

Council Committee Room B
May 22, 2001 6:00 p.m.

A meeting of Guelph City Council.

Present: Mayor Farbridge, Councillors Birtwistle, Downer, Farrelly, Furfaro, Kovach, Laidlaw, McAdams, Moziar, Schnurr, Shapka, Wettstein and Young

1. Moved by Councillor Farrelly
Seconded by Councillor Kovach

THAT the Council of the City of Guelph now hold a meeting that is closed to the public, pursuant to Section 55 (5) (b) and (a) of the Municipal Act, with respect to:

- personal matters about identifiable individuals;
- security of the property of the city.

Carried

The meeting adjourned at 6:01 o'clock p.m.

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Mayor

.....
Deputy Clerk

Council Committee Room B
May 22, 2000 6:02 p.m.

A meeting of Guelph City Council meeting in Committee of the Whole.

Present: Mayor Farbridge, Councillors, Birtwistle, Downer, Farrelly, Furfaro, Kovach, Laidlaw, McAdams, Moziar, Schnurr, Shapka, Wettstein and Young.

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There were no declarations of pecuniary interest.

The City Administrator provided an update on various matters.

Mr. D.R. Creech

1. Moved by Councillor Farrelly
 Seconded by Councillor Shapka
 That the City Administrator be given direction with respect to the hiring of a Director of Works.

Carried

Mr. D.A. Kennedy

2. Moved by Councillor Furfaro
 Seconded by Councillor Birtwistle
 THAT staff were given direction with respect to security of a property matter.

Carried

The meeting adjourned at 6:55 o'clock p.m.

.....
 Mayor

.....
 Deputy Clerk

Council Chambers
 May 22, 2001

Council reconvened in formal session at 7:00 p.m.

Present: Mayor Farbridge, Councillors Birtwistle, Downer, Farrelly, Furfaro, Kovach, Laidlaw, McAdams, Moziar, Schnurr, Shapka, Wettstein and Young.

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There was no declaration of pecuniary interest.

1. Moved by Councillor Birtwistle
 Seconded by Councillor McAdams
 THAT the minutes of the Council meeting held on May 7, 2001 and the minutes of the Council meeting held in Committee of the Whole on May 7, 2001 be confirmed as recorded and without being read.

Carried

PLANNING PUBLIC MEETING

Mayor Farbridge announced that in accordance with The Planning Act, Council was now in a public meeting for the purpose of informing the public of various planning matters. The Mayor asked if there were any delegations in attendance with respect to planning matters listed on the agenda.

PROPOSED DRAFT PLAN OF CONDOMINIUM:- London Lane Townhomes (Reid's Heritage Homes) for 105 cluster townhouse units – 240 London Road West

Mr. Cameron Thomas, Planner highlighted the application and advised of the surrounding land uses. He advised that there were no concerns raised with respect to this application. He briefly outlined the conditions of approval.

2. Moved by Councillor McAdams
Seconded by Councillor Schnurr

Van Harten Surveying
Mr. J. Forbes
Mr. R.D. Funnell
Mr. D.A. Kennedy
Ms. L.E. Payne

THAT the application (23CDM01501) by Van Harten Surveying for draft plan approval of condominium for 240 London Road West, known as the London Lane Townhomes be approved in accordance with the conditions provided in Schedule 1 attached.

Carried

PROPOSED DRAFT PLAN OF CONDOMINIUM:- St. George's Place, for 14 residential units and 15 commercial units - 45 and 51 Wyndham Street North

Mr. Gary Austin, Planner highlighted the application and advised of concerns expressed by the abutting property owner with respect to the shared wall and the windows placed in such wall. He recommended that this court litigation be resolved prior to the registration of the plan.

Mr. Izaak de Rijcke on behalf of Tsui Lin So, the abutting property owner, was present and advised that there is a court action with respect to the division wall between the two properties. He further expressed concern with the windows not meeting the Committee of Adjustment decision and the future impact if his client wishes to develop their property.

Mr. Bruce Donaldson was present on behalf of the applicant and provided Council with information with respect to the proposed mix of residential/commercial uses. He advised that his client was in agreement with the proposed conditions.

- 3. Moved by Councillor Downer
Seconded by Councillor Laidlaw

THAT condition #11 with respect to the propose draft plan of condominium for St. George’s Place, 45 and 51 Wyndham Street North, be amended to read as follows:

“The Owner shall provide to the City, proof, subject to the confirmation from the plaintiff, that the action pending in the Superior Court regarding the Statement of Claim has been resolved, prior to the registration of the plan.”

Carried

- 4. Moved by Councillor Birtwistle
Seconded by Councillor Furfaro

Mr. B. Donaldson
Mr. J. Forbes
Mr. R.D. Funnell
Mr. D.A. Kennedy
Ms. L.E. Payne

THAT the application (23CDM00502) by Black, Shoemaker, Robinson and Donaldson Limited for a draft plan approval of a plan of condominium for 45 & 51 Wyndham Street North, known as St. George’s Place, be approved in accordance with the conditions provided in Schedule 2 attached and with Condition #11 amended as follows:

“The Owner shall provide to the City, proof, subject to the confirmation from the plaintiff, that the action pending in the Superior Court regarding the Statement of Claim has been resolved, prior to the registration of the plan.”.

Carried

PROPOSED ZONING BY-LAW AMENDMENT FROM THE B.4-1 (INDUSTRIAL) ZONE TO THE R.1D (SINGLE DETACHED RESIDENTIAL) AND SPECIALIZED R.4D (INFILL APARTMENT) ZONES:- 49 Johnston Street

Mr. Jim Forbes, Director of Planning highlighted the application and the surrounding land uses. He advised that the proposal propose the development of single detached dwellings and a small scale apartment building. He further advised that staff are supportive of the application. He also advised that a holding zone would be used with respect to the decommissioning of the site.

Mr. Rick Ferraro was present and provided a brief history of the property. He expressed concern with respect to the cost for the remediation of the site and the time element involved.

Ms. Marti Struyk of Harris Street was present and suggested that the majority of people in the neighbourhood are supportive of this application, as they would rather see residential than an industrial use.

Mr. R. Ferraro
Mr. J. Forbes
Mr. R.D. Funnell
Mr. D.A. Kennedy
Ms. L.E. Payne

5. Moved by Councillor Furfaro
Seconded by Councillor Birtwistle
THAT application (ZC9705) for approval of a Zoning By-law amendment from the B.4-1 Zone to the R.1D(H) and Specialized R.4D(H) Zones on lands known municipally as 49 Johnston Street be approved in accordance with the Permitted Uses, Regulations and Conditions provided in Schedule 3 attached.

Carried

6. Moved by Councillor Downer
Seconded by Councillor Kovach
THAT persons wishing to address Council be permitted to do so at this time.

Carried

Delegations

The Director of Finance provided clarification with respect to tax rates and tax ratios. He advised that Tax Rates are measured as a percentage of the assessed value of a property and tax ratios show how a property class' tax rate compares with the residential rate. He provided examples of the effect of these rates/ratios on the average property.

Mr. Joe Sharpe was present and advised that he is the owner of an eight unit apartment building. He expressed concern with the amount of taxes paid in comparison to other properties with a lower number of units.

Councillor Farrelly presented Clause 5 of the SIXTH REPORT of the Finance and Administration Committee.

Mr. D.A. Kennedy
Mrs. W. O'Donnell

7. Moved by Councillor Farrelly
Seconded by Councillor Wettstein
THAT the 2001 regulated transition ratios/threshold ratios be adopted as the City of Guelph's 2001 tax ratios as set out in Table 1 to this report;

AND THAT the tax increases and decreased resulting from the assessment update to June 30, 1999 not be phased in:

AND THAT graduated commercial/industrial tax rates not be implemented in the City of Guelph in 2001;

AND THAT the mandatory 5% cap on assessment related increased for commercial, industrial and multi-residential properties be funded by also capping assessment related decreased at the appropriate level in order to make the cap self-financing within each property class;

AND THAT separate property tax classes not be established for shopping centres, office buildings, parking lots and large industrial properties for the purpose of taxing these properties at different rates in 2001;

AND THAT the municipal tax reduction tool not be adopted by the City of Guelph.

Carried

8. Moved by Councillor Farrelly
Seconded by Councillor Furfaro

Ms. L. Gartshore
Premier M. Harris
Ms. B. Elliott
Mr. D.A. Kennedy

WHEREAS the Province funded the City of Toronto to offset the City's budgetary needs;

AND WHEREAS the City of Guelph is facing similar capital and Revenue budget restraints and needs;

AND FURTHER BE IT RESOLVED THAT the Province be requested to also forward proportionate funding to the municipalities in Ontario to assist in their budget requirements and offset any municipal tax increase.

Carried

Mr. Steve Petric was present and expressed concern with the proposed by-law to regulate skateboarding. He advised of various municipalities who allow skateboarding and suggested that the City should use these as examples when preparing their by-law. He requested that the proposed by-law be referred back to the Planning, Works & Environment Committee and that the Committee review the information of other municipalities.

Mr. David Paisley on behalf of the Downtown Board of Management was present and suggested that skateboarding not be allowed in the downtown area. He expressed concern with safety and the damage caused by skateboarders in the downtown. He urged Council to consider a suitable location for skateboard parks in the city.

Councillor Shapka presented Clause 2 of the NINTH REPORT of the Planning, Works & Environment Committee.

Mr. R.D. Funnell
Ms. L.E. Payne

9. Moved by Councillor Shapka
Seconded by Councillor Birtwistle
THAT no skateboarding be allowed in the Central Business District, which boundaries consist of Norfolk to the West, Woolwich to the East and North, and Wellington to the South, with the exception of Recreation trails.

Carried

Mr. R.D. Funnell
Counc. C. Downer

10. Moved by Councillor Wettstein
Seconded by Councillor Laidlaw
THAT the matter of an amendment to the Traffic By-law (1979)-10208 to permit and regulate skateboarding in the City of Guelph, be referred back to the Planning, Works & Environment Committee, for the Committee to consider regulations of other municipalities.

Carried

Mr. Ken Hammill was present to answer any questions with respect to the 175th Birthday Steering Committee report relating to the proposed scholarship fund. There were no questions.

Mayor Farbridge
Mr. G.W. Stahlmann

11. Moved by Councillor Farrelly
Seconded by Councillor Birtwistle
THAT the updated report, dated May 22, 2001, submitted by the 175th Birthday Steering Committee, be received for information.

Carried

12. Moved by Councillor Farrelly
Seconded by Councillor Moziar
THAT Council now go into the Committee of the Whole to consider reports and correspondence.

Carried

Councillor Kovach presented the SIXTH REPORT of the Community Services Committee.

Mr. G.W. Stahlmann
Mr. D.A. Kennedy

13. Moved by Councillor Kovach
Seconded by Councillor Young
THAT the Mayor and Clerk be authorized to execute the License Agreement between the City of Guelph and Guelph Lawn Bowling Club.

Carried

Councillor Farrelly presented the balance of the SIXTH REPORT of the Finance and Administration Committee.

Ms. L.E. Payne
Mrs. C. Lavigne

14. Moved by Councillor Farrelly
Seconded by Councillor Wettstein

THAT Council authorize the closure of an untravelled portion of Stone Road West, legally described as Part of Lot 9, Concession 5, Div 'G' (see sketch) pursuant to the provisions of Section 297 of the Municipal Act and that staff initiate the advertisement of the required notice;

AND THAT property at 827 Hanlon Road (Part 1 on Plan WGR-108) together with the lands described in 1 above be declared surplus to the City requirements and that notice of such declaration shall be given in accordance with Section 193 of the Municipal Act and City of Guelph By-law (1995)-14835;

AND THAT all of the lands described in 2 above be disposed of at market value as set out in the report of the City Solicitor dated May 16, 2001.

Carried

Mr. R.D. Funnell
Mr. D.A. Kennedy
Ms. L. Ronald

15. Moved by Councillor Farrelly
Seconded by Councillor Wettstein

THAT the City enter into an Agreement with the Guelph Humane Society for the period dating January 1, 2001 to December 31, 2001, for the provision of services for dog control and animal shelter at a cost of \$219,500;

AND THAT Council amend the Animal Control By-law to increase the fees charged for Administration and Board to \$50,00 and \$12,00 respectively.

Carried

Mayor Farbridge
Mrs. L.A. Giles

16. Moved by Councillor Farrelly
Seconded by Councillor Wettstein

THAT Council adopt the procedures as outlined in the report of the Director of Information Services, dated May 16, 2001 with respect to Zero Tolerance on Personal Attacks and Motions of Reprimand.

Carried

Mayor Farbridge
Councillor Shapka
A. Spekkens

17. Moved by Councillor Farrelly
Seconded by Councillor Wettstein

THAT Mayor Farbridge and Councillor Shapka be appointed to the Physician Recruitment Committee as Council's representatives.

Carried

18. Moved by Councillor Farrelly
 Seconded by Councillor Wettstein
 Mr. D.A. Kennedy THAT staff be directed to get the final tax bill out on schedule, with any accommodation necessary to meet the June 29 due date;

AND THAT staff report back to Council at their June 4, 2001 meeting on the necessary accommodations.

Carried

Councillor Shapka presented the balance of the NINTH REPORT of the Planning ,Works & Environment Committee.

19. Moved by Councillor Shapka
 Seconded by Councillor Birtwistle
 Mr. R.D. Funnell THAT a “No Parking, except Sundays between 8:00 a.m. and 2:00 p.m.” restriction be implemented on both sides of Silvercreek Parkway from Waterloo Avenue to the north limit of Silvercreek Parkway South.

Carried

20. Moved by Councillor Shapka
 Seconded by Councillor Birtwistle
 THAT the Sidewalk Patio/Café policy be amended to exempt one table and up to two chairs from the regulations.

21. Moved by Councillor Birtwistle
 Seconded by Councillor McAdams
 Councillor Downer Mr. R.D. Funnell THAT the matter of the Sidewalk Patio/Café policy amendment be referred back to the Planning, Works and Environment Committee.

Carried

22. Moved by Councillor Shapka
 Seconded by Councillor Birtwistle
 Mr. R.D. Funnell THAT subject to the organizers satisfying the usual processing and liability conditions and all conditions set out by staff, City Council approve the Wizard of Hope Walk for Schizophrenia on Saturday May 26, 2001, between 12:00 p.m. and 3:00 p.m. along Woodlawn Road, Woolwich Street and within Riverside Park.

Carried

23. Moved by Councillor Shapka
 Seconded by Councillor Birtwistle
 Mr. R.D. Funnell
 Mr. R. French
 Mr. D.A. Kennedy THAT the provision of free public transit on Wednesday June 6, 2001 in support of Clean Air Day, be endorsed;

AND THAT staff market this free service encouraging citizens to consider the environmental benefits of using public transit;

AND THAT all City employees, including the Mayor and members of City Council, be encouraged to participate.

Carried

24. Moved by Councillor Shapka
Seconded by Councillor Birtwistle

Mrs. C. Lavigne
Mr. J. Forbes
Councillor Downer

THAT Guelph City Council increase the Environmental Advisory Committee from 7 to 9 members;

AND THAT the Information Services Department seek to expand the range of Committee expertise, placing particular emphasis on hydrology and wetland ecology, during the upcoming recruitment process;

AND THAT the Planning Works and Environment Committee, with the assistance of the Environmental Advisory Committee, investigate the feasibility of hiring on staff an Environmentalist, with particular emphasis on hydrogeology, hydrology and wetlands.

Carried

The following item #B-1 was extracted from the Consent Agenda to be voted on separately.

25. Moved by Councillor Kovach
Seconded by Councillor Farrelly

THAT the balance of the May 22, 2001 Consent Agenda as identified below, be adopted:

Mr. J.D. Kentner

a) THAT Council re-affirm the attached Health & Safety Policy for the City of Guelph.

Mr. J. Forbes
Mr. R.D. Funnell
Ms. L.E. Payne

b) THAT City Council support the request to exempt Lots 1-10, Plan 61M-41 from Part Lot Control;

AND THAT a by-law pursuant to Section 50(7) of The Planning Act R.S.O. 1990 c.P. 13 to exempt Lots 1-10, Plan 61M-41 be enacted for a period not to exceed 2 years from the date of passing of the by-law following receipt of appropriate Reference Plans showing the intended conveyance of the dwelling units and lots.

Mr. J. Forbes
Mr. R.D. Funnell
Ms. L.E. Payne

c) THAT City Council supports the request to exempt Lots 103 to 114 and Lots 52 to 55, Registered Plan 61M-38 from Part Lot Control;

AND THAT a by-law pursuant to Section 50(7) of the Planning Act R.S.O. 1990 c.P 13 to exempt Lots 107 and 108, Registered Plan 61M-38 be passed immediately for a period not to exceed 2 years;

AND THAT a by-law pursuant to Section 50(7) of The Planning Act R.S.O. 1990 c.P. 13 to exempt Lots 103 to 106, Lots 109 to 114 and Lots 52 to 55, Registered Plan 61M-38 be enacted for a period not to exceed 2 years from the passing of the by-law following receipt of appropriate Reference Plans showing the intended conveyance of the dwelling units and lots.

Mr. J.A. Forbes
Mr. B. Poole
Chief R. Davis

d) THAT an exemption from Schedule A of Noise Control By-law (1998)-15760, as amended, to permit noise from the various activities associated with the Festival Italiano including the amplification of music and speech and the operation of midway rides and generators between the hours of 11:00 a.m. to 11:00 p.m. and crowd noise from 11:00 p.m. to 1:00 a.m., from July 6 to July 8, 2001, be approved.

Mr. R.D. Funnell
Mr. D.A. Kennedy

e) THAT the tender of Prior Construction Corporation of Guelph be accepted, and subject to receipt of approvals from the MOE, the Mayor and Clerk be authorized to sign the agreement for Contract No. 2-0103, Westminister Woods Subdivision, Phase 2, at a total tendered price of \$1,563,151.93, with payment to be made in accordance with the terms of the contract;

AND THAT a by-law be prepared for the closing of the following roads during the period of construction:

- Clairfields Drive East, from present terminus to Beaver Meadow Drive;
- Farley Drive, from present terminus east to subdivision limits;
- Pine Ridge Drive from Farley Drive north to subdivision limits;
- Blair Drive;
- Haney Drive;
- McGarr Drive;
- McGarr Court; and
- Beaver Meadow Drive.

Mr. R.D. Funnell
Mr. D.A. Kennedy

f) THAT the tender of Regional Sewer and Watermain Ltd. of Cambridge be accepted, and the Mayor and Clerk be authorized to sign the agreement for Contract No. 2-0108, Kortright IV Subdivision, Phases II and III, at a total

tendered price of \$3,105,377.67, with payment to be made in accordance with the terms of the contract;

AND THAT a by-law be prepared for the closing of the following roads during the period of construction:

- Teal Drive, from present terminus east to McWilliams Road;
- Milson Crescent;
- Tanner Drive;
- Peer Drive;
- Berry Drive; and,
- Marigold Drive.

C Items for Information of Council

- 1) THAT the Association of Municipalities of Ontario Alerts with respect to:
 - Municipal governments could lose “Say for Pay” on OPAC Board;
 - AMO’s reaction to the Ontario Budget
 - AMO calls for reconsideration of applicability of Public Sector Accountability Act to municipal government;be received for information.
- 2) THAT the Association of Municipalities of Ontario Alert advising that four new Bills were introduced in the Provincial Legislature that will impact municipal government, be received for information.
- 3) THAT the correspondence from the Association of Municipalities of Ontario advising of the nomination process for the Municipal Property Assessment Corporation (MPAC), be received as information.

Carried

26. Moved by Councillor Furfaro
Seconded by Councillor Young

Ms. M.I. Koepke
Premier M. Harris
Hon. D. Turnbull
Ms. B. Elliott
Mr. G. Nadalin
AMO
Ont. Assoc. Police Srv Brds

THAT Guelph City Council endorsed the resolution adopted by the City of Owen Sound with respect to prisoner transportation, as follows:

WHEREAS the securing of court facilities and the transporting of prisoners and patients around the province has been mandated as a responsibility of the police service of each municipality housing a court facility, even though none of the above are core functions of policing;

AND WHEREAS these downloaded responsibilities will place a huge, added financial burden on these municipalities and their taxpayers;

AND WHEREAS the Ministry of the Solicitor General had once indicated that the Province was looking at taking over the responsibility for the transportation of prisoners and possibly the court security function;

THEREFORE BE IT RESOLVED THAT the City of Guelph hereby petition the Province to give immediate and binding assurance that the functions of prisoner transportation and court security will be fully assumed by the Province or alternatively that each affected municipality will be fully reimbursed for the actual costs if they are required to carry out these responsibilities;

AND FURTHER THAT copies of this resolution be forwarded to the Solicitor General, Premier Mike Harris, Member of Provincial Parliament, the Association of Municipalities of Ontario and the Ontario Association of Police Services Boards.

Carried

27. Moved by Councillor Furfaro
Seconded by Councillor Farrelly
THAT the Committee rise with leave to sit again.

Carried

28. Moved by Councillor Kovach
Seconded by Councillor Downer
THAT the action taken in Committee of the Whole in considering reports and correspondence, be confirmed by this Council.

Carried

29. Moved by Councillor Laidlaw
Seconded by Councillor Wettstein
THAT leave be now granted to introduce and read a first and second time By-laws Numbered (2001)-16594 to (2001)-16610, inclusive.

Carried

The By-laws were read a first and second time at 9:48 o'clock p.m.

Council went into Committee of the Whole on By-laws Numbers (2001)-16594 to (2001)-16610, inclusive.

Mayor Farbridge in the Chair.

At 9:49 o'clock p.m., the Committee rose and reported By-laws Numbered (2001)-16594 to (2001)-16610, inclusive, passed in Committee without amendment.

30. Moved by Councillor McAdams
Seconded by Councillor Young
THAT By-laws Numbered (2001)-16594 to (2001)-16610, inclusive, be read a third time and passed.

Carried

The By-laws were read a third time and passed at 9:50 o'clock p.m.

QUESTIONS & ANNOUNCEMENTS

Councillor Birtwistle advised that he accepted a cheque May 17th on behalf of the City with respect to the protection of surface and ground water under the Rural Water Quality Program.

Councillor McAdams expressed appreciation to Councillor Birtwistle who attended an event as the City Council representative on short notice.

The meeting adjourned at 9:55 o'clock p.m.

Minutes read and confirmed June 4, 2001.

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Mayor

.....
Deputy Clerk

THAT the application for Draft Plan approval of a residential Condominium Subdivision (23CDM-01501) by Reid's Heritage Homes affecting 105 townhouse dwellings, on lands known municipally as 240 London Road West, in the City of Guelph, be approved, subject to the following conditions:

1. That this approval applies to the draft plan of condominium prepared by L. Van Harten, OLS, (Project Number 13618-99), dated December 15, 2000, illustrating a total of one-hundred and five (105) townhouse units.
2. The owner shall register the condominium plan in one phase, containing one-hundred and five (105) townhouse units within one condominium corporation, to the satisfaction of the City of Guelph.
3. The owner shall develop the site in strict accordance with the Ontario Building Code and the approved plans, including but not limited to, the fully detailed site plan, servicing plan, grading and drainage plan, landscape plan, building elevations and building drawings and mechanical drawings approved by the City in accordance with Section 41 of the Planning Act, to the satisfaction of the City, prior to the registration of the condominium plan.
4. The owner shall develop the property in compliance with the approved site plan, to the satisfaction of the Director of Works and the Director of Planning, prior to the registration of the Plan of Condominium.
5. The developer shall have the Professional Engineer who designed the storm water management system, certify to the City that he/she supervised the construction of the storm water management system and that the storm water management system was built as it was approved by the City and that it is functioning properly, prior to the registration of the Plan of Condominium.
6. The owner shall enter into a license agreement with the City prior to the registration of the Plan of Condominium, satisfactory to the Director of Works for the irrigation system that is on the City right-of-way.
7. The following warning clause shall be included in the Condominium Agreement and inserted in all Agreements of Purchase and Sale or Lease for each dwelling unit:

Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations or expansions of the

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rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or

claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

8. The owner shall enter into an agreement with CN prior to the registration of the Plan of Condominium, if necessary, to ensure that the following matters are addressed to the satisfaction of CN:
 - (a) the maintenance of the existing earthen berm,
 - (b) the maintenance of the existing 1.83 metre high fence along the mutual fence line,
 - (c) the requirement for any proposed alterations to the existing drainage pattern affecting Railway property to receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway
9. The owner shall meet all of the requirements of Guelph Hydro in order to fully service the townhouse project to the satisfaction of Guelph Hydro prior to the registration of the Plan of Condominium.
10. The City shall be advised in writing by the owner how conditions 1 through 9 have been satisfied before final approval of the Plan of Condominium is given.

That the application for Draft Plan approval of a residential/commercial Condominium Subdivision (23CDM00502) by Black, Shoemaker, Robinson and Donaldson Limited on lands known as 45 & 51 Wyndham Street North, in the City of Guelph, be approved, subject to the following conditions:

1. That this approval applies to the draft plan of condominium subdivision prepared by Black, Shoemaker, Robinson and Donaldson Limited, O.L.S., Project Number 00-2879, dated September 27, 2000, illustrating a total of 29 units, being 14 residential and 15 commercial units, to be registered in one phase.
2. The owner shall develop the site in strict accordance with the Ontario Building Code and the approved plans, including but not limited to, the fully detailed site plan, servicing plan, grading and drainage plan, building elevations and building drawings and mechanical drawings approved by the City in accordance with Section 41 of the Planning Act, to the satisfaction of the City, prior to the registration of the condominium plan.
3. The owner acknowledges and agrees that the City shall make a detailed site inspection at 45 & 51 Wyndham Street North to ensure the site is completed according to the plans approved by the City, prior to the registration of the condominium plan.
4. The owner shall pay any outstanding debts owed to the City prior to the registration of the plan.
5. The owner shall register the condominium plan in one phase, containing 29 units within one condominium corporation, to the satisfaction of the City of Guelph.
6. The owner agrees to meet all of the requirements of Guelph Hydro including the relocation of existing hydro services and the installation of new hydro services and shall enter into any agreements required by Guelph Hydro in order to fully service the said lands with hydro facilities to the satisfaction of Guelph Hydro, prior to the registration of the plan.
7. That all easements and rights-of-way required within or adjacent to the proposed condominium subdivision be granted to the satisfaction of the City of Guelph, Guelph Hydro and other Guelph utilities.
8. The following warning clause shall be included in all Agreements of Purchase and Sale or Lease for each dwelling unit.

“Warning: Canadian National Railway company or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject

hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.”

9. The Owner is required to engage a consultant to undertake an analysis of noise to ensure that the existing building meets the noise standards for residential development. If these standards are not currently met then the report should recommend abatement measures necessary to achieve the maximum level limits set by the Ministry of Environment and Canadian National and implement the recommendations, prior to the registration of the plan.
10. The Owner shall comply with Canada Post’s multi-unit policy, which requires that the owner/developer provide a centralized mail facility at their own expense, prior to the registration of the plan.
11. The Owner shall provide to the City, proof that the action pending in the Superior Court regarding the Statement of Claim has been resolved, prior to the registration of the plan.
12. Prior to the City’s final approval of the plan of condominium, the City shall be advised in writing by the owner, how conditions 1 through 11 have been satisfied.

R.1D(H*) (Single Detached Residential) Zone

The R.1D(H*) (Single Detached Residential) Zone shall be recognized for the westerly portion of the property known municipally as 49 Johnston Street.

Permitted Uses

In accordance with Section 5.1.1 of Zoning By-law (1995)-14864, as amended.

Regulations

In accordance with Section 4 (General Provisions), Section 5.1.2 and Table 5.1.2 (R.1 Zone Regulations) of Zoning By-law (1995)-14864, as amended, with the following special regulation:

Holding (H) Provision

Section 2.9 of Zoning By-law (1995)-14864, as amended, shall be further amended by adding the following:

2.9.1*(H*) 49 Johnston Street (Defined Area Map #46)

Purpose: To ensure that development does not occur until the site has been decommissioned to the satisfaction of the City.

Condition: Prior to the removal of the holding symbol “H”, the owner shall demonstrate to the City that the subject lands known municipally as 49 Johnston Street have been decommissioned for residential use, in accordance with the current edition of the Ministry of the Environment document entitled “Guideline for Use At Contaminated Sites In Ontario” and that the owner has filed a Record of Site Condition.

Specialized R.4D(H) (Infill Apartment) Zone

The Specialized R.4D(H) (Infill Apartment) Zone shall be recognized for the westerly portion of the property known municipally as 49 Johnston Street.

Permitted Uses

Within this Specialized R.4D(H) Zone the permitted uses will be limited to:

- An *Apartment Building* with a maximum of 6 units
- *Accessory Uses* in accordance with Section 4.2.3

Regulations

In accordance with Section 4 (General Provisions), Section 5.4.2 and Table 5.4.2 (R.4 Regulations) of Zoning By-law (1995)-14864, as amended, with the following special regulations:

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1. Maximum Building Height

Despite Row 10 of Table 5.4.2, the maximum building height shall be 3 storeys.

Holding (H) Provision

Section 2.9 of Zoning By-law (1995)-14864, as amended, shall be further amended by adding the following:

2.9.1*(H*) 49 Johnston Street (Defined Area Map #46)

Purpose: To ensure that development does not occur until the site has been decommissioned to the satisfaction of the City.

Condition: Prior to the removal of the holding symbol “H”, the owner shall demonstrate to the City that the subject lands known municipally as 49 Johnston Street have been decommissioned for residential use, in accordance with the current edition of the Ministry of the Environment document entitled “Guideline For Use At Contaminated Sites In Ontario” and that the owner has filed a Record of Site Condition.

Conditions

1. **The owner shall pay the watermain frontage charge of \$8.00 per foot of frontage for 109 feet of frontage on Harris Street prior to the issuance of any building permit and prior to any severance of the lands.**
2. **The owner shall pay the sanitary sewer frontage charge of \$11.00 per foot for 109 feet of frontage on Harris Street prior to the issuance of any building permit and prior to any severance of the lands.**
3. The applicant shall pay to the City, as determined applicable by the City’s Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (1999)-15992, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-law of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-law thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.
4. The owner shall construct any buildings on the lands at such an elevation that the lowest level of the building can be serviced with a gravity connection to the sanitary sewer.
5. The owner shall pay any outstanding debts owed to the City, prior to the issuance of any building permit and prior to any severance of the lands.

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6. The owner shall be responsible for the total cost of the design and construction of all service required to service the subject lands, including sanitary, storm and water facilities, the distance and alignment to be determined by the City, with such costs to include services required to service the lands which are located outside the limits of the lands.

7. The owner shall be responsible for the total cost of the design and construction of any road work, including sidewalks, boulevards, curbs and curbs fills, within or surrounding the lands as determined necessary by the Director of Works.
8. All easements and rights-of-ways required within or adjacent to the lands shall be granted to the satisfaction of the City, Guelph Hydro Electric Systems Inc. and other Guelph utilities.
9. The owner shall make arrangements, satisfactory to the Director Works, concerning the scheduling of the development and the developer's payment of costs for services for the lands.
10. The owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the Director of Works, prior to any grading or construction on the lands in accordance with a plan that has been submitted and approved by the Director of Works. Furthermore, the owner shall provide a qualified environmental inspector, satisfactory to the Director of Works, to inspect the site during all phases of development and construction, including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures, and compliance with the approved plan on a weekly or more frequent basis if required. The environmental inspector shall report on his or her findings to the City on a monthly or more frequent basis.
11. All telephone service and cable TV service for the lands shall be underground and the owner shall enter into a servicing agreement with Bell Canada providing for the installation of underground telephone service prior to the issuance of any building permit and prior to any severance of the lands.
12. The owner shall pay to the City the flat rate charge established by the City per metre of road frontage to be applied to tree planting for the lands.
13. Street lighting and underground wiring shall be provided for the lands at the owner's expense and in accordance with the policies of the City of Guelph and Guelph Hydro Electric Systems Inc.

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14. The owner shall submit a detailed Storm Water Management Report and Plans to the satisfaction of the Director of Works which show how storm water will be controlled and conveyed to the receiving water body. The report and plans shall address the issue of water quality in accordance with recognized best management practices and Provincial Guidelines.
15. Any domestic wells and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of Environment Regulations and Guidelines to the satisfaction of the Director of Works.

16. The owner shall notify all purchasers that sump pumps will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a design by a Professional Engineer. Further more, the owner shall ensure that all sump pumps are discharged to the rear yard and the owner shall notify all purchasers that the discharge shall be to the rear yard.
17. The owner shall pay to the City cash-in-lieu of parkland dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to the issuance of a building permit, at the rate in effect at the time of the issuance of a building permit.
18. The owner shall submit, in accordance with Section 41 of The Planning Act, a fully detailed site plan and elevation plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the said lands to the satisfaction of the Director of Planning and the Director of Works, prior to the issuance of a building permit, and furthermore the owner agrees to develop the said lands in accordance with the approved plan.
19. Prior to the issuance of a building permit or prior to any severance of the lands, the owner and any mortgagees shall enter into an agreement with the City, registered on title, satisfactory to the City Solicitor, to cover the above noted conditions.