

Applicant: Coland Development Corporation
File No.: CD-T-0123
Subject Lands: Part of Lot 105 Town of Midland
Civic Address: 710 Balm Beach Road

Date of Decision: March 20, 2024
Lapsing Date: March 20, 2028

The Town of Midland's conditions to the draft plan approval for registration of this Plan of Condominium, File No. CD-T-0123 (Coland Development Corporation) are as follows:

No. CONDITIONS

1. That this approval applies to the Draft Plan of Condominium for the comprising of land described as Part of Lot 105, Town of Midland, County of Simcoe, municipally known as 710 Balm Beach Road East , Sheet 1 of 3 prepared by KRCMAR Plot dated November 1, 2023, for 10 Commercial units (Buildings A and C), 6 Commercial units (Building B), 11 Commercial Units (Building D), 2 Commercial Units (Building E), and 2 units (outdoor playing area) and 76 parking spaces associated with the residential units. Sheet 2 of 3 prepared by KRCMAR Plot dated October 31, 2023, 18 residential units (Block D), 16 Residential units (Block C) 12 Commercial units (Building B), 18 Commercial Units (Building A). Sheet 3 of 3 prepared by KRCMAR Plot dated October 31, 2023, 18 residential units (Block D), 14 Residential units (Block C)

2. That the Owner shall enter into a Condominium Agreement with the Town in order to satisfy the financial, servicing and other requirements of the Town and the construction and installation of all municipal and private services, including, but not limited to, parking lots, entrances, curbs, gutters, sidewalks, watermains, sanitary sewers, storm sewers, fencing, and regulatory signs, all at the owner's expense. Prior to execution of the Condominium Agreement, the drawings shall be approved by the Town's Engineer.

3. That the Condominium Agreement between the Owner and the Town shall be registered against the lands to which it applies prior to the registration of the Condominium Plan.

4. That the Owner shall amend the registered Site Plan Agreement with the Town, in order to satisfy the financial, servicing and other requirements of the Town and the construction and installation of all municipal and private services, including, but not limited to, parking lots, entrances, curbs, gutters, sidewalks, watermains, sanitary sewers, storm sewers, fencing, and regulatory signs, all at the owner's expense. Prior to execution of the Amending Site Plan Agreement, the drawings shall be approved by the Town's Engineer.

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5. That the Amending Site Plan Agreement between the Owner and the Town shall be registered against the lands to which it applies prior to the registration of the Condominium Plan.
6. That the Condominium Agreement contains a provision wherein the Owner agrees to satisfy the Town's landscaping requirement as per the submitted plans.
7. That prior to final approval, the Owner meet with the Newmarket-Tay Power, Engineering Department, to establish and satisfy, through an agreement to be registered on title, the requirements, standards and policies for the supply of electric power. Engineering drawings respecting the above shall be approved by the Newmarket-Tay Power Corporation prior to execution of the agreement.
8. That the Owner agrees to pay municipal Development Charges upon the issuance of a building permit calculated at the rate of the day as contained in the By-law in force at the time. The Owner further agrees to pay any Development Charge in force at the time for Education or County of Simcoe purposes, which shall be collected by the Municipality, at the rate of the day, upon the issuance of a building permit and forwarded to the appropriate body.
9. 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.
10. 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.
11. The Owner agrees that easement(s) are required for all condominium developments and that any such easement(s) will be provided to Enbridge Gas at the cost of the Owner and no Enbridge Gas.
12. That prior to final approval, confirmation be received from Canada Post that the Owner has made satisfactory arrangements for the installation of a central mail facility if required in the development.

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13. That the owner(s) agree to include in all Offers of Purchase and Sale a statement advising prospective purchasers that accommodation within a public school in the community is not guaranteed and students may be accommodated in temporary facilities; including but not limited to accommodation in a portable classroom, a “holding school”, or in an alternate school within or outside of the community.
14. That the owner(s) agree to include in all Offers of Purchase and Sale a statement advising prospective purchasers that if school buses are required for pupils within the development in accordance with Board Transportation policies, as may be amended from time to time, school bus pick up points will generally be located on the through street at a location as determined by the Simcoe County Student Transportation Consortium.
15. That the Condominium Agreement between the Owner and the Town shall include provisions whereby all Offers of Purchase and Sale will include information that satisfies Subsection 59(4) of the Development Charges Act.
16. That the Owner agrees in the Condominium Agreement, to submit detailed plans and designs to implement a comprehensive storm water and environmental management plan for the subject lands to the satisfaction of the Town’s Engineer.
17. Notwithstanding that the Town has draft approved the plan of condominium, the Owner acknowledges and understands that prior to final approval of the plan, the Town shall confirm that water supply and sewage servicing capacity is available and that the Town has allocated the capacity to the development.
18. That the Owner agrees to ensure that the individual condominium units shall be designed and constructed so as to establish a consistent architectural theme and design between, and within, each phase of the development. The Owner agrees to ensure that the architectural design includes a strong public and water front facade and presence, a consistent colour and material palette, interesting roof lines and architectural features, detached garages, and a consistent footprint and unit sizes.
19. That the Owner co-ordinate the preparation of the overall Composite Utility Plan, that the site is constructed to all applicable utility, Municipal, and Provincial standards.

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20. That prior to final approval, the Town be advised in writing by the Simcoe Muskoka Catholic District School Board and the Simcoe County District School Board how they have been satisfied.
21. It is the applicant's responsibility to fulfill 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 CD-T-0123
22. That prior to final approval, the Town be satisfied how conditions 1 through 21 have been met.

Notes:

1. It is the responsibility of the Owner to fulfill 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 CD-T-0123.
2. It is suggested that the Owner be 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 Condominium 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).
4. Subsection 78(10) of the Registry Act requires that a Plan of Condominium of land that is located only in a registry division cannot be registered under the Registry Act unless that 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).
5. The Municipality will register the condominium 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
6. All measurements on the Condominium final plans must be presented in metric units.
7. Easements required for utility or drainage purposes should be granted to the appropriate authority.
8. All Deeds to be conveyed must be free and clear of encumbrances.

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9. The Town requires all engineering drawings to be submitted in electronic PDF and AutoCAD format. The County of Simcoe has specific requirements from the submission to digital drawings. Contact the Planning and Building Services Department for additional information.

10. Clearances are required from the following agencies:

Simcoe Muskoka Catholic District School Board
46 Alliance Boulevard
Barrie, Ontario
L4M 5K3

Canada Post – Delivery Planning
193 Church Street, Suite 200
Oakville, Ontario
L6J 7S9

Bell Canada
2nd Floor, 136 Bayfield Street
Barrie, Ontario
L4M 3B1

Newmarket-Tay Power
590 Steven Court
Newmarket, Ontario
L3Y 6Z2

Utility Service Providers as/if required:

1. Telecommunications
2. Cable
3. Natural gas
4. Electrical

11. If any commenting agency conditions are included as conditions of the Condominium Agreement, then a copy of the Agreement should be sent to them. This will expedite clearance.

12. Please be advised that the approval of this Draft Plan of Condominium will lapse on March 20, 2028. This approval may be extended pursuant to subsection

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51(33) of the Planning Act, R.S.O. 1990, but no extension can be granted once the approval has lapsed. If final approval is not given to this Plan, within four years of the approval date, and no extensions have been granted, draft approval will lapse under subsection 51(32) of the Planning Act, R.S.O. 1990 as amended. If the Owner wishes to request an extension to draft approval, an application for Extension to Draft Approval accompanied by the required fee and a Planning Justification Brief, must be received by 90 days prior to the lapsing date.

Please note that an updated review of the Plan, and revision of the conditions of approval, may be necessary if an extension is granted. Subject to the conditions set forth above, this Draft Plan of Condominium is approved under Section 51 of the Planning Act, R.S.O. 1990, Chapter 13, as amended.

Dated this 20th day of March, 2024.

A handwritten signature in black ink, appearing to read 'T. Wierzba', written in a cursive style.

Tomasz Wierzba
Manager of Planning Services
Town of Midland