

Owner: Lighthouse Waterfronts Inc.
File No.: 34CD-WE1401
Municipality: West Elgin

Subject Lands: Part Lot 5, Concession 14,
Geographic Township of Aldborough
Municipality of West Elgin, County of Elgin

Date of Decision: July 11, 2017
Date of Revised Decision: July 6, 2020
Lapsing Date: July 11, 2017
Last Date of Appeal: July 27, 2020
Revised Lapsing Date: January 11, 2021

NOTICE OF DECISION

On Application for Approval of Draft Plan of Condominium Section 51 of the *Planning Act*

Approval of a Draft Plan of Condominium in respect of the subject lands noted above was given by the County of Elgin on July 11, 2017. A copy of the conditions for final approval is attached.

When and How to File an Appeal

Notice to appeal the decision to the Local Planning Appeal Tribunal must be filed with the County of Elgin no later than 20 days from the date of this notice as shown above as the last date of appeal.

The notice of appeal should be sent to the attention of the Manager of Planning, at the address shown below and it must,

- (1) set out the reasons for the appeal, and
- (2) be accompanied by the fee prescribed under the Local Planning Appeal Tribunal in the amount of \$300.00, payable by certified cheque to the Minister of Finance, Province of Ontario.

Who Can File an Appeal

Only individuals, corporations or public bodies may appeal the decision in respect of a proposed plan of subdivision to the Local Planning Appeal Tribunal. An appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group.

Right of Applicant or Public Body to Appeal Conditions

The applicant or any public body may, at any time before the final plan of subdivision is approved, appeal any of the conditions imposed by the County of Elgin by filing with the Manager of Planning a notice of appeal.

How to receive Notice of Changed Conditions

The conditions of an approval of draft plan of subdivision may be changed at any time before the final approval is given.

You will be entitled to receive notice of any changes to the conditions of approval of draft plan of

subdivision if you have either,

- (1) made a written request to be notified of the decision, or
- (2) made a written request to be notified of changes to the conditions of approval of the draft plan of subdivision.

Other Related Applications:

None

Getting Additional Information

Additional Information about the application is available for public inspection during regular office hours at the County of Elgin at the address noted below.

Mailing address for Filing a Notice of Appeal

County of Elgin
450 Sunset Drive, 3rd Floor
St. Thomas, ON N5R 5V1
Attention: Manager of Planning
Telephone: (519) 631-1460
Fax: (519) 633-7661
Email: npasato@elgin.ca

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The conditions to final plan of approval for registration of this Condominium as provided by the County of Elgin are as follows:

No. Conditions

1. That this approval shall apply to the draft plan of condominium, prepared by MTE/OLS Ltd. and certified by Trevor D.A. McNeil OLS, dated August 10, 2016, showing a total of 9 units for residential detached dwellings and common element areas containing a private, paved roadway, open space, conservation land and beach. The Plan is located within the Municipality of West Elgin and comprises Part of Lot 5, Concession 14, Geographic Township of Aldborough, Municipality of West Elgin, County of Elgin.
2. That the owner enters into a condominium agreement, pursuant to the authority of Section 51 (26) of the Planning Act R.S.O 1990, as amended, with the Municipality of West Elgin (Municipality) wherein the owner agrees to satisfy all the requirements, financial and otherwise, of the Municipality respecting the conditions of approval set out herein, and the laying out and development of the site, the installation of facilities and services including roads, on-site sewage collection systems, water distribution system, utilities, storm water management facilities and landscaping required for the development of the lands within the Plan.
3. That the agreement between the owner and the municipality be registered against the lands to which it applies once the declaration and description has been registered.
4. That the condominium declaration include the following provisions as approved by the Chief Administrative Officer of the Municipality of West Elgin:
 - i) That all common element roadways must be maintained in a snow free condition void of any obstructions 12 months of the year.
 - ii) That a private contractor will pick up and dispose of garbage refuse and recyclable materials from the development.
 - iii) That the owner is required to install individual Class 4 on-site sanitary sewage treatment systems utilizing a "whitewater" tertiary treatment system and shallow buried trench disposal bed in accordance with the Ontario Building Code 2012.
 - iv) That no building or other improvement be constructed or erected within or any grading or other interference be made to any area that has not been identified as stable top of bank by Golder and Associates in their report dated August 29, 2011 and addendum correspondence dated July 5, 2016 and the setback therefrom identified by Shoreplan Engineering Limited in their report dated June 16, 2014.
 - v) That a post construction monitoring program is required by a qualified ecological consultant to protect and enhance Natural Heritage resources in accordance with the EIS completed by Biologic in December, 2014 with July, 2015 addendum.
 - vi) That access shall be prohibited to all common areas containing steep slopes and

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protected vegetation, ensuring conservation.

5. That the street shall be named and new homes addressed to the satisfaction of the Municipality.
6. That the owner shall provide easements as may be required for utility, servicing, or drainage purposes in a form satisfactory to the Municipality or utility.
7. That the owner convey up to 5% of the land included in the plan to the municipality for park or other public recreation purposes. Alternatively, the Municipality may require cash-in-lieu of all or a portion of the conveyance.
8. That the Agreement between the Owner and Municipality shall contain provisions requiring:
 - i) All development and onsite services must be erected in accordance with and respecting the "Erosion Hazard" line as identified by the Shoreplan report dated June 16, 2014 plus 15 metres landwards as agreed to in principle by the Hearings and Personnel Committee of the Lower Thames Valley Conservation Authority, September 3, 2014.
 - ii) The development shall be serviced with a piped municipal water supply at the developer's expense.
 - iii) That the Owner obtain an Environmental Compliance Approval from the Ministry of the Environment and Climate Change for storm water management prior to any development requiring a building permit. The condominium agreement between the Owner and the Municipality shall contain provisions regarding the development, implementation, installation and maintenance of the storm water management facilities.
 - iv) Any unplugged oil or gas wells discovered during the development process must be plugged in accordance with the Oil, Gas and Salt Resources Act.
 - v) On-site archaeological monitoring must be provided at the developer's expense during any physical excavation of the subject lands in accordance with the recommendations of the Archaeological Assessment Stages 1-2 and 3 (AdHj-60) prepared by Detritus Consulting Ltd., July 2015.
9. That prior to final approval, the Approval Authority is to be advised by the Municipality that this proposed draft plan of condominium conforms to the Zoning By-Law as amended and the approved site plan.
10. That prior to final approval the Municipality shall confirm that there is uncommitted reserve water treatment capacity to service the development.

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11. That the Owner is required to prepare an erosion and sediment control plan to the satisfaction of the Municipality and the Lower Thames Valley Conservation Authority prior to commencement of any development including grading and /or site alteration works upon the subject lands.
 12. That the Owner shall be responsible for implementing and maintaining sediment and erosion controls on the subject lands until such time as the subject lands are fully developed.
 13. Prior to final approval and the registration of the declaration and description the owner shall ensure that the declaration being submitted for registration contains a statement mentioning the conditions of this draft approval. A copy of the draft declaration shall be provided to the Municipality for review prior to clearance of the final plan by the Municipality.
 14. That the condominium agreement between the owner and the Municipality contain provisions requiring the owner to implement the recommended mitigation measures of identified impacts as set out in Section 7 of the "Environmental Impact Study" prepared by BioLogic Inc. dated December 2014.
 15. That the owner is advised to contact Bell Canada, prior to commencing any work within the Plan, to confirm that sufficient wire line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/ telecommunication service to the proposed development. In the event that such infrastructure is not available, 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 (i.e., 911 Emergency Services).
 16. That prior to final approval the Owner shall ensure that the requirements of Canada Post as set out below are satisfied.
 - i) The owner shall:
 - a. include in all offers of purchase and sale, a statement that advises the prospective purchaser that mail will be delivered via a community mail box;
 - b. note the locations of the community mail box within the development; and
 - c. notify affected homeowners of any established easements granted to Canada Post to permit access to the community mail box.
 - ii) The owner further agrees to:
 - a. consult with Canada Post to determine suitable permanent locations for the community mail box, which locations shall be indicated by the developer on the appropriate servicing plans.
 - b. prior to offering any units for sale, display a map on a wall of the sales office

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in a place readily accessible to potential homeowners that indicates the location of the community mail box within the development, as approved by Canada Post.

- c. provide a suitable and safe temporary site for a community mail box until curbs, sidewalks and final grading are completed at the permanent community mail box location.
- d. provide Canada Post with the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin.
- e. provide the expected installation date for the community mail box pad; and
- f. provide the following for the community mail box and to include these requirements on the appropriate servicing plans:
 - Any required walkway across the boulevard, per municipal standards;
 - Any required curb depressions for wheelchair access, with an opening of at least two metres (consult with Canada Post for detailed specifications); and
 - A community mailbox concrete base pad per Canada Post specifications.

17. That the Agreement between the Owner and the Municipality shall include a clause that the Owner agrees to inform all Purchasers of residential units by including a condition in all Purchase Agreements stating that the construction of additional public school accommodation is dependent upon funding approval from the Ontario Ministry of Education, therefore the subject community may be designated as a "Holding Zone" by the Thames Valley District School Board and pupils may be assigned to existing schools as deemed necessary by the Board.
18. That prior to final approval, arrangements shall be made to the satisfaction of the Municipality for the relocation of any utilities that may be required as a result of the development of the subject lands, such relocation shall be undertaken at the expense of the Owner.
19. That prior to final approval, the County of Elgin is to be advised in writing by the Municipality how conditions 1 through 15, 17, and 18 have been satisfied.
20. That prior to final approval the County of Elgin is to be advised in writing by Canada Post how condition 16 has been satisfied.

NOTES TO DRAFT APPROVAL

1. It is the applicant's responsibility to fulfill the conditions of draft approval.
2. It is suggested that the applicant be aware of:
 - a) subsection 144 (1) of The Land Titles Act, which requires all new plans be registered in a land titles system;

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- b) subsection 144 (2) - allows certain exceptions.
3. Inauguration, or extension of a piped water supply, a communal sewage system or a storm water management system, is subject to the approval of the Ministry of Environment under Section 52 and Section 53 of the Ontario Water Resources Act.
 4. The Ministry of Environment must be advised immediately should waste materials or other contaminants be discovered during the development of this plan of condominium.
 5. It is the applicant's responsibility to obtain the necessary permits from the Lower Thames Valley Conservation Authority (LTVCA) in accordance with Ontario Regulation 152/06 made pursuant to Section 28 of the Conservation Authorities Act. Permits shall be obtained prior to any development and/or alterations upon proposed units 1 to 9 inclusive. In addition the applicant is responsible for implementing, maintaining and notifying (LTVCA) in writing, of all sediment and erosion controls and maintenance, on the subject lands.
 6. A copy of the condominium agreement and the declaration must be provided to the County of Elgin (Manager of Planning) prior to final plan approval.
 7. If the agency's condition concerns a condition in the condominium agreement, a copy of the agreement should be sent to them. This will expedite clearance of the final plan.
 8. Clearance is required from the following:
 - Magda Badura, CAO Treasurer
Municipality of West Elgin
22413 Hoskins Line
P.O. Box 490,
Rodney ON N0L 2C0
 - Delivery Services Officer
Delivery Planning
Canada Post Corporation
955 Highbury Ave.
London, ON N5Y 1A3
 9. All measurements on condominium final plans must be presented in metric units.
 10. The final plan must be submitted digitally in AutoCAD (DWG) and Portable Document Format (PDF) with the appropriate citation from the Planning Act used. The AutoCAD (DWG) file must be consistent with the following standards:
 - Georeferenced to the NAD83 UTM Zone 17N coordinate system.
 - All classes of features must be separated into different layers.
 - Each layer should be given a descriptive name so that the class of feature it contains is recognizable.

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11. The final plan approved by the County of Elgin must include the following paragraph on all copies (3 mylars and 4 paper) for signature purposes:

"Approval Authority Certificate

*Parts _____ & _____ approved and Part _____ exempted
under Section 9 of the Condominium Act and Section 51 of the Planning Act, on
this _____ day of _____, 20__ .*

Manager of Planning"

12. The approval of this draft plan of condominium File No. 34CD-WE1401 will lapse on January 11, 2021 pursuant to subsection 51 (32) of the Planning act, as amended. It is the responsibility of the owner to request an extension of the draft approval if one is needed. A request for extension should be made at least 60 days before the approval lapses since no extension can be given after the lapsing date. The request should include the reasons why an extension is needed and a resolution in support of the extension from the council of the Municipality.
13. The final plan approved by the County of Elgin must be registered within 30 days or the County may withdraw its approval under Subsection 51(59) of the Planning Act.

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