

## Attachment #4

### Draft Plan of Condominium Conditions

### File CW-2023-05

1. The Proponent shall prepare the final plan on the basis of the approved draft plan of common element condominium, prepared by J. D. Barnes Ltd., identified as Reference No.: 23-25-167-00, dated July 25, 2023, which illustrates common facilities and services including laneway, curbs/sidewalks, streetlights, sanitary/storm sewers, watermain and facilities, landscaping, utilities, snow removal, visitor parking, water meter building, and community mailboxes.
2. The Proponent shall agree in the Town of Whitby's Condominium Agreement to implement the noise recommendations from the "Noise Impact Study," prepared by J. E. Coulter Associates Ltd., dated August 2, 2023, 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.
3. 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 \$3,752.97.
4. The Proponent covenants and agrees to implement the provisions of Site Plan Agreement (SP-12-22) and to confirm the same through the Condominium Agreement.
5. Any requirements under the Subdivision Agreement (SW-2017-06) between 3425 Coronation Developments Limited and the Corporation of the Town of Whitby are to be satisfied where applicable to this site.
6. 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-12-22) and Subdivision Agreement (SW-2017-06) 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; and
  - e. Any changes or alterations to the building elevations, roof shingles, colours or materials require the approval of the condominium board.
- 7. That the proponent is required to provide a permanent pedestrian access easement in support of the Town's community goals of walkable neighbourhoods, in favour of the Town to allow pedestrians free access through the condominium corporation on Part 1 and 2 on Plan 40R-32486. Part 1 being the private driveway, and Part 2 being a pathway to the adjacent open space.
- 8. 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 and 2 have been satisfied.