

PDP-09-23

Attachment #5
Draft Plan of Condominium Conditions
File CW-2022-02

1. The Proponent shall prepare the final plan and shall include a land use table on the basis of the approved draft plan of condominium, prepared by R-PE Surveying Ltd., identified as Job No.: 20-172, dated March 31, 2022, which illustrates common facilities and services including private laneways, sidewalks, amenity area, water meter room, visitor parking, and community mailboxes.
2. The Proponent shall submit Environmental Site Assessment documents to the satisfaction of the Region of Durham for the subject property in accordance with the Region of Durham's Soil and Groundwater Assessment Protocol.
3. Prior to final approval, the proponent shall ensure that a clearance letter is obtained by the Ministry of Heritage, Sport, Tourism and Culture Industries for the "Stage 1 and 2 Archaeological Assessment," prepared by AMICK Consultants Ltd., dated August 17, 2018. No demolition, grading or other soil disturbance shall take place on the subject property prior to a letter of clearance being received by the Region of Durham.
4. The Proponent shall agree in the Town of Whitby's Condominium Agreement to implement the noise recommendations from the "Environmental Noise Assessment," prepared by SLR Consulting (Canada) Ltd., dated July 16, 2019 which specifies noise attenuation measures for the development. These measures shall be included in the Condominium Agreement and must also contain a full and complete reference to the noise report (i.e. author, title, date and any revisions/addenda) and shall include warning clauses identified in the study.
5. The Proponent shall provide the Town with the fees and legal costs incurred for the preparation and registration of the Condominium Agreement including the Release Fee in the amount of \$3,661.43.
6. The Proponent covenants and agrees to implement the provisions of Site Plan Agreement (SP-04-20) and to confirm the same through the Condominium Agreement.
7. Any requirements under the Subdivision Agreement (SW-2018-06) between Garden Street Developments Inc. and the Corporation of the Town of Whitby and are to be satisfied where applicable to this site.
8. A shared facilities agreement will be required between the standard and common element condominiums.
9. Prior to final approval, the proponent shall provide the Commissioner of Planning and Development for the Town of Whitby with a copy of the Condominium Corporation documents, demonstrating that all relevant Site Plan conditions of approval have been included in said documents. This shall include all clauses in

all offers of purchase and sale or lease and registered upon the title of the dwellings within the block, to advise potential purchasers of the following:

- a. The proponent covenants and agrees to implement the provisions of the Site Plan Agreement (SP-04-20) and to confirm the same through the Condominium Agreement;
 - b. The maintenance of all common elements such as, but not limited to, the internal roads, water meter room, hydro transformer, internal sidewalks, lighting, fencing, landscaping, driveway and visitor parking area;
 - c. The collection and disposal of residual garbage, recycling, yard waste and organic materials shall be the responsibility of the Condominium Corporation;
 - d. The allocation of visitor/accessible parking spaces of the condominium are to be owned and maintained by the Condominium Corporation, shall contain a clause in the condominium documents clearly specifying that the visitor/accessible parking spaces shall be properly signed and be solely for the use of visitors to the proposed condominium;
 - e. Any changes or alterations to the building elevations, roof shingles, colours or materials require the approval of the condominium board;
 - f. That the shared facilities agreement will be executed between the two condominium corporations.
10. Prior to final approval of the plan of condominium, the Commissioner of Planning and Development for the Town of Whitby shall be advised in writing by:
- a. The Regional Municipality of Durham how conditions 1, 2, 3 and 4 have been satisfied.