

Applicant: P. Civiero Investments Inc.

File No.: 34T-89007

Municipality: Municipality of West Elgin  
(formerly the Township of Aldborough)

Location: Lot 18, Concession 9

Date: 24 March 1998

The Minister's conditions and amendments to final plan approval for registration of this subdivision, file no. 34T-89007, are as follows:

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No.    Conditions

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1.    That this approval applies to the draft plan, prepared by I.C. McLaren, O.L.S., dated September 18, 1989, which shows a total of 67 single detached dwelling lots (being Lots 1 to 67) and 4 blocks, being Block 68 to be used as Parkland, and Blocks 69, 70 and 71, to be used as road widenings.
2.    That the road allowance included in this draft plan shall be shown and dedicated as public highways. This shall include Blocks 69,70 and 71.
3.    That the street(s) shall be named to the satisfaction of the municipality.
4.    That any dead ends and open sides of road allowance created by this draft plan shall be terminated in 0.3 metre reserves to be conveyed to, and held in trust, by the municipality.
5.    That the owner convey up to 5% of the land included in the plan to the municipality or appropriate authority for park or other public recreational purposes. Alternatively, the municipality may require cash-in-lieu of all or a portion of the conveyance. This shall include Block 68.
6.    That prior to final approval by the Ministry, we are to be advised by the municipality that this proposed Subdivision conforms to the zoning by-law in effect. This shall include an appropriate "non-development" type category for Block 68.
7.    That the owner agrees in writing to satisfy all the requirements, financial and otherwise, of the municipality concerning the provision of roads, installation of services and drainage.
8.    That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.

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9. That prior to final approval, the Approval Authority is to be advised by the municipality that the subdivision agreement between the owner and the municipality contain a provision implementing the recommendations of the Storm Water Management Plan, prepared by Cambridge Engineering and Planning Consultants Limited, dated November 11, 1997, and entitled "Draft Plan of Subdivision 34T-89007 Storm Water Management Plan Draft Report Part of Lot 18, Concession 9, Township of Aldborough County of Elgin" (see Note #6).
10. That prior to final approval the Approval Authority is to be advised by the municipality that the subdivision agreement between the owner and the municipality contain the following provisions:
  - i) conduct regular inspections at least once every two weeks and after each sizeable storm event of all sediment and erosion control measures incorporated into the design of this subdivision.
  - ii) maintain an inspection log which shall be made available for review by the municipality and the Ministry of Environment upon request; said log shall state the name of the inspector, date of inspections and the rectification or replacement measures which were undertaken to maintain the sediment and erosion control measures, inspections to continue until the assumption of services by the municipality or until site construction warrants cessation of the visits.
11. That prior to final approval the Approval Authority is to be advised by the municipality that the subdivision agreement between the owner and the municipality contain a provision stipulating that adequate precautions are to be undertaken by the owner and the municipality during the construction of the development, and after the development is completed, to ensure the continued structural integrity of the sewers presently located within the Ontario Water Resources Commission Easement as identified on the draft plan of subdivision.
12. That the subdivision agreement between the owner and the municipality contain phasing arrangements to the satisfaction of the municipality.
13. That the subdivision agreement between the owner and the municipality be registered against the lands to which it applies once the plan of subdivision has been registered.

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14. That prior to final approval by the Ministry, we are to be advised in writing by the municipality, how all of the above conditions have been satisfied.

#### NOTES TO DRAFT APPROVAL

1. It is the applicant's responsibility to fulfill the conditions of draft approval and to ensure that the required clearance letters are forwarded to the Approval Authority. At the time of draft approval the Approval Authority for Draft Plans of Subdivision in the Township of West Elgin is the Ministry of Municipal Affairs and Housing.
2. We suggest you make yourself aware of section 144 of the Land Titles Act and subsection 78(10) of the Registry Act.

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. Exceptions to this provision are set out in subsection 144(2).

Subsection 78(10) of the Registry Act requires that a plan of subdivision of land that is located only in a registry division cannot be registered under the Registry Act unless the title of the owner of the land has been certified under the Certification of Titles Act. Exceptions to this provision are set out in clauses (b) and (c) of subsection 78(10).

3. It is suggested that the municipality register the subdivision agreement as provided by subsection 51 of the Planning Act against the land to which it applies, as notice to prospective purchasers.
4. Clearances are required from the following agencies:

Township of West Elgin  
Box 490  
Rodney, Ontario  
N0L 2C0

If the agency condition concerns (a) condition(s) in the subdivision agreement, a copy of the agreement should be sent to them. This will expedite clearance of the final

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plan. A copy of the agreement is not required by the Ministry of Municipal Affairs and Housing.

5. That if any alteration of the tributary of Brocks Creek (Wilton Drain) which flow through the property of the proposal, must first be approved and have a work permit issued by the Ministry of Natural Resources (see Condition #9).
6. The Ministry of Environment advise that their review of this proposal did not include groundwater, soil or soil atmosphere testing to fully discount the possibility that waste materials and/or other contaminants are present within or in close proximity to this proposal. The Ministry of Environment must be advised immediately should waste materials and/or other contaminants be discovered. If discovered, a further approval under Section 46 of the Environmental Protection Act may be required from the Minister of Environment.
7. All measurements in subdivision and condominium final plans must be presented in metric units.
8. The final plan approved by the Minister must be registered within 30 days or the Minister may withdraw his approval under subsection 51 of the Planning Act.