

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: January 27, 2021

CASE NO(S):

PL180358

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Liv Developments Ltd.
Subject:	Request to amend the Official Plan - Failure of City of Brantford to adopt the requested amendment
Existing Designation:	"Residential Area - Low Density" and "Major Open Space"
Proposed Designated:	"Residential - Medium Density" and "Major Open Space"
Purpose:	To permit 73 single detached dwellings and 79 townhouses
Property Address/Description:	620 Colborne Street
Municipality:	City of Brantford
Approval Authority File No.:	OP-07-17
OMB Case No.:	PL180358
OMB File No.:	PL180358
OMB Case Name:	Liv Developments Ltd. v. Brantford (City)

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Liv Developments Ltd.
Subject:	Proposed Plan of Subdivision - Failure of City of Brantford to make a decision
Purpose:	To permit 73 single detached dwellings and 79 townhouses
Property Address/Description:	620 Colborne Street
Municipality:	City of Brantford
Municipality File No.:	29T-17506

OMB Case No.: PL180358
 OMB File No.: PL180360

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Liv Developments Ltd.
Subject:	Application to amend Zoning By-law No. 160-90 - Refusal or neglect of City of Brantford to make a decision
Existing Zoning:	"Residential Type 1B (R1B)"
Proposed Zoning:	"Residential Type 1 C (R1C)", "Residential Medium Density Type A (R4A)" and "Open Space (OS1)"
Purpose:	To permit 73 single detached dwellings and 79 townhouses
Property Address/Description:	620 Colborne Street
Municipality:	City of Brantford
Municipality File No.:	PZ-15-17
OMB Case No.:	PL180358
OMB File No.:	PL180359

Heard: October 22, 2020, by video hearing

APPEARANCES:

Parties

Counsel

Liv Development Ltd. ("Applicant")	Russell Cheeseman
County of Brant ("County")	Jyoti Zuidema
Corporation of the City of Brantford ("City")	Heidi de Vries

MEMORANDUM OF ORAL DECISION DELIVERED BY DAVID L. LANTHIER ON OCTOBER 22, 2020 AND INTERIM ORDER OF THE TRIBUNAL

INTRODUCTION

[1] The Applicant made Applications for approval of an Official Plan Amendment, a Zoning By-law Amendment and a Draft Plan of Subdivision to allow for a subdivision development ("Development") on lands located at 620 Colborne Street West, east of the

intersection of Pleasant Ridge Road (the “Site”). The City made no decision with respect to the Applications and the Applicant accordingly filed appeals with respect to all Applications.

[2] Due to the Covid-19 Pandemic and the interruption of the Tribunal’s hearing calendar, the previously scheduled hearing of the Appeals did not proceed on May 11, 2020. Discussions between the Parties with respect to the Applications nevertheless continued as the Appeals were before the Tribunal and in August the Tribunal was advised that a resolution of all issues had been reached and a request was made to the Tribunal to schedule a Settlement Hearing conducted as a video hearing.

[3] For the reasons, and upon the findings which follow, the Tribunal allows the Appeals, in part, and approves the draft Official Plan Amendment (“OPA”) Zoning By-law Amendment (“ZBLA”) and Draft Plan of Subdivision (“Draft PoS”), but will withhold issuance of the Final Order upon the stipulated conditions (“Conditions”) set out herein.

THE HEARING AND TERMS OF SETTLEMENT

[4] The settlement, and the evidence in support of the approval of the proposed OPA, ZBLA and Draft PoS with Conditions, were presented with the concurrence of all Parties. The Tribunal received planning evidence from Mr. John Ariens, on behalf of the Applicant, who provided his *curriculum vitae* and an executed Acknowledgement of Expert’s Duty. Mr. Ariens was qualified by the Tribunal to provide expert evidence in the area of land use planning and the Tribunal received the benefit of both his Affidavit and his oral testimony at the hearing.

[5] The Panel also received, and reviewed, for the purposes of the hearing, the Participant Statement from Mr. Mario Lucente, as well as a series of accompanying photographs contained in Powerpoint files forwarded to the Tribunal. Mr. Lucente’s concerns were primarily relating to transportation and traffic safety concerns, which were addressed in the planning evidence.

[6] In the course of the hearing, the Tribunal requested that the Parties provide

some additional supplementary electronic documents referred to in the course of Mr. Ariens' testimony. They were received and are recognized accordingly as Exhibits to the Settlement Hearing.

[7] The following documents were marked as exhibits for the purposes of this Settlement Hearing:

- Exhibit 1 – Appointment for Settlement Hearing by Video
- Exhibit 2 – Bound Affidavit of John S. Ariens sworn September 2, 2020, with attached exhibits to the Affidavit, A to G
- Exhibit 3 – Bound copy of the Executed Minutes of Settlement between all Parties dated August 7, 2020, with attached Schedules A to D
- Exhibit 4 – Executed Minutes of Settlement between the Applicant and the County dated August 19, 2020.
- Exhibit 5 – Preliminary Site Layouts, East and West Side (Electronic Copy)
- Exhibit 6 – Updated EIS dated November 7, 2018 with appended Memo regarding soil and slope stability dated November 5, 2018 (Electronic Copy).
- Exhibit 7 – Updated comments from Grand River Conservation Authority dated December 18, 2018 (Electronic Copy).
- Exhibit 8 – Engineering comments from City of Brantford, March 29, 2019 and from County of Brant, January 3, 2019 (Electronic Copy).
- Exhibit 9 – Updated Transportation and Traffic Briefs dated October 22, 2018 and July 30, 2019, and Addendum (Electronic Copy).

[8] The Parties have agreed to the final drafts of a proposed OPA (Attachment 1) and ZBLA (Attachment 2) as well as the final form of a Draft PoS for the Site (Attachment 3) and the proposed Conditions of Draft Plan Approval to apply (Attachment 4) as a means of resolving all outstanding issues relating to the Applications and the Appeals.

[9] The parties have, as between themselves, agreed that as the final form of the

Development will be addressed in subsequent Site Plan processes, it may be necessary for the Applicant to apply for a minor variance of the ZBLA, as submitted in this Settlement Hearing, within two years after the ZBLA comes into force and effect. The settlement is predicated on the additional terms of agreement in the Minutes of Settlement as between the Applicant and County dated August 19, 2020 which relate to agreed-upon payments for a Reserve Fund Account for costs associated with road improvements at the identified intersection.

ISSUES

Official Plan and Zoning By-law

[10] In considering the OPA and ZBLA Applications and Appeals, the Tribunal must have regard to those matters of Provincial Interest set out in s. 2 of the *Planning Act* (“Act”), and must be satisfied, pursuant to s. 3(5), that the draft instruments, as they will permit the proposed Development, are consistent with the Provincial Policy Statement 2020 (“PPS”) and will conform with, or not conflict with, the Growth Plan for the Greater Golden Horseshoe 2019 (“Growth Plan”). The ZBLA must also conform to both the City of Brantford Official Plan (“City OP”), as it is amended by the OPA, and represent good planning in the public interest.

[11] In considering these issues, and determining this Appeal the Tribunal must also have regard to any decision of the Council for the City as it related to the OPA and the ZBLA, including its recent decision to approve the proposed settlement and amendment to the ZBLA, and also to the supporting information and material that was before Council in making such decisions in relation to the Appeals now before the Tribunal.

Draft Plan of Subdivision

[12] The issue to be determined by the Tribunal, under this s. 51(34) appeal, is whether the proposed Draft PoS, with such Conditions of Draft Plan Approval that may be required to effectively implement the draft plan, have due regard for the criteria set out in s. 51(24) of the *Act*. Subject to such site-specific issues that may arise within the

enumerated criteria, and in addition to the other specific criteria set out in the subsection, and the requirements of s. 3(5), the Tribunal, in considering the Draft PoS, must: have regard for matters of provincial interest set out in s. 2 of the *Act*; ensure consistency with the PPS; be satisfied as to the conformity of the Draft PoS to the Growth Plan and the City OP; whether the Draft PoS conforms, as well, to adjacent plans of subdivision if any; that the Draft PoS is not premature and is in the public interest; that the Site is suitable for the proposed draft plan; and that the PoS, with the conditions, represents good planning. As with the ZBLA and the OPA, the Tribunal must also have regard to the materials and information before Council.

[13] With respect to the proposed Conditions to the Draft PoS, under s. 51(25), the Tribunal must also be satisfied that the Conditions are appropriate and reasonable, having regard to the nature of the proposed PoS, and thus: are causally related to the subject matter of the subdivision application; are achievable in that they can be satisfied by the Applicant; represent an orderly means of implementing the Draft PoS and address all necessary pre-requisites to the draft plan and the application that is before the Tribunal; and represent good planning in the public interest as they will implement and permit the proposed Draft PoS.

ANALYSIS AND SUMMARY OF FINDINGS

[14] Mr. Ariens provided a comprehensive and detailed overview of the proposed Development and both its physical context and policy context, as well as the terms of the settlement, and the proposed draft instruments and draft conditions now presented for consideration by the Tribunal. Mr. Ariens' oral testimony was supplemented by his Affidavit sworn September 2, 2020, the contents of which were adopted by him in the hearing.

Overview of the Proposed Development and Draft Plan of Subdivision and Matters of Context

[15] The Site of the proposed PoS is located on an irregularly shaped tract of land south of Colborne Street West ("Colborne") in the City of Brantford, situated between

the intersection of Colborne and Pleasant Ridge Road to the west and residential development to the east, comprised of a few residential lots fronting onto Colborne and a residential subdivision with residential lots backing onto the site and fronting Evergreen Court and D'aubigny Road.

[16] The proposed PoS is supported by a number of detailed technical studies. The proposed residential units are to be developed within one large block of land in the northwest area of the Site ("Block 1" on the "West Side") and in another segment of the Site in the northeast area comprised of two blocks ("Block 2" and "Block 3" on the East Side). Block 2 is immediately south of Colborne and Block 3 is an expansive area that extends south of the existing residences on Colborne and up to the east boundary with the residential development to the east.

[17] The West Side and East Side are separated by a central area of undeveloped Natural Heritage Lands in the center which also extends south of Blocks 1, 2 and 3 to the southern boundary of the Site. This Center Block is identified as Block 6 in the proposed Draft PoS. The West Side and East Side are currently mostly open meadow areas and the Centre Block of Natural Heritage Lands are comprised of woodland areas, wetlands and some meadowland. The contours of the boundaries between the Blocks to be developed and the Natural Heritage Lands are dictated, in part, by the location of the wetlands and woodlands identified in the updated Environmental Impact Study ("EIS") (Exhibit 6) and the identified wetland and tree buffers which will exist under the draft PoS.

[18] What is notable with respect to the Settlement, and resolution of the Appeals, is that the final PoS placed before the Tribunal establishes only the larger component blocks for the location of the residential areas and streets within the Site, and the remaining open space and Natural Heritage Lands. The final form and layout of the residential units is not provided within the Draft PoS presented for approval, and these specifics will be set out in final site plans for both the West Side and the East Side. Preliminary drafts of the two Site Layouts (Exhibit 5) were however provided to the Tribunal, which are consistent with the PoS being submitted for approval.

[19] The West Site (Block 1) residential development, with approximately 169 townhouse units, will be subject to a further Site Plan and Plan of Condominium. There will be one entrance off Colborne to the north which leads to an interior road system with residential units around the north, west and east perimeters, and a number of blocks of residential units in the interior, together with one large undeveloped area in the centre. Archaeological assessments are pending and there will be numerous design aspects to be determined in the Site Plan process. Tree buffers will exist around the east and south perimeters of Block 1.

[20] The East Site will contain the smaller residential area with 10 units (Block 3), located along the south side of Colborne and accessible from a new private roadway which will then lead to the larger block of residential development (Block 2). The larger area of development is intended to situate 15 buildings, containing approximately 88 units, within a layout of sidewalks, pedestrian walkways, streets and parking areas. Tree and wetland buffers will also exist around the west and south perimeters of Blocks 2 and 3.

[21] Ownership of the large interior Center Block open space and Natural Heritage Lands is not yet determined and may be by either the City or the Grand River Conservation Authority. Other aspects of the proposed Development have been addressed in the analysis of the planning evidence provided by Mr. Ariens.

Official Plan Amendment

[22] The OPA submitted to the Tribunal for approval reflects the proposed components of the residential subdivision Development outlined above and serves to introduce a “Residential Area Medium Density” area on designated portions of the Site lands currently comprised of Low Density or Major Open Space (in Schedules B and C to the OPA). The West Site, Block 1, is designated as Modified Policy Area 131 and permits uses for semi-detached residential dwelling units as well as being designated Residential Area Medium Density.

[23] As the proposed Development will increase the density and range of housing options on the Site, Mr. Ariens testified that the submitted planning instruments will be consistent with the policies of the PPS as the Development will provide more affordable, more compact, and efficient housing with a market based range and mix of residential types, utilizing existing infrastructure and public service facilities, minimizing land consumption, and ensuring public safety. The proposed PoS will also serve to protect the environment, as the majority of the Site's lands will be designated as Major Open Space to recognize and protect the significant core natural heritage wooded areas and provincially significant wetlands. Natural hazards, relating to matters of slope and slope stability arising from the topography and grades on the Site will, in Mr. Ariens' view, be appropriately addressed through the PoS, Conditions of Draft Plan Approval, and additional Site Plan processes.

[24] The Development, as permitted by the OPA, will implement appropriate development standards which will facilitate intensification and redevelopment in a more compact form that will assist the minimum targets for intensification and growth targets and achieve long term prosperity. Mr. Ariens identified the specific PPS policies considered and applicable to the Development and confirmed his opinion that, in all respects, the proposed Development was consistent with each of those policies.

[25] As the Conditions of Draft Plan Approval will require the completion of the necessary archaeological assessment to ensure that any significant archaeological resources are appropriately identified for registration and conserved or removed, the Development is also consistent with the cultural heritage policies of the PPS.

[26] Mr. Ariens therefore concluded, upon his analysis, that the OPA is consistent with the policies in the PPS.

[27] Mr. Ariens also identified the portions of the Growth Plan engaged in his analysis of the Development and the proposed planning instruments before the Tribunal for approval. The proposed residential unit layout will direct growth into a settlement area and a delineated built-up area with existing and planned infrastructure and public

service facilities, away from hazardous lands and natural heritage features. The Development will also conform to the “complete communities” provisions of the Growth Plan by providing a mix of residential uses in the form of block townhouses, parkland and open space with a mix of semi-detached and standard townhouses, park model units with dual frontage and back-to-back townhouses, and thus a full range of housing and medium density options.

[28] In Mr. Ariens’ opinion the proposed Development will also result in an efficient use of municipal water and wastewater systems and of the existing road network, specifically, Colborne. The Development will effectively utilize an undeveloped site, connect to existing municipal infrastructure and provide opportunities for increased transit usage and support active transportation. Existing hydrologic, natural and cultural heritage features will be protected without any negative impacts. For the reasons indicated Mr. Ariens’ accordingly concludes that the proposed Official Plan Amendment, as it will support and permit the proposed subdivision development, is in conformity with the Growth Plan.

[29] Upon Mr. Ariens’ uncontroverted planning evidence, which the Tribunal accepts in its entirety, the Tribunal accordingly finds that the OPA, as it will permit the Development, has regard to matters of Provincial interest, is consistent with the PPS, conforms to the Growth Plan, and represents good planning in the public interest.

Zoning By-law Amendment

[30] Upon much the same planning evidence, as touched upon by Mr. Ariens in his review of the policies of the PPS and the Growth Plan, he also concludes that the proposed Zoning By-law Amendment as it will permit the Development, is consistent with the policies of the PPS and conforms to the Growth Plan. The ZBLA also, in Mr. Ariens’ opinion, conforms to the City OP, as it is amended by the OPA.

[31] In tandem with the OPA, the ZBLA will alter the zoning on the Site to a number of types of Holding Residential-Medium Density zoning exceptions, and allow for a number

of site-specific exceptions and performance standards to permit the back-to-back townhouses, dual frontage townhouses, lot areas, widths and coverages as well as building height, amenity areas, landscape open space, fences, encroachments and yard setbacks. Of importance is that the Holding provision on all of the zoning will only be removed when the executed Subdivision Agreement and Site Plan Agreements are in place, with all identified Conditions satisfied to the satisfaction of the City.

[32] The Tribunal, upon Mr. Ariens' evidence, concludes that the revised ZBLA as it will permit the revised draft Plan of Subdivision, and add such medium density use of the presently underused Site, in the manner indicated, is consistent with the policies of the PPS that apply to the Development, and conforms to the Growth Plan and to the City OP. It is the finding of the Tribunal that the ZBLA, as it will enable the Development, generally represents good planning in the public interest.

Draft Plan of Subdivision

[33] Mr. Ariens provided a fulsome overview of the enumerated criteria set out in s. 51(24) of the *Act* including the following: the subdivision is not premature; conforms to the adjacent subdivision to the east of the East Site reviewed in the evidence; the Site is suitable for the purposes of the proposed subdivision as it will segregate and protect the natural features and hazards; the shapes and dimensions of the large Blocks, as they will be developed under the preliminary site plans provided to the Tribunal, are appropriate for development; the proposed holding provisions, Conditions of Draft Plan approval, and additional site plan control measures that are still to come are appropriate restrictions under subparagraph 51(24)(g); and the form of compact medium density form of residential development, with active transportation, addresses many aspects of the criteria. Mr. Ariens has concluded that the Draft PoS complies with all of the criteria set out in s. 51(24) of the *Act*, has regard to matters of provincial interest and, again for the reasons indicated, as it will permit the Development, is consistent with the PPS and conforms to the Growth Plan and the City OP.

[34] Mr. Ariens also has opined on the draft Conditions to Draft Plan approval as they

are presented to the Tribunal (Attachment 4) and concludes that they meet the tests set out in s. 51(25) of the *Act*, and are reasonable and recommended for approval by the Tribunal.

[35] The Tribunal finds that the proposed PoS, with the recommended Conditions of Draft Plan Approval is: consistent with the PPS; conforms to the Growth Plan; conforms to the policies contained in the City OP and is also in compliance with the performance standards and criteria in the Town's comprehensive Zoning By-law as it is amended by the ZBLA. The Tribunal also concludes, upon the evidence, that the PoS addresses the criteria set out in s. 51(24) of the *Act*.

[36] With respect to the proposed Conditions to the draft PoS, under s. 51(25), the Tribunal finds that the Conditions are appropriate and reasonable, having regard to the nature of the proposed PoS, are causally related to the subject matter of the PoS; are achievable in that they can be satisfied by the Applicant; represent an orderly means of implementing the PoS and address all necessary pre-requisites to the draft plan and the application that is before the Tribunal. The Tribunal accordingly finds that the Conditions represent good planning in the public interest as they will implement and permit the proposed Draft PoS.

[37] As a result of these findings, and upon all of the evidence presented, the Tribunal finds that the PoS, with the draft Conditions, has regard for all matters of Provincial Interest identified in s. 2 of the *Act*, represents good land use planning, and should be approved. The Tribunal, in reaching this conclusion, has had regard the information and material that were before Council as it has approved the settlement as it has now been presented at this hearing.

Transportation and Traffic Issues

[38] In light of the concerns raised by Mr. Lucente in his submission to the Tribunal, and in the course of considering the appropriateness of the PoS and the proposed Development, the Tribunal has turned its mind to the matter of transportation and traffic.

Mr. Ariens' evidence was that the City and County have received and reviewed the Transportation Impact Studies ("TIS") undertaken by Paradigm Transportation Solutions Limited and those improvements recommended and approved by the County. The Tribunal requested and reviewed the Transportation Briefs and addendum provided by the Parties (collectively Exhibit 9).

[39] The Subdivision provides for lands to be transferred for road widening along the entire north boundary of the Site along Colborne.

[40] The investigations and resulting reports, indicate that a number of remedial measures have been considered for the purposes of addressing traffic concerns. The remedial options being considered have included left-turning lanes at the intersections on Colborne leading to the residential blocks, a roundabout, which can be constructed within the existing right-of way (which is the County's preferred traffic control option) and possibly traffic signal controls. The Addendum to the Traffic Study dated January 16, 2019 contains the most recent remedial options.

[41] Ultimately, in order to ensure that traffic concerns are addressed the parties have included Condition 14 which provides that prior to submission of the final PoS, the Applicant will identify all required road widening blocks necessary for public highway, and be responsible for constructing and implementing all necessary traffic improvements at the Applicant's cost, in accordance with the recommendations in the TIS, to the satisfaction of the City. In addition, the Tribunal notes that the settlement provides for a monetary contribution to be utilized for intersection improvements.

[42] Upon this background, as the settlement has been submitted and the instruments considered, Mr. Ariens is of the view that there are adequate assurances in place that all traffic concerns, as they have been identified, are being addressed. Moreover, traffic and transportation matters, and continuing detailed traffic studies, will continue to be reviewed as the parties move to the site plan process and the consideration of the plan of condominium. With these processes,

there will be further opportunities for public consultation and continued review by municipal staff and Council.

[43] As well, the balance of Conditions 10 to 20 in Attachment 4 further provides for a number of other matters to be addressed in relation to roads and traffic. This includes Condition 15 which requires, as a condition, that the Applicant make all necessary revisions to the Draft PoS which may be required subsequent to the City's approval of the TIS and functional design, including but not limited to the road network and any other changes to the road network or rights-of-way, to the satisfaction of the City and the County.

[44] In considering the planning opinions provided by Mr. Ariens, the exhibits filed at this hearing, and in making its findings, the Tribunal is satisfied that the concerns relating to traffic, transportation and safety have been adequately considered and studied by the Parties to date. More importantly, in approving the submitted instruments, the PoS with the Conditions, the Tribunal is also satisfied that there will be opportunities for such further and other investigation and remedial steps, as will be required to satisfy the County and the City, with further public consultation, yet to come.

[45] The approval of the PoS with the Conditions, and the OPA and ZBLA, as they are the first steps required to move forward, still allow for adequate examination of traffic issues in the site plan and plan of condominium approval process. The Applicant is bound by the Conditions which are fully discretionary to the City and the County, and it is obligated to comply with those requirements set out in the Conditions. On this basis, the Tribunal finds that the approval of the OPA, the ZBLA and the PoS with the Conditions, addresses those matters of public safety and transportation, roads and traffic in an appropriate and comprehensive manner.

Summary

[46] Upon all of the evidence, including the uncontroverted evidence provided by Mr. Ariens, and with the findings, and for the reasons indicated, the Tribunal will accordingly

allow the Appeals in part and will approve the OPA in Attachment 1, the ZBLA in Attachment 2, and the revised Draft PoS in Attachment 3, subject to those Conditions of Draft Plan Approval recommended by Mr. Ariens as set out in Attachment 4.

[47] The Parties however, have requested that the Tribunal withhold the issuance of the Final Orders with respect to each of the Appeals until such time as certain prerequisites agreed to by the Parties under the terms of the Minutes of Settlement, have been satisfied. Specifically, the Minutes of Settlement between the Applicant and the County provide for a contribution from the Applicant for certain road improvements upon terms to be reduced to writing. The Tribunal has no difficulty with the proposed conditions as submitted by the Parties and accordingly the Orders of the Tribunal will be provisional only, withheld by the Tribunal, and a Final Order will be issued only when the Tribunal is advised that the conditions agreed-to by the Parties have been satisfied.

INTERIM ORDERS

Official Plan Amendment

[48] Subject to the conditional withholding of the Final Order as set out in paragraph 52 below, the Tribunal provisionally orders that the Appeal relating to the amendment of the City's Official Plan pursuant to s. 22(7) of the *Planning Act* is allowed in part and the Official Plan for the City of Brantford, is amended by Official Plan Amendment 213, as set out in **Attachment 1** to this Decision.

Zoning By-law Amendment

[49] Subject to the conditional withholding of the Final Order as set out in paragraph 52 below, the Tribunal provisionally orders that the Appeal relating to the amendment of Zoning By-Law No. 160-90 pursuant to s. 34(19) of the *Planning Act* is allowed in part, and the City is directed to amend Zoning By-law No. 160-90 as set out in **Attachment 2** to this Order.

Draft Plan of Subdivision

[50] Subject to the conditional withholding of the Final Order as set out in paragraph 52 below, the Tribunal provisionally orders that the Appeal is allowed in part and the Draft Plan of Subdivision prepared by IBI Group and finally confirmed on September 20, 2018, on lands comprised of Part of Blocks 2 and 3 Kerr Tract, Formerly County of Brant, Geographic Township of Brantford, now in the City of Brantford, appended to this Decision and Order as **Attachment 3**, is approved as amended, subject to the fulfillment of the Conditions set out in **Attachment 4** to this Decision and Order.

[51] Subject to the conditional withholding of the Final Order as set out in paragraph 52 below, the Tribunal also provisionally orders that pursuant to subsection 51(56.1) of the *Planning Act*, the City of Brantford shall have the authority to clear the Conditions of Draft Plan approval and to administer final approval of the Plan of Subdivision for the purposes of subsection 51(58) of the *Planning Act*. In the event that there are any difficulties implementing any of the Conditions of Draft Plan approval, or if any changes are required to be made to the Draft Plan of Subdivision, the Tribunal may be spoken to.

Interim Orders to Become Final Orders

[52] The provisional Interim Orders of the Tribunal set out in paragraphs 48 to 51 above shall be withheld until such time as the Tribunal is advised in writing by the Parties, jointly, that Liv Developments Ltd. ("Applicant") has entered into a binding agreement with the County of Brant ("County"), and has submitted the required financial contribution to the County, for the identified future road reconstructions and improvements, to the satisfaction of the County, as provided for in paragraph 18 of the Conditions and in accordance with the agreement between the Applicant and the County under the Minutes of Settlement executed by them and dated August 19, 2020. Upon receipt of such written confirmation, the Final Order will issue.

[53] The Panel Member will remain seized for the purposes of the issuance of the Final Order and with respect to the Provisional Interim Orders set out above. In the

event any matters arise which are related to the implementation of this Interim Order, the Tribunal may be spoken to.

[54] If the Parties do not provide confirmation that the pre-requisite conditions set out in paragraph 52 above have been satisfied, and request the issuance of the Final Order, by **Wednesday, March 31, 2021**, the Parties shall provide a written status report to the Tribunal by that date, as to the timing of the expected confirmation and issuance of the Final Order by the Tribunal. The Tribunal may, as necessary arrange the further attendance of the Parties by telephone conference call to determine the time-lines for the issuance of the Final Order and such further follow-up as may be required to have the Final Order issued by the Tribunal.

“David L. Lanthier”

DAVID L. LANTHIER
VICE-CHAIR

If there is an attachment referred to in this document,
please visit www.olt.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Ontario Land Tribunals

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 1

BY-LAW NUMBER _____-2020

-OF-

THE CORPORATION OF THE CITY OF BRANTFORD

Being a By-law to Adopt Amendment No. 213 to the
Official Plan of the City of Brantford

WHEREAS the *Planning Act, R.S.O. 1990, c. P.13*, as amended, Section 17 (22) states that “When the requirements of subsections (15) to (21), as appropriate, have been met and the Council is satisfied that the plan as finally prepared is suitable for adoption, the Council may by by-law adopt all or part of the plan and, unless the plan is exempt from approval, submit it for approval”;

AND WHEREAS the Council of The Corporation of The City of Brantford has considered an amendment to the Official Plan of the City of Brantford in accordance with the provisions of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, specifically Sections 17, 21 and 22.

NOW THEREFORE the Council of The Corporation of The City of Brantford hereby enacts as follows:

1. THAT Amendment No. 213 to the Official Plan of the City of Brantford as set out in the text attached as Part 2 of Schedule “A” and Schedule “B” are hereby adopted.
2. This By-law shall come into force and take effect on the day of final passing thereof.

ENACTED this ____ day of _____, 2020

READ THE FIRST TIME

READ THE SECOND TIME

PASSED

MAYOR

CLERK

AMENDMENT NO. 213

TO THE

OFFICIAL PLAN

FOR THE

CITY OF BRANTFORD

PART 1 – THE PREAMBLE TO THE AMENDMENT

Part 1 constitutes an introduction to the Amendment found in Part 2 of Schedule “A” to this By-law. It describes in general terms the purpose of the Amendment, the location of the lands affected, and the basis upon which the Amendment is formulated.

PURPOSE OF THE AMENDMENT:

The purpose of this amendment it is to re-designate the lands from “Residential Area – Low Density”, and “Major Open Space” to “Residential Area – Low Density”, “Residential Area – Medium Density”, and “Major Open Space”, to correspond with a proposed residential subdivision. The amendment also establishes a Modified Policy Area on one of the blocks on the west side of the property, to permit semi-detached dwelling units in addition to the permitted uses.

LOCATION:

The lands subject to this Amendment are located on the south side of Colborne Street West, just east of the intersection of Pleasant Ridge Road/Forced Road, and are municipally known as 620 Colborne Street West. The 21.9 hectare (54.1 ac.) property has approximately 317.1 m (1,040 ft.) of frontage along Colborne Street West and is currently vacant. The property is divided into two development blocks which are bisected by a Provincially Significant Wetland and Woodlot, dividing the subject lands into western and eastern development blocks.. The east side of the property is approximately 4.18 hectares in size, while the west side is approximately 4.52 hectares in size.

BASIS OF THE AMENDMENT

The lands are presently designated as “Residential Area – Low Density” and “Major Open Space” in the Official Plan. This Amendment re-designates the lands to “Residential Area – Low Density”, “Residential Area – Medium Density” and “Major Open Space”. The “Residential Area – Medium Density” designation will permit a mix of semi-detached residential units, street townhouses, dual frontage

townhouses, and back-to-back townhouses fronting on to a private condominium road. The “Major Open Space” designation is being amended to reflect the updated wetlands and woodlands boundaries as determined in an Environmental Impact Study prepared by Beacon Environmental, dated October 2018, and in consultation with the Grand River Conservation Authority.

This Amendment also establishes “Modified Policy Area No. 131” to permit semi-detached residential dwellings in addition to the uses permitted in the “Residential Area – Medium Density” designation.

PART 2 – THE AMENDMENT

All of this part of Schedule “A” entitled “Part 2 – The Amendment” consisting of the following text and attached Schedule “B”, constitutes Amendment No. 213 to the Official Plan of the City of Brantford.

DETAILS OF THE AMENDMENT

1.0 SCHEDULES

.1 Schedule 1-1 – Land Use Plan

Schedule 1-1 – Land Use Plan of the Official Plan of the City of Brantford is hereby amended by changing the designation on the lands identified on Schedule “B” attached to and forming part of this Amendment from “Residential Area Low Density” and “Major Open Space” to “Residential Area Low Density”, “Residential Area Medium Density”, and “Major Open Space”.

.2 Schedule 2 – Modified Policy Areas

Schedule 2 – Modified Policy Areas of the Official Plan of the City of Brantford is hereby amended by adding “Modified Policy Area 131”, to the area shown on Schedule “C” attached to and forming part of this Amendment.

2.0 POLICY STATEMENTS

- .1 Section 7.8.131 – Modified Policy Area 131 of the Official Plan of the City of Brantford is hereby amended by adding the following:

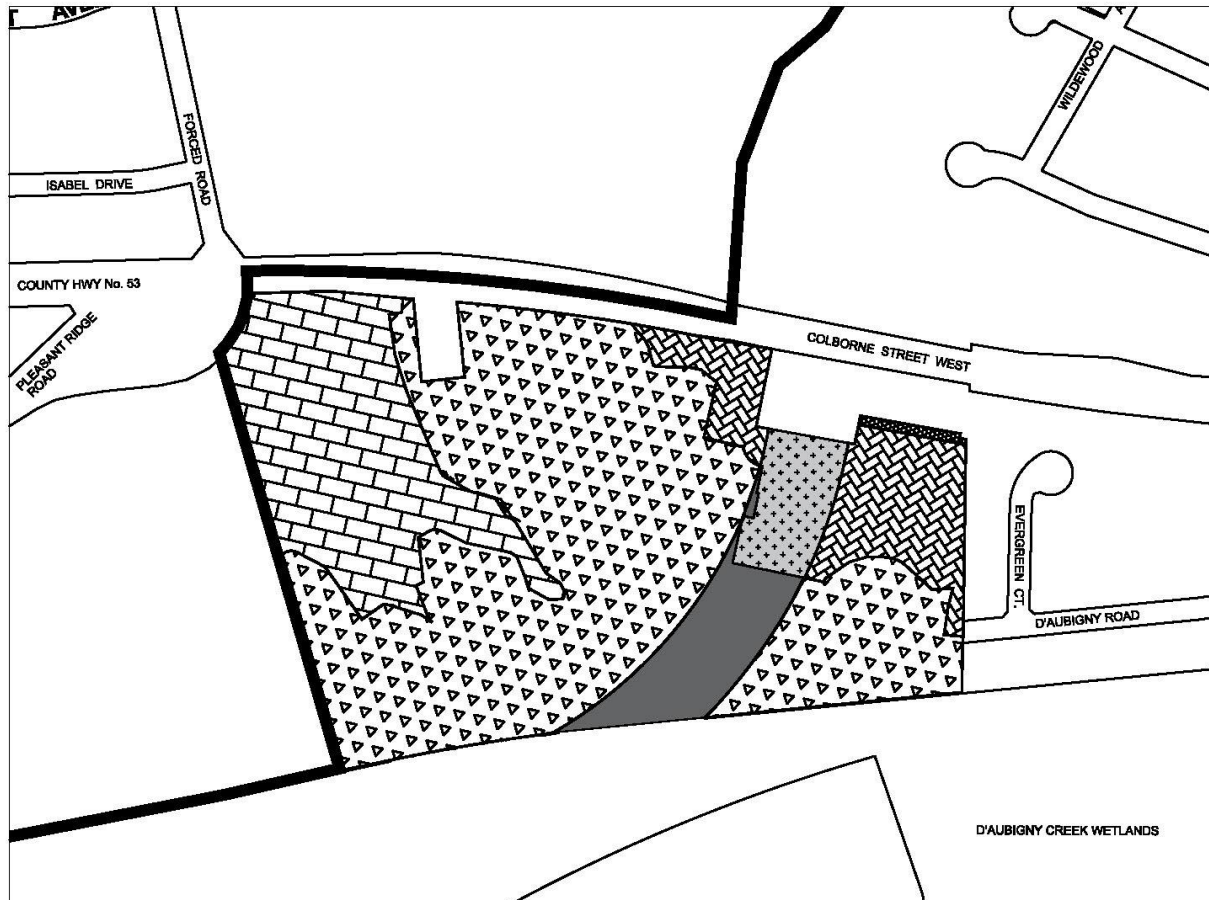
Area 131 – 620 Colborne Street West

Notwithstanding the “Residential Area – Medium Density” designation on the lands in Area 131 as indicated on Schedule 2 – Modified Policy Areas, the uses permitted may also include semi-detached residential dwelling units.

THIS IS SCHEDULE 'B' TO OFFICIAL PLAN AMENDMENT NO. 213 FOR THE CITY OF BRANTFORD



PASSED _____
MAYOR _____
CLERK _____



LEGEND:



LAND AFFECTED BY THIS AMENDMENT CHANGED from
RESIDENTIAL AREA - LOW DENSITY to RESIDENTIAL AREA - MEDIUM DENSITY.



LAND AFFECTED BY THIS AMENDMENT CHANGED from
RESIDENTIAL AREA - LOW DENSITY to RESIDENTIAL AREA - MEDIUM DENSITY.



LAND AFFECTED BY THIS AMENDMENT REMAIN RESIDENTIAL AREA - LOW DENSITY.



LAND AFFECTED BY THIS AMENDMENT CHANGED from
RESIDENTIAL AREA - LOW DENSITY to MAJOR OPEN SPACE AREA.



LAND AFFECTED BY THIS AMENDMENT CHANGED from
MAJOR OPEN SPACE AREA to RESIDENTIAL AREA - MEDIUM DENSITY.



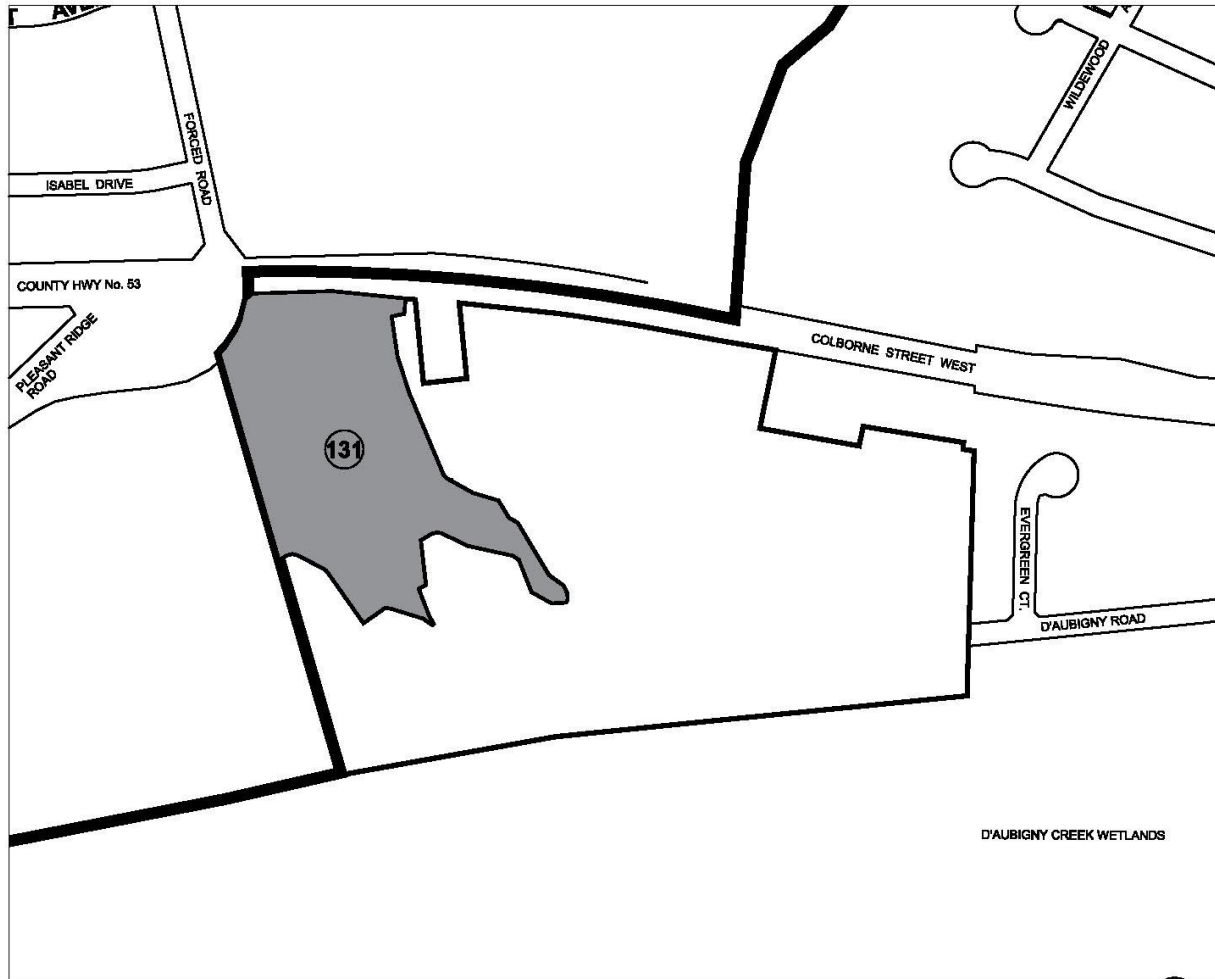
LAND AFFECTED BY THIS AMENDMENT REMAIN MAJOR OPEN SPACE AREA.

NOTE: THIS SCHEDULE FORMS PART OF THE AMENDMENT No. 213 TO THE OFFICIAL PLAN FOR THE CITY OF BRANTFORD AND MUST BE READ IN CONJUNCTION WITH THE WRITTEN TEXT.

THIS IS SCHEDULE 'C' TO OFFICIAL PLAN **AMENDMENT NO. 213 FOR THE CITY OF BRANTFORD**



PASSED _____
MAYOR _____
CLERK _____



LEGEND:



MODIFIED POLICY AREA NO. 131 ADDED BY THIS BYLAW

NOTE: THIS SCHEDULE FORMS PART OF THE AMENDMENT No. 213 TO THE OFFICIAL PLAN FOR THE CITY OF BRANTFORD AND MUST BE READ IN CONJUNCTION WITH THE WRITTEN TEXT.

ATTACHMENT 2

EXPLANATORY NOTE

TO

BY-LAW NO. ____-2020

This By-law applies to a 21.9 hectare (54.1 ac.) parcel of land located on the south side of Colborne Street West, just east of the intersection of Pleasant Ridge Road/Forced Road (municipally known as 620 Colborne Street West).

The purpose of this By-law is to change the zoning on the lands from “Holding - Residential Type 1B (H-R1B)” to “Holding – Residential - Medium Density Type A – Exception 71 Zone (H-R4A-71)”, “Holding – Residential - Medium Density Type A Exception 72 Zone (H-R4A-72)”, “Holding – Residential - Medium Density Type A – Exception 73 Zone (H-R4A-73)”, “Holding – Residential - Medium Density Type A – Exception 74 Zone (H-R4A-74)”, “Holding - Residential Estate Zone (H-RE)”, and “Restricted Open Space Zone (OS3)”, to facilitate a plan of subdivision to create 3 residential blocks consisting of a maximum of 267 dwelling units, 1 open space block, and blocks for road widening and a water booster station. The lands would later be developed via a Draft Plan of Condominium to create the individual dwelling units.

Site specific requirements are proposed to permit a total of 267 dwelling units. Special exceptions have been applied to the subject lands to define and permit back-to-back townhouses, dual frontage townhouses, and for site specific provisions related to lot area, lot width, lot coverage, building height, amenity area, landscape open space, planting strip, privacy fence, encroachments, parking requirements and yard setbacks.

The lands are also subject to Site Plan Control, which ensures that staff and the Ward Councillors have an opportunity to review built form, grading, drainage, servicing, parking, buffering, landscaping, lighting etc. prior to any development of the lands.

The “Holding (H)” provision will not be removed until the applicant has provided a signed Subdivision Agreement and Site Plan Agreement to the City, along with all necessary securities, and has addressed all servicing issues, financial and otherwise, to the satisfaction of the City of Brantford.

File No. PZ-15-17
(Related Files: OP-07-17 & 29T-17506)
Applicant: LIV Developments Ltd.

BY-LAW NUMBER __-2020

OF

THE CORPORATION OF THE CITY OF BRANTFORD

To amend By-law No. 160-90, being a By-law to regulate the use of lands and the location and use of buildings and structures in the City of Brantford.

WHEREAS the Council of the Corporation of the City of Brantford desired that By-law No. 160-90, as amended, be further amended as hereinafter set out;

AND WHEREAS such amendment will be within the terms and intent of the Official Plan for the City of Brantford.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF BRANTFORD UNDER THE PROVISIONS OF SECTION 34 OF THE PLANNING ACT R.S.O. 1990 HEREBY ENACTS AS FOLLOWS:

1. SCHEDULE AMENDMENTS TO BY-LAW NO. 160-90

- .1 THAT Schedule 'A' Map H-4 and Map H-5 be amended as shown on Schedule "A" Map 1, attached and forming part of this By-law, and as summarized as follows:

1. Part 1

Change from "Holding Residential Type 1B Zone (H-R1B)" to "Holding – Residential - Medium Density Type A – Exception 71 Zone (H-R4A-71)".

2. Part 2

Change from "Holding Residential Type 1B Zone (H-R1B)" to "Holding – Residential - Medium Density Type A – Exception 72 Zone (H-R4A-72)".

3. Part 3

Change from "Holding Residential Type 1B Zone (H-R1B)" to "Holding – Residential Medium Density Type A – Exception 73 Zone (H-R4A-73)".

4. Part 4

Change from "Holding Residential Type 1B Zone (H-R1B)" to "Holding – Residential Medium Density Type A – Exception 74 Zone (H-R4A-74)".

5. Part 5

Change from "Holding Residential Type 1B Zone (H-R1B)" to "Open Space Restricted Zone (OS3)".

6. Part 6

Change from "Holding - Residential Type 1B Zone (H-R1B)" to "Holding - Residential Estate Zone (H-RE)".

2. TEXT AMENDMENTS TO BY-LAW NO. 160-90

- .1 THAT Section 7.9.4 "Exceptions" be amended by the addition of the following new subsections:

.71 620 Colborne Street West (Part 1)

- .1 The lands zoned H-R4A-71 may only be used in accordance with the permitted uses in the H-R4A-71 Zone upon the removal of the "Holding" (H) provision. Removal of the "H" may occur once the following conditions have been satisfied:
- .1 The Owner has provided a signed Subdivision Agreement and Site Plan Agreement to the City, along with all necessary securities; and,
 - .2 All servicing issues, financial and otherwise, have been addressed to the satisfaction of the City of Brantford.
- .2 Notwithstanding any provision to the contrary, the following uses shall be permitted within any R4A-71 Zone:
- .1 Semi-detached dwelling.
 - .2 Accessory uses, buildings, and structures.
 - .3 Uses permitted in Section 6.1.
- .3 For purposes of this By-law, a private condominium road shall be considered a public street and the following regulations shall apply to any individual ownership parcel (condominium unit or freehold lot).
- .4 Notwithstanding any provisions of this By-law to the contrary, no person shall within any R4A-71 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:
- .1 Lot Area (Minimum) 195m²
 - .2 Lot Width (Minimum) 7.3m
 - .3 Lot Coverage (Minimum) Shall not apply
 - .4 Building Height (Maximum) 2 Storeys

.5	Front Yard (Minimum)	5.5m to dwelling face; 5.8m to attached garage.
.6	Rear Yard (Minimum)	6.0m + 3.0m landscape buffer
.7	Side Yard (Minimum)	
	.1 Interior	1.2m
	.2 Exterior	2.4m
	.3 Common Walls	In accordance with Section 6.20
.8	Gross Floor Area (Minimum)	85m ²
.9	Landscaped Open Space (Minimum)	30% of the entire condominium block
.10	Private Amenity Space (Minimum)	9.0m ²
.11	Common Amenity Space (Minimum)	9.0m ² per unit in addition to private amenity area
.12	Parking	
	.1 The parking requirements existing at the date of the passage of this By-law shall continue to apply.	
	.2 Number of spaces (Min.)	1.0 space per unit, plus 0.5 visitor spaces per unit provided within the common parking area.
.13	Encroachments (Maximum)	<u>Front yard</u> Porches: 1.5m Steps with or without foundation: 3.9m, but no closer than 0.6m to a private condominium road.

Interior or
Exterior Side
Yard

Bay windows
with or without
foundation:
0.6m, but no
closer than
0.3m.

- .14 Notwithstanding any provision to the contrary, for purposes of calculating setbacks along a curved portion of a street or intersecting street, the unit setback shall be measured from the point of intersection of the two streets extended.
- .15 Notwithstanding any provision to the contrary, firewall projections shall not be subject to Front Yard, Side Yard, or Rear Yard setbacks or encroachments.
- .16 That all the remaining provisions of the R4A Zone in Section 7.9.2 to the By-law, and all other provisions of this By-law, as amended, that are consistent with the provisions herein contained, shall continue to apply mutatis mutandis.

.72 620 Colborne Street West (Part 2)

- .1 The lands zoned H-R4A-72 may only be used in accordance with the permitted uses in the H-R4A-72 Zone upon the removal of the "Holding" (H) provision. Removal of the "H" may occur once the following conditions have been satisfied:
 - .1 The Owner has provided a signed Subdivision Agreement and Site Plan Agreement to the City, along with all necessary securities; and,
 - .2 All servicing issues, financial and otherwise, have been addressed to the satisfaction of the City of Brantford.
- .2 Notwithstanding any provision to the contrary, the following uses shall be permitted within any R4A-72 Zone:
 - .1 Street townhouse dwelling.
 - .2 Back-to-back townhouse dwelling.
 - .3 Dual-frontage townhouse dwelling.
 - .4 Accessory uses, buildings, and structures.
 - .5 Uses permitted in Section 6.1.
- .3 For the purpose of this By-law, a Back-to-back Townhouse dwelling shall be defined as a group of buildings on a lot or lots, each group containing not less than six (6) and not more than

fourteen (14) dwelling units, fully attached in two rows arranged back-to-back, being separated from the adjacent unit by a vertical, common wall on one or both sides and the rear, and with each dwelling have its own private entrance from outside, driveway from the street, and a private garage, carport or parking area.

- .4 For the purpose of this By-law, a Dual Frontage Townhouse dwelling shall mean a building containing no more than ten (10) units in a block, on a lot or lots having frontage on two or more right-of-ways, either public or private, each dwelling being separated from the adjacent unit by vertical, common walls, and with each dwelling have its own private entrance from outside, driveway from the street, and a private garage, carport or parking area.
- .5 For purposes of this by-law, a private condominium road shall be considered a public street and the following regulations shall apply to any individual ownership parcel (condominium unit or freehold lot).
- .6 Notwithstanding any provision to the contrary, when a dwelling has frontage on both a public right-of-way and a private condominium road, the yard abutting the public right-of-way shall be considered the front yard.
- .7 Notwithstanding any provisions of this By-law to the contrary, no person shall within any R4A-72 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

- .1 Lot Area (Minimum)

.1 Street townhouse dwelling	120m ²
.2 Back-to-back townhouse dwelling	80m ²
.3 Dual-frontage townhouse dwelling	120m ²

- .2 Lot Width (Minimum)

.1 Street townhouse dwelling	4.8m
.2 Back-to-back townhouse dwelling	5.9m
.3 Dual-frontage townhouse dwelling	5.9m

- .3 Lot Coverage (Minimum) Shall not apply

- .4 Building Height (Maximum) 3 storeys

.5	Front Yard (Minimum)	
	.1 All uses except dual-frontage townhouse dwellings	4.5m to dwelling face; 5.8m to an attached garage
	.2 Dual-frontage townhouse dwelling	4.0m to dwelling face abutting a public right-of-way;
.6	Rear Yard (Minimum)	
	.1 Street townhouse dwelling	6.0m
	.2 Back-to-back townhouse dwelling	0.0m
	.3 Dual-frontage townhouse dwelling	4.5m to dwelling face; 5.8m to an attached garage
.7	Side Yard (Minimum)	
	.1 Interior	
	.1 Street townhouse dwelling	1.5m
	.2 Back-to-back townhouse dwelling	1.5m
	.3 Dual-frontage townhouse dwelling	1.5m
	.2 Exterior	
	.1 Street townhouse dwelling	1.0m to a parking space; 2.4m to the curb or sidewalk of a private road
	.2 Back-to-back townhouse	1.0m to a parking space; 2.4m to the curb or sidewalk of a private road
	.3 Dual-frontage townhouse dwelling	2.4m

.3	Common Walls Section 6.20	In accordance with
.8	Gross Floor Area (Minimum)	
	1. Street townhouse dwelling	70m ²
	2. Back-to-back townhouse Dwelling	55m ²
	3. Dual-frontage townhouse Dwelling	70m ²
.9	Landscaped Open Space (Minimum)	30% of the entire condominium block
.10	Private Amenity Space (Minimum)	
	.1 Street townhouse dwelling	9.0m ²
	.2 Back-to-back townhouse dwelling	Shall not apply
	.3 Dual-frontage townhouse dwelling	Shall not apply
.11	Common Amenity Space (Minimum)	
	All uses	9.0m ² per unit in addition to private amenity area
.12	Parking	
	.1 The parking regulations existing at the date of the passage of this By-law shall continue to apply.	
	.2 Number of spaces (Minimum)	
	All uses	1.0 space per unit, plus 0.5 visitor spaces per unit provided within the common parking area
.13	Encroachments (Maximum)	
	1. All uses except Dual-frontage townhouse dwellings	<u>Front yard</u> Porches: 1.5m Steps with or without

foundation:
3.9m, but no
closer than 0.6m
to a private
condominium
road

Interior or
Exterior Side
Yard

Bay windows
with or without
foundation:
0.6m, but no
closer than 0.3m

2. Dual-frontage units

Front Yard
(Colborne Street
West)

Porches and steps
with or without a
foundation: 2.5m but
no closer than 0.5m
to a public road.

Rear Yard (Private
Road)

Porches and steps
with or without
foundation: 1.5m

Interior or Exterior
side yard

Bay windows with or
without foundation:
0.6m, but no closer
than 0.3m

- .14 Notwithstanding any provision to the contrary, only dual frontage townhouse dwellings are permitted along the Colborne Street West and Pleasant Ridge Road frontages.
- .15 No accessory uses, buildings or structures are permitted in yards abutting Colborne Street West or Pleasant Ridge Road.
- .16 No privacy fencing shall be permitted in the front or rear yard of dual frontage townhouse dwellings.

- .17 Notwithstanding any provision to the contrary, for purposes of calculating setbacks along a curved portion of a street or intersecting street, the unit setback shall be measured from the point of intersection of the two streets extended.
- .18 Notwithstanding any provision to the contrary, firewall projections shall not be subject to Front Yard, Side Yard, or Rear Yard setbacks or encroachments.
- .19 Notwithstanding anything to the contrary, the maximum number of units within a street townhouse block shall be 8 units.
- .20 That all the remaining provisions of the R4A Zone in Section 7.9.2 to the By-law, and all other provisions of this By-law, as amended, that are consistent with the provisions herein contained, shall continue to apply mutatis mutandis.

.73 620 Colborne Street West (Part 3)

- .1 The lands zoned H-R4A-73 may only be used in accordance with the permitted uses in the H-R4A-73 Zone upon the removal of the "Holding" (H) provision. Removal of the "H" may occur once the following conditions have been satisfied:
 - .1 The Owner has provided a signed Subdivision Agreement and Site Plan Agreement to the City, along with all necessary securities; and,
 - .2 All servicing issues, financial and otherwise, have been addressed to the satisfaction of the City of Brantford.
- .2 Notwithstanding any provision to the contrary, the following uses shall be permitted within any R4A-73 Zone:
 - .1 Dual frontage townhouse dwellings.
 - .2 Accessory uses, buildings, and structures.
 - .3 Uses permitted in Section 6.1.
- .3 For the purpose of this By-law, a Dual-Frontage Townhouse shall mean a building containing no more than ten (10) units in a block, on a lot or lots having frontage on two or more right-of-ways, either public or private, each dwelling being separated from the adjacent unit by vertical, common walls, and with each dwelling have its own private entrance from outside, driveway from the street, and a privates, garage, carport or parking area.
- .4 For purposes of this by-law, a private condominium road shall be considered a public street and the following regulations shall apply to any individual ownership parcel (condo unit or freehold lot).

- .5 Notwithstanding any provision to the contrary, when a dwelling has frontage on both a public right-of-way and a private condominium road, the yard abutting the public right-of-way shall be considered the front yard.
- .6 Notwithstanding any provisions of this By-law to the contrary, no person shall within any R4A-73 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:
- | | | |
|-----|--|--|
| .1 | Lot Area (Minimum) | 110m ² |
| .2 | Lot Width (Minimum) | 5.9m |
| .3 | Lot Coverage (Maximum) | Shall not apply |
| .4 | Building Height (Maximum) | 3 Storeys |
| .5 | Front Yard (Minimum) | 3.0m to any dwelling face abutting a public right-of-way |
| .6 | Rear Yard (Minimum) | 3.0m to a dwelling face abutting a private condominium road;

5.8m to an attached garage, abutting a private condominium road; |
| .7 | Side Yard (Minimum) | |
| | .1 Interior | 1.5m |
| | .2 Exterior | 2.4m to a lot line |
| | .3 Common walls | In accordance with Section 6.20 |
| .8 | Gross Floor Area (Minimum) | 60.0m ² |
| .9 | Landscaped Open Space (Minimum) | 25% for entire condominium block |
| .10 | Private Amenity Space | Shall not apply |
| .11 | Common Amenity Space (Minimum) | 18m ² per unit |
| .12 | Parking | |
| | .1 The parking regulations existing at the date of the passage of this By-law shall continue to apply. | |
| | .2 Number of spaces (Minimum) | |

- | | | |
|-----|--|---|
| | All uses | 1.0 space per unit,
plus 0.5 visitor
spaces per unit
provided within the
common parking
area |
| .13 | Encroachments | <p><u>Front Yard</u>
<u>(Colborne Street</u>
<u>West)</u>
Porches and steps
with or without a
foundation: 2.5m</p> <p>Bay Windows with
foundation: 0.6m,
but no closer than
0.3m</p> <p><u>Interior or Exterior</u>
<u>side yard</u>
Bay Windows with
foundation: 0.6m,
but no closer than
0.3m</p> |
| .14 | No accessory uses, buildings or structures are permitted in yards abutting Colborne Street West. | |
| .15 | No privacy fencing shall be permitted in the front yard or rear yard of dual frontage units. | |
| .16 | Notwithstanding any provision to the contrary, firewall projections shall not be subject to Front Yard, Side Yard, or Rear Yard setbacks or encroachments. | |
| .17 | That all the remaining provisions of the R4A Zone in Section 7.9.2 to the By-law, and all other provisions of this By-law, as amended, that are consistent with the provisions herein contained, shall continue to apply mutatis mutandis. | |

.74 620 Colborne Street West (Part 4)

- .1 The lands zoned H-R4A-74 may only be used in accordance with the permitted uses in the H-R4A-74 Zone upon the removal of the "Holding" (H) provision. Removal of the "H" may occur once the following conditions have been satisfied:
- .1 The Applicant has provided a signed Subdivision Agreement and Site Plan Agreement to the City, along with all necessary securities; and,

- .2 All servicing issues, financial and otherwise, have been addressed to the satisfaction of the City of Brantford.
- .2 Notwithstanding any provision to the contrary, the following uses shall be permitted within any R4A-74 Zone:
 - .1 Street townhouse dwelling.
 - .2 Accessory uses, buildings, and structures.
 - .3 Uses permitted in Section 6.1.
- .3 For purposes of this by-law, a private condominium road shall be considered a public street and the following regulations shall apply to any individual ownership parcel (condo unit or freehold lot).
- .4 Notwithstanding any provisions of this By-law to the contrary, no person shall within any R4A-74 Zone use any lot, or erect, alter or use any building or structure except in accordance with the following provisions:

.1	Lot Area (Minimum)	120m ²
.2	Lot Width (Minimum)	5.4m
.3	Lot Coverage (Minimum)	Shall not apply
.4	Building Height (Maximum)	3 Storeys
.5	Front Yard (Minimum)	4.5m to dwelling face; 5.8m to attached garage.
.6	Rear Yard (Minimum)	6.0m
.7	Side Yard (Minimum)	
.1	Interior	1.5m
.2	Exterior	2.4m 1.0m to parking space
.3	Common Walls	In accordance with Section 6.20
.8	Gross Floor Area (Minimum)	70m ²
.9	Landscaped Open Space (Minimum)	30% of the entire condominium block
.10	Private Amenity Space (Minimum)	20.0m ²

(unscreened)

- .11 Common Amenity Space (Minimum) 9.0m² per unit in addition to private amenity area
- .12 Parking
- .1 The parking regulations existing at the date of the passage of this By-law shall continue to apply.
- .2 Number of spaces (Min.) 1.0 space per unit, plus 0.5 visitor spaces per unit provided within the common parking area
- .13 Encroachments (Maximum)
- Front yard
Porches: 1.5m
Steps with or without foundation: 3.9m, but no closer than 0.6m to a private condominium road
- Interior or Exterior Side Yard
Bay windows with or without foundation: 0.6m, but no closer than 0.3m
- .14 Notwithstanding any provision to the contrary, firewall projections shall not be subject to Front Yard, Side Yard, or Rear Yard setbacks or encroachments.
- .15 Notwithstanding any provision to the contrary, for purposes of calculating setbacks along a curved portion of a street or intersecting street, the unit setback shall be measured from the point of intersection of the two streets extended.
- .16 Notwithstanding anything to the contrary, the maximum number of units within a street townhouse block shall be 8 units.

- .17 That all the remaining provisions of the R4A Zone in Section 7.9.2 to the By-law, and all other provisions of this By-law, as amended, that are consistent with the provisions herein contained, shall continue to apply mutatis mutandis.

3. EFFECTIVE DATE

- .1 THAT this By-law shall become effective from and after the date of passing thereof.

**READ THE FIRST TIME
READ THE SECOND TIME
PASSED**

MAYOR

CLERK

Schedule A – Map 1



Schedule 'A'

<p>Legend</p> <p>Area to be rezoned:</p> <ul style="list-style-type: none"> Part 1 To be Changed from H-R1B to H-R4A-71 Part 2 To be Changed from H-R1B to H-R4A-72 Part 3 To be Changed from H-R1B to H-R4A-73 Part 4 To be Changed from H-R1B to H-R4A-74 Part 5 To be Changed from H-R1B to OS3 Part 6 To be Changed from H-R1B to H-RE <p> Scale: N.T.S.</p> <p>File Number: OP-07-17 / PZ-15-17 / 29T-17506</p>	<p>This is Schedule 'A' To Bylaw No. _____ to amend Zoning Bylaw No. 160-90 Schedule 'A' Map(s):</p> <p>H-4, H-5, J-5.</p> <p>Passed the ____ day of _____, 2020.</p> <p>_____ MAYOR</p> <p>_____ CLERK</p>
---	--

PART 1
To be Changed from
H-R1B to H-R4A-71

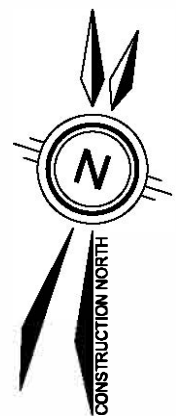
PART 2
To be Changed from
H-R1B to H-R4A-72

PART 3
To be Changed from
H-R1B to H-R4A-73

PART 4
To be Changed from
H-R1B to H-R4A-74

PART 5
To be Changed from
H-R1B to OS3

PART 6
To be Changed from
H-R1B to H-RE



DRAFT PLAN
OF SUBDIVISION

PART OF BLOCKS 2 AND 3
KERR TRACT
FORMERLY COUNTY OF BRANT
GEOGRAPHIC TOWNSHIP OF
BRANTFORD
NOW IN THE CITY OF BRANTFORD

29T-17506



KEY MAP - N.T.S.

BENCHMARK

INFORMATION REQUIRED

UNDER SECTION 51 (1) OF THE PLANNING ACT, R.S.O. 1990, c.P.13 AS AMENDED

- (a) - AS SHOWN
- (b) - AS SHOWN
- (c) - AS SHOWN
- (d) - AS LISTED BELOW
- (e) - AS SHOWN
- (f) - AS SHOWN
- (g) - AS SHOWN
- (h) - MUNICIPAL WATER
- (i) - SANDY LOAM
- (j) - AS SHOWN
- (k) - MUNICIPAL SANITARY AND STORM SEWERS
- (l) - NONE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

SIGNED
JOHN W. MUIR, O.L.S.
MICHAEL, WHITE & MUIR LTD., Ontario Land Surveyors

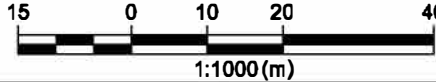
OWNER'S CERTIFICATE

I HEREBY CONSENT TO THE FILING OF THIS PLAN BY IBI GROUP, IN DRAFT FORM.

SIGNED
LIV DEVELOPMENTS LTD., OWNER

DEVELOPMENT DETAILS		
BLOCK	DESCRIPTION	AREA
1-3	MEDIUM DENSITY RESIDENTIAL	7.824 ha
4	OPEN SPACE	0.142 ha
5	BOOSTER STATION	0.084 ha
6	NATURAL HERITAGE LANDS	13.727 ha
7	FUTURE RESIDENTIAL	0.078 ha
8 & 9	R.O.W. WIDENING	0.224 ha
D'AUBIGNY EXTENSION	R.O.W.	0.161 ha
SITE AREA		21.839 ha

SCALE



DESIGN BY: LIV DEVELOPMENTS LTD. CHECKED BY: J. ARIENS
DRAWN BY: T. TUCKER DATE: 2018-09-20

H/2020-05-07	TT	REVISED TO ADD OPEN SPACE TO BLOCK 2
G/2020-02-10	TT	REVISED TO SHOW ROW WIDENING IN THIS BLOCK
F/2019-11-25	TT	REVISED TO REMOVE PARK AND STREET A
E/2019-06-17	TT	REVISED WITH FULL WETLAND & ROW WIDENING
D/2018-12-20	TT	REVISED FOR CONDO ON WEST SIDE
C/2018-09-20	TT	FULL REVISED DRAFT PLAN SUBMISSION
B/2018-02-20	BC	REVISED DRAFT PLAN SUBMISSION
A/2017-12-07	BC	REVISED DRAFT PLAN SUBMISSION
#1	DATE	DESCRIPTION

DRAWING ISSUE RECORD

#	DATE	DESCRIPTION

APPROVALS

IBI GROUP
200 East Wing-360 James Street North
Hamilton ON L8L 1H5 Canada
tel: 905 546 1010 fax 905 546 1011
ibigroup.com

ATTACHMENT 4

Conditions Relating to Draft Plan of Subdivision 29T-17506 – May 15, 2020

1. This approval applies to the Draft Plan of Subdivision ("Plan") prepared by IBI Group, dated May 7, 2020 (Revision H) for the following:

A total of 3 residential blocks:

- Block 1 containing a maximum of 169 units;
- Block 2 containing a maximum of 88 units;
- Block 3 containing a maximum of 10 units;

And a total of six blocks and one street:

- One Block for Open Space (Block 4);
- One Block for a Water Booster Station (Block 5);
- One Block for Natural Heritage (Block 6);
- One Block for possible conveyance to adjacent property owners (Block 7), or to be included in Block 2;
- Two Blocks for Future Road Widening (Blocks 8 and 9); and,
- D'Aubigny Road Extension (cul-du-sac).

2. Unless otherwise stated, all conditions listed below shall be addressed to the satisfaction of the City and at no cost to the City of Brantford, sometimes referred to by these Conditions as the "City" or "municipality".
3. That the Owner shall enter into, and register on title to the lands of the Draft Plan, a Subdivision agreement with the City of Brantford, to the satisfaction of the General Manager, Public Works.
4. That the Owner shall agree to provide all easements, and convey all lands, as may be required for utility, access or drainage purposes to the appropriate authority, to the satisfaction of the General Manager, Public Works.
5. That the Owner shall agree to convey to the City, as shown on the Final Plan, Block 5 for a Water Booster Station, and Block 4 for Open Space purposes. Said conveyances to be in fee simple and free of encumbrances, and upon conveyance shall not be landlocked which may require the consolidation of adjacent Blocks and shall include provision for access to the Blocks to the satisfaction of the City. The

Owner shall further agree that none of these Open Space Blocks are to be considered parkland in accordance with Sections 51.1.3 of the *Planning Act*, R.S.O. 1990.

6. That the Owner agrees that each phase of the plan of subdivision not be registered until the Owner submits a draft of the registered "M" Plan showing the final lot layout for all lots, blocks, easements and reserves to the satisfaction of the General Manager, Public Works and the General Manager, Community Development.
7. That the Owner agrees to provide a Phasing Plan for the review and approval of the General Manager, Public Works and the Fire Chief. The phasing plan shall provide for a mix of dwelling unit types and shall ensure that no development shall occur on a private street exceeding 250 metres in length without the provision of a second municipal access constructed to the satisfaction of the General Manager, Public Works, and the Fire Chief.
8. That the Owner shall agree that all future residential blocks will be connected to full municipal water and sanitary services, to the satisfaction of the General Manager, Public Works.
9. That the Owner shall agree to satisfy all requirements, financial and otherwise, of the City of Brantford and Brantford Power Inc., including those related to the following matters:
 - a. Municipal services.
 - b. Lot grading.
 - c. Drainage.
 - d. Stormwater management in accordance with current Provincial guidelines, and low impact stormwater management development practices including stringent control of storm discharge from the development including spill containment.
 - e. Curbs and sidewalks on both sides of municipal roads in accordance with the requirements of the City.
 - f. Prepayment toward the future maintenance costs of any required retaining walls on municipal lands;
 - g. Prepayment toward the future maintenance costs of the Water Booster Station.
 - h. Control of dust during construction.

- i. The responsibility to decommission any wells or septic systems in accordance with current Provincial guidelines.
- j. The implementation of infiltration practices in the overall Stormwater Management scheme to maintain the existing groundwater regime and to protect groundwater dependent natural features, in accordance with current Ministry of Environment, Conservation and Parks practices, to the satisfaction of the Grand River Conservation Authority.

Roads

- 10. That the Owner shall agree that the D'Aubigny Road Extension, shown on the Draft Plan will be designed in accordance with the current requirements of the City of Brantford, including the ability to accommodate different modes of transportation, where appropriate, and will be dedicated to the City as public highway and named to the satisfaction of the General Manager, Public Works and the General Manger, Community Development.
- 11. That the Owner shall agree to construct the D'Aubigny Road Extension at their cost, to the satisfaction of the General Manager, Public Works.
- 12. That the Owner shall agree to the following right of way widths as shown on the Draft Plan:

D'Aubigny Road Extension	20.0 m
--------------------------	--------
- 13. That the Owner shall agree that an electrical design and lighting plan created by a consulting engineer, showing the proposed street light locations and details regarding the proposed light standards for the D'Aubigny Road Extension, shall to be provided to the City of Brantford and Brantford Power for review and approval. The Owner shall further agree to install the lighting as per the approved plans at their expense.
- 14. That prior to submission of the final Plan, the Owner shall agree to identify all required road widening blocks and dedicate them on the final plan as public highway, and be responsible for constructing and implementing all necessary traffic improvements at the Owner's cost, in accordance with the recommendations of the municipally approved Transportation Impact Study and current requirements of

the City of Brantford, to the satisfaction of the General Manager, Public Works, City of Brantford.

15. That the Owner shall agree to address any revisions to the draft plan which may be required subsequent to the City's approval of the Transportation Impact Study and functional design, including but not limited the road network and any other changes to the road network or road right-of-ways, to the satisfaction of the General Manager, Public Work, City of Brantford and the County of Brant.
16. The Owner agrees that prior to registration the Owner will provide a Pavement Marking and Signage Plan for municipal roads for the subdivision to the satisfaction of the General Manager, Public Works, and agrees to the following:
 - a. Be responsible for the cost of the installation of regulatory and warning traffic control signs/devices, parking control signs, street name signs and pavement markings;
 - b. Provide and install all temporary regulatory traffic signage by the Owner prior to the commencement of any building or the erection of any structure in accordance with City Specifications or Standards;
 - c. Provide and install all permanent pavement markings that may be required within the Subdivision, or related to the subdivision, in conjunction with the installation of related traffic controls at the cost of the Owner;
 - d. Provide for, install and maintain, at its expense, all temporary pavement markings.
17. That prior to submission of the Final Plan, the Owner shall agree to identify all required 0.3m reserves and daylight triangles on the Final Plan, and shall agree to convey these in fee simple, free of encumbrance and at no cost to the municipality to the satisfaction of the General Manager, Public Works. Note: daylight triangles are not conveyed to the City separately, but are shown on the final plan as part of the public right of way.
18. That the Owner shall agree to enter into an agreement with the County of Brant, and submit a financial contribution to the County of Brant for the future reconstruction of Pleasant Ridge Road/Forced Road and

Colborne Street West intersection, to the satisfaction of the County of Brant.

19. That the Owner shall agree to prepare a functional design plan to the satisfaction of the General Manager, Public Works for any required road work, consistent with guidelines from the Transportation Association of Canada (TAC), or other relevant organization, including;
 - a. The proposed left-turn lanes on Colborne Street West at site accesses as per the Transportation Impact Study dated July 2019;
 - b. The proposed cul-de-sac at the terminus of D'Aubigny Road.
20. That the Owner shall agree to the conveyance of land, at no cost to the City of Brantford, as determined to be required by any functional plan including those referred to in Condition 19 above.

Servicing, Grading, Geotechnical & Stormwater Management

21. The Owner shall agree to prepare, and submit for the approval of the General Manager, Public Works, an Engineering Site Servicing Plan showing all proposed grading and servicing, including sanitary sewer and water main that is proposed from the Street Property Line of Block 1, along Colborne St. West, through Block 2 and connecting to D'Aubigny Road. In addition, the Owner shall agree to pay for any servicing improvements off-site necessitated to service the subject lands, including the upgrading of all (if any) undersized conveyance infrastructure.
22. The Owner shall agree to provide easements at their cost, over Block 2 for the purposes of the maintenance and access for the municipal sanitary sewer and water main that is proposed through Block 2 and connecting to D'Aubigny Road.
23. The Owner shall prepare Engineering Plan & Profile drawings to be submitted for review and approval to the satisfaction of the General Manager, Public Works.
24.
 - a. The Owner shall agree to install, at their expense, the sanitary sewer system, from the Street Property Line of Block 1, along

- Colborne St W, through Block 2, and connecting to D'Aubigny Road, to the satisfaction of the General Manager, Public Works.
- b. The Owner shall undertake a final Financial Impact Study and Risk Assessment for the proposed private Sanitary Pumping Station, to the satisfaction of the General Manager, Public Works, confirming the long term financial feasibility and required operating costs for a future residential condominium corporation.
25. The Owner shall agree to design and install, at their expense the water system, from the Street Property Line of Block 1, along Colborne St W, through Block 2, and connecting to D'Aubigny Road, including the Water Booster Station, to the satisfaction of the General Manager, Public Works. The Owner agrees to submit engineering drawings of the Water Booster Station to City of Brantford Environmental Services for review and approval at 25, 50, 75, 90 and 100% detailed design.
26. The Owner shall agree to submit a site plan application for the construction of the Water Booster Station at their expense, to the satisfaction of the General Manager, Public Works.
27. The Owner shall agree to provide easements at their cost, over Block 2 for the purposes of access for the municipal Water Booster Station on Block 5, and access for Block 3, to the satisfaction of the General Manager, Public Works.
28. The Owner shall undertake a final Financial Impact Study and Risk Assessment for the proposed Water Booster Station, to the satisfaction of the General Manager, Public Works, confirming the short term operating costs for the City of Brantford and inefficiencies due to partial occupancy. The Owner shall pay for the shortfall operating costs to the City as accepted within this approved study.
29. That prior to submission of the Final Plan, the Owner shall submit a financial contribution to the City, in accordance with the conclusions of the Water Booster Station Financial Impact Study. Financial contribution shall include costs associated with maintenance and operation of the Water Booster Station until full occupancy of the

blocks to the satisfaction of the General Manager, Public Works. The City and the Owner agree that “full occupancy” will be defined as occupancy of 85% of the units within in the plan.

30. The Owner shall agree to the City's Consultant undertaking water and sanitary modeling to determine if there is sufficient capacity and that there will be no negative impact on the City's distribution system and pumping station capacity to the satisfaction of the General Manager, Public Works. The Owner will be required to pay for all costs of the modeling prior to the modeling being completed.
31. The Owner agrees that the developer of the residential blocks shall prepare, and submit for the approval of the General Manager, Public Works, and the Grand River Conservation Authority, a detailed Stormwater Management Report and Plan, in accordance with current provincial guidelines, to address quality and quantity attenuation requirements.
32. The Owner agrees that the developer of the residential blocks agrees to establish and undertake a monitoring program for storm water management, specifically addressing quality and quantity control as well as temperature, as determined by the Grand River Conservation Authority, and as identified in the Environmental Impact Study, Environmental Implementation Report, Hydrogeological Report, and/or Work Plan in consultation with the Ministry of Environment, Conservation and Parks and the Grand River Conservation Authority, and administered until final assumption of the Plan, all to the satisfaction of the General Manager of Public Works.
33. The Owner shall prepare and submit a geotechnical report pertaining to Blocks 2, 5, and Colborne Street West and the D'Aubigny Extension, for approval of the Grand River Conservation Authority and the General Manager, Public Works.
34. The Owner shall agree to prepare and submit a geotechnical report and hydrogeological report for all other lands in the plan to the approval of the Grand River Conservation Authority and the General Manager, Public Works.

35. The Owner shall agree to prepare and submit detailed lot and block grading and drainage plans, to the satisfaction of the Grand River Conservation Authority and the General Manager, Public Works.
36. The Owner shall agree that no grading, removal of soil, trees or other vegetation, or the construction or placement of any other works, shall take place on any lands unless in accordance with Site Alteration Bylaw 28-2011 and without the written approval of the Grand River Conservation Authority and the General Manager, Public Works.
37. The Owner shall agree, that prior to any grading or construction on the site and prior to registration of the plan, the Owner shall submit an erosion and sedimentation control plan indicating the means whereby erosion will be minimized and silt maintained on-site throughout all phases of grading and construction, to the satisfaction of the General Manager, Public Works. The Erosion and Sediment Control Plan, must be prepared in accordance with the 'Erosion and Sedimentation Control Plan Design Requirements', as contained in Appendix V-C of the City of Brantford Official Plan.
38. The Owner shall agree, that prior to any grading or construction on the site, the Owner agrees to submit the following plans and reports to the satisfaction of the Grand River Conservation Authority:
 - a. An erosion and siltation control plan in accordance with the Greater Golden Horseshoe Area Conservation Authorities Erosion and sediment Control Guidelines for Urban Construction dated December 2006.
 - b. Provisions for detailed lot and block grading and drainage plans.
 - c. An application for Permission pursuant to the Grand River Conservation Authority: Regulation of Development, Interference with Wetlands and Alteration to Shorelines and Watercourses, Ontario Regulation 150/06 as amended, if required.
39. The Owner shall agree to provide and install, to the satisfaction of the General Manager, Public Works and the Grand River Conservation Authority, the following:

- a. signage explaining the use and function of the Open Space Blocks at all street frontages and walkway entrances once rough grading is completed; and
- b. interpretive signage relating to the natural features, including but not limited to wetlands, and wildlife habitat which exist in the area.

Natural Heritage, Open Space and Landscaping

- 40. That the Owner shall agree to pay Cash-in-Lieu of Parkland in accordance with Section 51.1.3. of the Planning Act, R.S.O. 1990.
- 41. That the Owner shall agree, to convey to the City Block 4 in fee simple and free of encumbrances, to the satisfaction of General Manager, Public Works.
- 42. The Owner shall agree to provide fencing to the City's current standard along all residential property lines that abut lands to be conveyed to the City (Block 4), and in any other locations determined by the City, to the satisfaction and in accordance with the timing schedule agreed to by the General Manager, Public Works. The Owner further acknowledges that there shall be no gates or informal access points permitted into the Open Space Blocks, except as approved by the General Manager, Public Works.
- 43. The Owner shall submit a Tree Inventory Study and Vegetation Management / Protection Plan, prior to any disturbance or grading of the site and prior to registration of the Final Plan; the above noted study / plan shall identify all existing trees on-site proposed to be removed or impacted as a result of the development of the subject lands and include re-planting / restoration requirements, to the satisfaction of the General Manager, Public Works.
- 44. That the Owner shall agree to submit a street tree planting plan for municipal road allowances, prepared by a landscape architect, in accordance with current City standards and to provide and plant boulevard trees along the municipal streets as well as replacement plantings, at the Owner's expense within the areas identified as Open Space to the satisfaction of the General Manager, Public Works.

Conditions of Draft Plan Approval – 29T-17506
As contained in Memo to Council dated May 5, 2020

45. That prior to Final Approval, the Owner shall agree to provide, at the Owner's expense, appropriate pedestrian trails/walkways within the Plan of Subdivision, to the satisfaction of the General Manager, Public Works. A detailed trail / development plan and proposed trail routes and connections must be submitted for approval by the General Manager, Public Works and the Grand River Conservation Authority, prior to registration of the Final Plan.
46. The Owner shall agree to construct all trails/walkways in accordance with the timing schedule agreed to by the General Manager, Public Works, and shall bear responsibility for all costs related to the design and construction of the trails/walkways within the subdivision.
47. The Owner agrees to carry out and implement the recommendations contained in the Environmental Impact Study and the Environmental Implementation Report, at the Owner's expense for the identified time period with the Environmental Implementation Report and associated Work Plan for the Open Space Blocks, to the satisfaction of the General Manager, Public Works and the Grand River Conservation Authority.
48. The Owner shall agree to provide final drawings reflecting the location of Significant Woodlands and Significant Wetlands as staked and field confirmed with the City and the Grand River Conservation Authority to the satisfaction of the General Manager, Public Works and the Grand River Conservation Authority.
49. The Owner shall submit an Environmental Implementation Report to the satisfaction of the City of Brantford and the Grand River Conservation Authority that enhances the recommended monitoring details for the wetlands and watercourses, further explores the opportunities to improve conditions within the wetlands and watercourses and elaborates on the implementation of monitoring (pre, during and post), mitigation measures, rehabilitation plans recommended in the EIS, Water Balance Study and Technical Design Brief consistent with the Beacon Environmental Memo dated May 8th, 2019 "Work Plan for Supplemental Hydrogeological, Fluvial and Ecological Assessments for 620 Colborne Street".

50. That prior to registration of the Plan, the City receive a letter confirming acceptance by the Ministry of Natural Resources and Forestry of the Meadowlark Habitat Compensation Area and Plan.

Other

51. That the Owner agrees that the future development block (Block 7) will either be conveyed to the adjacent property owners to the north or will be incorporated into Block 2.
52. That prior to registration of the Plan containing the Block, the Owner agrees Blocks 1, 2, and 3 will be subject to Site Plan Control. The Developer of said Block agrees to submit detailed drawings, including but not limited to, grading and servicing, stormwater management, landscape, and site lighting, to the satisfaction of the City of Brantford, and enter into a Site Plan Agreement together with the appropriate securities.
53. That the Owner agrees that prior to the approval an Application for Development for any of the Residential Blocks, the Owner of said Block shall provide to the City, a Site Specific Noise and Vibration Study, and certification from a qualified acoustical consultant that any required noise control measures have been incorporated into the builder's plans, to the satisfaction of the City of Brantford.
54. That the Owner agrees that prior to issuance of an occupancy permit or release of securities for any development applications for any of the Residential Blocks, the Developer of said Block shall provide to the municipality, certification from a qualified acoustical consultant that any approved noise control measures have been properly installed.
55. The Owner agrees that any retaining walls required in the future Residential Blocks, including their granular base foundation support, drainage pipes and fencing must be located completely within private property and be constructed to the satisfaction of the General Manager, Public Works. The Owner further agrees that the property owner will own the retaining walls and have full responsibility for the required maintenance, repair or replacement of the retaining walls.

56. That prior to Final Approval, the Owner shall agree to provide certification by an Ontario Land Surveyor confirming that the proposed lots and/or blocks are in conformity with the provisions and requirements of the City of Brantford Zoning By-law #160-90, as amended, or its successor.
57. That prior to Final Approval of this Plan, the General Manager, Community Development is to confirm that the appropriate zoning is in force and effect to reflect the intended uses of the land within the Draft Plan.
58. That the Owner shall provide a clearance letter from the Ministry of Tourism, Culture, and Sport verifying that their requirements have been satisfied as an Archaeological Study was conducted, and that all recommendations of that study were carried out.
59. That the Owner agrees that if the Stage 3 or 4 archaeological study results in the identification of areas that cannot be developed, the Owner shall, at their own expense apply for and receive approval of a Zoning By-law Amendment to place these areas in a protective Open Space zone.

External Agencies

60. That the Owner shall agree to provide Union Gas Limited with all necessary easements and/or agreements required by Union Gas Limited for the provision of gas services.
61. That the Owner shall agree to the satisfaction of Bell Canada the following:
 - a. The Developer is hereby advised that prior to commencing any work within the Plan, the developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development. In the event that such infrastructure is not available, the Developer is hereby advised that the Developer may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the Developer elects not to pay for such connection to and/or extension of the

- existing communication/telecommunication infrastructure, the Developer shall be required to demonstrate to the municipality that sufficient alternative communication /telecommunication facilities are available within the proposed development to enable, at a minimum the effective delivery of communication/telecommunication services for emergency management services .
- b. The Owner shall agree in the Subdivision Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the owner/developer shall be responsible for the relocation of such facilities or easements.
 - c. Bell Canada requires one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunications facilities are located to the street line.
62. That the Owner shall agree to the satisfaction of Canada Post the following:
- a. Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i. that the home/business mail delivery will be from a designated Centralized Mail Box; and
 - ii. that the Owner be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
 - b. Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision; and
 - c. Determine the location of all centralized mail receiving facilities in cooperation with the City of Brantford and Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans; maps are to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

Conditions of Draft Plan Approval – 29T-17506
As contained in Memo to Council dated May 5, 2020

63. Prior to final approval, the City must be advised, in writing, by the County of Brant how Condition 18 has been satisfied.
64. Prior to final approval, the City must be advised, in writing, by the Grand River Conservation Authority how Conditions 31, 32, 33, 34, 35, 36, 38, 39, 45, 47, 48 and 49 have been satisfied.
65. Prior to final approval, the City must be advised, in writing, by the Ministry of Natural Resources and Forestry how Condition 50 has been satisfied.
66. Prior to final approval, the City must be advised in writing, by the Ministry of Tourism, Culture, and Sport, how Condition 58 has been satisfied.
67. Prior to final approval, the City must be advised, in writing, by Union Gas Limited, how Condition 60 has been satisfied.
68. Prior to final approval, the City must be advised, in writing, by Bell Canada, how Condition 61 has been satisfied.
69. Prior to final approval, the City must be advised, in writing, by Canada Post, how Condition 62 has been satisfied.
70. Pursuant to Section 51(32) of the Planning Act, R.S.O. 1990, Draft Plan Approval, together with all conditions, shall lapse in three (3) years from the date of the granting of Draft Plan Approval, unless extended.
71. Prior to final approval the City must be advised in writing, by the Owner, how Conditions 1 to 70 inclusive have been satisfied.