

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: December 4, 2024

CASE NO(S): OLT-24-000210

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:

Subject:

Description:

Reference Number:

Property Address:

Municipality/UT:

OLT Case No.:

OLT Lead Case No.:

OLT Case Name:

Perthmore Enterprises Inc.

Application to amend the Zoning By-law –
Refusal or neglect to make a decision

To permit a 94-unit residential subdivision
consisting of single detached dwellings,
semi-detached dwellings, and a 3 1/2 storey
residential building.

D14-PE-12-20

Part Southwest Half and Part Northeast Half
Lot 3, Concession 2, Geographic Township
of Drummond, being Part 1 on 27R-7125
and Part 1 on 27R-8420 except PL88, 27M-
3, 27M-14, 27M-16, 27M-21, 27M-55 and
Parts 3, 4 on 27R-7540, Town of Perth,
County of Lanark

Perth/Lanark

OLT-24-000210

OLT-24-000210

Perthmore Enterprises Inc. v. Perth (Town)

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:

Subject:

Description:

Reference Number:

Perthmore Enterprises Inc.

Proposed Plan of Subdivision – Failure of
Approval Authority to make a decision

To permit a 94-unit residential subdivision
consisting of single detached dwellings,
semi-detached dwellings, and a 3 1/2 storey
residential building.

09-T-21001

Property Address:	Part Southwest Half and Part Northeast Half Lot 3, Concession 2, Geographic Township of Drummond, being Part 1 on 27R-7125 and Part 1 on 27R-8420 except PL88, 27M-3, 27M-14, 27M-16, 27M-21, 27M-55 and Parts 3, 4 on 27R-7540, now in the Town of Perth, County of Lanark
Municipality/UT:	Perth/Lanark
OLT Case No.:	OLT-24-000211
OLT Lead Case No.:	OLT-24-000210
OLT Case Name:	Perthmore Enterprises Inc. v. Lanark (County)

Heard: November 7, 2024 by Video Hearing

APPEARANCES:

Parties

Perthmore Enterprises Inc.

Town of Perth

County of Lanark

Counsel

E. Blanchard

S. Putnam

G. Meeds

MEMORANDUM OF ORAL DECISION DELIVERED ON NOVEMBER 7, 2024, BY S. DEBOER AND ORDER OF THE TRIBUNAL

[Link to Order](#)

INTRODUCTION

[1] The Tribunal had originally scheduled a three-day hearing to hear the merits of the appeals by Perthmore Enterprises Inc. ('Appellant') pertaining to the failure by the Town of Perth ("Town") and the County of Lanark ("County") to make a decision within the statutory timelines pertaining to the Zoning By-law Amendment Application ("ZBA") and the Proposed Draft Plan of Subdivision Application ("Draft Plan") for the property municipally known as Part Southwest Half and Part Northeast Half Lot 3, Concession 2,

Geographic Township of Drummond, being Part 1 on 27R-7125 and Part 1 on 27R-8420 except PL88, 27M-3, 27M-14, 27M-16, 27M-21, 27M-55 and Parts 3, 4 on 27R-7540, Town of Perth, County of Lanark (“Subject Lands”).

[2] Prior to the commencement of the hearing event, the Tribunal received correspondence that the Parties had reached a settlement on the issues and was requesting that the hearing of the merits be converted to a one-day hearing to consider a settlement proposal.

[3] In accordance with Rule 12 of the Tribunal’s *Rule of Practice and Procedure*, the Tribunal convened the proceedings as a hearing on the terms of the settlement.

[4] When considering appeals filed pursuant to s. 34(11) and s. 51(34) of the *Planning Act* (“Act”), the Tribunal must have regard to the matters of provincial interest as set in s. 2 of the Act. Section 3(5) of the Act requires decisions of the Tribunal affecting planning matters to be consistent with the new Provincial Planning Statement, 2024 (“PPS 2024”).

[5] In consideration of the statutory requirements set out above, the Tribunal must be satisfied that the Application represents good planning and is in the public interest.

SITE AND SURROUNDING AREA

[6] The Appellant is the owner of the Subject Lands listed above. The Subject Lands are approximately 29.7 hectares (“ha”) in size and are located within the boundaries of the Town’s Schedule “A” (Land Use Designations) of the Lanark County Sustainable Communities Official Plan. Within the Subject Lands is the proposed subdivision (“Phase 6”), which has an area of approximately 5.5 ha. Phase 6 is located in the northeast section of the Town. Phase 6 is currently accessed by Perthmore Street and Senators Gate Drive. Phase 6 is adjacent to other phases of previous subdivision development, which are located to the southwest and west of the Subject Lands.

[7] The Perth Long Swamp – a Provincially Significant Wetland – (“Wetland”) is located to the north and east of Phase 6. Phase 6 is designated as “Residential and Environmental Protection” on Schedule “A”. Phase 6 is zoned as Residential First Density (“R1-h”) and Environmental Protections Area (“EP”) in the Town’s Zoning By-law No. 3358.

[8] The 100-year floodplain is located to the north and east of Phase 6 but is outside of Phase 6’s boundary. The Rideau Valley Conservation Authority (“RVCA”) Regulatory Limit extends 30 metres (“m”) from the boundary of the Perth Long Swamp and 15 m from the 100-year floodplain limit and applies to a small portion of Phase 6. This portion is planned to be used for stormwater management within Phase 6.

HISTORY OF THE APPLICATIONS

[9] The Applicant had completed a pre-consultation with the Town, Lanark County (“County”), and RCVA on January 19, 2019. An initial Draft Plan was filed on December 23, 2020, with the County and was deemed complete on March 10, 2021. The initial Draft Plan was comprised of 42 lots for single detached dwellings, 23 lots for semi-detached dwellings for a total of 46 semi-detached units, and four blocks reserved for future high-density residential development.

[10] The initial ZBA was also filed on December 23, 2020, with the Town and was deemed complete on March 25, 2021. The ZBA was seeking a rezoning of Phase 6 from its “Residential First Density (R1-h) and Environmental Protections Area” to that of “Residential Third Density (R3) and Residential fourth Density (R4)”.

[11] A public open house for was held on April 19, 2021, by the Town to receive comments from agencies and the public. Comments were received from the following:

- a) RVCA comments, received on April 15, 2021;

- b) Town of Perth comments, received on June 8, 2021;
- c) Lanark County received a status report on June 16, 2021;
- d) Various comments received by the public in March and April 2021.

[12] Included in the original Draft Plan was a previously planned “Arterial Road” which had the intention of connecting County Road 10 in the south with Highway 7 to the north. The Town’s Committee of the Whole voted on August 9, 2022, to remove the Arterial Road from the Town’s Corporate Strategic Plan.

[13] As a result of this removal and the comments received from the various agencies and the public, the initial Draft Plan was modified. As a result of these modifications, the County requested that a new Draft Plan be submitted. This new Draft Plan was submitted on October 12, 2022, and the new Draft Plan now proposed:

- 1) A total of 94 dwelling units comprised of:
 - i. Thirty-four (34) single detached dwellings;
 - ii. Nineteen (19) semi-detached dwellings, at least four (Lots 50-53) containing basement apartment units; and
 - iii. One (1) three-and-a-half storey 14-unit apartment building;
- 2) A block for stormwater management; and,
- 3) A block for parkland.

[14] Supporting materials for the new Draft Plan were:

- a) A revised Environmental Impact Study;
- b) A revised Preliminary Servicing and Stormwater Management Report;
- c) A revised Traffic Impact Study; and,
- d) A revised Planning Rationale Report.

[15] These reports and studies were used to develop the agreed-upon Conditions of Draft Plan Approval, the finalization of the Draft Plan, and the ZBA that is now before the Tribunal.

SETTLEMENT PROPOSAL

[16] The Appellant presented Benjamin Clare to the Tribunal. Mr. Clare was qualified to give expert opinion evidence in the area of land use planning pertaining to the proposal before the Tribunal.

[17] The Tribunal marked the following items as exhibits to the hearing event:

Exhibit 1 – Affidavit of Benjamin Clare

Exhibit 2 – Exhibits Brief of Benjamin Clare

Exhibit 3 – Draft Order provided by Appellant

Planning Act

[18] It was the opinion of Mr. Clare that the settlement before the Tribunal is of provincial interest as per s. 2 of the Act as the settlement provides for the protection of

ecological systems, provides for efficient use of communication, transportation, sewage, and water systems, provides for an adequate range of housing and is within an appropriate location for growth within the *settlement area*.

Provincial Planning Statement, 2024 (“PPS 2024”)

[19] The PPS 2024 came into effect on October 20, 2024, and replaced the Provincial Policy Statement, 2020 (“PPS 2020”). It was the opinion of Mr. Clare that the proposal before the Tribunal had taken into consideration both the old PPS 2020 and the new PPS 2024. Mr. Clare continued to opine that the settlement is consistent with policies 2.1, 2.2, 2.3, 3.1, 3.5, 3.6, 3.9, and 4.1 of the PPS 2024. The settlement proposal is within the *settlement area* of the Town. The proposal provides for an adequate range of housing, is an appropriate location for growth and development, makes use of existing public services and service connections, is a compatible land use, and plans for the proper use of existing sewer and water services. The proposal provides for public spaces and a park and does not have any impact on the natural heritage systems adjacent to the Subject Lands – this being the aforementioned Wetland.

Town of Perth Official Plan (“OP”)

[20] Mr. Clare gave the opinion that the proposal conforms to the OP by way of the proposed ZBA. The ZBA is requesting a zoning change from the current R1-h and EP designations to R3 and R4. The R3 designation will permit single- and semi-detached dwellings to be built with a one-metre reduction on the minimum depth of exterior side yards for dwellings built on corner lots. Mr. Clare continued by opining that this exemption is consistent with other previously developed phases of the subdivision surrounding the Subject Lands. The requested designations in the proposal are compatible with the surrounding land uses that were previously approved.

[21] Mr. Clare opined that the R4 designation would permit the development of the 14-unit residential apartment building located in block 54 of the settlement. The

proposed apartment building is located adjacent to lands previously approved in an earlier phase of the subdivision development. The apartment block would represent a density of 73 units per ha, which, in Mr. Clare's opinion, is comparable to the proposed density of 62 units per net ha in the adjacent lots 50 to 53. The maximum height of 12 m within the R4 zone is compatible with the adjacent lands.

[22] Concerning the EP designated lands, it was Mr. Clare's opinion that these lands are small in size and are located in the stormwater management block – which is located in the southeast portion of the Subject Lands – and adjacent to the Wetland further to the east. The Environmental Impact Statement study determined that redesignating the lands from EP to R3 would be appropriate due to these lands being used for stormwater management and that the location is adjacent to the Wetland. The proposed Open Space in the northeast of the settlement is to be used as parkland in the future and meet the requirements of the Zoning By-law.

[23] It was Mr. Clare's opinion that the settlement and ZBA had been reviewed by Town Staff, and there were no objections to the proposed rezoning of the Subject Lands. Mr. Clare continued to give an opinion that the proposed ZBA is of provincial interest as per s. 2 of the Act, conforms to both the County's OP and the Town's OP, and should be approved as presented before the Tribunal.

Draft Plan of Subdivision

[24] In Mr. Clare's opinion, the proposed Draft Plan of Subdivision meets the criteria as set out in s. 51(24) of the Act. The Appellant has met all the planning and submission requirements. The settlement demonstrates that the proposed subdivision is a matter of provincial interest. The settlement demonstrates that the proposal is not premature, and through the enactment of the ZBA, the proposal will conform to the OP of the County and the Town. The settlement demonstrates that the proposal is compatible with the adjacent plans of subdivision, and the dimensions and shapes of the proposed lots conform to the County's OP and Town's OP through the implementation of the ZBA.

[25] Mr. Clare continued to give an opinion that there will not be any impacts on the Wetland, and this is proven through the reports that have been filed as a part of the Draft Plan of Subdivision. The existing municipal services are adequate to provide the level of municipal servicing required for the settlement. Mr. Clare continued to give his opinion that the areas of land dedicated to stormwater management and parkland are adequate and appropriate. The proposed low-rise apartment building on Block 54 will be subject to Site Plan Control as agreed upon by the Parties.

[26] It was Mr. Clare's overall opinion that the settlement before the Tribunal concerning the Draft Plan of Subdivision meets the requirements of s. 51(24) of the Act and should be approved as presented by the Tribunal.

ANALYSIS AND FINDINGS

[27] The Tribunal accepts the uncontroverted testimony and evidence of Mr. Clare.

[28] The Tribunal finds that the settlement proposal before it will fit harmoniously into the existing area and will provide for a range of housing types. The location of the Subject Lands is an appropriate area for growth and development.

[29] The Tribunal accepts the submissions of Mr. Clare that the proposal will be served by existing municipal infrastructure and will not have an impact on the adjacent Wetland.

[30] The Tribunal is satisfied that the proposal, as presented, is consistent with the new PPS 2024, conforms to the County's OP – pertaining specifically to the Draft Plan of Subdivision – and conforms to the Town's OP. The Tribunal finds that the proposal conforms to the Town's general intent and purpose of Zoning By-law No. 3358.

[31] The Tribunal finds that the proposal should be approved in its presented form,

including the Draft Plan Conditions. The proposal is an appropriate form and use of the Subject Lands and represents good land use planning.

ORDER

[32] **THE TRIBUNAL ORDERS THAT** the appeal is allowed, and the Town of Perth Zoning By-law No.3358 is hereby amended as set out in **Schedule 1** to this Order. The Tribunal authorizes the municipal clerk of the Town of Perth to assign a number to this By-law for record-keeping purposes.

[33] **THE TRIBUNAL ORDERS THAT** the appeal is allowed, and the Draft Plan of Subdivision as set out in **Schedule 2** to this Order, is hereby approved, subject to the fulfillment of the conditions set out in **Schedule 3** to this Order.

[34] **AND THE TRIBUNAL ORDERS THAT** pursuant to subsection 51(56.1) of the *Planning Act*, the County of Lanark shall have the authority to clear the conditions of draft plan approval and to administer final approval of the plan of subdivision for the purposes of subsection 51(58) of the *Planning Act*.

[35] In the event that there are any difficulties implementing any of the conditions of Draft Plan approval, or if any changes are required to be made to the Draft Plan, the Tribunal may be spoken to.

“S.deBoer”

S. DEBOER
MEMBER

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

|SCHEDULE 1
ZONING BY-LAW AMENDMENT

Zoning By-law No. 3358 is hereby amended as follows:

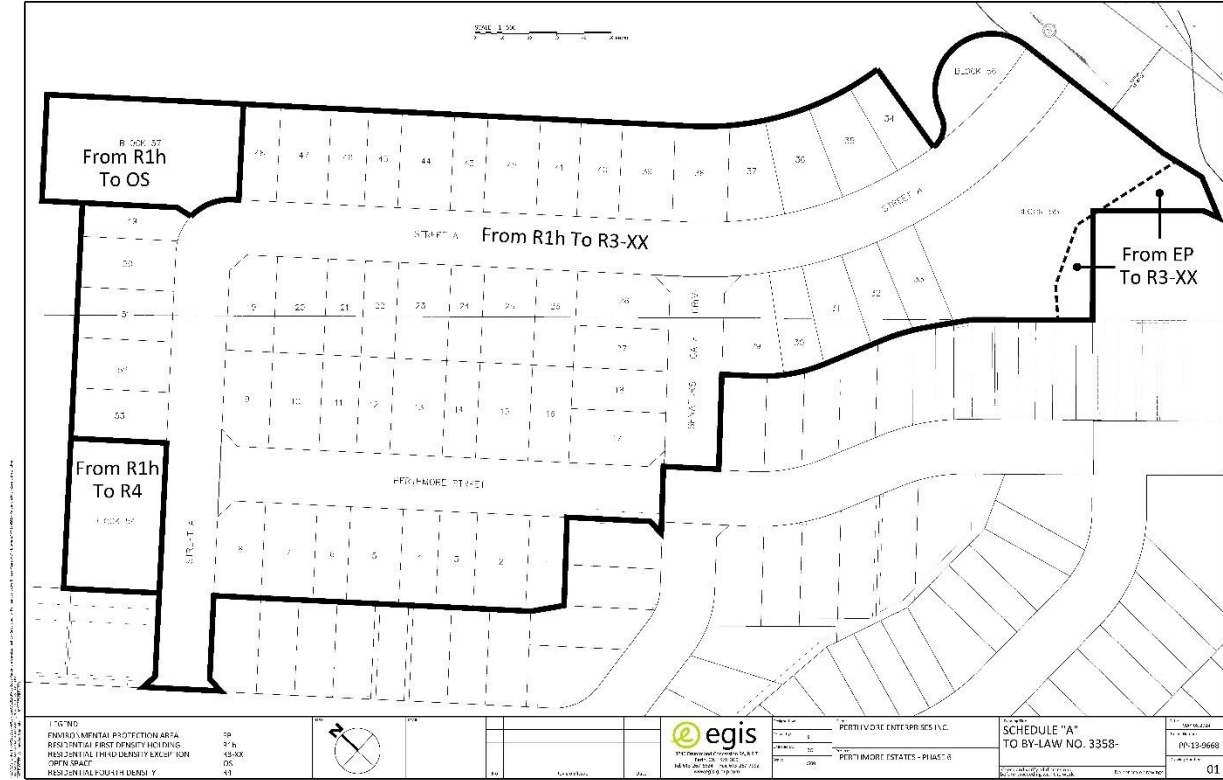
1. That Section 8.4 — Exception Zones of By-law No. 3358, as amended, shall be further amended to add the following Exception Zone:

Residential Third Density Exception XX (R3-XX)

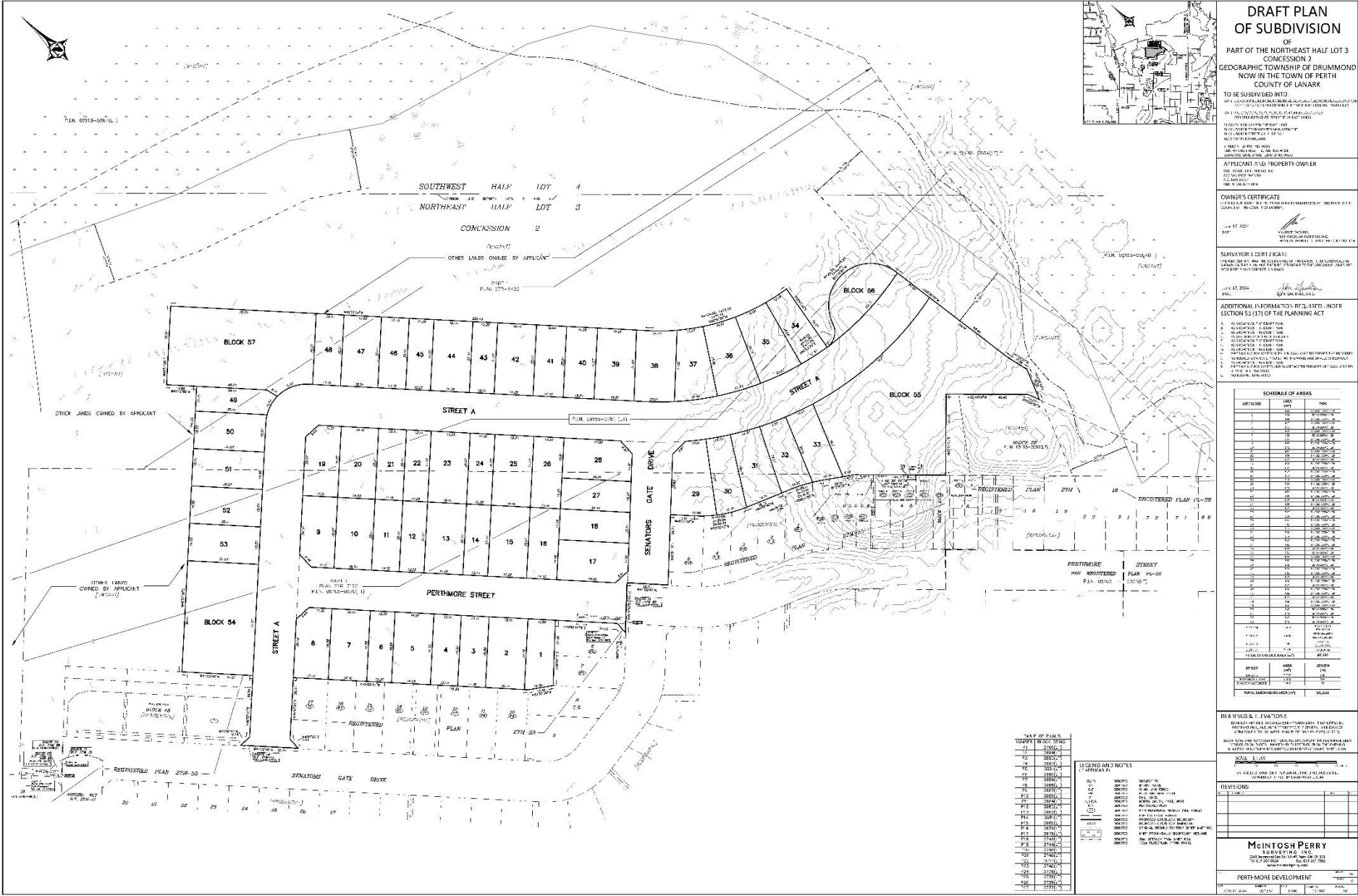
Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

- i. The minimum exterior side yard for a permitted principal use shall have a minimum depth of 3.5 metres.
2. That Schedule "A" to By-law No. 3358, as amended, is further amended by changing the Zone Category of the lands described as Part of the Northeast Half Lot 3, Concession 2, Geographic Township of Drummond, in the Town of Perth from Residential First Density —Holding (R1-h) and Environmental Protection (EP) to Residential Third Density Exception (R3-XX), Residential Fourth Density (R4), and Open Space (OS), as shown on Schedule "A" attached hereto.

SCHEDULE A



SCHEDULE 2 – DRAFT PLAN OF SUBDIVISION



**SCHEDULE 3
CONDITIONS OF DRAFT PLAN APPROVAL**

File Number: 09-T-21001
Plan of Subdivision: Perthmore Subdivision Phase 6

Part Southwest Half and Part Northeast Half Lot 3, Concession 2, Geographic Township of Drummond, being Part 1 on 27R-7125 and Part 1 on 27R-8420 except PL88, 27M-3, 27M-14, 27M-16, 27M-21, 27M-55 and Parts 3, 4 on 27R-7540

The following conditions must be satisfied in full to the satisfaction of the relevant agencies and the approval authority before Final Subdivision Approval will be granted and Registration of the Final Plan.

Approval Authority

1. This approval applies to the Draft Plan of Subdivision, prepared by Egis Surveying Inc., dated June 17, 2024, and certified by John Gauthier, O.L.S., which shows 34 lots (1, 3, 4, 6, 8, 9, 11, 12, 14, 16-19, 21, 22, 24, 26-34, 37, 38, 40, 41, 43, 45, 46, 48, 49) for single detached dwellings, 19 lots for semi-detached dwellings (2, 5, 7, 10, 13, 15, 20, 23, 25, 35, 36, 39, 42, 44, 47, 50-53), Block 54 for an apartment dwelling, Block 55 for stormwater management, Block 56 for a turning circle, Block 57 for open space and parkland, Street A, and extensions of Senators Gate Drive and Perthmore Street. The Final Plan submitted for registration shall be consistent with the Draft Plan, subject to changes required to implement the Draft Plan conditions. The County may require an amendment to be filed for changes to the Final Plan that deviate from the Draft Plan at its sole discretion.
2. That if final approvals are not given to this plan within three (3) years of the draft approval date, and no extensions have been granted, the draft approval shall lapse.
3. The Owner shall provide the County of Lanark with a final plan intended for registration in a format acceptable to the County of Lanark.
4. At any time prior to final approval of this plan for registration, the County of Lanark may, in accordance with Section 51 (44) of the Planning Act, R.S.O. 1990, amend, delete or add to the conditions and this may include the need for amended or new studies.
5. The Owner shall demonstrate to the County of Lanark that they have engaged and coordinated with the following non-condition clearing utilities and agencies in the early development of the Composite Utility Plan and the Subdivision Agreement to ensure their interests and needs are reflected in the final plans and drawings: Hydro One and Canada Post.
6. That prior to final approval, the Owner reimburse the County for all fees associated with the processing of the application.

Town of Perth

Subdivision Agreement and Phasing

7. The Owner agrees that the Subdivision Agreement shall contain a clause that establishes that upon registration of the plan of subdivision, the Owner shall submit to the Town of Perth a digital copy of the registered plan in NAD83 / MTM Zone 9, certified under seal by an Ontario Land Surveyor (OLS) in the Province of Ontario.
8. The final draft M-Plan plan shall be submitted to the Director of Development Services for approval prior to the commencement of the Subdivision Agreement.
9. The Owner shall enter into a Subdivision Agreement, to satisfy all requirements, financial and otherwise, of the Town of Perth, including but not limited to, the phasing of the plan for registration, the provision of roads, installation of services and utilities, and drainage.
10. The Owner agrees to phase the development in an orderly manner to the satisfaction of the Town of Perth. The owner shall convey, at no cost to the Town, 0.3 m reserves along any dead ends or open sides of road allowances created during the staged development, which shall be held in trust by the municipality until the extension of the road allowance.
11. Prior to registration of any Phase of the Plan of Subdivision, the Town of Perth shall be satisfied that the processing fees, any liens, and security requirements have been paid in full.
12. The Subdivision Agreement shall state that the conditions run with the land and are binding on the owners, heirs, successors, and assigns.

Zoning By-law

13. Prior to registration of the plan of subdivision, by way of approval of Zoning By-law Amendment Application File No. File D14-PE-12-20 or otherwise, the proposed plan of subdivision shall conform with the Town of Perth Zoning By-law with all possibility of appeal to the OLT exhausted.
14. That the subdivision agreement between the Owner and the municipality contain a provision wherein the owner agrees that a statement will be included in all offers of purchase and sale or lease agreements that acknowledges that the Town of Perth permits and encourages the development of Accessory Residential Units in accordance with the provisions of the Zoning By-law and that no restrictive covenant or sale agreements shall preclude the retrofit or addition of such units.

Municipal Infrastructure - General

15. The owner may enter into a pre-servicing agreement with the Town addressing the construction of roads, stormwater management, other works, model homes, and conditional building permits. The owner agrees that required securities shall be posted and that the pre-servicing agreement will implement all relevant recommendations and mitigation requirements outlined in the various approved technical studies.
16. Prior to pre-servicing, the detailed municipal servicing plans, detailed municipal servicing report, and stormwater management report must be prepared to the satisfaction of the Town of Perth.
17. That the subdivision agreement between the Owner and the municipality contain a provision wherein the Owner agrees to have a construction inspector in attendance on-site full-time during installation of underground works and in attendance on-site as required for above-ground construction activities warranting oversight, with qualifications satisfactory to the Director of Development Services, at no cost to the municipality.

18. That the subdivision agreement between the Owner and the municipality contain a provision wherein the Owner agrees, upon completion of the installation of works, to provide the Town of Perth with an electronic copy of "as-built" plans in the form of an AutoCad file geo-referenced to NAD83 / MTM Zone 9, certified by a P.Eng. in good standing within the Province of Ontario.

Roads

19. In anticipation of future phases of development and the potential future conversion of Lot 38 on the draft plan to an extension of Senators Gate Drive, the Owner shall:
- a. register a restrictive covenant on title to Lot 38, prohibiting the development of Lot 38 except for temporary uses during construction of Phase 6 of the subdivision and except for as a road and for other infrastructure generally located within road allowances, without the consent of the Town; and,
 - b. shall convey to the Town corner site triangles within Lots 37 and 39 where these lots abut Street A and Lot 38.
20. That the road allowances included in this draft plan shall be shown and dedicated as public highway.
21. That street(s) shall be named to the satisfaction of the Town.
22. The Owner shall submit detailed road plans prepared by a Civil Engineer licensed – and good standing – in the Province of Ontario, to the Town of Perth for approval, indicating phases as proposed. All public roads shall be constructed to the satisfaction of the Director of Environmental Services.
23. That the width of the public road allowances shall be to the satisfaction of the Town of Perth, no less than 20 metres.
24. The Owner shall transfer Street A and the extensions of Perthmore and Senators Gate as outlined on the draft plan of subdivision to the Town of Perth at the timing of Registration.
25. The Owner shall design and construct all roadways in accordance with the current municipal standards and that the road allowances included in this draft plan shall be shown and dedicated as public highway.
26. Prior to the initiation of the drafting of a Subdivision Agreement, the owner shall submit a Street Naming and Civic Addressing Plan to the Town for approval at the time of registration to the satisfaction of the Town of Perth's Director of Environmental Services.
27. The Owner shall submit an on-street parking plan to the satisfaction of the Director of Environmental Services that generally limits parking to be located on only one side of the street and on the same side of the proposed sidewalks.
28. Sidewalks a minimum of 1.8 m in unobstructed width shall be provided by the developer on one side of each proposed street. They shall be located along:
- (a) The front of Lots 1-8,
 - (b) The front of Lots 34 to 53, Blocks 54 and 57, and along the exterior of Block 48 within 27M-55, and
 - (c) The exterior of Lot 29 and the exterior of Lot 5 within 27M-55.
- Each of these sidewalks shall be accessible and be equipped with tactile panels at intersections.

Services

29. The Owner shall submit detailed municipal servicing plans and design reports, prepared by a Civil Engineer licensed and in good standing in the Province of Ontario, to the satisfaction of the Director of Environmental Services.
30. The Owner shall provide a detailed servicing report prepared by a Civil Engineer licensed and in good standing in the Province of Ontario confirming that there is sufficient capacity for all services within the municipal system.

Stormwater Management

31. Prior to registration of the subdivision agreement, the Owner shall prepare a detailed Stormwater Site Management Plan. The detailed Stormwater Site Management Plan shall be in conformity with the phasing of development and identify the sequence of its implementation in relation to the construction of the subdivision and shall be completed to the satisfaction of the Town of Perth and in accordance with the requirements of the Rideau Valley Conservation Authority.

Sediment and Erosion Control

32. The Owner shall submit a detailed sediment and erosion control plan, prepared by a civil engineer, licensed in the Province of Ontario, to the satisfaction of the Director of Environmental Services and the Rideau Valley Conservation Authority prior to the signing of the subdivision agreement.

Grading and Drainage

33. The Owner shall submit detailed grading and drainage plans for the subdivision, prepared by a Civil Engineer licensed and in good standing in the Province of Ontario, to the Director of Environmental Services for approval prior to the signing of the subdivision agreement.
34. The Owner shall have a topographical survey completed beyond the boundaries of the subdivision lands to determine existing ground contours or elevations adjacent to the development for the purposes of grading and drainage and identifying and delineating external contributing drainage areas and existing drainage patterns. Where adjacent lands are currently under development, the approved proposed grades - to be provided by the Municipality - shall be identified and used in determining the treatment at the common boundary. Where adjacent lands are either developed or not currently under development, the existing grades shall be maintained at the property line and the developer shall ensure that the existing drainage courses of these adjacent lands are not negatively affected. The developer shall obtain all necessary access permissions to carry out this work at the Owner's cost.
35. That the subdivision agreement between the Owner and the municipality contain a provision wherein the Owner agrees to retain the services of a Civil Engineer (licensed and in good standing in the Province of Ontario) to certify to the Director of Environmental Services that the final detailed lot grading conforms in general with the approved grades on the subdivision grading and drainage plan and final detailed stormwater management plan.
36. That the subdivision agreement between the Owner and the municipality contain a provision obligating the owner to include in all offers of purchase and sale or lease agreements a requirement that lot owners shall submit to the Town of Perth, at time of Final Building Permit Inspection, as-built grading plans showing actual ground elevations to geodetic datum at front, rear and side of house, driveway at curb and at garage, all lot corners, finished floor elevation, swale inverts and top and bottom of

retaining walls if required. The grading plans must be prepared by a Civil Engineer or Ontario Land Surveyor and must generally conform to all approved grading and drainage plans.

Walkways and Landscaping

37. The Owner shall provide a detailed landscaping plan which will also indicate any trees to be conserved as per the Environmental Impact Study and Tree Conservation Report for the land on the Plan of Subdivision to the Satisfaction of the Town of Perth. The developer is specifically required to maintain as much of the rear vegetation as possible within lots 34-48. Any removal of vegetation will be offset with native species mature plantings in under vegetated areas within the proposed 30 m buffer by Perth Long Swamp, where viable on the stormwater management area and on corner lots on private land.
38. That the subdivision agreement between the Owner and the municipality contain provisions wherein the owner agrees:
 - (a) to register a restrictive covenant prohibiting the removal of any trees to be planted on private property pursuant to the landscape plan without Town permission, and
 - (b) that a statement will be included in all offers of purchase and sale or lease agreements that acknowledges that any trees to be planted on private property pursuant to the landscape plan will be the subject of a restrictive covenant prohibiting their removal.
39. The Owner shall demonstrate that they meet the requirements of the tree/vegetation compensation report as required in keeping with Official Plan Policy 8.6.4 (h) 3. v.
40. The Owner shall install a 1.2m high black vinyl chain link fence to separate parkland and open space along the shared property lines between lots 48 and 49 adjacent to Block 57, and between lot 33 adjacent to Block 55.
41. The Owner shall install a 1.8 m multi-purpose asphalt-surfaced pedestrian path, pedestrian lighting, and post and rail fencing, around the perimeter of the stormwater management pond within Blocks 55 to the satisfaction of the Town of Perth.
42. The landscape plan shall provide for the completion of rough grading and seeding of Block 57 (park block) prior to conveyance to the Town at registration subject to compliance with the requirements of the Environmental Impact Statement, including regarding tree conservation, to the satisfaction of the Director of Environmental Services.

Adherence to Studies and Reports

43. The Owner shall implement all recommendations from the Preliminary Servicing and Stormwater Management Report prepared by McIntosh Perry and dated January 2024 to the satisfaction of Town of Perth and the Rideau Valley Conservation Authority.
44. The Owner shall implement all recommendations from the Environmental Impact Statement prepared by McIntosh Perry and dated June 22, 2023, as amended pursuant to February 13, 2024, peer review comments provided by Jp2g Consultants Inc., to the satisfaction of Town of Perth.
45. The Owner shall implement all recommendations from the Traffic Impact Study prepared by Egis Canada Ltd. and dated June 2024 to the satisfaction of Town of Perth.

Dedications

46. The Owner shall provide parkland dedication to the satisfaction of the Town of Perth as described under Section 51.1 of the Planning Act, R.S.O.
47. That the subdivision agreement between the Owner and the municipality contain a provision wherein the owner agrees to:
 - (a) rough grade the park block pursuant to the approved subdivision grading plans,
 - (b) to seed the park block in accordance with the approved landscape plan, and
 - (c) to maintain the grass until conveyance to the Town of Perth.

Utilities, Easements and Rights of Ways

48. The Owner shall submit a reference plan illustrating all easements to the satisfaction of the Town of Perth and Lanark County prior to the registration of the subdivision agreement.
49. The Owner shall be required to coordinate the preparation of an overall composite utility distribution plan showing the location (shared or otherwise) and installation, timing and phasing of all required utilities (on-grade, below-grade or above-grade), including on-site drainage facilities and streetscaping). Such location plan shall be prepared to the satisfaction of all affected authorities and shall consider their respective standards and specification manuals, where applicable. The composite utility plan shall be prepared and approved by the respective utility providers, including the Town of Perth, prior to the installation of any of the service lateral connections for any of the affected utilities.
50. The Owner shall be responsible for any municipal costs associated with registering the required easements prior to registration.
51. Easements for rear yard catch-basin leads shall be 3.0m in width and, unless located along a rear lot line, shall generally be located equally between the adjoining properties.

Fire

52. The Owner shall ensure they are following the requirements of Section 5 of the Town of Perth Fire Break Policy. Plans provided should indicate appropriate fire breaks as necessary for the approval of the Fire Chief.

Blasting Operations

53. In the event of any blasting operations, the following paragraph shall apply:

"All blasting operations shall be conducted in accordance with industry best practices. The Owner shall provide notification to the municipality 90 days' prior to intended blasting date(s)."

Permits and Approvals

54. The Owner shall be responsible to apply and pay for and receive permits and approvals from applicable agencies and governing bodies, copies of which will be required to be submitted to the Town of Perth.

Rideau Valley Conservation Authority

55. The Owner shall implement all recommendations from the Environmental Impact Statement prepared by McIntosh Perry and dated June 22, 2023, as amended pursuant to February 13, 2024, peer review comments provided by Jp2g Consultants Inc., to the satisfaction of the Rideau Valley Conservation Authority.
56. The subdivision agreement will contain a clause whereby the owner acknowledges and agrees that any development of the lands, including site grading and drainage

works within the regulated areas, will require written approval from the Rideau Valley Conservation Authority.

Bell Canada

- 57. 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.
- 58. 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.

WTC Communications

- 59. The owner acknowledges and agrees to grant at no cost to WTC Communications any easements required by WTC Communications to service the subject development.
- 60. The owner agrees to co-ordinate with WTC Communications for any required relocation of any existing WTC Communications infrastructure within the subject development area. The owner further agrees to cover the whole cost of any relocations as defined above.

Enbridge

- 61. Enbridge Gas Inc. does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions.
- 62. In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas Inc. at no cost.

Clearance of Conditions

- 63. That prior to registration of the final plan, the County of Lanark is to be advised by Town of Perth that Conditions 7 to 54 have been satisfied.
- 64. That prior to registration of the final plan, the County of Lanark is to be advised by the Rideau Valley Conservation Authority that Conditions 31, 32, 43, 55 and 56 have been satisfied.
- 65. That prior to registration of the final plan, the County of Lanark is to be advised by Bell Canada that Condition 57 and 58 have been satisfied.
- 66. That prior to registration of the final plan, the County of Lanark is to be advised by WTC Communications that Condition 59 and 60 have been satisfied.
- 67. That prior to registration of the final plan, the County of Lanark is to be advised by Enbridge that Condition 61 and 62 have been satisfied.

NOTES TO DRAFT APPROVAL

1. 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 County of Lanark Planning Approvals Department quoting the County's file number.
2. We suggest that you make yourself 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 subdivision 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. Clearances are required from the following agencies:

Town of Perth
80 Gore Street East
Perth, ON K7H 1H9

Rideau Valley Conservation Authority
3889 Rideau Valley Drive
PO Box 599
Manotick, ON K4M 1A5

WTC Communications
28 Main Street.
Westport, ON K0G 1X0

Bell Canada
Development & Municipal Services Floor
5, 100 Borough Drive
Scarborough, ON M1P 4W2

Enbridge
500 Consumers Rd.
North York, ON M2J 1P8

5. If the agency condition concerns a condition or conditions in the subdivision agreement, a copy of the agreement should be sent to them. This will expedite clearance of the final plan. A copy of the agreement is required by the County of Lanark.
6. All measurements in subdivision final plans must be presented in metric units.
7. The final plan approved by the County must be registered within 30 days or the County may withdraw its approval under Subsection 51 (59) of the Planning Act.

Bell Canada

8. Upon receipt of this comment letter, the Owner is to provide Bell Canada with servicing plans/CUP at their earliest convenience to planninganddevelopment@bell.ca to confirm the provision of communication/telecommunication infrastructure needed to service the development.
9. It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.
10. If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

WTC Communications

11. Please ensure the owner provides a CUP to outsideplant@wtccommunications.ca as soon as feasible to co-ordinate inclusion of WTC Communications infrastructure to service the development.

Enbridge

12. The applicant shall contact Enbridge Gas Inc.'s Customer Connections department by emailing SalesArea60@Enbridge.com to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.

Hydro One

13. The Owner shall consult Hydro One Subdivision Group at subdivision@hydroone.com or 1-866-272-330