bell, Canada Post, Hydro and City utilities), tree planting, driveway location, on street parking and priority lot location and coordinates these plan features so as to minimize conflicts between these. The plan outlines anticipated tree plantings and associated soil volumes within all public ROW’s, parkland, and any other city-owned green spaces, as well as designated ‘POPS’

green spaces. This plan is to be submitted in lieu of the 'Preliminary Street Tree Planting Plan', and will follow the same requirements. It is intended to not only capture the street tree plantings, but the overall tree canopy allocation within the entire subdivision."

Condition 1.5a) is modified to:

"The SUBDIVIDER shall pay the cost of installation of the following public services:

sanitary sewers, drainage works, area grading, lot level grading, parks, boulevard multi-use pathways, multi-use pathways, multi-use pathways over private lands, storm water management ponds, storm sewers, watermains, underground electrical distribution plant and lighting with attendant conductors, pipes, pedestals and transformers, driveway ramps, streets, roundabouts, traffic calming measures, pavements, curbs, gutters, fences in public rights-of-way, park block grading, seeding and sodding, park fences or boundary markers, boulevard landscaping including trees, soil cell infrastructure, mailboxes, monuments, street name signs, traffic control signs, sidewalks and walkways and all necessary connections, other appurtenances and outlets to the foregoing services."

Condition 1.23 g) is modified to:

"by inserting a statements in all agreements of purchase and sale for any lots or blocks abutting a public park or privately-owned publicly-accessible park, or abutting or subject to an easement for a multi-use pathway corridors advising of the type and location of the facilities proposed within the public or privately-owned lands."

Condition 2.1 is modified to:

"The SUBDIVIDER agrees to acquire a qualified Engineering Consultant who shall shall prepare an Area Grading, Erosion and Siltation Control Plan to the satisfaction of the CITY'S Director of Engineering Services and those applicable City departments or regulatory agencies determined by the CITY'S Director of Engineering Services at the time of draft approval.

The SUBDIVIDER shall implement all approved measures and to provide written certification from the SUBDIVIDER'S Engineer to the CITY'S Director of Planning that all protection measures have been implemented and inspected, in accordance with the CITY'S Tree Management Policy."

Condition 2.4 is modified to:

"The SUBDIVIDER shall provide preliminary / functional design drawings and grading plans for all park blocks and the entire multi-use pathway

demonstrating that all required retaining walls will be on private lands and that access and maintenance requirements can be achieved for review and approval to the satisfaction of the Director of Parks and Cemeteries and the Director of Planning in consultation with the Director of Engineering Services. All required retaining walls will be located on private lands.”

Condition 2.5 is modified to:

“The SUBDIVIDER shall, at the time of area grading, fill, compact and grade in both a preliminary and finished form, topsoil and seed/sod those blocks shown on the plan as park, urban green, walkway or multi-use pathway, to the satisfaction of the CITY’S Director of Parks and Cemeteries. Grading plans and implementation within such blocks may include making a grading allowance for a minimum six metre wide flat area for future multi-use pathway purposes in accordance with preliminary / functional plan required by condition 2.4.”

Condition 3.14 is modified to:

“The SUBDIVIDER shall produce an overall ‘Tree Planting Masterplan’ for the subdivision that outlines anticipated tree plantings and associated soil volumes within all public ROW’s, parkland, and any other city-owned green spaces, as well as designated ‘POPS’ green spaces. This plan is to be submitted in lieu of the ‘Preliminary Street Tree Planting Plan’, but will follow the same requirements and is intended to not only capture the street tree plantings, but the overall tree canopy allocation within the entire subdivision. The plan will be submitted to the satisfaction of the CITY’S Director of Parks and Cemeteries.”

Conditions 3.10, 3.17, 4.8, 4.12, 4.13, 4.15, 6.1, 6.8, 6.9, 6.11, and 6.12 shall be deleted from the City Standard Residential Subdivision Agreement.

Conditions 2.14 has been moved to “prior to servicing” section as condition 3.24

Conditions 2.15 has been moved to “prior to servicing” section as condition 3.25

Condition 3.16 is moved to “prior to grading section” section as condition 2.23

The following special conditions shall be added to the City Standard Residential Subdivision Agreement:

Part 2 – Prior to Area Grading of the subdivision

2.16 Prior to surface works or registration, whichever comes first, the City requires that a reserved fund be established for any future costs for disposal

of impacted soils from the conveyed lands as well as (soil and groundwater) maintenance to the satisfaction of Director of Parks and Cemeteries.

- 2.17 The SUBDIVIDER shall provide confirmation to the satisfaction of the Director of Engineering Services that any existing private wells and septic systems within the lands proposed to be graded that are required by the Director of Engineering to be decommissioned have been decommissioned in accordance with Ministry of Environment standards to the satisfaction of the CITY'S Director of Engineering.
- 2.18 The SUBDIVIDER shall provide confirmation to the satisfaction of the Director of Engineering Services that any on site monitoring wells, within the lands proposed to be graded, will either be protected and maintained in good integrity to allow for their future use or be relocated to the appropriate locations along the municipal right-of-way and are functioning to the satisfaction of the CITY'S Director of Engineering.
- 2.19 The SUBDIVIDER agrees that where major overland flow routes are not on municipally owned lands, the owner must deed to the City a minimum 6.0 m wide drainage corridor. Further, service easements are to have a minimum 5.0 metre width.
- 2.20 The SUBDIVIDER agrees to submit construction details for the proposed retaining walls to the satisfaction of the CITY'S Director of Engineering Services, in consultation with the Director of Parks and Cemeteries.
- 2.21 Prior to grading, the Owner shall provide an Urban Forest Soils Report, to be prepared by a qualified Pedologist, or equivalent professional which details the location and condition of tree root habitat soils and demonstrates that soil conditions meet the CITY'S requirements for an urban forest to the satisfaction of the CITY'S Director of Parks and Cemeteries in consultation with Urban Forestry.
- 2.22 The SUBDIVIDER agrees that prior to servicing or registration of each stage, whichever occurs first, to prepare an On-Street Parking Plan to the satisfaction of the CITY'S Director of Transportation Services, in consultation with the CITY'S Director of Engineering Services and Director of Planning, in accordance with the CITY'S On-Street Parking Policy I-1070, as approved and amended.
- 2.23 The SUBDIVIDER shall prepare a Streetscape Plan with particular attention to Priority Streets within a Stage or Phase of the Subdivision to the satisfaction of the CITY'S Director of Planning, CITY'S Director of Engineering Services, CITY'S Director of Parks and Cemeteries, CITY'S Director of Transportation Services and Enova Power (formally Kitchener-Wilmot Hydro). The Streetscape Plan shall be a comprehensive plan in

accordance with Development Manual standards and other CITY standards that illustrates and coordinates the following in order to minimize any conflicts:

- a) Design and construction details for any centre median boulevards including low-maintenance sustainable plantings and decorative elements;
- b) Design and construction details for pedestrian crosswalks at key intersections identified in the plan as well as any parks, multi-use pathways or Urban Greens;
- c) Identify the potential locations for utilities including decorative light standards, decorative signage, transit stops and central mailbox facilities;
- d) Lot flankage treatment including such elements as decorative fencing, landscaping including boulevard trees where appropriate between the side yard fence and the sidewalk on corner lots;
- e) The location of priority lots, terminating lots or at gateway locations for which specific Architectural Features such as but not limited to windows, grills, porches, roof lines and architectural style on houses located thereon will be enhanced;
- f) Design and construction details for traffic calming features including the centre median for the community multi use pathway crossings, alternate intersection treatment at the intersection such as a neighbourhood traffic circle or curb extensions, and traffic calming measures along such as pavement narrowing, curb extensions, centre medians or other;
- g) Conceptually identify neighbourhood-scale entrance features within the daylight triangle and landscape buffer blocks at the main entrance into the subdivision as identified on the plan;
- h) Conceptually identify potential street tree planting locations for primary/priority streets and any intersections with therewith, with enhanced treatments to be considered for the first street block (gateway entrance) location;
- i) Conceptually identify tree planting locations within the boulevard
- j) Identify the location of driveways along the street;
- k) Identify the areas along the streetscape for on street parking

The approved Streetscape Plan shall also ensure the following be considered in the approval of the Servicing drawings:

- i. Do not conflict with preliminary driveway locations and potential locations for utilities hydrants or community mail box facilities or Master Tree Planting Plan to the satisfaction of the CITY'S Director of Planning and Director of Engineering Services in consultation with the CITY'S Director of Transportation Services, CITY'S Director of Parks and Cemeteries, Canada Post and Kitchener Utilities .
- ii. Provide that no driveways shall be installed within 1.0m of a street light pole or hydro pole or where the wheels of a vehicle would pass over any part of a submersible transformer vault in accordance with the CITY'S Development Manual and to the satisfaction of the CITY'S Director of Engineering Services in consultation with the CITY'S Director of Transportation Services and Kitchener Utilities.
- iii. Provide that no sewer or water service will be installed within 1.5m of the centre of proposed submersible transformer vault or within 0.9m of a proposed electrical service stub and that no fire hydrant will be installed within 3.0m of a proposed street light pole or hydro pole The SUBDIVIDER shall be responsible for ensuring that these separations are maintained to the satisfaction of the CITY'S Director of Engineering Services in consultation with Enova Power (formally Kitchener-Wilmot Hydro).
- iv. The location of concrete pads for the placement of the Community Mail Boxes shall be approved by Canada Post and shall be shown on the servicing drawings. Said pads are to be poured at the time of curb and or sidewalk installation within each Stage of the plan of subdivision to the satisfaction of the CITY'S Director of Engineering Servicing in consultation with Canada Post, the CITY'S Director of Transportation Services and CITY'S Director of Parks and Cemeteries. Should temporary locations be required prior to the installation of all curbs, sidewalks and boulevards for each phase, the temporary locations will be determined in consultation with Canada Post.

Part 3 – Prior to Servicing

- 3.18 Prior to Servicing or Registration which ever shall occur first, the SUBDIVIDER shall prepare a detailed engineering design for Storm Water Management and obtain approval thereof, from the CITY's Director of Engineering Services in consultation with the Grand River Conservation Authority and the Regional Municipality of Waterloo. The Stormwater Management design shall be in accordance with the Schneider Creek and

Shoemaker Creek Subwatershed criteria. The approved engineering design for Storm Water Management will include a maintenance program for a period of 2 years post full build out of the subdivision, which will ensure stormwater management assets function as designed to the satisfaction of the CITY'S Director of Engineering. Any maintenance required during this period, prior to the municipality assuming the facilities, shall be at the sole expense of the SUBDIVIDER.

- 3.19 The SUBDIVIDER agrees, where risks to a subsurface worker are identified on the conveyance lands from exposure to soil, that one meter of clean fill meeting Table 2 Site Condition Standards (SCS) be placed from surface to below the deepest underground utilities with a 2:1 slope to the edge of the right-of-way. The SUBDIVIDER agrees to install a physical barrier to delineate the difference between clean and contaminated soil.
- 3.20 Prior to Servicing or Registration which ever shall occur first, the SUBDIVIDER shall prepare a detailed engineering design for the Functional Servicing Report and obtain approval thereof, from the CITY'S Director of Engineering Services in consultation with Kitchener Utilities.
- 3.21 Prior to Servicing or Registration which ever shall occur first, the SUBDIVIDER shall pay the cash-in-lieu of stormwater retention based on the current year's fee schedule for the lands to be conveyed to the City as part of the subdivision process as infiltration is no longer permitted on the property. Engineering will also be asking that a condition is placed on all the future site plans, that they must pay cash-in-lieu of retention for their respective site plan approvals.
- 3.22 Prior to Servicing or Registration which ever shall occur first, the SUBDIVIDER shall agree to provide any service utility corridors located on the property line or within private property with the same standards of that being done in the municipal ROW.
- 3.23 The SUBDIVIDER agrees to submit, obtain approval of, and implement a detailed "post development" monitoring program in accordance with the approved Storm Water Management Plan for the Subdivision. The program is to be approved by the CITY'S Director of Engineering Services in consultation with the CITY'S Director of Planning, the CITY'S Director of Sanitary and Stormwater Utilities, the Grand River Conservation Authority and the Regional Municipality of Waterloo. The purpose of the "post development" monitoring program is to ensure that stormwater management facilities continue to satisfy the design criteria specified in the appropriate Subwatershed Plan and to identify any specific additional maintenance requirements that may be necessary, including but not limited to erosion, sedimentation and siltation control measures. The "post development" monitoring program will extend for 24 months from the

substantial completion of the development to the satisfaction of the City's Director of Engineering Services and coincide with the maintenance guarantee period required in the City's Standard Form Residential Subdivision Agreement.

The developer further agrees to implement any remedial action deemed necessary by the CITY'S Director of Engineering Services as a result of the aforementioned monitoring program at their sole expense to the satisfaction of the CITY'S Director of Engineering Services.

- 3.24 The SUBDIVIDER shall obtain approval of a Lot Grading Control Plan showing the required elevation including slopes and embankments of each corner of each lot and block in the Plan and the required elevation(s) of the building site as well as the required direction flow of surface drainage which must be approved by the CITY'S Director of Engineering Services, in consultation with those applicable regulatory agencies determined at the time of draft plan approval. Further, the SUBDIVIDER agrees to provide a digital copy of the approved Lot Grading Control Plan to the CITY'S Director of Engineering Services once the plan is approved.
- 3.25 The SUBDIVIDER agrees that prior to servicing of each Stage, to submit a street cross section plan for all streets to the satisfaction of the CITY'S Director of Transportation and the CITY'S Director of Engineering Services.
- 3.26 The SUBDIVIDER agrees that prior to servicing or registration of each stage, whichever occurs first, to prepare a comprehensive Traffic Signage Plan and Pavement Marking Plan to the satisfaction of the CITY'S Director of Transportation Services. The Pavement Marking Plan is to include all future CITY-owned streets, as well as any active transportation facilities that fall within the Plan of Subdivision

Part 4 – Prior to the issuance of building permit in each stage

- 4.18 The SUBDIVIDER agrees that all dwellings shall be designed in accordance with garage and driveway widths shown on the approved On-Street Parking Plan to the satisfaction of the CITY's Chief Building Official, in consultation with the CITY's Director of Planning and Director of Transportation Services.

Part 6 – Other Time Frames

- 6.15 Prior to Registration, the SUBDIVIDER must confirm the structural condition of the culvert and transfer the land with the culvert under, the park and roads conveyed to City ownership to the satisfaction of the Storm and Sanitary Utility Department.

- 6.16 Prior to Registration, the City requires a copy of the Health and Safety Plan (HSP), Certificate of Property Use (CPU) and Risk Management Plan (RMP) acceptable to the Engineering Department in consultation with CITY'S Director of Parks and Cemeteries and Legal.
- 6.17 Prior to registration or final site plan approval of blocks 1 ,3, 4, 5, 6, 8, 9, or 10, whichever comes first, the Owner shall enter into a Developer-Build Park Agreement for Park Block 13 and MUT to Mill St ION Station.
- 6.18 Prior to the occupancy of the 1,000th dwelling unit, or as specified in Developer Build Agreement, the SUBDIVIDER shall complete the construction of the public park on Block 13 and multi-use pathways located within Blocks 7,8 9, within the Olde Fashioned Way right-of-way between Palmer Avenue and Block 13 and within Block 13 Park from Olde Fashioned Way to Borden Avenue 13, to the satisfaction of the CITY'S Director of Parks and Cemeteries in consultation with the CITY'S Director of Engineering Services in accordance with the approved detail design drawings and development budget as detailed in clause 6.17, approved engineering drawings and the CITY's Development Manual.
- 6.19 That the Owner agrees to pay to the City of Kitchener, 100% of costs associated with placemaking and/or traffic calming, for the portion of Borden Avenue South/Grenville Avenue, between the Park Block 13 multi-use trail connection and the Mill ION station multi-use trail connection, to a maximum of \$60,000 material cost, including street painting, traffic calming measures, way finding signage, but not including design and consultation costs. The City will lead the place making consultation with the Owner as a participant.
- 6.20 Prior to registration or prior to final site plan approval for Blocks 6,7, 8 and 9, the Owner shall enter into an Agreement with the City of Kitchener regarding maintenance of the multi use trail over Blocks 6, 7, 8 and 9.
- 6.21 Prior to registration, the Owner agrees to enter into a purchase and sale agreement with the City of Kitchener for the off-site parking lots outlined below:

Parcel 1 – Kent Avenue Parking Lot
(All of PIN 22506-0023 (LT)) - Part Lot 393-400 Plan 262 Kitchener; Part Lot 7 Streets & Lanes Kitchener; Part Lot 8 Plan 404 Kitchener Parts 9, 13, 14, 15, 17 58R3650, S/T Reservations in 580345; Kitchener

Parcel 2 – Courtland Avenue Parking Lot
(All of PIN 22506-0036 (LT)) - Part of Lots 9 & 10 Plan 404 Kitchener Designated as Part 4, 58R-3650; S/T 999256 City of Kitchener

Parcel 3 – Bedford Road Parking Lot

(All of PIN 22506-0037 (LT)) - Part of Lots 9 & 10 Plan 404 Designated as Part 6, 58R-3650; S/T 1234329, 999256 City of Kitchener

- 6.22 The Owner dedicates to the City of Kitchener, Public Park (Block 13), with the registration.
- 6.23 Prior to final site plan approval for Blocks 6,7, 8 and 9, the Owner dedicates to the City of Kitchener a public access easement for the Multi Use Trail located on Block 6, Block 7, Block 8 and Block 9, between Stirling Avenue and Olde Fashioned Way.
- 6.24 The Owner agrees that as a condition of Site Plan Approval for Block 1, the Owner is to dedicate to the City a public access easement and/or execute a POPs agreement with the City for at least 0.17704 hectares. If the final approved POPs area is less than 0.17704 hectares, the difference will be paid as paid as cash in lieu of land in accordance with the Planning Act and the Parkland Dedication Bylaw in effect at the time of the site plan approval of the applicable block. The final parkland dedication for the POPS plaza space within Block 1 will only include suitable public use areas that are outside of buildings and exclusive use areas associated with the mixed-use development. If the overland flow route is within the approved POPS area, the Owner agrees that the overall subdivision grading and stormwater management design may need to be updated to reflect the acceptable POPS design .
- 6.25 That the Owner agrees to build at their cost the multi-use trail as follows:
 - a. Within Block 6, Block 7, Block 8 and Block 9, subject to public access easement,
 - b. Within the Olde Fashioned Way right-of-way between Palmer Avenue and Block 13, and
 - c. Within Block 13 Park from Olde Fashioned Way to Borden Avenue.
- 6.26 Prior to surface works or registration, whichever comes first, the City requires that a reserve fund be established for any future costs for disposal of impacted soils from the conveyed lands as well as (soil and groundwater) maintenance to the satisfaction of Director of Parks and Cemeteries. The developer's consultant to provide a cost estimate for the maintenance program and fees for the well maintenance and decommissioning as a guarantee that will be completed.
- 6.27 All grading contracts between the SUBDIVIDER and any contractor for any work to be done pursuant to this Agreement shall be subject to the approval

of the CITY'S Director of Engineering Services and without limiting the generality of the foregoing, every contract shall:

- a. be with a contractor acceptable to the CITY'S Director of Engineering Services;
- b. contain a provision binding the contractor to file performance and material and labour bonds and liability insurance satisfactory to the CITY'S Director of Engineering Services, with in the case of liability insurance, the CITY named as an additional insured;
- c. provide that the work of the contractor shall at all times be subject to the inspection of the CITY or CITY'S consulting engineer and be performed in accordance with the terms of this Agreement;
- d. provide that the contractor shall co-operate with the inspectors and engineers at all times, submit materials used for any tests required and comply with any directions given by the inspectors and engineers, to ensure compliance with the plans and specifications;
- e. provide that the contractor shall supply a work schedule which may be updated as deemed necessary by the CITY, for the approval of the CITY'S Director of Engineering Services which work calendar shall provide for the work to be carried forward with reasonable expedition and which work calendar shall be adhered to so far as is reasonably possible;

6.28 That prior to any grading or construction, and final approval of all or any part of the draft plan of subdivision, the SUBDIVIDER enters into a Subdivision Construction and Inspection Agreement with the City of Kitchener, to the satisfaction of the City's Director of Engineering.

6.29 The SUBDIVIDER agrees to include the following clause in applicable offers of purchase and sale and tenancy agreements, which shall be registered on the title of the lands immediately upon registration for all lots with retaining walls:

"Purchasers/tenants are advised that a retaining wall is located on the subject property. The owner of this property also owns his/her section of the retaining wall. The retaining wall is not in public ownership. Monitoring, maintenance, inspection, repair and replacement of this retaining wall, including any associated costs, are the sole responsibility of the property owner. The City of Kitchener is in no way responsible for this retaining wall. Should this retaining wall fail, it is the property owner's responsibility to repair or replace his/her section of the retaining wall, at his/her cost."

- 6.30 The SUBDIVIDER agrees to include the following clause in applicable offers of purchase and sale and tenancy agreements, which shall be registered on the title of the lands immediately upon registration for all lots:
“Purchasers/tenants are advised that the subject property is located on lands that went through a Record of Site Condition (RSC). The City of Kitchener is in no way responsible for the soil or groundwater conditions.”
- 6.31 Prior to Registration, the City requires an easement to be registered in favour of the City over the parts of the culvert that would be privately owned. The width of the easement will be determined by the Subdivider’s consultant based on twice the depth of the existing culvert or a minimum of 5m (whichever is larger), to the satisfaction of the Engineering Department in consultation with the Storm and Sanitary Utility Department.
- 6.32 Prior to Registration, the City requires an easement to be registered in favour of the City over the 600mm diameter existing sanitary sewer that runs parallel with the storm culvert. The width of the easement will be determined by the Subdivider’s consultant based on twice the depth of the existing sanitary sewer or a minimum of 5m (whichever is larger), to the satisfaction of the Engineering Department in consultation with the Storm and Sanitary Utility Department.
- 6.33 Prior to Registration, the sanitary sewers that cross Courtland and extend through the private parking lot to Bedford Road must have minimum 5 metre easements or twice the depth of the existing sewers over them (whichever is larger), centered on the sewer or must be conveyed to City ownership to the satisfaction of the Engineering Department in consultation with the Storm and Sanitary Utility Department.
- 6.34 Until two years following site plan certification of the final block of the subdivision or final lot grading approval within the entire subdivision or 10 years, whichever is greater, the SUBDIVIDER agrees to complete semi-annual monitoring of the migration of contaminants in the groundwater at the monitoring wells installed on the lands to be conveyed to the City. Notwithstanding the above timeframe, should concentrations be reported as stabilized or at decreasing levels during two consecutive years of monitoring, the monitoring will be completed on an annual basis for the following two consecutive years. Should concentrations be reported as stabilized or at decreasing levels following two consecutive years of annual monitoring, the groundwater monitoring program will be discontinued. Should concentrations be reported at increasing levels the monitoring program will revert to semi-annual monitoring. If at any time the monitoring results show levels above the Property Specific Standards approved by the Ministry of the Environment, Conservation and Parks in the Risk Assessment completed for the property, it will be the SUBDIVIDER’s

responsibility to propose and implement a treatment program to the satisfaction of the Engineering Department in consultation with Legal.

- 6.35 The SUBDIVIDER agrees that prior to the approval of any site plan on the property, the subdivision registration, overall subdivision grading and servicing along with the subdivision stormwater management report must be approved first.

Notwithstanding above, Block 2 may receive final site plan approval prior to the subdivision registration, and prior to the overall subdivision grading and servicing along with the subdivision stormwater management report being approved, where:

- a. adequate vehicle access is provided to an existing public street,
 - b. full servicing is provided from existing services within an existing public street,
 - c. a reference plan is provided showing the limits of the site plan approval area for the registration of the development agreement, and
 - d. that the subdivision is registered and new public streets are constructed prior to occupancy of any units within Block 2.
 - e. that stormwater management criteria for Block 2 will be dealt with through the site plan stage and have regard for the entire subdivision.
 - f. that the stormwater management proposal for the entire subdivision will have regard for the stormwater management scheme on Block 2.
- 6.36 The SUBDIVIDER shall provide a letter of permission from neighbouring impacted properties to construct the retaining walls, including excavation and grading encroachments near the property lines prior to site plan approval of Blocks 7, 8, 9, 10 and 11.
- 6.37 The SUBDIVIDER shall receive approvals from the railway including a letter of permission from the railway submitted to the City prior site plan approval of Blocks 4, 5, 6, 7, and 13. This letter should not only include the regrading of the ditch but access for construction of the building.
- 6.38 Prior to Registration, it is the SUBDIVIDER's responsibility to include the following clause in applicable offers of purchase and sale and tenancy agreements, which shall be registered on the title of the lands immediately upon registration for all lots.

“Purchasers/tenants are advised that the subject property has an ongoing monitoring program that would be the owner’s responsibility to implement for the life of the development.”

- 6.39 Prior to Registration, the SUBDIVIDER agree to a groundwater monitoring program for monitoring wells located within Olde Fashioned Way, Kent Avenue and Palmer Avenue in a manner satisfactory to the CITY’s Director of Engineering.
- 6.40 Prior to Site Plan Approval of any lands with Privately Owned Publicly Accessible Spaces or Trails the owner shall provide the Record of Site Condition, Certificate of Property Use and Health and Safety Plan to be reviewed and accepted to the Director of Engineering , in consultation with the Director of Parks and Cemeteries and City Solicitor.
- 6.41 In accordance with Section 53 of the Ontario Water Resources Act and Section 20.3 of Part II.1 of the Environmental Protection Act through delegated authority from the Ministry of the Environment, Conservation and Parks (MECP), the SUBDIVIDER must submit a request, application fee, and subsequent documentation required for an Alteration to the Consolidated Linear Infrastructure Environmental Compliance Approval (CLI ECA) which is required to the satisfaction of the City’s Manager of Environmental Compliance and Utility Performance (Sanitary and Stormwater Utilities) in consultation with the City’s Engineering Services for the following:
 - a. Additions, modifying, replacing or extending of the municipal sanitary sewers and storm sewers
 - b. Additions, modifying, replacing or extending of municipal stormwater management facilities, including outlet controls and their appurtenances
- 6.42 Prior to Registration, the SUBDIVIDER must confirm the condition of the culvert and convey the land with the culvert below and the park and roads above to City ownership to the satisfaction of the Director, Sanitary and Stormwater Utilities. Infrastructure, as such:
 - a. A structural condition assessment report must be completed, at the SUBDIVIDER’s sole cost, of the existing structure(s) to be conveyed to the City, and a Professional Engineer must determine the original and remaining life cycle to determine what deficiencies exist and the cost to address those deficiencies. The structural condition assessment report should follow the guidance of Ontario Ministry of Transportation Culvert Inspection Guide for Culverts or equivalent industry standards and shall be in a form satisfactory to the City’s Director, Sanitary and Stormwater Utilities;

and,

- b. Based on the structural condition assessment report, the City will elect to have EITHER the deficiencies repaired at the SUBDIVIDER's sole cost OR take a lump sum payment from the SUBDIVIDER and proceed independently to complete the required work after registration.

6.43 The SUBDIVIDER agrees to rent 135 dwelling units at 80% of the market rate for 25 years following occupancy of the unit.

6.44 The SUBDIVIDER agrees to construct 4% of all dwelling units as three bedroom units, with a minimum of 135 three bedroom dwelling units.

6.45 For the life of the development, vehicle parking spaces and bicycle parking stalls required by the Zoning By-law shall be provided and maintained for each use located on a block and shall be located on the same block as the use(s) requiring the parking spaces and bicycle parking stalls.

However, vehicle parking spaces, other than barrier-free accessible parking spaces, electric vehicle parking spaces, or visitor parking spaces may be located on another block within the boundary of this subdivision and all lands subject to this agreement.

2.2 That prior to final approval of the plan to be registered, the SUBDIVIDER shall fulfill the following conditions:

1. The CITY Standard Residential Subdivision Agreement be registered on title.
2. The SUBDIVIDER shall submit copies of the final plan for registration to the CITY'S Director of Planning and shall obtain approval therefrom.
3. The SUBDIVIDER agrees to commute all local improvement charges outstanding on any part of the lands and to pay all outstanding taxes on the lands.
4. The SUBDIVIDER shall install within the subdivision any required geodetic monuments under the direction of the CITY'S Director of Engineering Services, with co-ordinate values and elevations thereon and submit for registration the plans showing the location of the monuments, their co-ordinate values, elevations and code numbers as prescribed by the Surveyor General of Ontario.
5. The SUBDIVIDER shall make satisfactory arrangements with Enova Power (formally Kitchener-Wilmot Hydro) for the provision of permanent electrical

services to the subdivision and/or the relocation of the existing services. Further, the SUBDIVIDER acknowledges that this may include the payment of all costs associated with the provision of temporary services and the removal of such services when permanent installations are possible.

6. The SUBDIVIDER shall make satisfactory arrangements for the provision of permanent telephone services to the subdivision and/or the relocation of the existing services. Further, the SUBDIVIDER acknowledges that this may include the payment of all costs associated with the provision of temporary services and the removal of such services when permanent installations are possible.
7. The SUBDIVIDER shall make arrangements for the granting of any easements required for utilities and municipal services. The SUBDIVIDER agrees to comply with the following easement procedure:
 - (a) to provide copies of the subdivision plan proposed for registration and reference plan(s) showing the easements to HYDRO, and telephone companies and the CITY, to the CITY'S Director of Planning.
 - (b) to ensure that there are no conflicts between the desired locations for utility easements and those easement locations required by the CITY'S Director of Engineering Services for municipal services;
 - (c) to ensure that there are no conflicts between utility or municipal service easement locations and any approved Tree Preservation/Enhancement Plan;
 - (d) if utility easement locations are proposed within lands to be conveyed to, or presently owned by the CITY, the SUBDIVIDER shall obtain prior written approval from the CITY'S Director of Planning and CITY'S Director of Engineering Services or, in the case of parkland, the CITY'S Director of Parks and Cemeteries; and
 - (e) to provide to the CITY'S Director of Planning, a clearance letter from each of HYDRO and telephone companies. Such letter shall state that the respective utility company has received all required grants of easement, or alternatively, no easements are required.
8. The SUBDIVIDER shall dedicate all roads, road widenings, and public walkways to the CITY by the registration of the Plan of Subdivision.
9. The SUBDIVIDER shall erect and maintain a subdivision billboard sign at each major entrance to the subdivision, in accordance with a plan approved by the CITY'S Director of Planning, in accordance with the following criteria:

- a) The sign shall be in accordance with the CITY'S Sign by-law and shall be located outside the required yard setbacks of the applicable zone and outside the corner visibility triangle, with the specific, appropriate location to be approved by the CITY'S Director of Planning;
 - b) The sign shall have a minimum clearance of 1.5 metres, a maximum height of 6 metres, and a maximum area of 13 square metres;
 - c) Graphics shall depict the features within the limits of the subdivision including, without limiting the generality of the foregoing, approved street layout, including emergency access roads, zoning, lotting and specific land uses, types of parks, storm water management areas, hydro corridors, trail links and walkways, potential or planned transit routes and bus stop locations, notification regarding contacts for school sites, noise attenuation measures, environmentally sensitive areas, tree protection areas, special buffer/landscaping areas, water courses, flood plain areas, railway lines and hazard areas and shall also make general reference to land uses on adjacent lands including references to any formal development applications, all to the satisfaction of the CITY'S Director of Planning;
 - d) Approved subdivision billboard locations shall be conveniently accessible to the public for viewing. Low maintenance landscaping is required around the sign and suitable parking and pedestrian access may be required between the sign location and public roadway in order to provide convenient accessibility for viewing; and,
 - e) The SUBDIVIDER shall ensure that the information is current as of the date the sign is erected. Notice shall be posted on the subdivision billboard signs advising that information may not be current and, to obtain updated information, inquiries should be made at the CITY'S Community Services Department – Planning Division or the appropriate School Board for school accommodation information.
 - f) The sign shall also advise prospective residents that students from the subdivision may be directed to schools outside the neighbourhood.
10. The SUBDIVIDER agrees that the streets shall be named as shown on the plan.
11. To expedite the approval for registration, the SUBDIVIDER shall submit to the CITY'S Director of Planning, a detailed written submission documenting how all conditions imposed by this approval that require completion prior to registration of the subdivision plan(s), have been satisfied.

12. The SUBDIVIDER agrees to convey to the CITY the following lands for the purposes stated therein, at no cost and free of encumbrance, concurrently with the registration of each stage of the plan of subdivision within which the identified blocks are located, and show on the final plans for registration:

Block 13 Park

13. The SUBDIVIDER shall satisfy the 5% parkland dedication for the entire subdivision, being 1.554 ha, as follows:
 - a. Multi-Use Trail subject to a public access easement, 0.08289 hectare (Block 6, Block 7, Block 8 and Block 9) at 50% value, being 0.04145 ha,
 - b. POPS plaza space within Block 1, subject to a public access easement, 0.17704 hectare at 75% value, being 0.13278 ha,
 - c. Public Park (Block 13), 0.71 hectare at 100% value, being 0.71 ha,
 - d. Cash in lieu payment for 0.66977 hectare at a rate of \$1,359,000/ ha, and
 - e. Cash in lieu payment for any deficiencies in the areas cited in a or b) above to be provided according to the Planning Act and Park Dedication Bylaw in effect.
14. The SUBDIVIDER agrees that if servicing or grading has not commenced prior to final approval of the plan, a Detailed Vegetation Plan is to be submitted for approval by the CITY'S Director of Planning. The Detailed Vegetation Plan shall also show approved grading. The SUBDIVIDER agrees to implement all of the measures identified in the approved Detailed Vegetation Plan including delivering all information contained in the approved Detailed Vegetation Plan to prospective purchasers to ensure that the requirements are carried out as specified.
15. The SUBDIVIDER agrees to have all proposed tree and shrub plantings on public rights of way reviewed and approved by the CITY'S Director of Parks and Cemeteries.
16. The SUBDIVIDER agrees to obtain the appropriate land use plan, from the City of Kitchener, for the area being subdivided in order to satisfy Condition 1.22 of the Subdivision Agreement.
17. The SUBDIVIDER agrees that prior to servicing or registration, whichever occurs first, to prepare an updated water servicing report which shall make recommendations that address water pressure within the limits of the subdivision to the satisfaction of the CITY'S Director of Engineering Services and the Regional Municipality of Waterloo.
18. The SUBDIVIDER shall confirm whether decorative street signage and street lighting will be used for the subdivision to the satisfaction of the

CITY'S Director of Transportation Services and CITY'S Director of Planning and Enova Power (formally Kitchener-Wilmot Hydro) and the Region of Waterloo. Should these decorative elements be utilized, they shall be installed at the appropriate timeframe and at the SUBDIVIDER'S cost, including the provision of 10% of the cost of materials for future replacement/maintenance, to the satisfaction of the CITY'S Director of Transportation Services and Enova Power (formally Kitchener-Wilmot Hydro).

19. To satisfy any condition in the Subdivision agreement with timing identified as "prior to registration".

3. REGIONAL MUNICIPALITY OF WATERLOO CONDITIONS:

1. THAT prior to final approval, the Owner/Developer submit an updated scoped hydrogeological investigation be provided to the satisfaction of the Region, the City and the Grand River Conservation Authority (GRCA) confirming/addressing groundwater quality data.
2. THAT prior to final approval, the Owner/Developer enter into an agreement with the Region to ensure the following to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services:
 - a. All monitoring wells not proposed to be included in the during and post-development ground watering program shall be decommissioned in accordance with Ontario Regulation 903;
 - b. Upon completion of the during and post-development groundwater monitoring program, all monitoring wells must be decommissioned in accordance with Ontario Regulation 903, as amended, and
 - c. No buildings will be constructed that will utilize active or passive dewatering mechanisms to keep below-grade structures dry.
3. THAT prior to final approval, the Owner/Developer provide a Final Stormwater Report for each block to the satisfaction of the Region, the City and the GRCA, which includes the result of in-situ soil testing at the location of any large conveyance infiltration facilities to confirm the suitability of the soils to receive the proposed volumes of runoff. In addition, the following shall be addressed to the satisfaction of the Regional Municipality of Waterloo:
 - a. A pre-and post-development water budget must be presented in terms of m³/annum. A detailed breakdown must be included to show the different components of evapotranspiration (ET), runoff and infiltration for both pre- and post-development.

- b. The Region does not support the use of permeable pavers on private road rights-of-ways. This must be reflected in the stormwater management report(s) submitted to the Region as a condition of draft plan approval.
4. THAT prior to final approval, the Owner/Developer will be required to enter into an agreement with the Region to complete a Stormwater Management Plan for each block to the satisfaction of the Regional Municipality of Waterloo;
 5. THAT prior to final approval, the Owner/Developer will be required to enter into an agreement with the Region to require individual pressure reducing devices on each water service below 327.8 mASL;
 6. THAT prior to final approval, the Owner/Developer will provide an updated concept servicing plan to the satisfaction of the Region, showing individual service connections to the separate blocks/properties and buildings;
 7. THAT prior to final approval, the Owner/Developer shall submit a Revised Transportation Impact Study including a Railway Safety Analysis for any LRT/Railway Crossings including the pedestrian pathways/sidewalks to the satisfaction of the Region of Waterloo;
 8. THAT prior to final approval, the Owner/Developer provides a Phase 1 and Phase 2 ESA report and dedicates a road widening to the Regional Municipality of Waterloo at no cost or encumbrance to the Region, along the frontage of Regional Road 53 (Courtland Avenue East) all to the satisfaction of the Regional Municipality of Waterloo;
 9. THAT prior to final approval, the Owner/Developer dedicates the daylight triangles measured 7.62m x 7.62m (25ft x 25ft) post any road widenings to the Region of Waterloo at no cost to the Region, at the intersection of each proposed and existing local municipal roads (Palmer, Borden, Kent) with Regional roads;
 10. THAT prior to final approval, the Owner/Developer must obtain a Regional Road Access Permit for the proposed Kent Avenue municipal road extension into the subject property and connection of Olde Fashioned Way to Borden Avenue to the satisfaction of the Regional Municipality of Waterloo;
 11. THAT prior to final approval, the Owner/Developer will be required to enter into a development agreement with the Regional Municipality of Waterloo for all units and the following warning clauses shall be included in agreements of Offers of Purchase and Sale, lease/rental agreements and any future condominium declaration(s):

The following noise warning clauses will be required for all units:

"Purchasers/tenants are advised that sound levels due to increasing road and rail traffic on Courtland Avenue East and Stirling Avenue South and Canadian National

Railway track may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.”

“Purchasers/tenants are advised that due to the proximity of this dwelling to the nearby railway tracks, vibration from rail pass-bys may occasionally be perceptible within this unit.”

“This dwelling unit has been designed with the provision for adding central air conditioning at the occupant’s discretion. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks. The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MECP Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.”

Buildings A & B

“This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality’s and the Ministry of the Environment, Conservation & Parks. The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MOE Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.”

Warning: *“Canadian National Railway (CNR) or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land subject hereof. There may be alteration to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”*

12. That prior to final approval, the Owner/Developer shall provide a Functional Plan, Cost Estimate, Legal Agreement and Related Funds (letter of credit, certified cheque or bank draft) for any improvements to the Regional Road network, all to the satisfaction of the Regional Municipality of Waterloo including:
 - a. That prior to final approval, the Region has the necessary physical and financial resources to construct all required road improvements; and,
 - b. That the above be fulfilled to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.
13. THAT prior to final approval, the Owner/Developer provide funds to Grand River Transit for the construction for a new transit shelter, including a concrete shelter pad and provisions for electrical conduit; and,
14. THAT prior to final approval, the Owner/Developer shall provide a compliance letter from a qualified Professional Engineer licensed to practice in the Province of Ontario to demonstrate that the proposed development is in accordance with the Federation of Canadian Municipalities and the Railway Association of Canada "Guidelines for New Development in Proximity to Railway Operations" (Dialog & J.E. Coulter Associated Limited, May 2013), to the satisfaction of the Regional Municipality of Waterloo, and in consultation with the Canadian National Railway (CN) and that any required mitigation measures through this report and any completed noise studies will be secured through an agreement and/or conditions of draft approval.
15. THAT prior to final approval, the Owner/Developer shall enter into a Registered Development Agreement with the Regional Municipality of Waterloo to submit a detailed transportation, rail and stationary noise study for each block within the Plan of Subdivision to the satisfaction of the Regional Municipality of Waterloo. The Owner/Developer further agrees to:
 - a. enter into a registered development agreement with the Regional Municipality of Waterloo and/or the City of Kitchener to implement any recommendations and implementation measures for each block to the satisfaction of the Regional Municipality of Waterloo.
16. THAT prior to final approval, the Owner/Developer shall enter into an Agreement with the Region in accordance with Subsection 4(6) of Regional Development Charge By-law 19-037 on terms and conditions satisfactory to the Regional Solicitor, to be registered on title, providing for the total amount of any applicable Regional Development Charge Redevelopment Allowance as of the date of Draft Approval of this Plan of Subdivision to be available for the subdivision lands in its entirety and to allow for it to be drawn down to reduce the applicable Regional Development Charge for each building permit as they are issued until the Regional Development Charge Redevelopment Allowance is fully expended or has expired in accordance with the provisions of Regional Development Charge By-law 19-037, or any successor development charges by-law.

4. OTHER AGENCY CONDITIONS:

Grand River Conservation Authority

1. Prior to any grading or construction on the site and prior to registration of the plan, the owners or their agents submit the following plans and reports to the satisfaction of the Grand River Conservation Authority.
 - a. A detailed storm water management report in accordance with the 2003 Ministry of the Environment Report entitled "Stormwater Management Planning and Design Manual".
 - b. A detailed Lot Grading, Servicing and Storm Drainage Plan.
 - c. An Erosion and Siltation Control Plan in accordance with the Grand River Conservation Authority's Guidelines for sediment and erosion control, indicating the means whereby erosion will be minimized and silt maintained on-site throughout all phases of grading and construction.
 - d. The submission and approval of a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Permit from the GRCA prior to the construction in a wetland and/or grading in a regulated area and/or construction of the Stormwater Management outlet in a regulated area.

5. CLEARANCE CONDITIONS

1. That prior to the signing of the final plan by the CITY'S Director of Planning, the Director shall be advised by the Regional Commissioner of Planning, Development and Legislative Services that Conditions 3.1 to 3.16 have been carried out to the satisfaction of the Regional Municipality of Waterloo. The clearance letter from the Region shall include a brief statement detailing how each condition has been satisfied.
2. That prior to the signing of the final plan by the CITY'S Director of Planning, the Director, shall be advised by the telephone company that Conditions 2.1.6 and 2.1.7 have been carried out satisfactorily. The clearance letter should contain a brief statement as to how the conditions were satisfied.
3. That prior to the signing of the final plan by the CITY'S Director of Planning, the Director shall be advised by Enova Power (formally Kitchener-Wilmot Hydro) that Conditions 2.1.5 and 2.1.7 have been carried out satisfactorily. The clearance letter should contain a brief statement as to how the conditions were satisfied.
4. That prior to the signing of the final plan by the CITY'S Director of Planning, the Director shall be advised by the Grand River Conservation Authority that Condition 4.2 has been carried out satisfactorily. The clearance letter should contain a brief statement as to how the condition was satisfied.

NOTES

1. The owner/developer is advised that the provisions of the Regional Development Charge By-law 14-046 are applicable.
2. The final plans for Registration must be in conformity with Ontario Regulation 43/96, as amended, under The Registry Act.
3. It is the responsibility of the Owner of this plan to advise the Regional Municipality of Waterloo and the City of Kitchener Planning Division of any changes in ownership, agent, address, and phone and fax numbers.
4. The owner/developer is advised that the Regional Municipality of Waterloo has adopted By-Law 17-076, pursuant to Section 69 of the Planning Act, R.S.O. 1990 c. P.13, as amended, to prescribe a tariff of fees for application, recirculation, draft approval, modification to draft approval and registration release of plans of subdivision.
5. The owner/developer is advised that pursuant to Regional By-Law 17-076, the current fee for review of a road traffic noise study is \$250.00, payable to the Regional Municipality of Waterloo upon submission of the study for review.
6. This draft plan was received on or after January 1, 2007 and shall be processed and finally disposed of under the Planning Act, R.S.O. 1990, c. P.13, as amended by S.O. 2006, c. 23 (Bill 51).
7. The Owner is advised that draft approval is not a commitment by the Regional Municipality of Waterloo to water and wastewater servicing capacity. To secure this commitment the owner/developer must enter into an "Agreement for Servicing" with The Regional Municipality of Waterloo by requesting that the Region's Planning, Development and Legislative Services Department initiate preparation of the agreement. When sufficient capacity is confirmed by the Region's Commissioner of Transportation and Environmental Services to service the density as defined by the plan to be registered, the owner/developer will be offered an "Agreement for Servicing". This agreement will be time limited and define the servicing commitment by density and use. Should the "Agreement for Servicing" expire prior to plan registration, a new agreement will be required.

The owner/developer is to provide the Regional Municipality of Waterloo with two print copies of the proposed plan to be registered along with the written request for a servicing agreement

8. To ensure that a Regional Release is issued by the Regional Commissioner of Planning, Development and Legislative Services to the City of Kitchener prior to year end, it is the responsibility of the Owner to ensure that all fees have been paid, that all Regional conditions have been satisfied and the required clearance

letters, agreements, prints of plan to be registered, and any other required information or approvals have been deposited with the Regional Planner responsible for the file, no later than December 15th. Regional staff can not ensure that a Regional Release would be issued prior to year end where the Owner has failed to submit the appropriate documentation by this date.

9. The Owner is advised that the lands, or a portion of the lands, are subject to the Region of Waterloo International Airport Zoning Regulations issued under the federal Aeronautics Act. The purpose of the Regulations is two-fold: 1) to prevent lands adjacent to or in the vicinity of the Region of Waterloo International Airport site from being used or developed in a manner that is incompatible with the safe operation of the airport or an aircraft; and 2) to prevent lands adjacent to or in the vicinity of facilities used to provide services relating to aeronautics from being used or developed in a manner that would cause interference with signals or communications to and from aircraft or to and from those facilities.

It is the landowner's responsibility to be aware, and to make all users of the land aware of the restrictions under these Regulations which may include but not limited to height restrictions on buildings or structures, height of natural growth, interference with communications, and activities or uses that attract birds.

10. The Owner is advised that the lands, or a portion of the lands, may be subject to Canadian Aviation Regulations Standard 621.19 issued under the federal Aeronautics Act. This Standard allows aviation officials to assess individual obstructions, namely buildings, structures or objects, to determine if they are likely to constitute a hazard to air navigation and consequently require marking and/or lighting in accordance with the Standards. Persons planning to erect an obstruction, namely a building, structure or object, including a moored balloon, either permanently or temporarily, should contact the Regional Manager, Aerodrome Safety (Ontario Region), Transport Canada at (416) 952-0248 as early as possible and provide the necessary information on the planned obstruction using the Aeronautical Obstruction Clearance Form (#26-0427) issued by Transport Canada.
11. When the survey has been completed and the final plan prepared to satisfy the requirements of the Registry Act, they should be forwarded to the City of Kitchener. If the plans comply with the terms of approval, and we have received an assurance from the Regional Municipality of Waterloo and the applicable clearance agencies that the necessary arrangements have been made, the Manager of Development Review's signature will be endorsed on the plan and it will be forwarded to the Registry Office for registration.

The following is required for registration under The Registry Act and the Region's purposes:

One (1) original mylar

Three (3) mylar copies
Four (4) white paper prints