

**Applicant:** 2428568 ONTARIO LTD (Kaitlin Corp)  
**File No.:** MD-T-0119  
**Subject Lands:** Part Lots 110 & 111, Con 1 and 2 (Tay)  
Town of Midland, County of Simcoe  
**Civic Address:** 640 Bayport Boulevard

**Date of Decision:** August 14, 2019  
**Date of Notice:** August 23, 2019  
**Last Date of Appeal:** September 12, 2019  
**Lapsing Date:** August 14, 2022

The conditions to final plan approval for registration of this subdivision, File No. **MD-T-0119**, are as follows:

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**No.    CONDITIONS**

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1.    General

- 1.1    This approval applies to the draft plan of subdivision prepared by MHBC Planning Limited, identified as File No. 16269A and dated July 4, 2019, which shows Blocks 1 to 42 for a minimum of 115 townhouse units and a maximum 29 single detached units or a maximum of 144 freehold townhouse residential units, 32 condominium townhouse units, and up to 291 condominium apartment residential units. The plan also details two future public roads being an 18 metre Street "A" and a 20 metre Street "B". There are also related Blocks for a Park and Open Space, utility purposes, and future development purposes.
- 1.2    This draft approval shall apply for a period of three (3) years from the date of August 14, 2019 and shall accordingly lapse on August 14, 2022 unless extended by the Town upon application by the Owner.
- 1.3    The Owner acknowledges and understands that prior to final approval of this draft plan of subdivision or any phase of this subdivision, amendments to the Town of Midland Zoning By-law 2004-90, as amended, to implement the plan shall have come into effect in accordance with the provisions and regulations of the *Planning Act*.
- 1.4    The Owner shall enter into a subdivision agreement with the Town agreeing to satisfy all conditions of the Town and relevant Agencies, financial or otherwise, prior to final approval of the plan or any phase of the plan.
- 1.5    The Owner shall covenant and agree in the subdivision agreement that the Holding Zone (H) provision shall not be removed by the Town and that building permits shall not be sought or issued for any dwelling units or development for which water supply and sewage servicing capacity has not been confirmed by the Town.
- 1.6    The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of

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the Town, to implement or integrate any recommendations resulting from the studies and/or reports required as a condition of draft approval.

2. Roads and Traffic

- 2.1 The road allowances with the draft plan shall be named, to the satisfaction of the Town, in accordance with the Town of Midland Municipal Addressing Manual dated October 2010, or as amended.
- 2.2 The road allowances, sight triangles, and 0.3 metre reserves as required by the Town must be dedicated as public highways free of all costs and encumbrances, to the satisfaction of the Town.
- 2.3 That prior to final approval of the plan or any phase of the plan, the Owner shall submit to the Town a Stormwater Management Report and Plans in general conformance with the 2008 and 2018 reports by WMI & Associates Ltd. showing the intended management of stormwater.
- 2.4 That prior to final approval of the plan or any phase of the plan, the Owner shall agree in the Subdivision Agreement to undertake all works as set out in the Traffic Impact Study by JD Northcote Engineering Inc. dated December 13, 2018 and revised May 8, 2019.
- 2.5 The Owner shall covenant and agree in the subdivision agreement for each phase to provide temporary turning circles where required at their cost and remove them and restore the streets to the normal condition at their cost when required by the Town and to the satisfaction of the Town. The design of the temporary turning circles and any implications on the surrounding lands use shall be addressed in the subdivision agreement to the satisfaction of the Town.
- 2.6 The Owner shall covenant and agree in the subdivision agreement that the public highways shall be designed and constructed in accordance with the established municipal standards or alternative design standards, as approved, to the satisfaction of the Town.
- 2.7 The Owner shall, prior to the registration of the plan or any phase of the draft plan, prepare a Construction Staging and Parking Area Plan and a Construction Activity Mitigation Plan to the satisfaction of the Town and the affected authorities and which shall include a temporary construction entrance onto Harbourview Drive in general conformance with WMI & Associates Limited drawing CES dated June 27,

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2019. The Plans and the requirements thereof, as approved by the Town, shall be included and reflected in the Subdivision Agreement.

- 2.8 The Owner shall, prior to the registration of the plan or any phase of the draft plan, prepare an Excess Soils and Materials Management Plan, addressing but limited to how excess soils, rock and other excavated materials will be used, managed and disposed of during the development of the entire subdivision, to the satisfaction of the Town. The Plan and the requirements thereof, as approved by the Town, shall be included and reflected in the Subdivision Agreement.
- 2.9 The Owner shall covenant and agree in the subdivision agreement that the units in Blocks 28 to 33 inclusive shall be provided with residential sprinklers in accordance with the applicable NFPA standard.
- 2.10 Prior to final approval of the plan or any phase of the plan, the Owner shall covenant and agree in the subdivision agreement that the Drummond Drive connection from Fuller Avenue to Bayport Boulevard shall be constructed and approved for public use to the satisfaction of the Town which shall be no later than and prior to the application for, and approval of, the development of Block 34 - Condominium Apartments, in accordance with the approved Phasing Plan.

### 3. Community Design

- 3.1 Prior to final approval of the plan or any phase of the plan, the Owner agrees to have prepared a Community Design Guidelines (including Architectural Control guidelines) for the approval of the Town including but not limited to site context, public realm framework, street and block pattern, park and open space, heritage, building types, shared outdoor amenity areas, building placement and orientation, site services, access and parking, fit and transition, facing distances and setbacks, primary entrances, private outdoor amenity areas, relationship to grade and street, landscaping, utilities, lighting, and architectural design and materials. The Owner shall covenant and agree in the subdivision agreement to carry out or cause to carry out the recommendations set out in the approved Community Design Guidelines to the satisfaction of the Town.
- 3.2 The Owner agrees to provide, prior to final approval of the plan or any phase of the plan, a Streetscape and Landscaping Plan prepared to the satisfaction of the Town, which shall address street furniture and signs, boulevard edges, and landscaping of the boulevard and which shall be implemented to the satisfaction of the Town. The Owner shall design and plant the approved landscaping at their

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cost. The Subdivision Agreement shall contain provisions wherein the Owner agrees to satisfy the Town's landscaping requirements and implement the recommendation of the approved Streetscape and Landscaping Plan.

#### 4. Parks and Open Space

- 4.1 The owner shall, in accordance with the approved Plan convey Block 36 to the Town free and clear of all costs and encumbrances for park and open space purposes in full satisfaction of the parkland dedication requirements of Section 51.1 of the *Planning Act*.
- 4.2 The Owner shall provide full servicing, utility connections including electrical servicing at the street line, and maintenance access for the local park block to the satisfaction of the Town.
- 4.3 That prior to final approval of the plan or any phase of the plan, the Owner agrees to prepare and submit for approval a park design plan prepared by a Landscape Architect acceptable to the Town for the park within the plan.
- 4.4 The Owner shall covenant and agree in the subdivision agreement to construct the local park on Block 36 in accordance with the approved park design plan at their cost at a time and schedule to the satisfaction of the Town.
- 4.5 That prior to final approval of the plan or any phase of the plan, the Owner agrees to prepare and submit for approval a design and plan prepared by both a Landscape Architect and Architect acceptable to the Town for the adaptive reuse and preservation of the Heritage Building located on Block 34 of the Plan for the purposes of a shared community facility for the condominium development. This condition may be satisfied by inclusion in the Community Design Guidelines required in Condition #3.1.

#### 5. Stormwater Management

- 5.1 Prior to final approval of the plan or any phase of the plan, the Owner shall submit an updated Stormwater Management Report and Plan for the approval of the Town and to its satisfaction, in accordance with the MOE Stormwater Management Planning and Design Manual (MOE 2003 or as updated) and the Stormwater Management Report by WMI & Associates Limited dated February 5, 2008 and revised April 17, 2018. The Owner shall also agree in the subdivision agreement to implement all works as recommended in the updated Stormwater Management

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Report and Plan.

5.2 Prior to final approval of the plan or any phase of the plan, the Owner shall submit a Sediment and Erosion Control Plan for the approval of the Town and to its satisfaction, in accordance with the MOE Stormwater Management Planning and Design Manual (MOE 2003 or as updated) and the Stormwater Management Report by WMI & Associates Limited dated February 5, 2008 and revised April 17, 2018. The Owner shall also agree in the subdivision agreement to implement all works as recommended in the Sediment and Erosion Control Plan.

6. Municipal Services

6.1 Prior to the final approval and registration of the plan or phase of the plan, the Owner shall prepare, to the satisfaction of the Town, detailed engineering drawings which shall include, but not be limited to grading control plans, plan and profile drawings of all underground and aboveground services, general plans, drainage plans, composite utility plans, stormwater management detail plans, etc. and the Owner also agrees in the Subdivision Agreement to implement all the works approved by the Town in the detailed engineering design and drawings.

6.2 The Owner shall covenant and agree in the subdivision agreement that they shall construct or pay for the construction of roads, bicycle lanes, curbs, gutters, sidewalks (in accordance with the applicable Town standards or alternative standards as approved), underground and above ground services and facilities, street lights, street signs, utilities, stormwater management facilities, etc., all to the satisfaction of the Town.

6.3 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of subdivision until the Chief Building Official has been advised by the Director of Fire Services (Fire Chief) and Emergency Management that there is an adequate water supply for firefighting operations and acceptable access for firefighting equipment is available.

6.4 Notwithstanding that the Town has draft approved the plan of subdivision, the Owner acknowledges and understands that prior to final approval the Town shall confirm that water supply and sewage servicing capacity is available and that the Town has allocated the capacity to the phase or sub-phase of the plan.

7. Phasing Plan

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7.1 That the plan may be registered in phases and prior to an application for registration of any phase thereof, the Owner shall prepare a Phasing Plan to the satisfaction of the Town setting out the proposed phasing of the Plan and detailing the temporary works or facilities required to accommodate the proposed Phasing Plan including but not limited to temporary turning circles, internal and external servicing, access including emergency access, etc. The Phasing Plan shall also set out the timing and financing of the Drummond Drive connection from Fuller Avenue to Bayport Boulevard which shall be no later than and prior to the application for, and approval of, the development of Block 34 - Condominium Apartments.

8. Utilities & Easements

8.1 That all easements required for servicing and utility purposes shall be granted to the Town or other appropriate utility or authority as required.

8.2 The Owner shall covenant and agree in the subdivision agreement that hydroelectric, telephone, gas and television cable services, and any other forms of telecommunication services shall be constructed at no cost to the Town as underground facilities within the public road allowances or within appropriate easements as approved on the Composite Utility Plan, to the satisfaction of the Town and authorized agencies and utilities.

8.3 The Owner shall covenant and agree in the subdivision agreement or agreements to enter into any agreement or agreements required by any applicable utility companies, including Newmarket Tay Hydro (Midland Power Utility Corporation), Enbridge Gas Inc., telecommunications companies, etc.

8.4 The Owner shall, prior to the registration of the plan or any phase of the draft plan, prepare a Composite Utility Plan (overall utility distribution plan) to the satisfaction of the Town and the affected authorities and utilities.

8.5 The Owner shall covenant and agree in the subdivision agreement to facilitate the construction of Canada Post facilities at locations and in manners agreeable to the Town in consultation with Canada Post, and that where such facilities are to be located within the public right-of-way they shall be approved on the Composite Utility Plan and be in accordance with the Town standards or alternative standards as determined by the Town.

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8.6 Standard Community Mailbox installations are to be done by Canada Post at locations approved by the Town and shown on the Composite Utility Plan. Should the Owner propose an enhanced Community Mailbox installation, any costs over and above the standard installation shall be borne by the Owner, and be subject to approval of the Town in consultation with Canada Post.

9. Other Town Requirements

9.1 That the subdivision agreement(s) between the owner and the Town of Midland shall be registered against the lands to which it/they applies/apply.

9.2 The Owner acknowledges and agrees that separate subdivision agreements are required for each phase and/or each stage within each phase within the draft plan of subdivision and that site plan approval will be required for the high-density residential development on Block 34. The Owner acknowledges and agrees that draft Plan of Condominium approval will also be required unless the Town, on application, approves the exemption from condominium approval to the development or part of the development.

9.3 The Owner acknowledges and agrees that in recognition of the long term build out of the development, that the Town may from time to time amend, delete or add to the conditions of approval in respect to any phase within the draft plan of subdivision and notice will be provided, where required, in accordance with subsections 51(45) and 51 (47) of the *Planning Act* .

9.4 That any dead ends and open sides of road allowances created by this draft plan shall be terminated in 0.3 metre reserves to be conveyed to the Town of Midland.

9.5 That Blocks 37, 38 and 39 as shown on the draft plan, shall be shown on the final plan and conveyed to the Town of Midland for servicing purposes.

9.6 That the owner shall agree to include in the Subdivision Agreement and in all offers of purchase and sale clauses advising prospective purchasers of the following:

"That all students from this development attending educational facilities operated by the public and separate, English and French district school boards may be transported to/accommodated in schools outside of the development and may be accommodated in temporary facilities (e.g. portable classrooms or a "holding school").

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“That school buses may not enter the subdivision and that pick-up points will be at a location convenient to the Simcoe County Student Transportation Consortium.”

- 9.7 The Owner shall submit to the Town prior to the registration of the plan or any phase of the plan and prior to the conveyance of any lands to the Town, a Phase I Environmental Site Assessment (ESA) in accordance with Part XV.1 of the Environmental Protection Act and Ontario Regulation 153/04 or their successors.
- 9.8 Prior to final approval, should site remediation be required in order to meet the applicable soil and ground water criteria as set out in the Guideline for Use at Contaminated Sites in Ontario, June 2006 as amended, the Owner shall submit to the Town a copy of the Record of Site Condition which has been acknowledged by the Ministry of the Environment.

**NOTES:**

1. It is the Owners' responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the Town quoting the file number (MD-T-0119).
2. The Town suggests that you make yourself aware of Section 144 of the *Land Titles Act*, and subsection 78(10) of the *Registry Act*.
3. Subsection 144(1) of the *Land Titles Act* requires that a Plan of Subdivision of land that is located in a land titles division be registered under the *Land Titles Act*.
4. It is required that the Owner register the Subdivision Agreement as provided by subsection 51(26) of the *Planning Act*, R.S.O. 1990 against the land to which it applies, as notice to prospective purchasers.
5. All measurements in Subdivision and Condominium final plans must be presented in metric units.
6. For the Owner's information, easements required for utility or drainage purposes should be granted to the appropriate authority.
7. All Deeds to be conveyed must be free and clear of encumbrances.



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8. The Town of Midland requires all engineering drawings to be submitted in AutoCAD and Abode formats as well as a hard copy. The County of Simcoe has specific requirements from the submission to digital drawings. Contact the County of Simcoe for additional information.
9. Clearances are required from the following agencies:  
  
Newmarket Tay Hydro (Midland Power Utility Corporation)  
16984 Highway 12, P.O. Box 820  
Midland, Ontario L4R 4P4  
Phone: (705) 526-9361 Fax: (705) 526-7890  
  
Canada Post  
525 Dominion Ave  
Midland, Ontario  
L4R 1R2  
  
Communications Service Providers (telephone, cable, etc.) as per the Development Agreements
10. If agency conditions are included in the Subdivision Agreement, a copy of the Agreement should be sent to them. This will expedite clearance.
11. The County of Simcoe is not obligated to provide curbside waste collection services to residential dwelling units fronting on private condominium roads. For curbside waste collection services to be provided, the private condominium road must be designed, constructed and maintained in accordance with the requirements of the County of Simcoe's Multi-Residential & Private Road Waste Collection Policy and Waste Collection Design Standards, to the satisfaction of the County of Simcoe. For any reason this is not achieved, it will be the responsibility of the Condominium Corporation to arrange for waste collection services for the residential dwelling lots fronting on or accessed by the private condominium road through a private contractor, to be paid for by the Condominium Corporation.
12. Please be advised that the approval of this Draft Plan will lapse on August 14<sup>th</sup>, 2022. This approval may be extended pursuant to subsection 51(33) of the *Planning Act*, but no extension can be granted once the approval has lapsed. If final approval is not given to this Plan and no extensions have been granted, draft approval will lapse under subsection 51(32) of the *Planning Act*, R.S.O. 1996 as amended. If the owner wishes to request an extension to draft approval, an

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application, together with a Planning Report setting out how the Plan still conforms to the planning control documents in place along with any required fees, must be received a minimum of 90 days prior to the lapsing date. Please note that an updated review of the plan, and revision to the conditions of approval, may be necessary if an extension is granted.

Subject to the conditions set forth above, the Draft Plan is approved under section 51 of the *Planning Act*, R.S.O. 1990, Chapter 13, as amended, by Council of the Corporation of the Town of Midland as set out in Resolution No. COW 2019-44.

Dated this 22<sup>nd</sup> day of August, 2019.



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Wesley R. Crown, MCIP, RPP  
Director of Planning and Building Services  
Town of Midland