

~~Lapsing Date: December 12, 2025~~

CONDITIONS OF DRAFT PLAN APPROVAL
315 & 0-350 GARRISON ROAD

~~Extension Date: March 12, 2026~~

Extension Date: June 12, 2026

The conditions of final approval and registration of the Condominium at 315 and 0-350 Garrison Road in the Town of Fort Erie (File No. 350303-0035) are as follows:

1. That this approval applies to the Draft Plan of Common Elements Condominium at 315 and 0-350 Garrison Road, being part of PIN 642200318, prepared by J.D Barnes Ltd., and dated and signed by Dasha Page on November 25, 2022.
2. That the Applicant/Developer prepare and register a Reference Plan creating the POTLs to which the ownership of the common elements will attach upon the registration of the Common Element Condominium.
3. That the Applicant/Developer register the individual Transfers creating each of the POTLs.
4. That the Applicant/Developer receive approval of a Common Element Condominium Plan and register the Common Element Condominium Plan.
5. The Applicant/Developer register the Common Element Condominium Declaration.
6. That the Owner agrees to deed any and all easements that may be required for access, utility and drainage purposes be granted to the appropriate authorities and utilities.
7. That the Applicant/Developer enter into a Site Plan Agreement pursuant to Section 41 of the Ontario Planning Act and deposit sufficient security to ensure the completion of all common element services pursuant to Section 158 of the Condominium Act, 1998.
8. That the Applicant/Developer submit an undertaking that the Condominium Corporation will enter into an assumption agreement with the municipality, once the condominium plan has been registered, which requires the Condominium Corporation to assume the maintenance and responsibilities contained in the site plan agreement and that the Condominium Corporation will not object to the registration of the agreement.
9. That immediately following the registration of the Condominium Plan the Condominium Corporation enter into an assumption agreement with the Municipality which requires the Condominium Corporation to:
 - Assume the maintenance and responsibilities outlined under the site plan control agreement to be approved by the Town of Fort Erie
 - Provide to the Town security deposits as necessary to ensure completion of all outstanding works.

10. The approval and registration of a Condominium Assumption Agreement in a form satisfactory to the Town, by which the Common Element Condominium agrees to be bound by the registered Subdivision Agreement (Condominium Approval Agreement) and Site Plan Agreement.
11. That all roads and driveways, water distribution, sewage collection, and storm drainage works within the subject lands shall be private.
12. That prior to approval of the final plan or any on-site grading, the owner submit to the Town of Fort Erie for review and approval two copies of a detailed stormwater management plan for the condominium and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of the Environment documents entitled "Stormwater Management Planning and Design Manual", March 2003, and "Stormwater Quality Guidelines for New Development", May 1991, and in accordance with Town of Fort Erie's Storm Drainage Guidelines, the Town of Fort Erie Lot Grading Policy, Town of Fort Erie Stormwater Management Facility Design, Operation and Maintenance Policy and Standards:
 - Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - Detailed sediment and erosion control plans.
13. That the site plan agreement between the owner and the Town of Fort Erie contain provisions whereby the owner agrees to implement the approved stormwater management plan required in accordance with Condition 12 above.
14. That no tree removal, grading or soil disturbance shall take place on the lands until the Site Plan Approval has been granted by the Director, Planning and Development Services; all of the servicing approvals have been given; and the owner has given to the Town all of the security deposits required by the site plan agreement or as determined by the Town of Fort Erie.
15. That the Applicant/Developer makes a payment of \$38,000.00 to the Town of Fort Erie as compensation for the removal of 76 trees in Fair to Excellent condition, as identified in the Tree Savings Plan.
16. That if final approval is not given to this plan within three years of the approval date and no extensions have been granted, draft approval shall lapse. If the Owner wishes to request an extension to the draft period, a written explanation with reasons why the extension is required must be received by the Town prior to the lapsing date.
17. 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.
- ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

18. The Owner further agrees to:

- i) 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
- ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
- iii) iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
- iv) iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations

19. The Owner/Developer provides the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, for buildings and complexes with a common lobby, common indoor or sheltered space in accordance with Canada Post's multi-unit policy.

20. The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

21. The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

22. That an Addendum to the Phase Two Environmental Site Assessment (ESA) prepared by a Qualified Professional (QP) in accordance to the *Environmental Protection Act* and its associated regulations, as amended, describing the current conditions of the development lands, be submitted to the satisfaction of Niagara Region. A Letter of Reliance a QP shall be submitted to Niagara Region, to indicate that, despite any limitations or qualifications included in the above submitted

reports/documents, the Region is authorized to rely on all information and opinions provided in the reports submitted, in order to clear this condition.

23. That the Condominium Agreement contain provisions whereby the Owner agrees to implement the recommendations of the required Addendum to the Phase Two Environmental Site Assessment (if any) in accordance with the above condition.
24. That a Record of Site Condition (RSC) is filed on the Ministry of the Environment, Conservation and Parks' (MECP) Environmental Site Registry in accordance to the *Environmental Protection Act* and associated regulations, as amended. Copies of the completed Environmental Site Assessments, site remediation reports (if applicable), and the MECP's written acknowledgement of the filing of the RSC, together with a Letter of Reliance / certification from a Qualified Professional that the subject lands meet the applicable standard(s) of the intended residential land uses shall be submitted to Niagara Region.
25. That the Condominium Agreement between the Owner and the Town contain a provision whereby the Owner agrees to implement the following site and building design noise mitigation measures / devices:
 - Implementation of a 3m landscape buffer and solid board fencing along the entire property limit (south) between the residential area and commercial plaza.
 - That the positioning of private amenity spaces be away from the adjacent commercial use to ensure limited noise exposure.
 - Dwellings are constructed with triple pane windows for enhanced noise and energy efficiency.
26. That the Owner agrees to include the following warning clauses in the Condominium Agreement and in all Agreements of Purchase and Sale or Lease or Occupancy for Units:
 - *"Purchasers/tenants are advised that sound levels due to increasing road traffic on Garrison Road may occasionally interfere with some activities of the dwelling unit occupants as the sound level exceed the Municipality's and the Ministry of Environment, Conservation and Parks' noise criteria."*
 - *"Purchasers/tenants are advised that the dwelling unit may be exposed to noise, reduced air quality, odour, and/or dust from nearby commercial activities and/or vehicle traffic that may interfere with some activities of the dwelling unit occupants."*
27. That the Owner agrees to include the following warning clause in the Condominium Agreement with respect to the potential discovery of archaeological resources:
 - *"Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must*

cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI") at (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services at (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."

28. That the Condominium Agreement contain wording wherein the Owner agrees to implement the following mitigation measures as described in the Environmental Impact Study (EIS) prepared by Natural Resource Solutions Inc. (NRSI) (dated February 2022), included but not limited to:

- That vegetation removals be undertaken between October 1 and March 14, outside of both the breeding bird nesting period and active bat season. A survey for active bird nests should be conducted prior to any vegetation removal or site alteration planned to occur during this window. Construction activities should be restricted to daylight hours when possible and artificial lighting used for construction purposes should be turned off or directed away from adjacent natural features following the completion of daily construction activities.
- Where possible, initial grading activities should be scheduled to occur between May 15 and October 15.
- Designated areas for construction lay-down, vehicle access and parking, equipment storage, materials stockpiling, and any on-site construction offices should be located entirely outside the retained natural features, and preferably located as far away as possible so as to limit potential to indirectly impact the adjacent natural features.
- That any security lighting to be installed on buildings should be directed away from natural areas to minimize ambient light exposure to the adjacent natural areas.
- A Spill Response Plan should be developed prior to commencement of construction and include a detailed response system to deal with events such as the release of petroleum, oils, and lubricants or other hazardous liquids and chemicals. A spill kit must be kept on site at all times and onsite workers must be trained in the use of this kit and be fully aware of the Spill Response Plan.

29. That an Erosion and Sediment Control (ESC) Plan be prepared for review and approval by the Niagara Region. All ESC measures shall be maintained in good

condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.

30. That a Grading Plan be provided to the satisfaction of Niagara Region, that demonstrates that existing overland flow patterns are maintained and that no grading within the natural heritage features and/or their buffers will occur. The Grading Plan shall designate specific locations for stockpiling of soils and other materials which will at a minimum be outside of the natural heritage features and their buffers and a minimum of 10m from the dripline of any trees to be retained.
31. That permanent rear-lot fencing be provided adjacent to the natural heritage features, to the satisfaction of the Niagara Region. A No-Gate By-law is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
32. That a Landscape/Restoration Plan be provided to the satisfaction of the Niagara Region that addresses the recommended compensation identified in the Tree Saving Plan, prepared by Natural Resource Solutions Inc. (dated February 2022). The Landscape/Restoration Plan should identify an appropriate location on the subject lands or on an alternative property, ideally within the same subwatershed. The Landscape Plan should also consider the appropriateness of an edge management component adjacent to the retained treed features. The Plan should incorporate dense plantings of native trees and shrubs that complement the adjacent vegetation communities, including thorny species to discourage human intrusion into sensitive areas. The removal of invasive species should also be incorporated, as appropriate.
33. That the Owner prepare an information package for new homeowners outlining the importance of the adjacent natural heritage features and steps they can take to protect the natural environment. This information package is to be reviewed and approved by the Niagara Region. The package should be provided as an appendix to all Offers of Purchase and Sale or Lease or Occupancy for properties within the condominium development.
34. That an Ecological Monitoring Plan be prepared to the satisfaction of Niagara Region. At a minimum, the Plan should assess the effectiveness of the sediment and erosion control fencing and monitor the success of the restorative plantings and any invasive species removals. The Report should also include photographs and advise actions necessary to address any deficiencies.
35. That the Owner agrees to implement the Tree Saving Plan, prepared by Natural Resource Solutions Inc. (dated February 2022).
36. That the Condominium Agreement contain wording wherein the Owner agrees to implement the approved Erosion and Sediment Control Plan, Grading Plan, Landscape/Restoration Plan, Ecological Monitoring Plan and Information Package.

37. That the Owner provides a written acknowledgement to Niagara Region Planning and Development Services Department stating that draft approval of this condominium does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the Owner.
38. That the Owner provides a written undertaking to Niagara Region Planning and Development Services Department stating that all Offers and Agreements of Purchase and Sale or Lease or Occupancy, which may be negotiated prior to registration of this condominium shall contain a clause indicating that servicing allocation for the condominium will not be assigned until the plan is registered, and a similar clause be inserted in the condominium agreement between the Owner and the Town.
39. That prior to final approval for registration of this plan of condominium, the Owner shall submit the design drawings [with calculations] for the new sanitary and storm sewers required to service this development and obtain the necessary Ministry of the Environment Compliance Approval under the Transfer of Review Program or future Consolidated Linear ECA.
40. That prior to approval of the final plan or any on-site grading, the Owner shall submit a detailed Stormwater Management Plan for the condominium, and the following plans are designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled *Stormwater Management Planning and Design Manual March 2003* and *Stormwater Quality Guidelines for New Development, May 1991*, or their successors to Niagara Region Planning and Development Services for review and approval:
 - a. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - b. Detailed erosion and sedimentation control plans.
41. That the Condominium Agreement between the Owner and the Town contain provisions whereby the Owner agrees to implement the approved plan(s) that are required in accordance with the condition above.
42. That the Owner/Developer ensure, throughout all phases of development, that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling. Where a through street is not maintained, the owner/developer shall provide a revised draft plan to show an appropriate temporary turnaround to permit Regional waste collection services.
43. That the Owner/Developer will provide detailed plans showing the radii or truck turning templates at future submissions.

44. That the Owner/Developer for the proposed condominium and the commercial site to the south will be required to complete the indemnity agreements to allow truck to move through both sites for collection.
45. That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the Developer for 15 of the dwelling units.
46. The Owner is advised that some of the proposed development's internal roads do not meet the requirements of Niagara Region's Corporate Waste Collection Policy and therefore in order to receive Regional collection residents will be required to bring their containers to the their designated waste collection pads for collection. The following clause should be included in the Site Plan Agreement / Condominium Agreement and inserted into all Offers and Agreements of Purchase and Sale or Lease or Occupancy for the 15 dwelling units:
 - *"Owners/Purchasers/Tenants are advised that they will need to bring their waste and recycling containers to their designated waste collection pad on their designated collection day in order to receive curbside collection."*

Clearance of Conditions

Prior to granting approval of the final plan, the Town will require written confirmation from the following agencies that their respective conditions have been met satisfactorily:

- Canada Post for Conditions 17-19 (inclusive)
- Bell Canada for Conditions 20 and 21
- Niagara Region Planning & Development Department for Conditions 22-46 (inclusive)

1. THE LANDS REQUIRED TO BE REGISTERED UNDER THE LAND TITLES ACT:

- a) Section 160(1) of the Land Titles Act requires all new plans to be registered in the Land Titles system.
- b) Section 160(2) allows certain exceptions.

2. WATER AND SEWER SYSTEMS

Inauguration or extension of a piped water supply, a sewage system or a storm drainage system is subject to the approval of the Ministry of the Environment, Conservation and Parks under Section 52 and 53 of the Ontario Water Resources Act, R.S.O. 1990.

3. CONVEYING

As the land mentioned above be conveyed to the Municipal Corporation may be more easily described in the conveyance by reference to a registered plan than by "metes and bounds" be it suggested that the description be so worded and be

it further suggested the Owner give to the Municipality an undertaking to deposit with the Clerk a properly executed copy of the conveyance concurrent with the registration of the plan.

4. In order to assist the agencies listed above with clearing the conditions of final approval and registration of the plan, it may be useful to forward executed copies of the agreement between the Owner and the Town to these agencies. In this instance, this copy should be sent to:

Andrew Carrigan
Officer, Delivery Planning
Canada Post
955 Highbury Avenue North
London, Ontario N5Y 1A3
Phone: 226-268-5914
Email: andrew.carrigan@canadapost.ca

Ryan Courville
Access Network Provisioning Manager
Municipal Relations
Bell Canada
Phone: 416-570-6726
Email: planninganddevelopment@bell.ca

Director, Development Approvals
Planning and Development Services Department
The Regional Municipality of Niagara
1815 Sir Isaac Brock Way
Thorold, ON, L2V 4T7
Phone No: (905) 980-6000
Toll Free: 1-(800) 263-7215
Email: devtplanningapplications@niagararegion.ca

5. REVIEW OF CONDITIONS

The applicants are advised that should any of the condition appear unjustified or their resolution appear to be too onerous, they are invited to bring their concerns to Council's attention. Council will consider a request to either revise or delete conditions.

6. CONDOMINIUM AGREEMENT

Prior to final approval for registration, a copy of the executed Condominium Agreement for the proposed development should be submitted to the Regional Planning and Development Department for verification that the appropriate clauses pertaining to any of these conditions of approval have been included

7. NOTES

- Written permission is required from the Town to remove trees on Town property
- Niagara Region recommends that a copy of the draft agreement be provided in order to allow for the incorporation of any necessary revisions prior to execution.
- Clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of conditions are to be received and circulated to the Region by the Town of Fort Erie. The Town of Fort Erie is also responsible for circulating a copy of the Draft Agreement, and the Region is unable to provide a final clearance letter until the Draft Agreement is received. The Region is committed to reviewing submissions related to individual conditions prior to receiving the formal request for clearance. In this regard, studies and reports (one hard copy and a PDF digital copy) can be sent directly to the Region with a copy provided to the Town of Fort Erie.
- The Owner is advised to contact Bell Canada at planninganddevelopment@bell.ca during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development.
- It is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.
- If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.