

APPENDIX 'C' - DRAFT PLAN OF SUBDIVISION CONDITIONS OF APPROVAL

Schedule "A"

CONDITIONS OF APPROVAL

**DRAFT PLAN OF SUBDIVISION (SUB-2022-01)
LIVEWELL ON WELLINGTON GENERAL PARTNERS LTD.
1460 and 1452 Wellington Street East, legally described as Lots 3 and 4, Plan 525,
Aurora, being all of PIN 03642-0029 (the "Lands")**

DRAFT PLAN APPROVAL AND THE FOLLOWING DRAFT PLAN CONDITIONS LAPSE AT THE EXPIRATION OF THREE YEARS FROM SEPTEMBER 26, 2023, BEING THE DATE THAT THE DRAFT PLAN OF THE LANDS HAS BEEN APPROVED BY COUNCIL. PROVIDED THAT DRAFT PLAN APPROVAL HAS NOT LAPSED, COUNCIL MAY, AT ITS SOLE DISCRETION, EXTEND THE APPROVAL.

THE CONDITIONS OF AURORA COUNCIL THAT SHALL BE SATISFIED BY THE OWNER OF THE LANDS (THE "OWNER") PRIOR TO THE RELEASE FOR REGISTRATION OF ANY M-PLAN OF THE LANDS (THE "PLAN"), ARE AS FOLLOWS:

Planning Division Conditions

1. The final draft plan prepared by WAHBA Surveying dated July 27, 2023 with respect to the creation of 1 block on a plan of subdivision (the "Draft Plan") and associated conditions of Draft Plan approval shall be amended to the satisfaction of the Planning Division, if revisions are required to implement or integrate any recommendations resulting from studies required as a condition of Draft Plan approval. Further, minor redline revisions to the Draft Plan may also be required to ensure property alignment with existing or proposed lots, blocks, streets, and/or facilities on lands adjacent to the Draft Plan.
2. Prior to the release for registration of the M-Plan, the Owner shall submit, to the satisfaction of the Planning Division, the final draft M-Plan in the following form:
 - a) an electronic and hardcopy version of the signed white paper print approved by the Land Registry Office for registration;
 - b) one (1) original mylar;
 - c) two (2) mylar duplicates; and
 - d) three (3) white paper prints, one (1) of which contains an A.O.L.S form.
3. Prior to the release for registration of the M-Plan, the Lands shall be:
 - a) appropriately designated in the Official Plan by a official plan by-law that has come into effect in accordance with the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended (the "*Planning Act*"); and
 - b) appropriately zoned by a zoning by-law that has come into effect in accordance with the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended (the "*Planning Act*"), including any terms under which the Town's Council will consider the removal of a holding "H" symbol, if applicable.

Legal Services Division Conditions

4. Prior to the release for registration of the Plan, the Owner shall provide to the satisfaction of the Town Solicitor, a Solicitor's Title Opinion for the Lands together with:

- a) the final draft M-Plan signed by the Surveyor and related Plan Document as preapproved by the Land Registry Office to be submitted for registration;
- b) the Surveyor's Frontage and Area Certificate for the draft M-Plan;
- c) an updated copy of the title PIN(s) for the Lands; and
- d) a Certificate of Corporate Status and Clear Writ of Execution for the Owner.

York Region Conditions

5. Refer to attached Schedule A.1.

Lake Simcoe Region and Conservation Authority Conditions

6. That the subdivision approval is applicable to the Draft Plan prepared by WAHBA Surveying, dated July 27, 2023, and may be subject to redline revisions based on the detailed technical plans and studies.
7. That the owner agree to comply with all other conditions as may be imposed by the LSRCA through the proposed Site Plan Application (SP-2022-10) approval process as only one agreement is being prepared by the Municipality for both Planning Act Applications.
8. That prior to final approval, the owner shall pay all development fees to the LSRCA in accordance with the approved fees policy, under the *Conservation Authorities Act*.

Clearances

9. The Town's Planning Division shall advise that Conditions 1-3 have been satisfied, stating briefly how each condition has been met.
10. The Town's Legal Services Division shall advise that Condition 4 has been satisfied, stating briefly how this condition has been met.
11. York Region shall advise that Condition 5 has been satisfied; the clearance letter shall include a brief statement detailing how this condition has been met.
12. The Lake Simcoe Region Conservation Authority shall advise that Conditions 6-8 have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.

Schedule "A.1"

YORK REGION CONDITIONS OF APPROVAL

Schedule of Pre - Conditions
Draft Plan of Subdivision
SUB-2022-01
(Livewell on Wellington)
1452 and 1460 Wellington Street East
Town of Aurora

Re: WAHBA Surveying, Project No.: 22-064, dated July 27, 2023

The following pre-conditions are applicable in the event that draft plan approval is given prior to Council approval of adequate servicing allocation to the subject development:

1. Prior to or concurrent with draft plan approval for any residential units, the owner shall enter into an agreement with the Town of Aurora, which agreement shall be registered on title, committing the owner to:
 - A. Not enter into any agreements of purchase and sale with end users (*) for the subject lands until such time as:
 - a. The Council of the Town of Aurora has allocated or transferred, within the limit of the Regional capacity assignment, adequate unrestricted water and wastewater servicing capacities to the subject development;
or
 - b. The Council of the Town of Aurora has allocated capacity to the subject development that is dependent upon the completion of a trigger project(s) and York Region has advised in writing that the expected completion date of the trigger project(s) is within twelve (12) months;
or
 - c. the Regional Commissioner of Public Works and the Town of Aurora confirm servicing capacity for this development by a suitable alternative method and the Town of Aurora allocates the capacity to this development.
 - AND
 - B. Not enter into any agreements of purchase and sale with non end users for the subject lands unless the agreement of purchase and sale contains a condition that requires the purchaser and any subsequent purchasers to enter into a separate agreement with the Town of Aurora. This agreement shall be registered on title, committing the owner to the same terms as set out in item A above.
2. Prior to draft plan approval for any residential units, the owner shall enter into an indemnity agreement with York Region, which agreement shall be registered on title,

acknowledging that the Interim Servicing Solutions for Aurora, Newmarket and East Gwillimbury projects are still underway, and agreeing to save harmless York Region from any claim or action as a result of York Region releasing conditions and pre-conditions of draft approval as part of the draft approval of Plan of Subdivision (SUB-2022-01), or any phase thereof, including, but not limited to claims or actions resulting from (i) water or sanitary sewer service not being available when anticipated, or (ii) the unavailability of water or sanitary sewer service. The agreement shall include a provision that requires all subsequent purchasers of the subject lands, to enter into a separate agreement with York Region as a condition of the agreement of purchase and sale, agreeing to indemnify York Region on the same terms and conditions as the owner.

(*) the term 'end users', for the purpose of the above-noted pre-conditions, is defined as the eventual homeowner who is purchasing a dwelling on an individual lot containing a dwelling for the purpose of occupancy.

Schedule of Conditions
Draft Plan of Subdivision
SUB-2022-01
(Livewell on Wellington)
1452 and 1460 Wellington Street East
Town of Aurora

Re: WAHBA Surveying, Project No.: 22-064, dated July 27, 2023

Conditions of draft approval for the subdivision application have been updated due to Town of Aurora's decision to not enter into a subdivision agreement. All requirements and clauses are to be transferred into the site plan agreement. York Region will be party to the site plan agreement.

1. **The Owner shall acknowledge** to save harmless the Town of Aurora and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
2. **The Owner shall acknowledge** to implement the recommendations of the Transportation Study, including TDM measures and incentives, as approved by the Region.
3. **The Owner shall acknowledge** that the access to Wellington Street will be limited to right-in right-out movements only.
4. **The Owner shall acknowledge** to permit vehicular, cycling and pedestrian interconnection with the property to the west (1426 Wellington Street), when these lands redevelop.
5. **The Owner shall acknowledge** that when vehicular, cycling and pedestrian interconnection is provided to connect to 1400 Wellington Street (Stronach Aurora Recreation Complex), that this interim driveway to Wellington Street will be closed.
6. **The Owner shall acknowledge** the access to Wellington Street will be designed to Regional standards and address all comments provided, to the satisfaction of the Region.
7. **Prior to Final Approval**, the Owner shall provide to York Region the following documentation to confirm that water and wastewater services are available to the subject development and have been allocated by the Town of Aurora:
 - a. A copy of the Council resolution confirming that the Town of Aurora has allocated servicing capacity, specifying the specific source of the capacity to the development proposed within this draft plan.

- b. A copy of an email confirmation by a Town of Aurora staff member stating that allocation to the subject development remains valid at the time of the request for regional clearance of this condition.
- 8. **Prior to Final Approval**, the Owner shall provide an electronic set of the final engineering drawings showing the watermains and sewers for the proposed development to the Development Services and the Infrastructure Asset Management for record.
- 9. The Regional Corporate Services Department shall advise that Conditions 1 to 8 inclusive, have been satisfied.