PLANNING JUSTIFICATION REPORT

25 Old Bay Bridge Road, Belleville, Ontario

Zoning By-Law Amendment Application

Prepared for

Harbour 25 LP

LGL File TA 9417

December 2025

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Prepared in support of a Zoning By-Law Amendment Application for

25 Old Bay Bridge Road, Belleville, Ontario

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1 Introduction

LGL Limited (LGL) was retained as the planning consultant by Harbour 25 LP, the registered owner of 25 Old Bay Bridge Road in the City of Belleville. This Planning Justification Report (PJR) has been prepared in support of a Zoning By-Law Amendment (ZBA) application which will enable the redesign of a previously approved residential development on the subject lands.

2 Background Information

2.1 Site Description

The development site (hereto referred to as the 'subject lands') is approximately 2.94 hectares located at 25 Old Bay Bridge Road in the settlement boundary of the City of Belleville. The subject lands are vacant, have approximately 415 metres of frontage on Dundas Street West, and consist of Blocks 2, 3, 4, and 5 on Plan 21M-318 as shown in Appendix A. Access to the site is currently via Dundas St W and Old Bay Bridge Road.

The subject lands are in a primarily commercial and recreational area. The Crates Marine Belleville business shares an entrance across from Mary's Street (off Dundas St W). The existing easement over this entrance benefits the Marine property. However, access via this easement to the development site was closed via an existing subdivision agreement, allowing only for gated pedestrian and emergency access.

2.1.1 Nearby Amenities

The subject property has direct access to transit services (see Section 3.5) and is within close walking distance of downtown/grocery stores (within 800 metres of the property boundary), the farmers market (within a 10 minute walk), employment opportunities (throughout Belleville and in institutional buildings within 500 metres), parks/trails (directly south of the site), schools (within 600 metres), and long term care facilities (across the street). Lands within 500 metres of the subject lands include:

2.1.2 Adjacent Lands

The lands are immediately bound to the north and west by Dundas St W and the CP Rail tracks, on the southeast of the Bay of Quinte/Belleville Harbour, on the south by the Wyndham Hotel property, and on the east by Crates Marine Belleville.

1. To the north/northeast, residential, institutional, and commercial uses, including a commercial plaza, a retirement home, and primarily single residential homes.
2. To the east, Moira River, the downtown area with predominantly mixed-use, and commercial and community-facility uses.
3. To the south/southeast/southwest, mainly parkland (Zwick's Park and Victoria Park) bordering Quinte Bay, Lake Ontario, and tourist commercial uses (i.e., Ramada by Wyndham Belleville Harbourview Conference Centre).
4. To the west/northwest, largely residential uses, along with community facility use, consisting of single residential homes and Albert College.

2.1.3 Land Use Planning Context

Land use policies and regulations affecting the subject lands are subject to the Planning Act (the Act), 1990, the 2024 Provincial Planning Statement (PPS), the 2021 City of Belleville Official Plan (CBOP) and the 2024 City of Belleville Comprehensive Zoning By-law (CBZB).

The subject lands are identified in the City of Belleville Official Plan (CBOP) as within:

- Urban Serviced Area per 'Schedule A'
- City Centre and Open Space per 'Schedule B' with Open Space designation (southeast corner of property);
- Part of Long Term Cycling Network per 'Schedule D'
- Bayshore Planning Area and The Flats City Centre Instensification District per 'Schedule E'
- Intensification Target Lands per 'Schedule E2' with identified 6 and 10 storey buildings on the property
- Sand and Gravel Resource Area (tertiary) as per 'Schedule G4' of the CBOP
- Partially within the proposed Natural Heritage System per 'Appendix C' of the CBOP.

The CBZB indicates that the subject property is zoned an MX2 exception zone which permits a number of ground floor commercial uses and three high rise (15 storey) residential buildings with 302 units.

2.2 Existing Approvals

The subject lands have been the subject of several *Planning Act* approvals to permit mixed-use apartment buildings. Specifically, the subject lands have existing Draft Plan of Common Elements Conditions (dated November 10, 2014), an executed Subdivision Agreement (dated October 27, 2022), and an approved Site Plan Approval in January 2023 (see Appendix B). Collectively, these land use approvals demonstrate that the subject lands are suitable for residential development.

3 Proposal Description

3.1 Proposed Zoning By-Law Amendment

The proposed ZBA seeks to enable the construction of a residential community on the subject lands in a way that matches market realities in the City of Belleville and the financial viability of the project, while also contributing to the housing and commercial needs of the City of Belleville. Specifically, the proposed ZBA will serve to transition the subject lands from an MX2 Exception Zone (which permits high-rise mixed use buildings only) to an R2 Exception Zone that permit a high-density residential condominium community with a mix of housing types and permission for commercial uses, including stacked and back-to-back townhomes, low and mid-rise residential buildings with ground floor commercial uses buildings intended to serve the community and the greater Belleville area. The proposed zoning also introduces flexibility in the interpretation of the boundary between the two zones, to enable expansion of mixed uses, if deemed feasible after the completion of the first phases of development.

3.2 Conceptual Layout and Phasing

A conceptual plan for the proposed development with site statistics has been included in Appendix C and has been intentionally designed to demonstrate how the proposed zoning-bylaw amendment can and will result in a complete and visually appealing community that:

1. Meets the residential high densities contemplated and desired for the subject lands within the CBOP;
2. Provides significant contributions to the commercial space needs of the City of Belleville;
3. Meets applicable design guidelines, as discussed in Section 3.3 (Community Design); and
4. Creates a vibrant connection between the downtown and the shoreline/parks.

Specifically, the concept plan includes:

- 213 units located within 190 stacked townhome units, a mixed use mid rise apartment with 20 upper floor units, and a mixed use low rise apartment with three upper floor units . All units include private outdoor amenity space in front yards, backyards, and/or balconies for a total of 2777.8 square metres of private outdoor amenity area.

- Shared amenity areas including an 610 square metre amenity building, a 488 square metre outdoor pool and lounge area, and various trails and parkettes to serve future residents of the condominium (a total outdoor amenity area of 1044 square metres is provided);
- 660 square metres of commercial space on the ground floor of the proposed mid-rise and low-rise residential buildings intended to permit retail and restaurant/café uses;
- 288 parking spots, including 202 residential, 53 visitor, and 33 commercial spots throughout the site to serve each residential and commercial area identified in the plan;
- Private roads, laneways, and sidewalks to serve each residence and enable pedestrian access to nearby amenties, including adjacent parks and shorelines, the proposed commercial area, the downtown, and other nearby amenities, as detailed in Section 2.1.1 of this report;
- A multi-use pathway connecting Zwicks Park to the downtown through the proposed development.

The above community mix results in residential density levels of 72.4 units per hectare with 650 square metres of commercial space. Furthermore, the types of housing and commercial space shown would accommodate approximately 157 people[1] and 2.5 jobs per hectare.[2] This density can be further increased at detailed design, if additional multi-residential apartments are introduced. For comparison, the previously approved developement for the site (see Section 2.2 and Appendix B) would have accommodated approximately 160 people and 5 jobs per hectare through 103 units per hectare (with 10 three bedrooms, 148 two-bedrooms, 140 one-bedrooms, and 3 studio apartments) and approximately 2000 square metres of retail space.

It should be noted that the conceptual plans were developed to enable phasing of residential and commercial construction according to market conditions and City feedback. It is the intent of the landowner, however, to enable flexibility to redesign each phase of the development as the community continues to develop. As such, final layouts and specific phasing plans, including details of what amenity areas that will be completed at each phase, the types and numbers of multi-residential apartments and townhomes, and the amount and nature of commercial development, are intended to be finalized during detailed design. The landowner understands, however, that the first phase of the project must include the completion all relevant infrastructure requirements.

3.3 Conceptual Community Design

Conceptual renderings for the subject proposal have been provided in Appendix D. A checklist of the design elements from the City of Belleville Design Guidelines that were considered in the conceptual plan and renderings is included in Appendix E. While the conceptual plans and renderings do not necessarily represent the final design, the renderings and checklist, in combination with the concept plan in Appendix C, demonstrate the ability and intent of the landowner to create a community with a cohesive aesthetic that will have visual interest and a welcoming atmosphere for future residents and Belleville's community members generally. Specifically, the conceptual plan incorporates:

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[1] People per hectare calculations were based on the unit types shown in the conceptual plan including 11 four-bedroom units, 75 three-bedroom units (Type A, B, and C), 55 two-bedroom units (Type C, D, and Commercial A), 32 one-bedroom units (Type C and D), and 40-studio units (Type B) with an assumption of four people for each three bedroom unit, 3 people for each three bedroom unit, 2 people for each two-bedroom unit, and 1 person for each one bedroom and studio apartment.

[2] Jobs per hectare was based on 210 square metres restaurant space and 450 square metres of retail space at ratios of 1 job per 55 square metres and 134 square metres respectfully, in accordance with estimates available at: https://www.eia.gov/consumption/commercial/data/2012/bc/cfm/b2.php.

1. Appropriate finishing without inclusion of blank walls visible from the road (where non entrances are visible from the road, window features have been provided and visual landscaping is included).
2. Appropriate first floor heights (final heights to be determined through detailed design).
3. Outdoor patios/balconies adjacent to walkways (except in Type B townhomes where balconies are in back but face a landscaped area with walking path).
4. Private-road oriented front entrances and parking areas for each townhouse unit, with the exception of Type B Townhomes where the rear entrances are accessed via covered private laneways and pedestrian walkways provide access to the main building entrances – this variation is intended to provide a housing types that are pedestrian oriented and include design elements that encourage community interactions.
5. Access barriers to prevent through traffic from Dundas St to the site that can be removed for emergencies.
6. Attractive landscaping and tree plantings (further details to be provided at detailed design).
7. Screening the major parking area with a vegetation buffer and natural visual barriers between Dundas Street and the subject lands. All parking lots will be properly demarcated well-lit and landscaped where possible.
8. Dedicated walkways from each building type group to commercial areas enable travel around the site and to nearby and proposed amenities (see Section 3.6 for more details).

In addition to the above, the concept plan has provided for ample residential, visitor and commercial parking throughout the site and in strategic places to serve certain areas of development. Space has further been made available for bicycle parking adjacent to the residential apartment with ground floor commercial space. It should be noted that the landowner understands further revisions of sidewalks, paths, parking layouts, and the specific location of bicycle parking will require review at detailed design, along with other site design elements. The intent of the conceptual plan is to demonstrate that these requirements can and will be accommodated on the site.

3.4 Servicing

A Function Servicing Report prepared by Jewell Engineering (dated July 18, 2025) has been included under a separate cover. The report assesses and designs the servicing for the proposed development and concludes that *"The* [proposed] *development can be developed on full municipal water and sanitary services. The proposed 200 mm watermain will complete a loop through the site to eliminate two dead-ends. This will improve overall water service in the area for water quality and flows. A 200 mm gravity main will provide local sewage collection, but a pump station is needed to lift sewage to the 900 mm main on Dundas Street. The sewage lift station and sewers will remain in private ownership."* In addition to sewer infrastructure, waste collection services on the site will be privately undertaken. Though not included in the conceptual plans, waste collection areas will include, at minimum, garbage and recycling and will be identified on the subject lands in a location where waste collection vehicles can access via interior private roads.

3.5 Stormwater Management

A Preliminary Stormwater Management Plan prepared by Jewell Engineering (dated July 18, 2025) has been included under separate cover. This report concludes "*Due to the location abutting the Bay of Quinte, no quantity controls are required. Runoff will be collected with storm sewers and will discharge through an underground storm treatment unit that is proposed to be a J8-8-2 Jellyfish Filter, where quality flows will receive Enhanced treatment. Major flows will be directed through the site roadways system to the Bay of Quinte*." The stormwater management plan also considers:

1. Erosion and sediment controls – the report recommends siltation fencing and strawbale check dams.
2. Climate resilience – the report projects increased rainfall intensity values by 10%.
3. Low impact development – the report references reduced road widths (to reduce impervious surface) and encouragement of flows over pervious grassed surfaces, where possible. It should be noted that most low impact development measures (e.g., infiltration) are not possible on the site due to soil conditions and the requirement to cap the development according to existing Certificates of Property Use (see Appendix F).

3.6 Transportation

A Traffic Impact Study prepared by Jewell Engineering (dated July 11, 2025) is included under a separate cover. This report assesses and characterizes the following with respect to the proposed development:

1. Access to the site – the report clarifies that all new traffic will access the site via Old Bay Bridge Road whereas existing traffic to the marina, will be maintained via the existing access point off Dundas Street West (CPKC Railway at-grade crossing across from Mary Street). The report further clarifies that the Dundas Street West access point will otherwise only serve as an emergency access to the residential development.
2. External traffic mitigation measure requirements (i.e., not applicable) – the report identifies that the *"two study intersections on Bay Bridge Road will continue to operate at Level of Service D or better throughout the study horizon with the addition of the proposed development traffic. Therefore, no intersection upgrades, or modifications to the existing road network, are required to support the proposed development."*
3. Internal traffic flows – the report states *"[t]he site's main driveway is designed in a large loop, which provides access to the dwellings without excessive concentration of traffic at a single point. In addition, the loop provides a fire route with larger turning radii for emergency vehicles. Therefore, the site layout is conducive to good on-site circulation."*
4. Active transportation – the report states *"Sidewalks/multi-use pathways run along both sides of Dundas St and Bay Bridge Rd in the vicinity of the proposed development, providing opportunity for pedestrians, cyclists, and/or users of reduced mobility to access the development. Additionally, Bay Bridge Road and Medigas Parkway run through Zwicks Park which contains many multi-use pathways used for leisure. Signalized pedestrian crosswalks are located at Bay Bridge Rd / Dundas St W and Bay Bridge Rd / Old Bay Bridge Rd/Medigas Classic Pkwy intersections, and are spaced less than 400m apart from each other."*
5. Transit service – the report states *"The proposed development is located within 800m of the Belleville Transit Terminal, with departures every 20-40 minutes on most routes. Route 4 runs along Dundas St W, with 20-minute service during regular business hours Mon-Fri, with 40-minute off-peak service during early morning, evening, Saturday, and Sunday periods. Belleville's VIA Rail station, 3km to the NE, is served by ~20 trains per day, with 60- to 90-minute frequency in both directions (to Toronto and Ottawa/Montreal)."*

In addition to above, it should be noted that the conceptual plan shows internal sidewalks on the subject lands placed strategically to enable pedestrian access to proposed amenities and commercial uses, as well as off-site amenities. This internal active transportation network includes proposed accessible paths along the northwest and southern boundaries of the property and through the centre of the site and along street areas where the proposed homes cannot gain access to the proposed paths. The current sidewalk network further serves to connect the existing City-Wide Trail network to the downtown. It should be noted that further pathways and sidewalks, lighting details, and/or street furniture will be added in accordance with design guidelines upon finalization of the site layout.

4 Pre-Consultation

The author received pre-consultation comments from the City of Belleville with respect to the proposed development on February 11, 2025. This document and accompanying email (see Appendix G) details that a rezoning application, as well as future site plan approval and condominium exemption applications, will be required for the proposed development along with a variety of technical studies/supporting materials. The studies and materials required for the subject rezoning application are either included within this report and/or in a report under separate cover, as described below:

- Application Form, prepared by LGL Limited under separate cover;
- Planning Justification Report, prepared by a registered professional planner with LGL (this report);
- Proposed Draft By-Law Amendment, prepared by LGL Limited and included in Appendix H;

- Vibration Impact Study, prepared by Valcoustics Canada Ltd. (July 14, 2025), included under separate cover;
- Noise Impact Study, prepared by Valcoustics Canada Ltd. (July 14, 2025), included under separate cover;
- Pre-Consultation Checklist prepared by LGL Limited, included in this list and under separate cover;
- Elevation drawings (and renderings) prepared by RD Architects (July 2025), included in Appendix B and C
- Transportation/Traffic Study as prepared by Jewell Engineering (July 11, 2025) under separate cover
- Functional Servicing Report as prepared by Jewell Engineering (July 17, 2025) under separate cover
- Zoning Matrix as prepared by LGL Limited and included in Appendix I; and
- Quinte Conservation endorsement of the proposal, addressed via correspondences with the City and a Quinte Conservation fill permit, included in Appendix J.

In addition to the above, the author of this report and the project team identified the need to assess natural heritage impacts (fish habitat) and stormwater management. As such a Fisheries Assessment was prepared by LGL Limited and is included in Appendix K to ensure compliance with applicable environmental legislation (i.e., the Fisheries Act) and to address provincial and local policy requirements for no impact to adjacent natural heritage features.

In addition, a Preliminary Stormwater Management Report was prepared by Jewell Engineering (July 18, 2025) and has been submitted under a separate cover, for the City's review.

5 Proposal Analysis

5.1 Zoning By-Law Comparison and Analysis

To assist in the review of the application from a conceptual perspective, LGL has prepared a zoning matrix (see Appendix I) for the proposed use in comparison the proposed zone category in the CBCZL (R2). Zone variations noted in the Zoning Matrix are addressed within the proposed Draft Zoning By-Law for the site (included in Appendix H). These discrepancies, along with a brief justification for their consideration are described below:

- Enabling lot size and zoning provisions to be calculated on the entirety of the proposed development lands, as opposed to individual parcels created under the previous development plans – this is included to simplify implementation and enable a development plan which maximizes use of all lots on the site.
- Allowing mid-rise multi-residential buildings in addition to the residential uses identified in the R2 zone – this has been proposed to enable the residential development to be achieve the high-density residential targets for the site (see Section 3.2 for more details on density calculations in the concept).
- Allowing ground floor commercial uses in addition to the uses identified in the R2 zone – this has been proposed to enable contributions to the City of Belleville commercial space targets for the area and will also provide the opportunity for commercial amenities (ground floor retail, cafés, and restaurants) for future residents and community members who will access the shoreline and nearby parks.
- Lowering front yard landscaping for stacked and back-to-back townhome units to 0% to allow for higher density of residential development on the site. This will be mitigated with additional amenity areas, strategically placed pedestrian walkways away from front yards where landscaping is not proposed. Furthermore, the overall site continues to meet the requirements of 40% landscaping.
- Lowering minimum amenity space requirements by 3.5 square metre per unit (from 18.5 to 15 square metres) and allowing consideration of parkettes and multi-use trails to be recognize and amenity areas in this area. This change acknowledges the park and greenspace areas directly adjacent to the site as well as the commercial gathering areas proposed for the site that would not meet amenity area definitions and recognizes that apartment dwellings can have lower amenity areas. It anticipated that the townhomes will have 17.5 square metres of amenity space per unit and that apartments will have 10 square metres.

- Recognizing interior sideyards are zero for connected townhomes, 1.2 metres between townhome blocks, and 3 metres for mid-rise residential development (to the adjacent marina property). This will enable some break points between townhome units while also permitting density levels appropriate for the site. It is also anticipated there will be minimum impacts to adjacent properties given the nature of adjacent uses.
- Recognizing that lot frontage and front yard depth requirements should be applied to public road frontage of the overall lot and not private streets within a plan of condominium, in recognition of the need to accommodate more compact development on the site. The individual townhome lot frontages are 5.2 metres or greater. Minimum front yard depths from private streets/laneways are 3.4 metres for street facing and pedestrian trail facing townhome properties and 6 metres for the mid-rise multi-unit structure.
- Increasing maximum heights of all low-rise buildings (including stacked townhomes and any future low-rise multi-unit structures) by 2.5 metres (i.e., from 13.5 metres to 16 metres) to accommodate ground floor parking, high ceilings, and modern stacked townhomes. Height impacts will be mitigated by:
    - Dundas Street West due to elevations between the raised site and the road (appr. 0.8 metres), and
    - Interior streetscapes through implementation of an attractive, modern, and cohesive community design with active transportation oriented interior networks (see Sections 3.2, 3.3, and 3.6).

The above changes are further discussed in the context of policy conformity in Section 6.2 of this report.

5.2 Site Constraint Impact Analysis

Through the previous and current site constraint reviews, the subject lands were identified as having a variety of potential site constraints. Each of these constraints and their relevance to this proposal are discussed below.

5.2.1 Man-Made Hazard/Contaminated Site

The subject lands are a known brownfield site. It is the author's understanding this is addressed via two Certificates of Property Use which dictate the measures that must be taken to establish residential and commercial uses on the subject lands, including the placement of one metre of Hard Cap or Fill Cap on the entire site (see Appendix F). No changes to these past mitigation measures are proposed and the development will continue to meet the previously approved requirements to enable residential and commercial uses on the subject lands.

5.2.2 Natural Hazards

The subject property is within the floodplain of Lake Ontario of 76.05m (above sea level) as per the Bay of Quinte and Lake Ontario Shoreline Management Plan and in consideration of changing climate dynamics. It is the author's understanding that this is addressed via an existing permit to fill the subject lands to above the floodplain (see Appendix J). It should also be noted that the subject property is within 10 metres of the Lake Ontario/Bay of Quinte shoreline and associated erosion/wave uprush hazards. It is the author's understanding this addressed through the accommodation of appropriate shoreline hazard setbacks (15 metres).

5.2.3 Natural Heritage

The subject lands are partially within the proposed Natural Heritage System per Appendix C of the CBOP and within 10 metres of fish habitat (i.e., the Bay of Quinte), including species at risk habitat. An Aquatic and Species at Risk Assessment report was prepared by LGL (Appendix K) as the subject development encroaches closer to the shoreline. The conclusions of this report are as follows:

> *"Based on the anticipated site plans and methodologies described in the FSR and SWMR, the risk to aquatic habitat and Species at Risk is assessed as low. An Environmental Impact Study (EIS) is not required for this project and a request for review should not be required by the DFO. However, protection of the aquatic environment requires strict adherence to all erosion and sediment control measures outlined in this report, compliance with*

Fisheries Act and Species at Risk Act provisions, implementation of the proposed stormwater management system as designed, and monitoring during construction to ensure protective measures remain effective."

Based on the above, it is the author's understanding that natural heritage impacts are appropriately addressed through the mitigation measures within Appendix K, to be implemented at detailed design.

5.2.4 Adjacent Major Facilities

The subject lands are directly adjacent to a marina and the CP rail tracks. With respect to the marina, it is the author's understanding this facility is not an employment/major facility use (e.g., shipping yard) but instead commercial boating and storage facility, which would not cause land use compatibility issues.

With respect to the CP rail tracks, land use compatibility was assessed through the previous approval process. The measures required to address land use compatibility, however, vary with the built form chosen. As such, Noise and Vibration Impact Studies were prepared by Valcoustics (submitted under separate cover). These reports conclude:

- Provincial noise guidelines can be met with the implementation of the recommended noise mitigation measures, which include architectural elements to achieve indoor noise guidelines and design features to protect the outdoor living areas.
- Vibration velocity magnitudes at the closest building façade of the proposed development is within provincial vibration limits for residential uses so mitigation is not required.

Based on the above, it is the author's understanding land use compatibility will be addressed through the implementation of mitigation identified in the Noise Impact Assessment. In recognition of the limitations of Site Plan Approvals to dictate architectural elements, however, the Draft Zoning By-Law (Appendix H) includes a provision for adherence to provincial land use compatibility requirements both through Site Plan Approval and the building permit process. We defer, however, to the City as to the most appropriate implementation mechanism for these requirements, according to local practices.

It should be noted that the Noise Impact Assessment identifies a required 30 metre setback for buildings from the railway right of way (ROW) with a safety berm of at least 2.5 m above grade along the ROW. This requirement has been accommodated within the conceptual plans and will be implemented through detailed design.

5.2.5 Natural Resources

The subject lands are within a Sand and Gravel resource Area (tertiary) as per schedule G4 of the CBOP (a natural resource protection area). It is the author's understanding that the entire subject lands were identified as suitable for development through the previous approvals (see Section 2.2) and no additional impacts to sand and gravel would be expected through this application given existing site constraints (e.g., adjacent sensitive uses and features).

5.2.6 Cultural Resources

The subject lands are within an archaeological potential area (i.e., within 300 metres of a present or past water source). It is the author's understanding that archaeological resources would have been addressed through previous approvals and that there has been significant ground disturbance on the site which limit archaeological potential.

5.2.7 Sensitive Water Resources

The subject lands are partially within an Intake Protection Zone 3 (i.e., the Bay of Quinte) and a highly vulnerable aquifer area (sensitive surface and groundwater features), in accordance with the source water protection atlas. It is the author's understanding that the stormwater management plan, future erosion and sediment controls, and the Certificate of Property Use requirements will address water quality/contamination risks associated with the site.

6 Policy Analysis

As noted in Section 2.1.1 of this report, land use policies affecting the subject lands are:

- the Planning Act, 1990 (the Act) which is the legislative framework which enables the establishment of provincial planning statements, official plans, and zoning by-laws.
- the 2024 Provincial Planning Statement (PPS) which provides policy direction on matters of provincial interest as they relate to land use planning;
- the 2021 City of Belleville Official Plan (CBOP) which lays out objectives and broad land use planning policies for the City and is intended to establish the vision for growth and guide development; and
- the 2024 City of Belleville Comprehensive Zoning By-law (CBCZB) which details site specific provisions to implement the policies of the Official Plan.

6.1 Provincial and Local Policy Tests

With respect to the CBCZB, as discussed in Section 5.1 and Appendix H and I of this report, the subject proposal is requesting several amendments to the CBCZB. As such, conformity with this document will be achieved through the approval of the proposed ZBA. The ZBA must also meet below applicable tests under the Planning Act:

1. Have regard for matters of provincial interest in Section 2. (a) to (r) of the Planning Act (see Table 1).
2. Being consistent with the PPS 2024.
3. Conforming to the CBOP, in consideration of designations and schedules detailed in Section 2.1.3.
4. Being in the public interest and representing good planning.

Each of these tests are addressed in Tables 1, 2, and 3 and Sections 6.2 and 6.3.

6.2 Public Interest

All planning decisions under the Planning Act must be in the public interest. Though a definition of public interest is relatively subjective, the planning profession strives to prepare wholistic accounts of all potential interest groups. With respect to this proposal, considerations for public interest include but are not limited to:

- Municipal Interests, such as broadening the tax base; delivering more services to residents; preserving existing green spaces by increasing population density; providing sufficient infrastructure/minimizing impact on existing infrastructure; and, reuse of brownfield lands.
- Resident Interests, such as receiving more services; preserving a neighbourhood (including its sense of community); and providing employment opportunities.
- Indigenous Community Interests, such as ensuring treaty rights are upheld, protection of archaeological resources, protection of water quality, wildlife, fisheries, and species at risk.
- Public Policy Interests, such as broadening the tax base; delivering more services to residents; providing employment opportunities; preserving green spaces; reuse of brownfield lands; respecting an existing neighbourhood (including its sense of community); providing sufficient infrastructure/maximizing impact on existing infrastructure; and respecting the rights of tenants in the neighbourhood.
- Landowner/Developer Interests: economic opportunity for development companies; enhancing lifestyle options in the area; increasing employment and housing options in the municipality; and leveraging under-used assets for the benefit of the broader community.

The proposed development will serve to: (1) broaden the tax based on the municipality, (2) improve housing options, (3) redevelop a brownfield site, (4) provide views and attractive community aesthetics, (5) create a complete community which capitalizes on existing infrastructure; and (6) introduce retail and/or restaurant/café uses near the Bay of Quinte shoreline and associated parks. The proposal further includes stormwater management and erosion and sediment controls that will protect environmental features and water quality.

Table 1: Planning Act Policy Analysis and Rationale

Planning Act Section 2 Policy (included if applicable)	Rationale demonstrating regard/Report Reference
(a) the protection of ecological systems, including natural areas, features and functions;	Fish habitat is present but will not be impacted by this proposal. See Section 5.2.3 (Natural Heritage)
(b) the protection of the agricultural resources of the Province;	N/A. No agricultural resources on the site.
(c) the conservation and management of natural resources and the mineral resource base;	N/A. No natural resource potential on the site. See Section 5.2.5 (Natural Resources)
(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;	No anticipated archaeological resources due to site disturbance. See Section 5.2.6 – Cultural Resources.
(e) the supply, efficient use and conservation of energy & water	Addressed through compact design in settlement area. See Section 3.4 – Servicing.
(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;	Addressed through servicing and traffic assessments and through future detailed design elements. See Section 3.4 – Servicing and 3.6 – Transportation.
(g) the minimization of waste;	To be addressed in detailed design. See Section 3.4 – Servicing
(h) the orderly development of safe and healthy communities; and (o) the protection of public health and safety;	Addressed through the community design and by addressing man-made and natural hazards on the site. See Section 3.3 (Conceptual Community Design) and 5.2 (Site Constraint Impact Analysis)
(h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;	This is intended to be addressed through detailed design and building code requirements. Residential units can be adapted to be accessible. Furthermore, accessible parking will be provided.
(i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;	Addressed through the site location and amenities to be provided within the design. See Section 2.1.1 (Nearby Amenities) and Section 3.3 (Conceptual Community Design)
(j) the adequate provision of a full range of housing, including affordable housing;	The proposal provides a range of housing types and unit sizes to enable more affordable housing options.
(k) the adequate provision of employment opportunities;	Addressed through the incorporation of a commercial area within the development and associated employment.
(l) the protection of the financial and economic well-being of the Province and its municipalities;	The condominium proposal is anticipated to have a positive financial impact on the City by increasing housing stock and commercial areas and limiting municipal responsibility to water infrastructure only.
(m) the co-ordination of planning activities of public bodies;	City to circulate public bodies. No analysis provided.
(n) the resolution of planning conflicts involving public and private interests;	The author and landowner is committed to addressing planning conflicts through the statutory public meeting and follow up correspondences. See Section 6.2.1 (Public Interest – Additional Review requirements).
(p) the appropriate location of growth and development;	Redevelopment within a settlement boundary where high density development is contemplated and servicing is available.
(q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;	The site is located in proximity to neighbouring amenities and public transit and has internal networks with encourage pedestrian access. See 3.6 (Transportation)
(r) the promotion of built form that, (i) is well-designed, (ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;	Section 2.1.1 (Nearby Amenities) and Section 3.3 (Conceptual Community Design)
(s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.	See Section 3.5 (Stormwater Management), 3.6 (Transportation), and Section 5.2.2 (Natural Hazards)

Table 2: Provincial Planning Statement Policy Review and Consistency Analysis

Policy Section/Topic	Applicable Policy Text and/or Policy Summary	Justification/Related Report Reference
2.1 Planning for People and Homes	**2.1.6.** Planning authorities should support the achievement of complete communities by: a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, longterm care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;	Plan includes a range of housing mixes as well as amenity spaces and commercial opportunities. See Sections 2.1.1 and 2.1.2 (Nearby Amenities and Adjacent Lands) as well as 3.2 (Conceptual Layout and Phasing) and Section 3.3 (Conceptual Community Design) of this report for a detailed description of how complete communities are achieved.
2.2 Housing	**2.2.1.** Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by: […] (c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation.	The proposal will enable high residential densities (just under 160 people and jobs per hectare) with a range of housing types and will serve to increase housing stock in the City of Belleville. See Section 3.2 (Conceptual Layout and Phasing), 3.6 (Transportation).
	2.2.2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;	The proposal is a residential redevelopment in a brownfield site. Consistency with Section 2.3.1.3 is addressed below.
2.3 Settlement Areas and Settlement Area Boundary Expansions	2.3.1.2 Land use patterns within settlement areas should be based on densities and a mix of land uses which: a) efficiently use land and resources; […] c) support active transportation;…	The subject lands are within a settlement area. Furthermore the proposed development represents a high density development which seeks to efficiently use applicable lands, as detailed in See Section 3.2 (Conceptual Layout and Phasing) and 3.6 (Transportation)
	2.3.1.3. Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.	The subject proposal is a residential redevelopment in a brownfield site intended to provide a mix of housing types and sizes with appropriate private and commercial amenities (see Section 3.2 Conceptual Layout and Phasing). Furthermore the property can be appropriately serviced and is in proximity to a number of nearby amenities, as is detailed in Section 2.1.1 and 3.4 of this report.
	2.3.1.5. Planning authorities are encouraged to establish density targets for designated growth areas, based on local conditions. Large and fast-growing municipalities are encouraged to plan for a target of 50 residents and jobs per gross hectare in designated growth areas	The proposed development is in an intensification project within a growth area and has a density of 72.4 units per hectare (with just under 160 residents/jobs per gross hectare).
2.4 Strategic Growth Areas	2.4.1.3 (c) Planning authorities should permit development and intensification in strategic growth areas to support the achievement of complete communities and a compact built form	Proposal forms a complete community and is represents intensification in a strategic growth area. See Section 3.3 (Conceptual Community Design) and Section 2.1.1 (Nearby Amenities).
2.8 Employment	2.8.1.1. Planning authorities shall promote economic development and competitiveness by: e) addressing land use compatibility adjacent to employment areas by providing an appropriate transition to sensitive land uses. 2.8.1. 3. In addition to policy 3.5, on lands within 300 metres of employment areas, development shall avoid, or where avoidance is not possible, minimize and mitigate potential impacts on the longterm economic viability of employment uses within existing or planned employment areas, in accordance with provincial guidelines.	The proposal is adjacent to employment lands (CP Rail) and a marina. Impacts are addressed through supporting noise and vibration assessments. See Section 5.2.4.
2.9 Energy Conservation, Air Quality and Climate Change	2.9.1. Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that: a) support the achievement of compact, transit-supportive, and complete communities;	The development includes active transportation elements and is close to public transit. See 3.6 (Transportation)
	2.9.1 b) incorporate climate change considerations in planning for and the development of infrastructure, including stormwater management systems, and public service facilities;	climate change factors were considered in stormwater designs as described in Section 3.5 (Stormwater management) of this report.
	2.9.1 c) support energy conservation and efficiency;	No analysis provided but can be addressed at detailed design.
	2.9.1 d) promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality; and e) take into consideration any additional approaches that help reduce greenhouse gas emissions and build community resilience to the impacts of a changing climate.	The proposed development considers low impact development in the stormwater design as discussed in Section 3.5 (Stormwater Management). Further measures for reducing GHG emissions can be discussed at detailed design.
3.4 Airports, Rail and Marine Facilities	1. Planning for land uses in the vicinity of […] rail facilities and marine facilities shall be undertaken so that: a) their long-term operation and economic role is protected; and b) airports, rail facilities and marine facilities, and sensitive land uses are appropriately designed, buffered and/or separated from each other, in accordance with policy 3.5.	The subject sensitive land uses are adjacent to CP rail. Noise and vibration assessments were completed to ensure compliance with applicable land use compatibility requirements, as is further described in Section 5.2.4 and through noise and vibration impact studies.
3.5 Land Use Compatibility	3.5.1. and 3.5.2 which requires sensitive land uses to avoid conflicts with major facilities to ensure it's continued long term viability.	
3.6 Sewage, Water and Stormwater	3.6.2. Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. For clarity, municipal sewage services and municipal water services include both centralized servicing systems and decentralized servicing systems	A servicing plan has been provided and the site can be accommodated on municipal services. See Section 3.4 (Servicing).
	3.6.8 Planning for stormwater management shall: a) be integrated with planning for sewage and water services and ensure that systems are optimized, retrofitted as appropriate, feasible and financially viable over their full life cycle; b) minimize, or, where possible, prevent or reduce increases in stormwater volumes and contaminant loads; c) minimize erosion and changes in water balance including through the use of green infrastructure; d) mitigate risks to human health, safety, property and the environment; e) maximize the extent and function of vegetative and pervious surfaces; f) promote best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development; and g) align with any comprehensive municipal plans for stormwater management that consider cumulative impacts of stormwater from development on a watershed scale	A stormwater management plan has been provided to address these policies as discussed in Section 3.5 (Stormwater Management). Further details on water conservation can be provided through detailed design.

Policy Section/Topic	Applicable Policy Text and/or Policy Summary	Justification/Related Report Reference
3.7 Waste Management	Waste management systems need to be planned for and provided that are of an appropriate size, type, and location to accommodate present and future requirements, and facilitate integrated waste management.	Waste management can be accommodated on the site and be further designed at the detailed design stage as discussed in Section 3.4 (Servicing).
4.1 Natural Heritage	4.1.1 through 4.1.6 speak to protecting natural heritage systems and specific natural features.	There are no identified protected on the subject lands, however, the lands are located within 120 metres from fish habitat. See Section 5.2.3 which speaks to natural feature and system protections including fish habitat and species at risk. The proposal includes an assessment of impacts to fish habitat and species at risk and indicates no impacts will occur subject to the mitigation measures provided, which are to be implemented through the detailed design phase.
	4.1.6. Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.	
	4.1.7. Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.	
	4.1.8. Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 4.1.4, 4.1.5, and 4.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.	
4.2 Water	Planning authorities shall protect, improve or restore the quality and quantity of water by: […] e) implementing necessary restrictions on development and site alteration to: 1. protect all municipal drinking water supplies and designated vulnerable areas; and 2. protect, improve or restore vulnerable surface and ground water, and their hydrologic functions; f) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality; and g) ensuring consideration of environmental lake capacity, where applicable	The subject lands are within an Intake Protection 3 Zone. The proposed stormwater management plan and erosion and sediment control recommendations in combination with proposed efforts to address contamination on the site are anticipated to ensure these policies are addressed. Further discuss of these measures are included in Section 3.5 (Stormwater Management). Section 5.3.7 (Sensitive Water Resources) also discusses sensitive feature protections.
	4.2.2. Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored, which may require mitigative measures and/or alternative development approaches.	
4.5 Mineral Aggregate Resources	4.4.1 through 4.4.5 speak to protection of natural resources, associated operations, and rehabilitations. Section 4.5.2.5 In known deposits of mineral aggregate resources and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if: a) resource use would not be feasible; or b) the proposed land use or development serves a greater long-term public interest; and c) issues of public health, public safety and environmental impact are addressed	The subject lands are within a sand and gravel resource overlay within the CBOP. It is the author's understanding there is no ability to extract sand and gravel resources on site as discussed in Section 5.2.5 (Natural Resources).
4.6 Cultural Heritage and Archaeology	4.6.2. Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.	The subject lands are located within 300 metres of a watercourse which represents an archaeological screening area. It is the author's understanding, however, that past site disturbance from previous development would preclude archaeological resources, as discussed in Section 5.2.6. It is also assumed Indigenous Consultation will be undertaken by the City (see Section 6.2 – Public Interest) and that any concerns will be brought forward to the landowner to address.
	4.6.3. Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property unless the heritage attributes of the protected heritage property will be conserved.	
	4.6.5. Planning authorities shall engage early with Indigenous communities and ensure their interests are considered when identifying, protecting and managing archaeological resources, built heritage resources and cultural heritage landscapes.	
5.2 Natural Hazards	5.2.2 Development shall generally be directed to areas outside of: a) hazardous lands adjacent to the shorelines of the Great Lakes- St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards; b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and c) hazardous sites.	There is an existing floodplain on the property that has approved to be removed through placement of fill under an existing permit. Furthermore, there are natural erosion hazards associated with the adjacent shorelines which we understand will be addressed with appropriate shoreline setbacks of 15 metres. Further discussion of mitigating hazard impacts is provided in Section 5.2.2 (Natural Hazards).
	5.2.3 Development and site alteration shall not be permitted within: a) the dynamic beach hazard; b) defined portions of the flooding hazard along connecting channels (the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers); c) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and d) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding	
	5.2.4. Planning authorities shall prepare for the impacts of a changing climate that may increase the risk associated with natural hazards.	Stormwater calculations and floodplain delineation both account for climate change as discussed in Section 3.5 (Stormwater Management) and 5.2 (Site Constraint Impact Analysis)
5.3 Human-Made Hazards	5.3.2 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.	The subject lands is considered a brownfield site with contamination. Soil contamination mitigation is addressed through existing Certificates of Property Use as discussed in Section 5.2.3. (Man-Made Hazard).
6.0 Implementation and Interpretation	General implementation and coordination policies including requirements for the City to implement *"in a manner that is consistent with the recognition and affirmation of existing Aboriginal and treaty rights in section 35 of the Constitution Act, 1982"*	It has been assumed by the author that appropriate Indigenous consultation will be addressed by municipality as discussed in Section 6.2 (Public Interest).

Table 3: City of Belleville Official Plan Policy Review and Conformity Analysis

Policy Section	Policy text and/or Summary if deemed applicable	Planning Rationale
3.5 Environmental Protection and Natural Heritage Features	3.5.1 includes policies to prevent development in regulated floodplain areas.	Same rationale provided for PPS policy 5.2 in Table 3 and discussed in Section 5.2.2 (Natural Hazards). Flooding and erosion hazards are addressed through existing fill approvals and shoreline setbacks.
	3.5.2 includes policies on steep slopes and hazardous lands	
	3.5.3 through 3.5.6 address wetlands, Regulated Wildlife Habitat, Areas of Natural and Scientific Interest, and the protection of the Natural heritage System	Same rationale provided for PPS Policy 4.1 and further discussed in Section 5.3.3 (Natural Heritage) of this report. Fisheries assessment addresses impacts to adjacent natural features and species at risk through mitigation recommendations.
3.6 Open Space	2.6.1 Permitted Uses policies generally contemplate parklands but permit parks, recreational facilities, and commercial or non-profit recreational facilities. This designation further contemplates trails and ingress/egress for open space areas.	An Open Space designation appears to apply to the shoreline area and assumed to reflect 15 metre shoreline setbacks. No structures have been placed in this area. Ingress/egress to trails have been accommodated through the site.
3.7 Mineral Aggregate	b)[…] It is the policy of this Plan to discourage incompatible land uses in areas surrounding lands designated Mineral Aggregate and/or from licensed areas and/or from known aggregate deposits. This area of influence is considered generally 300 metres for a pit or sand and gravel deposit and 500 metres for a quarry or bedrock deposit. In these areas, development that would preclude or hinder the establishment of new operations or access to the resources should only be permitted if the: resource use would not be feasible; or proposed use or development serves a greater long term public interest; and issues of public health, public safety and environmental impact are addressed.	Same rationale for PPS Policy 4.5 in Table 2 and discussed in Section 5.2.5 of this report. While the lands are subject to a sand and gravel overlay, there are limited sand and gravel deposit viability on subject property due to nearby sensitive uses and natural features.
Section 3.8 City Centre .	Policies for the City Centre are designed to encourage and enhance the downtown core as a major focus of economic activity, create a source of civic identity and pride, and establish the City's core area as a community landmark. The purpose of the City Centre designation on Schedule 'B' is to encourage the development of a variety of compatible land uses in the City's core creating a compact, clean, secure, attractive, accessible and economically stable area. Development should increase the diversity and vitality of the downtown and create a lively and vibrant environment that supports a wide variety of living, shopping, leisure, cultural and working activities. Development that takes advantage of the Moira River and Bay of Quinte is strongly encouraged. To ensure that intensification is compatible with existing uses, the development of Intensification Design Guidelines are encouraged.	As discussed in Section 2.1.1 (Nearby Amenities), Section 3.2 (Conceptual Layout and Phasing), 3.6 (Transportation), and Section 5.2.4 (Adjacent Major Facilities), the proposed development (1) represents a complete community with connections to the downtown and the shoreline area and parks, and (2) appropriately addresses land use compatibility. The development further has considered applicable design guidelines (see Appendix E).
3.8.1 Permitted Uses	The uses permitted in the City Centre shall include a broad range of commercial, residential and community facility uses, as follows: 3.8.1 (a) Commercial and employment uses, including hotels, conference facilities, retail uses, business, professional and administrative offices, outdoor cafes and restaurants, places of entertainment, private clubs, theatres, art galleries, marinas, recreational uses, all types of commercial services and parking lots.	As discussed in Section 3.2 (Conceptual Layout and Phasing), and 3.3 (Conceptual Community Design),of this report, the proposal seeks to enable ground floor commercial space for cafés, restaurants, and retail uses (appr. 660 square metres).
	3.8.1. (b) Medium and high density residential uses including townhouses, stacked townhouses, low to high-rise multi-unit dwellings, and affordable housing either as primary uses or within mixed use developments. Limited amount of one unit dwellings may be permitted as part of a mixed density development that would otherwise achieve the intent of the Plan for density in the City Centre.	The proposed development concept represents a high-density (74.2 units per hectare and just under 160 people/jobs per hectare) residential community with stacked townhomes and multi-unit residential buildings with ground floor commercial.
3.8.2 General Development Policies	3.8.2 (a) Many sites in the City Centre are vacant or under-developed and are expected to redevelop during the course of this Plan for commercial, residential and employment uses. The details of this planned intensification are set out in the Policies of Section 4.6 and are based on the City Centre Intensification Plan. The intensification of these sites will support the character and function of the City Centre and are intended to have reasonable flexibility to encourage investment in the City Centre.	The subject lands are a vacant brownfield site that would be considered intensification. The proposed intensification is contemplated for the subject lands and Section 4.6 of the OP is addressed below
	3.8.2 (c) This Plan encourages compact, intense development of lands designated City Centre in order to ensure that the core area remains a key focal point in the City. To achieve this objective, buildings that maximize land utility should be encouraged	As discussed in Section 3.2 (Conceptual Layout and Phasing), and 3.3 (Conceptual Community Design), the proposed development concept is compact, aesthetically pleasing development which factors in market realities for the City of Belleville.
	3.8.2 (e) This Plan encourages the development of strong links of the City Centre to the waterfront and other commercial areas of the City. The Municipality will strive to create gateways to the City Centre at main vehicular and pedestrian access points	The conceptual plan incorporates a walking path/sidewalk link through site linking downtown to shoreline areas as discussed in 3.6 (Transportation) of this report.
	3.8.2 (k) This Plan encourages development at transit-supportive densities and intensification where transit is planned, exists or may be developed.	The proposed development concept supports high densities (72.4 units/hectare and just under 160 people/jobs per hectare) in an area with available transit services, as discussed in 3.6 (Transportation) of this report.
Section 3.8.4 Parking Strategies	3.8.4 (a) Vehicular parking is important to the success of the City Centre. The provision of public and private parking facilities is encouraged to meet the needs of all uses in the City Centre. In recognition of the concentration of uses and the frequency of multi-purpose trips to the City's core, parking standards in some parts of the City Centre may be reduced	As discussed/shown in Section 3.2, 5.1, and Appendix H of this report, the conceptual plans shown ample residential, commercial, and

Policy Section	Policy text and/or Summary if deemed applicable	Planning Rationale
	3.8.4 (b) Major new development should be encouraged to provide on-site parking; this is particularly important for residential uses. However, it may not always be practical or appropriate to provide on-site parking due to location or access concerns; in such instances, the cash-in-lieu provisions as set out in Section 8.1.6 a) of this Plan may be employed at the discretion of the Municipality.	visitor parking is provided on the-site to serve the proposed community.
Section 3.8.5 Pedestrian Circulation	3.8.5 (a) Safe and convenient pedestrian circulation is critical to the success of the City Centre. This Plan encourages: • the maintenance of safe and clean sidewalks along all streets in the City Centre; • direct pedestrian access from the main commercial streets in the City Centre; • the establishment of attractive pedestrian links between Front (and other) Streets with the Bayfront and Riverfront Trails; • adequate lighting of all pedestrian ways in the City Centre for public safety; and the use of street furniture (benches, waste receptacles) along pedestrian corridors.	As discussed in Section 3.2 (Conceptual Layout and Phasing), 3.3 (Conceptual Community Design), and 3.6 (Transportation), pedestrian paths are placed throughout the site to enable all housing types to access adjacent commercial areas and the neighbouring amenities. Further refinement of this network and details specific to street furniture can be completed at detailed design.
	3.8.5 (b) To substantially improve pedestrian access to the Bay of Quinte waterfront and to contribute to the beautification of the City Centre, a continuous Trail along the Moira River and Bay of Quinte is intended to be linked with the City-wide Trail network, including the Trans-Canada Trail to the north. Land dedication required for the Trails and not currently owned by the Municipality may be obtained: • as a condition of site plan, subdivision or condominium approval, subject to section 7.11.2 of this plan; • as a dedication from private land owners for walkway development as a credit against future parkland requirements associated with redevelopment, subject to section 7.11.2 of this plan; • through donation by private land owners; or through purchase by the Municipality.	The proposed development concept includes a connection between parkland trails through the site to the Downtown as discussed in Section 3.2 (Conceptual Layout and Phasing), and 3.6 (Transportation), . It is proposed this connection remain under ownership by the applicant and the future condominium corporation; however, an easement for the City can be accommodated to ensure continuous access to these lands for community planning purposes, if deemed necessary by the City.
Section 3.8.7 Urban Design	3.8.7 (a) In addition to the Urban Design policies set out in Section 7.6 of this Plan, the following urban design and built form guidelines should be considered when undertaking any development or improvement project in the City Centre: • building setbacks from public roads should be minimized except where lands are required for sidewalks, road widening, or landscaping, in order to frame the street; • large exposed blank walls should be avoided. All visible sides of a building should be finished and treated similarly to the front. Where exposed walls exist, screening through landscaping should be provided; • where appropriate, a building's first storey should be taller in height to accommodate a range of non-residential uses; • rooftop mechanical equipment should be screened with architectural features; • outdoor patios should be encouraged, and ideally located adjacent to pedestrian corridors; • building entrances should be oriented to streets, parking facilities and Trails; • major parking and delivery areas should be confined to the rear or side of buildings. Loading and garbage enclosure areas are to be screened from public view; • electrical servicing should be installed underground wherever possible; • tree planting along roads should include large specimen dense foliage trees appropriately spaced with clumped planting of mixed species at focal points; • parking lots should be properly demarcated, landscaped and lighted; • laneways providing access to parking lots should be well lighted and landscaped where feasible; • signs should not impact the heritage attributes of a built heritage resource and be consistent with the scale of the building upon which they are placed; • lighting of prominent buildings and monuments to accentuate civic and architectural design is encouraged; • accessibility and visitability should be actively promoted and improved where possible through new development; • landscaping and green open space should be provided at appropriate locations to complement buildings, and as relief from concrete and asphalt surfaces; and • the upper storeys of higher rise-built form should be incrementally stepped back to reduce shadowing.	Section 3.3 (Conceptual Community Design) details how the proposed development concept has been designed to accommodate these design standards, where appropriate at this development stage. It should be noted that a number of elements identified within this policy, such as those applicable to mechanical equipment, electrical servicing, signage, lighting, accessibility, and detailed landscaping are anticipated to be addressed at the detailed design stage. Appendix E also includes a design checklist prepared by the landowner in collaboration with RD Architects to ensure they can be accommodated on the site.
Section 4 – Specific Policy Areas	4.1.1 (a) The main objective for the Bayshore Planning Area is: To fully develop the mixed-use potential of the Bayshore Planning Area through the establishment of a combination of open spaces, and compatible commercial, public facility and residential land uses, employing sensitivity to issues of urban design, built form, environmental conditions and the area's setting along the shores of the Bay of Quinte, creating a destination within the City which is strongly oriented to the needs of all residents of and visitors to the community.	As discussed in Section 3.2 (Conceptual Layout and Phasing), 3.3 (Conceptual Community Design), 3.6 (Transportation), and Section 5.1 (Zoning By-Law Comparison and Analysis), the proposed ZBA will enable a high-density residential development with commercial uses and pathways between adjacent parks/the shoreline and downtown.
	4.1.1 (d) Building heights within the Bayshore Planning Area should be carefully managed to ensure that the waterfront is not visually barricaded from the rest of the community. Ideally, buildings immediately adjacent to the waterfront should be low profile, with taller buildings located further away from the waterfront.	As discussed in Section 5.1 (Zoning By-Law Comparison and Analysis) the ZBA requests an R3 zone with increase building heights (2m above those contemplated). The impacts from the request are mitigated through design and elevation differences from the main street. The proposed building heights also represent a reduction on the site from existing approvals (which anticipated 15 storey apartments). As such, this proposal serves to improve compliance with this policy.
	4.1.1 (f) Urban design guidelines may be established by the Municipality as set out in Section 8.13 of this Plan as a means to encourage and guide the redevelopment of lands within the Bayshore Planning Area using appropriate architecture and landscaping to create an environment interesting to residents and visitors.	These guidelines have been reviewed to develop the proposed concept and renderings (as described in Section 3.3 of this report. A

<table>
<tr><th>Policy Section</th><th>Policy text and/or Summary if deemed applicable</th><th>Planning Rationale</th></tr>
<tr><td></td><td></td><td>checklist for these guidelines is included in Appendix E. Any outstanding design requirements can be addressed at the detailed design stage.</td></tr>
<tr><td rowspan="4">Section 4.6 Specific Policy Area #6 – City Centre Planning Area
Section 4.6.1 City Centre Districts</td><td>4.6.1 (a) The City Centre Specific Policy Area provides more detailed policies to guide intensification and redevelopment of the City Centre. There are seven (7) distinct neighbourhoods or districts within the City Centre as identified on Schedule ‘E’. Four (4) of these areas are districts: Downtown, Church Street, The Flats, and East Gate, since these areas are predominately mixed use, while the other three are predominately residential neighbourhoods with commercial uses: Riverview, West Village, and The Harbour. This differentiation between district and neighbourhood is not critical to the opportunities for intensification, however the development of the three (3) surrounding neighbourhoods for residential uses is important to the revitalization efforts.</td><td rowspan="2">The subject lands are within Flats and City Centre Specific policy areas. The community has been further designed to contribute to the revitalization of the area. The proposed development concept includes 660 square metres (7100 square feet) of ground floor commercial space and will provide 213 residential units within Townhomes and apartment buildings. The range of housing on the site is represented by having a variety of housing sizes, including 11 four-bedroom units, 75 three-bedroom units (Type A, B, and C), 55 two-bedroom units (Type C, D, and Commercial A), 32 one-bedroom units (Type C and D), and 40-studio units (Type B). The proposal also serves to increase the diversity of housing available in the Flats intensification area, which primarily includes apartments.</td></tr>
<tr><td>4.6.1 (d) Development within the City Centre should contribute to a range of uses within each of the City Centre districts and neighbourhoods.</td></tr>
<tr><td>4.6.1 (e) Mixed use development is encouraged where residential units are provided in conjunction with ground floor retail use fronting onto the main street.</td><td rowspan="2">Due to the elevation of the site and the presents of existing railways, ground floor commercial uses on the main street (e.g., Dundas Street) is not possible. None-the-less, the proposal includes mixed use buildings with ground floor commercial which front on propose private roads that form a part of the connection between the downtown and the shoreline. These have been designed to frame the private street and create an enjoyable street level experience. For example a seating area adjacent to the street is contemplated.</td></tr>
<tr><td>4.6.1 (h) Commercial uses should be located on main streets and along key corridors. Other uses that contribute to providing activity on the street may also be permitted at ground level.
Section 4.6.1 (g) New developments within the City Centre should be located close to the street edges to frame public streets and to ensure a consistent rhythm.</td></tr>
<tr><td></td><td>4.6.1 (k) Surface parking areas should generally only be permitted as accessory uses but may be permitted as a primary use subject to a temporary use zoning by-law.</td><td>A surface parking area are accessory to proposed residential and commercial uses as discussed in Section 3.2 (Conceptual Layout and Phasing) and shown in Appendix C.</td></tr>
<tr><td>Section 4.6.2 Intensification Plan</td><td>4.6.2 (a) The Provincial Planning Statement obligates municipalities to identify and promote intensification where it can be accommodated. It has been determined that the City Centre provides opportunities for intensification that, if realized, will contribute to revitalization of this area.
4.6.2 (b) The City Centre Intensification Plan is shown on Schedule ‘E2’. This Plan has evaluated the opportunities for redevelopment, including the reuse of brownfield sites; the development of vacant or underutilized properties; infill development; and the expansion or conversion of existing buildings within the City Centre at a higher density than currently exists. The intent of Schedule ‘E2’ is to actively encourage the intensification and redevelopment of these lands within the City Centre.</td><td rowspan="4">The proposal is a redevelopment project on a brownfield site that will serve to contribute to the revitalization of the City Centre. Schedule E2 contemplates multistorey buildings (two 6 storey and one 10 storey) on the subject lands which appear to represent between 121 and 145 units and no commercial space (see City Centre Intensification Plan Figure 3 in combination with Table 3 adding an additional four stories for one of the buildings in accordance with Schedule E2). The proposed development concept well exceeds these targets with 213 residential units and 7,100 square feet of commercial space, representing nearly 58% of the residential units targets and 8.5% of the commercial space targets for the Flats Intensification area. As discussed in Section 3.2 of this report, the proposal will also enable a similar density of people and jobs for the site as those that were previously approved.</td></tr>
<tr><td>Section 4.6.2 Intensification Plan</td><td>4.6.2 (a) The Provincial Planning Statement obligates municipalities to identify and promote intensification where it can be accommodated. It has been determined that the City Centre provides opportunities for intensification that, if realized, will contribute to revitalization of this area.
4.6.2 (b) The City Centre Intensification Plan is shown on Schedule ‘E2’. This Plan has evaluated the opportunities for redevelopment, including the reuse of brownfield sites; the development of vacant or underutilized properties; infill development; and the expansion or conversion of existing buildings within the City Centre at a higher density than currently exists. The intent of Schedule ‘E2’ is to actively encourage the intensification and redevelopment of these lands within the City Centre.</td></tr>
<tr><td>Section 4.6.3 Intensification Targets</td><td>4.6.3(a) Intensification targets define the potential for additional development by 2030. These targets have taken into account the development proposals that have the highest level of realization, sites with existing approvals or are currently vacant, or where there is greater likelihood of redevelopment occurring.
<table>
<tr><th>Neighbourhood/District</th><th>Potential Dwelling Units</th><th>Commercial/Employment GFA (sq. ft.)</th></tr>
<tr><td>Downtown</td><td>350</td><td>144,548</td></tr>
<tr><td>The Flats</td><td>368</td><td>83,270</td></tr>
<tr><td>West Village</td><td>117</td><td>5,479</td></tr>
<tr><td>Riverview</td><td>330</td><td>-</td></tr>
<tr><td>East Gate</td><td>63</td><td>-</td></tr>
<tr><td>The Harbour</td><td>52</td><td>174,375</td></tr>
<tr><td>TOTALS</td><td>1280</td><td>407,672</td></tr>
</table></td></tr>
<tr><td>Section 4.6.4 Building Intensification Sites</td><td>4.6.4 (a) Future intensification opportunities in the City Centre are conceptually shown as building footprints in colour overlay on Schedule ‘E2’. It is intended that the intensification of these areas generally proceed according to the special neighbourhood or district policies; and to the Land Use Policies of this Official Plan.</td></tr>
</table>

Policy Section	Policy text and/or Summary if deemed applicable	Planning Rationale
Section 4.6.5 Development Approvals	(a) Land use approvals for intensification sites will occur through the rezoning and site plan approval process. The municipality will encourage development of these properties provided that the development proposal meets the policies of the Official Plan and relevant design guidelines; there is sufficient municipal servicing capacity available; planning for pedestrian and community needs has been taken into account; and all environmental matters related to flood proofing, soils, noise impact or traffic safety have been addressed.	The proposal is occurring through a rezoning and Site Plan Approval. Relevant design guidelines, servicing, pedestrian/community needs and site constraints are addressed in Section 2.1.1 (Nearby Amenities), 3.0 (Proposal Description), and 5.2 (Site Constraint Impact Analysis).
Section 4.6.8	(e) Intensification of The Flats will serve as the west anchor of Downtown and as another connection to the Bay of Quinte. Dundas Street is the gateway for tourists from Bay Bridge and Prince Edward County. As development unfolds in this district: …. Dundas Street West will be improved by burying hydro lines, adding a multi-purpose Trail and street tree planting on the south side and landscaping of the parking lots on the north side."	The subject proposal has been designed to connect the downtown to the shoreline area with ground floor commercial areas along the pathway to enhance the experience of community members traversing the site. Tree plantings and landscaping have been contemplated within the conceptual plan and will be further provided for through detailed design.
	(g) In addition to the Policies of Section 4.6, the Policies of Section 4.1 also applies to The Flats district, provided that, in the event of a conflict, these intensification policies take precedent."	Intensification policies within 4.1 have been addressed within this table.
Section 5. Servicing Policies and Utilities	5.1 General Policies: 5.1.(a) Urban development shall be provided with the necessary support services and facilities including: • sanitary sewers and storm drains, piped water, gas, power, telephone utilities, and water and sewage treatment; • fire protection, garbage collection and other municipal services; • access to transportation; and • access to schools, parks and related community facilities.	As discussed in Section 3.4 (Servicing), Section 3.5 (Stormwater management), Section 3.6 (Transportation), and Section 2.1.1 (Nearby Amenities), a servicing, stormwater, and traffic plan have been prepared in support of the application and the site is in close proximity to transportation, schools, parks, and community facilities.
	5.1.(b) The location of infrastructure and public service facilities shall consider natural hazards policies of the Province and be strategically located to support the effective and efficient delivery of emergency management services, and to ensure the protection of public health and safety.	As discussed in Section 3.6 (Transportation), the proposed development includes an emergency access point from Dundas Road to enable expedient delivery of emergency services to the site.
	5.1.(c) The co-location of linear infrastructure (water, wastewater, and stormwater infrastructure, highways, electricity transmission) is encouraged to promote cost effectiveness and coordination.	As discussed in Section 3.4 (Servicing) and Section 3.5 (Stormwater management) infrastructure is aligned with propose private roads on the site.
Section 5.2. Access to Public Roads	5.2. (a) All new development must have frontage on and direct access to an improved public road which is maintained on a year round basis by the Municipality or the Ministry of Transportation, with sufficient capacity to accommodate traffic generated by new development.	As discussed in Section 3.6 (Transportation), a traffic impact assessment was prepared for the site demonstrating sufficient capacity.
Section 5.3 Municipal Sanitary Sewer and Water Systems	5.3 (a) Development within the urban serviced area identified on Schedule B of this Plan should proceed in an orderly and phased manner and only be permitted where adequate municipal services or communal facilities exist or can be provided within the financial capacity of the municipality and where orderly and compact development will result. Municipal sewage services and municipal water services are the preferred form of servicing for lands within the urban boundary.	As discussed in Section 3.4 (Servicing) and Section 3.2 (Conceptual Layout and Phasing), a servicing strategy has been prepared and will be completed in first phase.
	5.3 (c) Municipal services should only be extended when existing built-up areas are substantially developed or where new development can be coordinated with the extension of existing services.	The subject lands are in an existing built-up area. As discussed in Section 3.4 (Servicing), municipal service extension is proposed for water and has been designed to allow for efficient land use on the site.
	5.3 (d) The extension of municipal services for new development should occur adjacent to existing built-up areas, and new development shall have a compact form, mix of uses and densities to allow for the efficient use of land, infrastructure, and municipal services.	
	5.3 (m) The co-location of linear infrastructure (water, wastewater, and stormwater) is encouraged to promote cost-effectiveness and coordination. This plan supports the integration of stormwater management and planning for water and sewage services to encourage system optimization and long-term viability	As discussed in Section 3.4 (Servicing) and Section 3.5 (Stormwater management) linear infrastructure is coordinated on the site.
Section 5.6 Stormwater Management	5.6 (d) To minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, techniques supported by this Plan for stormwater management include but are not limited to: • green infrastructure solutions and Low Impact Development (LID); • detention ponds (normally dry flow-through ponds) which serve to detain water during significant storm events, used primarily to control peak runoff; • retention ponds (normally designed to retain water to support vegetation) which are used primarily to achieve water quality objectives; • artificial or man-made (engineered) wetlands which can be employed to achieve water quality objectives; and • on-site detention using site features such as appropriately designed parking areas or rooftops for detention, and landscaped areas where natural attenuation is possible, used primarily to control peak runoff.	Appropriate stormwater controls are proposed as discussed in Section 3.5 (Stormwater management). Low impact development is considered where possible.
	5.6 (f) Stormwater management planning shall be integrated with planning for sewage and water services in all new development applications, where feasible to ensure the systems are optimized, feasible and financially viable over the long term.	As discussed in Section 3.4 (Servicing) and Section 3.5 (Stormwater management), municipal service extension is proposed for water and has been designed to allow for efficient land use on the site. Furthermore, integration with servicing has been accommodated.
Section 5.11 Development to Have Servicing Feasibility	5.11.(a) Development should be encouraged in areas where other municipal services (public roads, garbage collection, fire and police protection services, transit services, and parks) are already available or can be readily provided. (b) In general, new development should not be approved which would create an undue financial burden for the Municipality unless Council is satisfied that the long term benefits of providing for such development would outweigh the short term costs.	
Section 6.1 Roads	Addresses road standards throughout the City for various publicly owned road types including design criteria. Relevant policies from this section include: The Municipality should have regard for the following matters when reviewing new development proposals:	Only private condominium roads are proposed for the site. A new access is proposed via a local road (Old Bay Bridge Road). Access from

Policy Section	Policy text and/or Summary if deemed applicable	Planning Rationale
	ii. Development approvals will encourage a complete streets approach, in which the design of the road should provide for the safe movement of all users, including vehicles, pedestrians, cyclists, and transit, and ensures accessibility for people of all ages and abilities. iii. Development approvals will encourage good principles of active transportation in the project design, including the provision of convenient, high-quality connections to the City's pedestrian and cycling network. iv. The carrying capacity of the adjacent roads should be sufficient to accommodate the anticipated traffic generated by the proposed development, as well as anticipated growth in levels of background traffic. v. The carrying capacity of existing and proposed arterial and collector roads should be protected by: • the use of shared access, where appropriate, for new development; • limiting the number of entrances/exits for non-residential developments located adjacent to these roads; and • limiting the number of intersections of local streets with arterial and major collector roads. b) The regulation of entrances onto roadways is required to ensure that public safety is achieved and the function of the roadway is not compromised. In considering the nature of access to be permitted to roads from abutting lands, Council should consider the following criteria: ii. Direct access to major arterial roads should be permitted only from lots with large frontages; lots having narrow frontages should be developed using reverse frontages (i.e. onto an internal local road) or through consolidation of entrances.. iii. Direct access to major collector and collector roads should be permitted from lots with large frontages and from lots with narrow frontages provided the impact of entrances on the ability of the road to function as required would be minimal. iv. Direct access from abutting lots to local roads should be permitted. The design of entrances onto any road is critical to the function of the road and the safety and convenience of the public. When approving entrances onto any road, the Municipality should consider whether the entrances would have an adverse impact on the ability of the road to perform its primary function; whether the entrances promote safe movement of traffic on the public street and on the adjoining lot through provision of adequate sight lines, and relationship with entrances on adjoining lots and lots on the opposite side of the road; traffic characteristics of the use on the lot, and the adequacy of throat storage and turning lanes to manage anticipated traffic flows; the safe movement of cyclists and pedestrians along the road; and the provisions for lighting, drainage, and signage.	existing arterial entrances would be restricted to existing uses (the marina) and emergency access for the new residential/commercial development. The carrying capacity of access/adjacent roads, traffic flows externally and internally, and active transportation have been addressed in Section 3.6 (Transportation).
Section 6.2 Road Widening	Allows for road widening where required and requires traffic studies for large developments to ensure turning lane/traffic mitigation measures are accommodated.	Road widening is not required and Traffic Impact Study provided and discussed in Section 3.6 (Transportation) demonstrating existing capacity.
Section 6.3 Parking and Loading Facilities	Requires appropriate access to off street parking and pedestrian circulation routes, stormwater management, and surface treatments.	Addressed through the off street parking, pedestrian circulation routes, and stormwater management plans discussed in Section 3.5 and 3.6.
Section 6.4 Railways	6.4.(e) This Plan encourages the completion of a study to determine the most appropriate way to deal with new and existing development adjacent to railway lines. Recommendations from this study should be incorporated into this Plan through an Official Plan Amendment.	Noise and Vibration Assessment have been provided. Mitigation and accommodation of railway lines are addressed in the Concept Plan and Draft Zoning By-Law. See Section 5.2.4 (Adjacent Major Facilities).
Section 6.5 Trails and Pedestrian/Cycling Systems	6.5.(a) It is the intent of this Plan that the concept of recreational trails connecting various parts of the City be considered as an integral part of the City's active transportation system. Recreation trail systems are a unique community resource providing opportunities for public waterfront access, outdoor leisure and recreational activities, interpretation of the natural environment and historic context of the community, and diversity of tourism activities, but also provide an important transportation resource to residents of the community. 6.5 (e) This Plan encourages the development of sidewalks along all new and reconstructed roads as follows:[…] iii. sidewalks on at least one side of a local road.	As discussed in Section 3.6, pedestrian trails and a connection to the water have been provided through the site along with internal sidewalks on private lanes.
Section 6.6 Public Transit	6.6. (c) The use of transit will be supported and encouraged through the development and intensification of mixed use areas and mixed use buildings and through the increase of densities within newer areas, compatible uses and infill with complementary uses, and appropriate redevelopment of underutilized and brownfield sites.	The proposed development is a redevelopment of a brownfield site that will serve to significantly increase densities on the site (0 to 72.4 units per hectare). Access to public transit is available as discussed in 3.6 (Transportation) and Section 2.1.1 (Nearby Amenities).
Section 7.4 Cultural Heritage/Archaeological Resources	Policies Address Cultural Heritage and Archaeological Resources	Addressed in rationale for PPS policy 4.6 and discussed in Section 5.2.6. Potential archaeological resources are assumed to be previously disturbed and therefore are not considered in the proposal.
Section 7.6 Urban Design	7.6.2.1.Street System(b) New neighbourhood development shall generally be designed with block and street patterns to: i. promote walkability for pedestrians and connectivity for all modes of travel; ii. provide connections to neighbourhood focal points; incorporate significant views and vistas; and iii. minimize cul-de-sacs, dead-ends, and other street patterns which inhibit such street networks.	The proposed development concept includes pedestrian networks which serve to connect each of the residential areas to adjacent commercial and commercial areas. Additionally, no dead ends (unless requested by the City) have been proposed and focal points in the neighbourhood including amenity areas, parkettes, and commercial areas with outdoor seating have been included. These design elements are discussed in Sections 3.2 (Conceptual Layout and Phasing), 3.3 (Conceptual Community Design), and 3.6 (Transportation).

Policy Section	Policy text and/or Summary if deemed applicable	Planning Rationale
	7.6.2.2. Streetscapes (e) New development and redevelopment shall contribute to achieving an attractive, pedestrian-oriented streetscape by generally locating buildings close to the street, orienting principal entrances towards the street, and locating active uses at street level.	As discussed in Sections 3.2 (Conceptual Layout and Phasing), 3.3 (Conceptual Community Design), and 3.6 (Transportation) the entire proposal is pedestrian oriented with entrances towards sidewalks and trails from each housing type to the commercial area and towards downtown and neighbouring parks. Where Condominium roads are proposed, entrances are oriented towards the street with the exception of one type of condo unit which has entrances oriented towards a walking trail and covered laneways in the street. While garages are in some cases facing the streets, they are well integrated into the streetscape.
	7.6.2.3 Streetscapes: Addresses a number of policies specific to ensuring functionality and attractiveness of streetscapes. Subsection g) states that [i]n residential areas, garages shall be designed to appropriately integrate with the streetscape. Garages shall not dominate the frontage of the lot, unless plans are submitted by the applicant to demonstrate to the satisfaction of the City that the garages can be appropriately integrated with the streetscape.	
	7.6.2.4. Public Spaces (a) Public facilities, parks, trails, seating areas, play equipment, open spaces, and recreational facilities shall be of universal design, and integrated into neighbourhoods to facilitate healthy and active lifestyles for all ages and abilities.	Building code requires accessibility for public spaces on site. Connecting trails will be accessible, where appropriate.
	7.6.2.4.(d) Enhanced landscape treatments and other features such as seating areas, low masonry walls, rockery, special building and roofline treatments, landmark features (e.g. clocks, towers, cupolas, bays, pergolas, weather vanes, art), outdoor activities areas (e.g. patios, plazas, squares) that define the street and public open space, frame important views and vistas, direct pedestrian movement, and contribute to a strong sense of place and character are encouraged within the City Centre, areas designated Open Space, and the Bayshore Planning Area, and other appropriate areas of the City.	The conceptual plan integrates outdoor balconies, landscaping, view points to the shoreline, and seating areas to create a sense of place. Further details on the specific design elements will be provided at detailed design.
	7.6.2.5. Site Layout(a) The site layout of a new development should be designed to respond to the existing built form, surrounding uses and the existing and planned character of the surrounding area. (b) Driveways, aisles, walkways, and the layout of parking areas shall be designed to achieve an efficient, safe, and accessible on-site vehicular and pedestrian circulation system that minimizes conflicts between pedestrian and vehicular movements. […](d) Development and redevelopment shall be designed to contribute to a safe and comfortable environment for pedestrians by providing walkways that are well lit, accessible, attractive, and safe and that are connected to the public sidewalk and parking areas.	The existing character of the area is primarily recreational and commercial. As such, the site has been designed understanding it's linkage between the downtown and the shoreline. Sidewalks have been placed in strategic areas to avoid vehicular traffic (including in areas separate from private roads and/or on the other side of areas with side by side parking areas. Sidewalk and trail design elements will be incorporated at detailed design but can be accommodated on the site.
	Section 7.6.2.6. Built Form, Scale, and Massing (b) Building design for non-residential, mixed-use, and multi-residential uses shall consider the following: i. locating buildings close to the street with greater massing at major intersections and in central areas; […]x. creating private and shared amenity areas in multi-residential and mixed-use developments; e) Maximum building heights shall be established by the Zoning By-law.	The proposal is well designed to create appropriate scale and massing. While an exception to the building height is proposed, height impacts are minimized. See Section 5.1 for associated rationale.
Section 7.7 Sensitive Land Uses	7.7 (e) Development applications including Official Plan amendments, Zoning By-law amendments, Plans of Subdivision, and Consents, proposing residential or other noise sensitive land uses between 300 metres and 1000 metres from the limits of the CN Belleville Rail Yard or within 300 metres of the limits of a railway line shall include a noise feasibility study and such study shall be to the satisfaction of the Municipality and the appropriate railway company. The Municipality may also require, in addition to a noise feasibility study, a detailed noise study and if such is required it shall be to the satisfaction of the Municipality and the appropriate railway company. Residential and other sensitive land uses are prohibited within 300 metres of the limits of the CN Belleville Rail Yard.	As discussed in Section 5.2.4 of this report, a vibration assessment and noise assessment was completed due to adjacent railway corridors. Landscape strips, berms, and fencing between the development and the railway have been addressed in the concept plan in accordance with applicable guidelines on land use compatibility.
	7.7 (i) Where a noise study completed to the satisfaction of the Municipality identifies and recommends appropriate mitigation measures, the recommendations shall be implemented as a condition of approval. Measures may include: • sound isolation or sound reduction measures, construction techniques, and materials including the acoustical performance of exterior walls, windows and doors; • layout and design of the structure including the size and location of windows and doors, or outdoor living areas and the location of non habitable space within the structure to further mitigate noise impacts; • spatial separation from the source, including the insertion of permitted sound-insensitive uses between the source and receivers; and/or, acoustical barriers such as berms, sound barrier versions of living walls, walls, favourable topographic features, or other intervening structures, where appropriate and according to all other policies of this Plan	
Section 7.8 Hazardous Uses and Contaminated Lands	7.8.3 Contaminated Lands and Brownfield Sites Brownfield sites are undeveloped or previously developed properties that may be contaminated and are typically underutilized, derelict or vacant. Rehabilitation and redevelopment of these sites is important to achieving the land use, economic development and environmental goals of this Plan. The following policies apply to all lands within the Official Plan, particularly those located within the Community Improvement Project Area which includes all of the Urban Serviced Area shown on Schedule B.	The subject lands are located adjacent to a former waste management site. Site contamination is addressed with former approvals which will cap the site. Further details are provided in Section 5.2.1 (Site Constraints Analysis - Man-Made Hazards/Contaminated Site).
	7.8.3 (a) Certain sites and lands in their vicinity within the community are known or suspected to have soils contaminated with residues of current or previous industrial or commercial land uses (i.e. hydrocarbons, heavy metals) which would preclude reuse of such lands for other purposes without first eliminating or reducing the contamination levels to acceptable levels. The Municipality shall encourage the rehabilitation and redevelopment of these sites as a means to achieve environmental enhancement, neighbourhood revitalization, efficient use of existing urban services and to remedy the urban blighting effects of vacant and derelict properties. Where sites may be contaminated, such sites could have the potential for adverse effects on human and/or the natural environment and their remediation is a principal goal of this Plan.	

Policy Section	Policy text and/or Summary if deemed applicable	Planning Rationale
Section 7.11 Open Space System	Policies specific to open space/parks systems. Private lands policies discussed below: 7.11.3 Recreation Facilities on Private Lands a) The Municipality may require the provision of on-site recreational facilities in large multi-unit residential developments. The facilities should be oriented to the recreational need of the residents of such development. Such areas should not be considered as part of the land dedication requirements for parkland purposes. b) On-site recreational facilities should be tailored to the particular requirements and needs of the residents of the proposed development, and should be proportionate in size and scale of the development they serve. Particular emphasis should be given to the establishment of playground equipment for young children.	The site design includes plans for private and common amenity areas appropriate for the size of the development. Site also has connections to nearby amenities. See Section 2.1.1 (Nearby Amenities), Section 3.2 (Conceptual Layout and Phasing), and Section 3.3 (Conceptual Community Design) for further details.
Section 7.12 Water Resources	b) Other than land uses which by necessity must be located immediately adjacent to the water's edge (i.e. marinas and related uses, boat dockage/launching facilities, dams/hydroelectric facilities), buildings and structures should be adequately set back from the high-water mark in order to minimize visual disruption and to help avoid water pollution and property damage. The appropriate setback distances shall be determined in consultation with the Conservation Authority, at a minimum of 15 metres, taking into account issues such as engineered flood-lines, potential for erosion, wave up-rush potential, fish and wildlife habitat, and public access to the water.	The subject proposal has a shoreline setback of 15 metres as shown in Appendix C.
	(c) An impact assessment of a large development proposal on a site abutting a water body shall be required to ensure water quality protection. The study should take into consideration the existing water quality of the water body, surface water run off, impact and loadings of phosphorus from septic systems, type of soils, stormwater management and nature of vegetation. For new lot creation, development, including the septic system tile bed, must be set back a minimum of 30 metres from the high-water mark of any permanent waterbody with non disturbance of the native soils and very limited removal of shoreline vegetation. For existing lots of record, new development should be set back 30 metres if possible, otherwise as far back as the lot permits. (d) To restore and enhance the Bay's ecosystem the Bay of Quinte Remedial Action Plan encourages the Municipality to … protect fish and wildlife habitat and shoreline along the Bay.	The subject proposal has been setback as far back as possible while also accommodating density needs for the residential development to meet high density targets. Impacts of the distance to shoreline and fish habitat have been addressed in Section 3.5 (Stormwater Management) and Section 5.2.3 (Natural Heritage).
	7.12.1 Source Water Protection f) Applications for development within 300 metres of the IPZs identified in the approved Quinte Region Source Protection Plan, shall be circulated to Quinte Conservation for comment and reviewed in the context of source water protection.	Source water protection is address in Section 5.2.7 (Sensitive Water Resources). It is understood comments related to this will be provided.
7.13 Tourist-related Development	Includes policies encouraging restaurants along the shoreline.	Commercial space, including restaurant provision is contemplated in the proposed development.
7.14 Energy Conservation and Climate Change	7.14 addresses a number of measures to consider in mitigating climate change. Including but not limited to (h) Energy conserving features supported by this Plan include: […] • development of higher density uses adjacent to transit routes • development of trail systems to provide alternative transportation services	The proposal has been developed to be a high density, transit oriented, compact, and well designed. Furthermore, climate change was considered in overall designs. See Section 3.5 (Stormwater Management), 3.5 (Transportation), and Section 5.2.2 (Natural Hazards).
7.16 Residential and Non-Residential Intensification	7.16 (a) This Plan supports compatible housing intensification and infill development, such as: infilling on existing lots of record and maximizing use of underutilized lots… (g) The Zoning By-law shall prescribe a minimum density for sites that represent the best opportunities for the City to achieve its intensification targets. When a proposed development does not comply with the minimum density prescribed in the Zoning By-law, the proponent shall provide an analysis through a planning justification report to support the Official Plan Amendment and zoning by-law amendment.	The proposal is a high density residential development which meets intensification requirements as was discussed in response to Policy 4.6 above.
Section 8: Implementation	Speaks to development application requirements and municipal implementation mechanisms/requirements. Includes specifics on Plans and Plan Review (8.12) and Public Consultation requirements in development review (Section 8.14) .	Assumed addressed through pre-consultation checklist and municipal consultation as discussed in Section 6.2 (Public Interest)
Section 9: Interpretation	Specific to mapping and policy interpretation.	Considered as it relates to Open Space designation mapping interpretation on subject lands (assumed 15 metres from shoreline). Otherwise this policy is not applicable.

6.2.1 Additional Review Requirements

Indigenous and public consultation are key components of assessing representation of public interest for a development proposal. It has been assumed that First Nation engagement and statutory public consultation efforts will be led by the City through the development evaluation process. The author of this report is committed to ensuring these interests are considered and/or accommodated. A report addendum addressing commentary from the public and indigenous community members will be provided to ensure public interest is met, as necessary.

6.3 Good Planning

All decisions under the Planning Act should represent 'good planning'. While the definition of good planning is complex and guided by public interest, the Ontario Professional Planners Institute website describing planning generally (https://ontarioplanners.ca/oppi/about-oppi/about-planning) states that good planning should result in *"well-planned and enjoyable communities that have the amenities people need"* and that "[t]*hese communities contribute to wellbeing and long-term societal goals like housing affordability, economic activity, and fighting climate change*."

It is the authors opinion that the policies within the Planning Act, PPS, and the CBOP serve to ensure decisions are rooted in good planning principles. As such, the policy review and analysis within Section 6.2, in combination with our public interest analysis in Section 6.3 serve to demonstrate that the proposal is good planning.

7 Conclusion

It is the author's opinion that the requested Amendments to the City of Belleville Comprehensive Zoning Bylaw for 25 Old Bridge Bay Road will serve to enable a residential community with commercial uses that:

- Is considered redevelopment of a brownfield site within the settlement area;
- Provides housing and commercial stock in the City of Belleville which exceed associated intensification targets for the site;
- Has close access to transit and nearby walking trails and parks which will also provide visual interest and a sense of place in the Bayshore Planning Area for future residents and the entire City of Bellevile Community;
- Will have appropriate stormwater controls and can be serviced with existing municipal infrastructure and private waste collection;
- Can be accommodated with existing road infrastructure without needed upgrades; and
- Is designed to accommodate mitigation measures needed to address all applicable site constraints.

Based on the above and the analysis provided in Section 6 of this report, it is the author's opinion that the subject application:

1. has regard for Section 2 of the Planning Act,
2. is consistent with the Provincial Planning Statement,
3. conforms to the City of Belleville Official Plan,
4. is in the public interest,
5. represents good planning, and
6. should be approved.

Appendix A: Plan of Survey

PLAN OF SUBDIVISION

PART OF LOT 4
LOTS 5, 6, 7 AND 8
NORTH OF WATER STREET
PART OF LOT 5
LOTS 6, 7, 8, 9, 10 AND 11
SOUTH OF WATER STREET
PART OF LOTS 1, 2, 3 AND 4
SOUTH OF DUNDAS STREET
PART OF ANN STREET CLOSED BY RBL 135 BY-LAW 3766
PART OF JAMES STREET AND PART OF WATER STREET CLOSED BY RBL 135 BY-LAW 3766 CLOSED BY HT 169587 BY-LAW 2015-34
REGISTERED PLAN 14 THURLOW
PART OF LOTS A AND B
LOTS C AND D
SOUTH OF DUNDAS STREET AND WEST OF ANN STREET
PART OF LOT 77
PLAN HASLETTS THURLOW
PART OF LOTS 4, 5, 6 AND 7
REGISTERED PLAN 9 THURLOW
PART OF WATER LOT IN FRONT OF LOT 3 CONCESSION 1 THURLOW
PART OF THE BED OF THE BAY OF QUINTE IN FRONT OF LOT 3 CONCESSION 1 THURLOW
NOW IN THE CITY OF BELLEVILLE
COUNTY OF HASTINGS

METRIC SCALE 1 : 500

0 5 10 15 20 25 50 METRES

KEITH WATSON O.L.S.

AREAS	
BLOCK	AREA
1	11168.0 m.^{2}
2	4601.8 m.^{2}
3	4473.5 m.^{2}
4	4318.0 m.^{2}
5	1.623 Hectares

Approved under Section 51 of the Planning Act, R.S.O. 1990, by the Council of the Corporation of the City of Belleville this 1st day of DECEMBER 2022

GREG PINCHIN
Manager, Approvals

PLAN 21M- 318

I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF HASTINGS (21) AT 15:31 O'CLOCK ON THE 18th DAY OF January 2023 AND ENTERED IN THE REGISTER FOR PROPERTY IDENTIFICATION NUMBER 40477-0289 AND REQUIRED CONSENTS ARE REGISTERED AS PLAN DOCUMENT No. HT325213

Diane Dean
REPRESENTATIVE FOR LAND REGISTRAR

THIS PLAN COMPRISES PART OF THE LAND DESCRIBED IN PIN 40477-0289

METRIC :

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

OBSERVED REFERENCE POINTS DERIVED FROM GPS OBSERVATIONS USING REAL TIME NETWORK (RTN), UTM ZONE 18, NAD83 (CSRS) 1997 COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O. REG 216/10

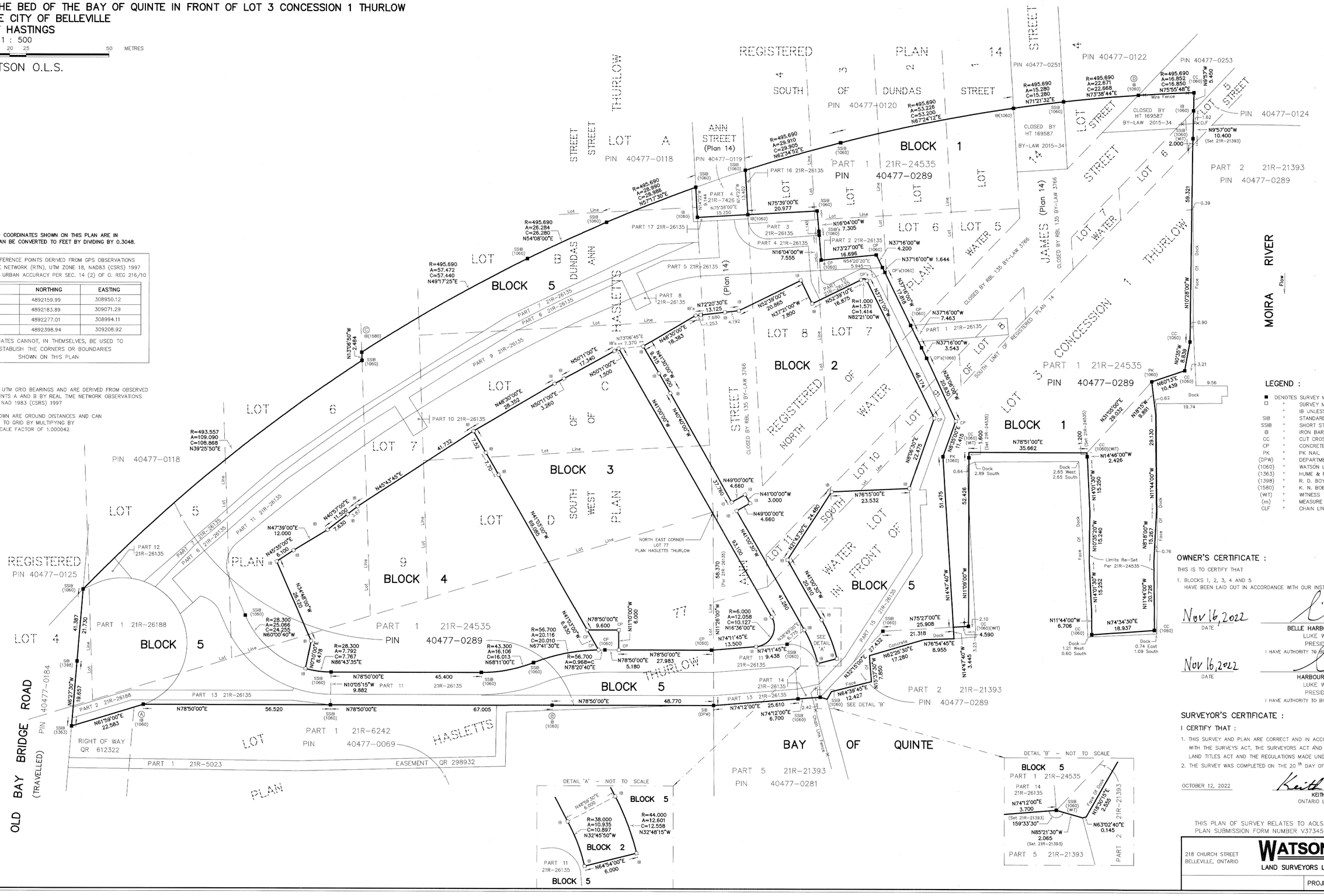
POINT ID	NORTHING	EASTING
A	4892159.99	308950.12
B	4892183.89	309071.29
C	4892277.01	308994.11
D	4892398.94	309208.92

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH THE CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

NOTES :

BEARINGS ARE UTM GRID BEARINGS AND ARE DERIVED FROM OBSERVED REFERENCE POINTS A AND B BY REAL TIME NETWORK OBSERVATIONS UTM ZONE 18, NAD 1983 (CSRS) 1997

DISTANCES SHOWN ARE GROUND DISTANCES AND CAN BE CONVERTED TO GRID BY MULTIPYING BY A COMBINED SCALE FACTOR OF 1.000042



LEGEND :

- ■ DENOTES SURVEY MONUMENT FOUND
- □ " SURVEY MONUMENT PLANTED
- " IB UNLESS OTHERWISE NOTED.
- SIB " STANDARD IRON BAR
- SSIB " SHORT STANDARD IRON BAR
- IB " IRON BAR
- CC " CUT CROSS
- CP " CONCRETE PIN
- PK " PK NAIL
- (DPW) " DEPARTMENT OF PUBLIC WORKS
- (1060) " WATSON LAND SURVEYORS Ltd.
- (1363) " HUME & PICKARD, O.L.S.
- (1398) " R. D. BOYCE O.L.S.
- (1580) " K. N. BOEHME O.L.S.
- (WIT) " WITNESS
- (m) " MEASURE
- CLF " CHAIN LINK FENCE

OWNER'S CERTIFICATE :

THIS IS TO CERTIFY THAT

1. BLOCKS 1, 2, 3, 4 AND 5 HAVE BEEN LAID OUT IN ACCORDANCE WITH OUR INSTRUCTIONS.

Nov 16, 2022
DATE

BELLE HARBOUR GP INC.
LUKE WILSON
PRESIDENT
I HAVE AUTHORITY TO BIND THE CORPORATION.

Nov 16, 2022
DATE

HARBOUR 25 LP
LUKE WILSON
PRESIDENT
I HAVE AUTHORITY TO BIND THE CORPORATION.

SURVEYOR'S CERTIFICATE :

I CERTIFY THAT :

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 20th DAY OF SEPTEMBER, 2022.

OCTOBER 12, 2022

Keith Watson
KEITH WATSON
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V37345

218 CHURCH STREET
BELLEVILLE, ONTARIO

WATSON
LAND SURVEYORS Ltd.

KBN – 3C3
(613) 962 – 9521

PROJECT № 8306-E-14

Appendix B: Existing Approvals

MEMORANDUM

TO: Doug Gray
Luke Wilson
Thomas Binczyk

FROM: David Spencer

DATE: December 20, 2024

FILE NO: 44427

RE: Belle Harbour - Harbour 25 LP re-development of Plan 21M-318

This will confirm that the decision has been made to cancel the Porta Condominiums Phase 1 project due to the financial state of the market and lack of sales. As discussed, the market for any Part 3 OBCA mid-rise/high rise condominiums in Ontario are depressed at this time due to the high financing and construction costs and the impacts of same on the purchase price for the units. We have been involved in various cancellations of high-rise projects this year throughout the GTA and other areas. Based on costs of construction and construction timelines, the only market in Ontario at this time appears to be low rise Part 9 OBCA residential dwellings.

I have attached a copy of Plan 21M-318 for reference (the "**Plan**"). The original plan was to register a plan of subdivision and create large development parcels comprised of Blocks 2, 3 and 4 on that Plan. Block 1 on the Plan is an existing Marina. These blocks together with Block 1 would then be developed as parcels-of-tied lands ("**POTLs**") that would be attached to a common element condominium ("**CECC**") to be registered on Block 5 of the Plan. Block 5 would contain the common water services for all the POTLs (satisfying OBCA conditions) as well as parking areas, all the internal drivelanes and certain landscaped areas. The intent was to create a development where the internal roads, amenities and services were private as opposed to municipal in order to achieve development entitlements while addressing the City's concerns with responsibility for services, etc..

Once a mid-rise building was constructed within a development block you were going to register a standard condominium within the Block/POTL. This is referred to as "nesting" in the development industry where a standard condominium is registered within a POTL (which is a freehold parcel of lands) and the standard condominium owners enjoy the rights of the POTL owner with respect to roads, services, etc.

With the lack of market you, like other developers, are required to pivot to a different housing product. I have attached the draft site plan provided to me for reference. Based on the revised site plan and residential product shown on this plan, I have the following comments on the path forward on the development.

1. The ultimate development parcels for the proposed townhouses and commercial building do not match the existing Blocks on the Plan.

2. The Plan is registered and therefore cannot be "red-lined".

3. The re-development plans continue to be to register a CECC and then to create standard condominiums within POTLs for the new development, with the only difference being that the product would be townhouses instead of mid-rises and potentially a small retail/residential condominium in the one POTL.

4. Most importantly and thankfully, the new development parcels do not need to follow the block plan of the existing Plan. Frankly all we really need is an underlying plan of subdivision in order to create the CECC. You would treat the Plan as essentially a "blank slate" for the purposes of the new condominium POTLs. Block 1 would be referred to and treated in its current form as it has already been conveyed to its beneficial owner and is under different ownership than the balance of the lands. I do not see this as an issue.

5. Assuming that we consider Blocks 2 to 5 as one current development parcel now, then you can use reference plans and part lot control exemption bylaws (which bylaws require an underlying plan of subdivision) to create new development parcels or POTLs required to re-define the lands and register the CECC. Thereafter you would follow the original plan and create and "nest" standard townhouse condominium corporations in the POTLs just as you previously intended to do with the mid-rise product. Same process just different physical product.

6. I do not think that you would try and address any servicing changes and revisions to the overall site plan through an amendment to the existing subdivision agreement or Plan as this would not make sense in my opinion. You have other development processes available. You can have a master site plan agreement with the City to deal with the site plan issues arising from the change in development and the change in product. In addition since the condominium draft plan approval for the overall CECC is an application pursuant to Section 51 of the ***Planning Act***, the same authority used to draft plan approve and register subdivisions, the City can have a development agreement pursuant to the draft plan approval for the CECC that effectively replaces the existing subdivision agreement to deal with changes in the internal roads, services, buffer blocks and berms etc.

7. Based on the foregoing we would anticipate the following steps to re-develop the site:

    a. Re-zoning of the lands to permit the revised development.

    b. Application and receipt of draft plan approval for the revised CECC.

    c. In conjunction with the draft plan approval, the developer would complete updates to the servicing, access, buffering and amenities in accordance with the revised development plan and revised proposed CECC.

    d. Registration of a reference plan that would delineate the new POTLs/development parcels.

    e. Passage and registration of a Part Lot Control Exemption Bylaw on Blocks 2 to 5 of the Plan utilizing the reference plan descriptions in order to create the POTLs and PINs within the Land Titles System. This involves registering a self to self transfer of lands based on the new reference plan to create new PINs or parcels

in the LRO that would match the proposed POTL and CECC boundaries. This is where you effectively treat the existing plan as a blank slate and ignore the existing block boundaries other than Block 1

f. Satisfy the conditions of CECC draft plan approval and register the CECC together with an updated development agreement dealing with amendments to the roads, services, etc,, from the form set out in the existing registered subdivision agreement.

g. Develop and construct the townhouse condominiums to be nested in the new POTLs attached to the registered CECC. This process would be identical to that as contemplated for the original PORTA development.

h. Draft plan approval for each condominium to be nested and the registration of several plans of condominium within the CECC POTLs.

i. Satisfaction of the conditions of draft plan approval for each proposed townhouse condominium and registration of the condominiums to be nested in the POTLs once the relevant construction completion requirement required by the *Condominium Act, 1998* have been met.

8. This steps memo is predicated on you being able to achieve a rezoning to permit the re-development of the lands in accordance with the site plan attached and we are available to assist in the discussions with staff on how to apply for and achieve those entitlements

We hope this provides a relatively straight forward explanation as to how to re-configure the existing development and the Plan to accommodate the proposed revisions.

We are more than happy to meet with staff at the City to discuss the details further as obviously this memo deals with the matters on a “broad brush” basis.

Regards

David Spencer

DocuSigned by:
9187984889A4484...

DS/DS

Appendix C: Conceptual Plan and Site Statistics

416.209.4424
rosalie@RDArchitect.ca
RDArchitect.ca

169 Shoreline Drive,
Oro-Medonte, ON L0L 1T0

ROSALIE DAWSON ARCHITECT INC.

Porta - Townhome Study

25 Dundas Street West, Belleville Ontario

Client: MDM Developments

drawing: Architectural Site Plan - Lot B Property Line Adjustment

issued for: Planning Coordination

scale:	1:750	plot date:	2025.12.23
job number:	21009		
drawn by:	RD		
dwg. ref. no:	N/A	drawing no:	1

Porta Low Rise Site Statistics

2025.10.16

Overall Site Statistics	Site Total	
Overall Site Area (m2)	29356.64 m2	
Overall Building Coverage (m2 | %)	8312.00 m2	28.31%
Landscaped Area Excluding Lots (m2)	8757.58 m2	
Landscaped Area of Lots (m^2)	11936.71 m2	40.7%
Total Parking Space Count		
Residentail Parking (x .75)	160 Req'd	202 Provided
Residential Parking Visitor (x .25)	43 Req'd	53 Provided
Commercial Parking	*33 Req'd	33 Provided
Min. Building Setback to Water	15.0m	
Total Residential Units	213	
Total Residential GFA (m2)	19638.32 m2	
Total Res. Private Outdoor (m2)	2777.80 m2	
Total Commercial GFA (m2)	660.00 m2	

*Area deducted at north east Marina access 71 m2

Previous total 29428 m2

* Calculated at 5 spaces per 100sf Commercial

Individual Lot Statistics





Lot Information	Lot Type A - Stacked Town		Lot Type B - Stacked Town Back-to-Back		Lot Type C - Stacked Town		Lot Type C - Stacked Town		Lot Type D - Stacked Town		Commercial A, Condos Above	
	11	Total Lots	40	Total Lots	12	Exterior Lot Module	12	Interior Lot Module	10	Double Lot Module	1st Floor Commercial 2nd-6th Residential	
	Per Lot	*TOTAL*	Per Lot	*TOTAL*	Per Lot: Exterior	*TOTAL*	Per Lot: Interior	*TOTAL*	Per Double Lot	*TOTAL*		
Lot Area (m^2)	162.2		89.1		154.58		125.2		289.46		Building Coverage m2	465
Building Coverage (m^2)	95.06	*1045.66*	69.61	*2784.4*	69.19	*830.28*	67.91	*814.92*	104.58	*1045.8*	Commercial Area m2	210
Building Coverage (%)	59%		78%		45%		54%		36%		Dwelling Units	20
Landscaped Area (m^2)	19.85	*218.35*	19.49	*779.6*	66.05	*792.6*	38.59	*463.08*	92.55	*925.5*	Residential Parking	18
Landscaped Area (%)	12%		22%		43%		31%		32%		Residential Visitor	5
Dwelling Units	2	*22*	2	*80*	2	*24*	2	*24*	4	*40*	**Dwelling Unit GFA m2**	**2,075**
Parking - Residential	3	*33*	2	*99*	2	*30*	2	*30*	4	*40*	**Commercial Block B**	
Minimum needed .75 Res w/ .2 Visitor	21 (12 additional shown)		76 (13 additional shown)		23 (7 additional shown)		23 (7 additional shown)		38 (2 additional shown)		1st floor commercial, 2nd residential	
Setbacks											Building Coverage m2	150 m2
Front Yard	7.5m		4.1m		6.2m		6.2m		3.4m		Commercial Area m2	450 m2
Side Yard (Interior)	0m		0m		0m		0m		0m		Residential Units	3
Side Yard (Exterior)	1.2m		1.2m		1.2m		n/a		3.0m to C.L. Driveway		**Amenity Building**	
Rear Yard	5.0m		0m		5.0m		5.0m		11.4m		Amenity Bldg Coverage	610 m2
Maximum Building Height	15.5m		15.0m		14.5m				15.0m		Amenity Outdoor area	1044 m2
											Total Comm. Parking	**33**

Unit Sizes	sf	Outdoor sf	sf	Outdoor sf	sf	Outdoor sf		sf	Outdoor sf
Unit #1 Lower	1180	500	700		730	280	Unit #1 Lower	740	100
Unit #2 Upper	1650	280	1130	150	1200	150	Unit #2 Upper	1100	150
Unit #3 Lower							Unit #3 Lower	900	100
Unit #4 Upper							Unit #4 Upper	1100	150
Lot Totals	2830	780	1830	150	1930	430		3840	500
All Lots Totals sf	31130 sf	8580 sf	73200 sf	6000 sf	46320 sf	10320 sf		38400 sf	5000 sf
All Lots Totals m2	**2892.07 m2**	**797.11 m2**	**6800.50 m2**	**557.42 m2**	**4303.27 m2**	**958.76 m2**		**3567.48 m2**	**464.52 m2**

Commercial

660.00 m2

Plot Date: 2025.10.16
Issued For: Information

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169 Shoreline Drive,
Oro-Medonte, ON L0L 1T0

ROSALIE DAWSON ARCHITECT INC.

Appendix D: Development Renderings

AERIAL VIEW

BLOCK A


ANNY

BLOCK B

BLOCKS B AND D, AND CAFE

BLOCK C

BLOCK D

BOATHOUSE

PROPERTY ENTRY

RETAIL AND CONDO

Appendix E: Design Guideline Checklist

25 Old Bay Bridge Rd - Rezoning Application - Development Design Guideline Checklist			
Design Guideline Category	**Checklist Item**	**Provided or Will Provide in Detailed Design**	**Reason for N/A**
Streetscape-Road-On street Parking	Parallel on-street parking is provided.	Yes	
	Parking spaces within bump-outs include sufficient space for landscaping and snow storage.	Yes	
	In downtown or historic areas, on-street parking spaces are differentiated by interlocking pavers, coloured concrete, or patterned concrete.	N/A	Development not in downtown or historic area
	In downtown or historic areas, curbs may be made of coloured concrete.	N/A	Development not in downtown or historic area
	A curb cut at either end of a bump-out or a full dropped curb along the parking area is provided for barrier-free access to the main path of travel.	Yes	
Streetscape Sidewalk	Sidewalks have a minimum 1.5-metre clear travel path that is unobstructed.	Yes	
	Where curb ramps are provided, sidewalks are a minimum of 1.2 metres wide.	Yes	
	Sidewalks are a minimum of 1.8 metres wide.	Yes	
	Barrier-free connections (e.g., curb cuts) between the street and sidewalks are provided, complete with a tactile walking surface indicator.	Yes	
	Sidewalks are constructed of poured concrete, however unit paving, patterned concrete, or coloured concrete may be used as an edge condition on the sidewalk for variation and visual interest.	Yes	
	Sidewalks are connected to adjacent recreational trail networks, where applicable.	Yes	
Streetscape-Sidewalk-Mixed Use and Commercial Areas	Mixed use and commercial area boulevards are a minimum of 4 metres wide and is comprised of a 1.5-metre wide walkway and 2.5 metres of other hardscape and/or landscaping.	N/A	No MX or commercial boulevards planned
	Sidewalks in mixed use and commercial areas are widened at intersections.	Yes	
	Sidewalks in mixed use and commercial areas have a minimum width of 1.8 metres.	Yes	
	Feature paving is integrated into sidewalk design in mixed use and commercial areas in a manner that is consistent and compatible with the surrounding context.	Yes	
Streetscape-Sidewalk-Residential Areas	If a street in a residential area does not carry through-traffic, then a sidewalk is provided on one side.	Yes	
	If a street in a residential area carries through-traffic, then a sidewalk is provided on both sides.	N/A	No through traffic in development
	Sidewalks in residential areas are connected to sidewalks in adjacent neighbourhoods and connect to sidewalks in other districts.	Yes	
Streetscape-Pedestrian Crossings	Crosswalks provide continuous connections between sidewalks.	Yes	
	Crosswalks are designed with high tonal contrast lines.	Yes	
	Curb cuts at a crosswalk are not angled towards the intersection or a vehicular lane, but rather they are oriented towards the path of pedestrian travel.	Yes	
	Curb cuts at a crosswalk are limited to the path of the pedestrian crossing and are not dropped around the full corner of the sidewalk.	Yes	
	Traffic-controlled crosswalks are complete with accessible pedestrian signals that have tactile and audible features.	N/A	No traffic controlled crosswalks planned
	Crosswalks at intersections with higher volumes of traffic have textured edges and sound-assisted devices to help pedestrians orient themselves and identify potential hazards in the roadway.	N/A	No crosswalks at high-volume intersections planned

Streetscape-Pedestrian Crossings-Mixed Use and Commercial Areas	Mixed use and commercial area crosswalk design uses feature paving such as coloured concrete or unit pavers specifically designed to be accessible that is consistent with the surrounding context.		
	Pedestrian priority signalization is provided in mixed use and commercial areas.	Yes	
Streetscape-Street Furniture	Street furniture elements are coordinated with one another as a unified street furniture suite.	N/A	No pedestrian signalization planned
	The quantity and type of street furniture are chosen based on the setting, but their design is consistent with the preferred street furniture suite throughout the City.	Yes	
	Street furniture is not located within the clear path of the travel to not obstruct or impede pedestrian movement, emergency vehicle access, or snow removal.	Yes	
	Street furniture does not obstruct driver visibility or create unsafe conditions at intersections.	Yes	
	Benches, pedestrian-scaled lighting, waste receptacles, and bicycle parking are provided in areas of high pedestrian activity, and in conjunction with seating areas, pedestrian entrances, parking areas, washrooms, key destinations.	Yes	
	Benches, waste receptacles, and bicycle parking are accessible via a barrier-free path of travel and sited at regular intervals along circulation routes.	Yes	
	At least 50% of seating options are accessibly designed, in that they have: back rests; arm rests; a seat height between 450 millimetres to 500 millimetres above ground level; and a seat depth between 330 millimetres and 510 millimetres.	Yes	
	Seating elements provide a clear space on one side for mobility device parking, stroller parking, service animals, or other accessibility aids.	Yes	
	Specially designed street furniture elements are provided at gateways and along roads that lead to key destinations.	Yes	
	Raised planters located in the boulevards are designed to provide alternative seating along the sidewalk edge.	Yes	
	Benches are placed so that they can function all year round.	Yes	
	Benches are made of natural materials that are attractive, durable, and comfortable.	Yes	
	Light fixtures are pedestrian-scaled, designed to reduce light pollution, and are solar-powered (where feasible).	Yes	
	Bicycle racks for short-term use are located close to the building entrance and public sidewalk and, where feasible, are also sheltered.	Yes	
	Bicycle racks are a post-and-ring style constructed of aluminum or galvanized steel.	Yes	
	Recycling and litter receptacles are grouped together or integrated in a single waste receptacle container.	Yes	
	Waste receptacles are universally designed (e.g., in consideration of those who may require seated mobility devices and cannot reach a standard waste receptacle).	Yes	
	Waste receptacles are configured as side-opening containers.	Yes	
	Waste receptacles are wildlife-proof.	Yes	
	Public art pieces are durable and easily maintained.	Yes	
	Public art pieces are installed in locations that offer opportunities for natural surveillance.	Yes	
	Public art pieces are complemented with appropriate landscaping.	Yes	
	Public art is both physically and visually accessible and barrier-free.	Yes	
	Information kiosks are in highly active pedestrian areas but do not obstruct pedestrian movement.	N/A	No information kiosks planned
	Information kiosks are limited in size without compromising legibility of information.	N/A	No information kiosks planned

	In mixed use and commercial areas, street furnishings have a unique but consistent theme and provide a unified streetscape appearance.	Yes	
Streetscape-Street Trees	Existing street trees, street tree stands, and vegetation are protected and incorporated into site design and landscaping.	Yes	
	Species of street trees are salt-tolerant and native to the area.	Yes	
	Street trees do not obstruct sight lines or create unsafe conditions.	Yes	
	Street trees have a minimum of 2.1 metres of headroom clearance when along paths of travel.	Yes	
	Street trees do not cause interference with large vehicles or obstruct driver visibility.	Yes	
	Street trees are planted 6 to 9 metres apart based on the mature size of the street tree species.	Yes	
	In paved boulevards, street trees are planted a minimum of 1.5 metres from the curb.	Yes	
	Street trees are planted within a landscaped boulevard of 2.5 metres wide beside the curb edge.	Yes	
	Street trees are planted with appropriate clearances from utilities and streetlights base on their size at maturity.	Yes	
Streetscape-Signage	Signs do not obstruct pedestrian or vehicular sight lines.	Yes	
	Signs do not obstruct pedestrian sightlines to the waterfront.	Yes	
	Signs do not obstruct pedestrian circulation.	Yes	
	The scale and design of the signage is compatible with the area's character.	Yes	
Streetscape-Above-Ground Utilities	Above-ground utility boxes/cabinets/vaults are located and/or screened from public view.	Yes	
	Above-ground utility boxes/cabinets/vaults are grouped where possible to minimize visual clutter.	Yes	
	Above-ground utility boxes/cabinets/vaults are located on one side of the street, where possible.	Yes	
Streetscape-Transit Shelters	Transit shelters are accessible from sidewalks and are barrier-free.	N/A	No transit shelters planned
	Transit shelters include bench seating, where feasible.	N/A	No transit shelters planned
	Transit shelters are located to not obstruct pedestrian circulation.	N/A	No transit shelters planned
	Transit shelters are designed to provide for weather protection for 8 to 10 people.	N/A	No transit shelters planned
	Transit shelters are located between 1 metre and 3 metres from the curb, with adequate space for winter maintenance (e.g., snow-clearing).	N/A	No transit shelters planned
	Transit shelters should have a clear turning radius of at least 1.5 metres in diameter.	N/A	No transit shelters planned
Streetscape-Road-Roundabouts	Appropriate investigation has been completed to identify potential suitable sites.	N/A	No transit shelters planned
	Adequate space is (or can be made) available to accommodate roundabouts.	N/A	No transit shelters planned
	Traffic patterns (existing and future) are compatible with proposed designs.	N/A	No transit shelters planned
	Roundabouts are accessible to all road users, including pedestrians and cyclists, as well as larger trucks.	N/A	No transit shelters planned
Buildings-Environmentally Responsible Materials and Practices	New building design incorporates recycled construction materials that have been salvaged from demolition, contain post-consumer waste, or purchased from building demolition sales, salvage contractors, and used materials dealers.	N/A	Not currently planned to be apart of detailed design
	Vegetated or "green" roofs are incorporated into the building design.	N/A	Not currently planned to be apart of detailed design

	Downspouts are sufficiently distributed along the perimeter of the building's rooftop to direct stormwater run-off, in part or fully, into landscaped areas or sites where lot size and soil conditions are adequate to absorb such runoff.	Yes	
Buildings-Residential-General	The residential building design considers Crime Prevention Through Environmental Design (CPTED) principles, particularly the frontage that faces a street.	Yes	
	Privacy fencing is only used in the back yard.	Yes	
Buildings-Residential-Variation and Density	The housing typology suits the character and density for the neighbourhood.	Yes	
	Design repetition (e.g., in style, elevation, and materials for residential housing typologies) is used without impacting the visual variety of the residential streetscape.	Yes	
	The residential development incorporates setbacks and/or stepbacks to appropriately transition its form to adjacent residential development.	Yes	
	The roof design of the dwelling is distinct from, but complementary to, roof designs of other dwellings along the street.	Yes	
	The mass and height of the roof are generally consistent with those of adjacent dwellings.	Yes	
	The roof is composed of materials that complement the exterior materials and design of the dwelling.	Yes	
	Where sloped roofs are required, a minimum 30-degree slope is recommended.	Yes	
	The dwelling incorporates various roof elements (e.g., chimneys, dormers, pitches, cupolas, vents) to create visual variety along the residential streetscape.	Yes	
	The dwelling does not have false windows and dormers.	Yes	
Buildings-Residential-Articulation and Detailing	The front façade of the dwelling (and garage, if applicable) is maximized (e.g., with a front porch, grade level windows, above-garage balconies) to have a distinct street presence without dominating the residential streetscape.	Yes	
	Flanking facades are designed and use facing materials (brick, stone, wood, and/or metal) to an equal standard to the front façade.	Yes	
	Walls are made of energy- and maintenance-efficient materials.	Yes	
	The dwelling incorporates architectural elements that complement adjacent dwellings without compromising the visual variety of the residential streetscape.	Yes	
	The dwelling has weather protection measures (e.g., canopies) for its entrances, access points, and outdoor amenity spaces (i.e., porches, decks, balconies).	Yes	
	Decks or balconies are provided as outdoor amenity spaces for upper units in stacked townhouses and other multi-unit dwellings.	Yes	
	Porch railings and columns are integrated, physically and visually (i.e., through complementary materials).	Yes	
	Finish materials extend to all sides of the porch and stairs.	Yes	
	The underside of the porch is not visible from the street.	Yes	
	The design of the front porch, if present, is visually similar in scale and design to those of the adjacent dwellings.	Yes	
	The dwelling with a visible side yard has a wraparound porch or veranda.	N/A	Dwellings are not planned to have visible side yards
	The dwelling has windows (e.g., bay windows) on its façades (front, side) that face a public street.	Yes	
	The skylight, if present, coordinates well with other elements of the dwelling, particularly roof elements.	N/A	No skylights planned for development
	Clerestory windows, if present, provide a structural and coordinated junction between the building wall and roof.	N/A	Not planned for development
	The garage (attached or detached) does not visually dominate the streetscape.	Yes	

Buildings-Residential-Garages	The garage, if attached to the dwelling, does not project beyond the porch or the front façade of the dwelling.	Yes	
	Garage door widths are minimized and not wider than 50 percent of the house width.	Yes	
	The design of the garage incorporates construction materials, windows, and other architectural details to complement the character and quality of detail of the dwelling.	Yes	
	Where the dwelling is accessed by a laneway or front driveway, the garage, if detached from the dwelling, is not at the front of the dwelling.	Yes	
	Where the dwelling is accessed by a front driveway, the garage, if attached to the dwelling, does not protrude past the front façade.	Yes	
Buildings-Residential-Coach Houses	The design and quality of the coach house complements the principal dwelling.	N/A	No coach houses in planned development
	If the coach house has an upper level, the stairs are not located in the lane of the property.	N/A	No coach houses in planned development
	The coach house, if only one storey in height, has dormers and windows within its structure and roof.	N/A	No coach houses in planned development
	The locations of the windows allow for views to the public street and, if present, the laneway of the property, but do not impact the privacy of adjacent properties.	N/A	No coach houses in planned development
Buildings-Residential-Parking	The combined width of the paved driveway and its curb cuts is less than that of the garage for the dwelling.	Yes	
	Where possible, the driveway is composed of permeable materials to reduce stormwater run-off into the drainage system.	Yes	
	The driveway for a corner lot dwelling (excluding townhouse blocks, back-to-backs, and semi-detached dwellings) is accessed from the nearest minor roadway.	N/A	Situation not present in development plan
	If the driveway is wide enough to accommodate two vehicles parked side by side, the length of the driveway is limited to only one vehicle.	N/A	Two-vehicle long driveways are proposed as they service 4 residential units
Buildings-Commercial-General	New commercial building or development has flexible a floor plate, building envelope, and building façade design.	Yes	
	There is direct access to the building entrance from the sidewalk.	Yes	
	There are safe and barrier-free paths of travel from bus stops or street sidewalks to commercial building main entrances, where applicable.	Yes	
	Large commercial developments include a safe and barrier-free passenger drop-off and pick-up or “loading” zone located near a main entrance and along a barrier-free path of travel.	N/A	No large commercial developments planned
	Commercial buildings have active uses (e.g., commercial space) at grade.	Yes	
	At-grade commercial units have their own entrances.	Yes	
	There is a single main entrance and lobby to access above-grade units in a commercial building.	Yes	
Buildings-Commercial-Large Format Retail	Buildings with long façades are visually broken up through the use of architectural detailing, entrance features, recesses, and projections along the length of the façade.	N/A	No large format retail planned
	The front façade of the large format retail development does not compromise sunlight access to the street.	N/A	No large format retail planned
	At-grade, smaller retail units of the principal large format retail building have their own display windows and separate entrances.	N/A	No large format retail planned
	The primary building entrance faces the street and is visually prominent through the use of canopies or porticos, arcades, and/or landscaping.	N/A	No large format retail planned
	If the commercial building is on a corner lot, there is a main entrance for each façade that faces a street.	N/A	No large format retail planned
	There is direct access, via sidewalks or pathways, to all building entrances to the large format retail development.	N/A	No large format retail planned
	The exterior of the large format retail development is designed with visually pleasing materials (e.g., brick, wood, or stone) that suit the character of the area.	N/A	No large format retail planned

	If stucco, concrete block, or Exterior Insulation Finishing System (EIFS) panels are used, they are used in moderation.	N/A	No large format retail planned
	There are no blank façades that face the public realm.	N/A	No large format retail planned
	There are no false upper floors.	N/A	No large format retail planned
Buildings-Commercial-Commercial Retail Units	Commercial retail units are arranged (e.g., through continuous alignment and a coordination and rhythm of entrance locations) to create a continuous streetscape appearance.	Yes	
	Building entrances to commercial retail units face the main public street. Where this is not possible, there is a clear and direct route from the public sidewalk to the entrance.	Yes	
Buildings-Commercial-Interim Uses	Except for minor buildings and structures, commercial buildings and other facilities are designed for the long term.	Yes	
	Shadow impacts are mitigated for taller commercial buildings and structures in the City Centre and along arterial roads.	N/A	Development not located in City Centre or on an arterial rd
Buildings-Commercial-Drive-Through	The drive-through is designed to be cohesive and integrate well with both its principal building and the streetscape.	N/A	No drive-through development planned
	Stacking lanes are not located between the building and the street.	N/A	No drive-through development planned
	The access point to the drive-through is located away from a street intersection.	N/A	No drive-through development planned
	The vehicular access point for the drive-through is narrow enough and strategically located to reduce curb cuts and limit the amount of vehicular traffic crossing the sidewalk.	N/A	No drive-through development planned
	Restaurant drive-throughs accommodate ten (10) vehicles (minimum) in the drive-through lane, with seven (7) vehicles between the entrance and the order window.	N/A	No drive-through development planned
	Drive-throughs at financial establishments accommodate four (4) vehicles (minimum) in the drive- through lane.	N/A	No drive-through development planned
	Drive-through lanes are not located between the building and main public street(s). Instead, they are located at the side or rear of the building.	N/A	No drive-through development planned
	Entry into the drive-through lane is provided at the rear of the site.	N/A	No drive-through development planned
	Escape lanes are provided.	N/A	No drive-through development planned
	There are clearly visible directional signs at the entrance and exit of the drive-through lane.	N/A	No drive-through development planned
	There are pavement markings for the drive-through lanes to facilitate navigability and minimize pedestrian/vehicular conflicts.	N/A	No drive-through development planned
	Ground and wall-mounted signage, if present, are designed and located to enhance and complement the character and scale of the area.	N/A	No drive-through development planned
	The ordering board, speakers, loading areas, and garbage storage are located away from adjacent and sensitive uses.	N/A	No drive-through development planned
	Lighting sources are shielded or screened to prevent indirect light or glare onto adjacent properties.	N/A	No drive-through development planned
	There are raised, landscaped medians or traffic islands located between the drive-through lanes and main parking areas on site.	N/A	No drive-through development planned
	The edge of parking areas, driving and queuing lanes are provided with a 3-metre (minimum) planted, landscape buffer.	N/A	No drive-through development planned
	The employment site is designed for safe public use considers Crime Prevention Through Environmental Design (CPTED) in its design.	N/A	No employment buildings planned
	Safe and barrier-free paths of travel from street sidewalks and bus stops to main entrances of an employment site or individual building are provided, where applicable.	N/A	No employment buildings planned
	The character and scale of materials used in and around the employment building contribute to a cohesive and integrated image of the development.	N/A	No employment buildings planned

Buildings-Employment-Site Layout and Design	Guardhouses and security gates are located in an unobtrusive manner and utilize materials that are complementary to the main employment building. Checkpoints are located so that they do not conflict with travel routes or restrict the queuing of vehicles.	N/A	No employment buildings planned
	Employment buildings respond to public and open spaces through their scale and pattern.	N/A	No employment buildings planned
	Employment buildings are oriented to optimize connections and views to the natural environment.	N/A	No employment buildings planned
	If present, stormwater management ponds are well integrated into employment sites.	N/A	No employment buildings planned
	Parking areas for employment buildings or sites have a high degree of landscape treatment and/or biofiltration to mitigate stormwater run-off.	N/A	No employment buildings planned
	Employment building setbacks are minimized, where appropriate, to generally match with setbacks of adjacent buildings.	N/A	No employment buildings planned
	Building frontages that face the public street use the highest design standards.	N/A	No employment buildings planned
	Active uses in employment buildings are located at grade and along public sidewalks.	N/A	No employment buildings planned
	Surface parking for employment buildings or sites is primarily, if not entirely, located in the side or rear yard.	N/A	No employment buildings planned
Buildings-Employment-Site Layout and Design-Service Industrial and Mixed Commercial/Industrial	In Service Industrial and mixed Commercial/Industrial areas, the building frontage is proportional to the lot frontage.	N/A	No employment buildings planned
	In Service Industrial and mixed Commercial/Industrial areas, the employment building's façade that faces the public street is the most prominent in its design.	N/A	No employment buildings planned
	In Service Industrial and mixed Commercial/Industrial areas, if the employment building is on a corner lot, each façade that faces a public street is prominent in its design.	N/A	No employment buildings planned
Buildings-Employment-Site Layout and Design-General and Light Industrial	In General and Light Industrial areas, the employment building's façade that faces the public street is the most prominent in its design.	N/A	No employment buildings planned
	In General and Light Industrial areas, if the employment building is on a corner lot, each façade that faces a public street is prominent in its design.	N/A	No employment buildings planned
	In General and Light Industrial areas, parking in front of the employment building does not exceed the minimum requirement.	N/A	No employment buildings planned
	In General and Light Industrial areas, in larger parking lots for employment buildings or sites, the asphalt is broken up using landscape elements (e.g., landscaped islands or medians).	N/A	No employment buildings planned
	In General and Light Industrial areas, outdoor storage for an employment building is not visible from the public street or nearest open space. If it is within view, it is screened with fencing and/or landscaping.	N/A	No employment buildings planned
Buildings-Employment-Massing	The employment building is articulated through setbacks and/or stepbacks, where required, to create an appropriate height transition to surrounding developments.	N/A	No employment buildings planned
	The employment building, if large in size, is divided into a cluster of buildings to be more pedestrian-oriented in its appearance of scale.	N/A	No employment buildings planned
	The employment building's envelope is angled enough to allow sunlight to access to the public street and sidewalks.	N/A	No employment buildings planned
Buildings-Mixed Use-General	The mixed use building is pedestrian-scaled and is articulated with entrances, canopies, large areas of glazing, and active ground floor uses (e.g., retail).	Yes	
	The base of the mixed use building activates the public street, with active commercial uses at grade.	Yes	
	If office and/or residential uses are present, they are not located on the ground floor of the mixed use building.	Yes	
	The façades of the mixed use building address all adjacent public streets and public spaces.	Yes	
	There are outdoor amenity areas at the front, side, rear, or roof of the building. These outdoor amenity areas, where feasible, are located adjacent to an indoor amenity area.	Yes	
	The outdoor amenity areas for the mixed use building are sited to allow for their natural surveillance.	Yes	

	The ground floor units of the mixed use building are similar in design but vary to contribute to an attractive streetscape.	Yes	
	The mixed use building is composed of high quality building materials and complementary finishes that reinforce the streetscape and neighbourhood character.	Yes	
Buildings-Mixed Use-Site Layout and Building Orientation	Mixed use buildings frame public streets, internal drive aisles, sidewalks, parking areas and amenity spaces.	Yes	
	The main entrance to the mixed use building faces the public street(s) and is directly accessible from the public sidewalk.	Yes	
	Corner buildings and buildings that terminate streets or primary view corridors are appropriately designed to reinforce their prominent location.	Yes	
	Ground floor spaces are designed for flexibility and potential conversion to other permitted uses over time.	Yes	
	Mixed use building setbacks are reduced, where possible, to create semi-continuous street wall.	Yes	
	The layout of mixed use buildings on the block or site take passive solar design into consideration.	Yes	
	Amenities for the mixed use building are located in convenient locations in relation to building entrances.	Yes	
	Amenities (except employee-focused amenities) for the mixed use building are directly accessible from public and semi-private sidewalks.	Yes	
Buildings-Mixed Use-Storage, Servicing, and Loading	Loading docks, outside storage enclosures, and service and refuse areas for the mixed use building are located in areas of low visibility (e.g., at the non-street side or rear of buildings) and screened from view.	Yes	
	The service and refuse area for the mixed use building does not encroach into the exterior side yard or front yard.	Yes	
	Service area and outside storage enclosures, respectively, for the mixed use building are constructed of materials that match or complement the main building material.	Yes	
	Service area and outside storage enclosures, respectively, for the mixed use building are not made of any form of chain link fencing.	Yes	
	The waste enclosure area for the mixed use building is large enough to accommodate the peak needs of the various potential users of the building.	Yes	
	Delivery, loading, and garbage pick-up service areas for the mixed use building are coordinated to reduce the number of curb cuts along the public street.	Yes	
	Service areas for the mixed use building are separated from pedestrian amenity areas and walkways.	Yes	
	The service driveway for the mixed use building is coordinated with that of the parking area to reduce curb cuts along the streetscape.	Yes	
	There is only one service driveway for the mixed use building.	Yes	
Buildings-Mixed Use-Signage	Signage attached to the building is integrated into the design of the mixed use building.	Yes	
	If permitted, there is only one standalone sign for all tenants of a multi-tenant development.	Yes	
	A standalone sign is located within the property line, mounted in a landscaped setting, and is designed to be compatible with the mixed use building.	Yes	
	Signs (including lettering) do not obstruct more than a small percentage of window areas on the mixed use building.	Yes	
	There is no up-lighting of signs with the exception of low accent lighting with cut-offs for monument signs.	Yes	
	Any informative text and characters on signage are in high tonal contrast to their background.	Yes	
	Colour alone is not used to convey a message.	Yes	

	The text size is determined based on distance from which someone should be able to read the sign, where the minimum character height (millimetres) to maximum viewing distance (millimetres)3 is:	Yes	
	Sign text and other content have a colour contrast ratio of at least 5:1 with the sign background.	Yes	
Special Considerations for Buildings -Heritage-Conservation	Heritage buildings are retained or restored.	N/A	No heritage buildings present in development
	The height of a heritage building is limited to its existing height, excluding the cornice or parapet.	N/A	No heritage buildings present in development
	Changes to existing buildings match the pre-established setback of adjacent buildings.	N/A	No heritage buildings present in development
	The façade material of any building and particularly older buildings is not changed or covered.	N/A	No heritage buildings present in development
	Ground floor façades are renovated in keeping with the original building articulation, by using those elements that are intact and replacing those that are missing or damaged (i.e. columns, cornices, openings, windows, doors, etc.).	N/A	No heritage buildings present in development
	Where required, doors, windows, and other elements are replaced with models as visually close as possible to the original models.	N/A	No heritage buildings present in development
	Original doors and windows as well as hardware, roof shingles and other building elements are replaced, if necessary, with models as visually similar as possible.	N/A	No heritage buildings present in development
	Buildings are not altered through embellishment or other decorative means against their initial stylistic intent.	N/A	No heritage buildings present in development
Special Considerations for Buildings-Heritage-Infill	New infill buildings constructed on sites adjacent to a heritage building use sympathetic massing, height, alignment of windows, roofline, location of entrances, treatment of the ground floor, and materials.	N/A	No heritage buildings present in development
	New infill buildings are complementary in height and scale to adjacent heritage buildings.	N/A	No heritage buildings present in development
	New infill buildings generally match the pre-established setback of adjacent buildings. On blocks lacking continuous building frontage, new buildings match heights/widths of neighbouring blocks.	N/A	No heritage buildings present in development
	New infill buildings reference the height, street wall setback, and massing of adjacent heritage buildings and/or reintegrate those aspects of heritage design that have been lost in a particular street segment.	N/A	No heritage buildings present in development
	On blocks with significant continuous heritage frontage, the height-to-width ratio of new development façades does not vary by more than 10% of the height-to-width ratio of the existing heritage frontage.	N/A	No heritage buildings present in development
Special Considerations for Buildings-High Rise	For retail/commercial uses at grade, the minimum floor-to-floor height for ground floors of high rise buildings is 1.5 times the typical floor height of an upper storey.	N/A	No high-rise buildings planned
	There is, at minimum, a 3.0-metre setback, where a grade separation occurs between the sidewalk and the finished floor of the unit.	N/A	No high-rise buildings planned
	There is a minimum 3.6-metre floor-to-floor height and a 0.9- to 1.2-metre grade separation to promote privacy between the public and private realm.	N/A	No high-rise buildings planned
	Where the ground floor unit of a high rise building is level with the sidewalk, there is: -a minimum 4.5-metre setback, and -a minimum 4.5-metre floor-to-floor height.	N/A	No high-rise buildings planned
	Where residential at grade faces a rear or side street, there is: -a setback of 6.0 metres; -a floor-to-floor height of 3.6 metres; and, -a grade separation of 0.6 to 0.9 metres.	N/A	No high-rise buildings planned
Special Considerations for Buildings-High Rise-Base Design	The primary façade of the base building is sited parallel to the street and front property line.	N/A	No high-rise buildings planned
	On corner sites, the building setbacks align with their respective street frontages and make necessary transitions to both edges.	N/A	No high-rise buildings planned
	The windows at the base of the building are not spandrel glass and allow views into and out of the building.	N/A	No high-rise buildings planned

	Vestibules, building entrances, and walkways are weather-protected (e.g., with awnings or canopies).	N/A	No high-rise buildings planned
Special Considerations for Buildings-High Rise-Stepbacks and Terracing	High rise development at major intersections reinforce the prominence of these locations through appropriate massing, building projections, recesses at-grade, lower storey design, and open space treatments.	N/A	No high-rise buildings planned
	There is a clear distinction between the building base, middle and top of high rise buildings through the use of stepbacks and other forms of architectural expression/design.	N/A	No high-rise buildings planned
	Where building stepbacks are recommended, the Visual Angular Plane analysis tool4 is used to assess options for building massing.	N/A	No high-rise buildings planned
Parking Lots-Surface	There are no large surface parking areas in front of buildings or on corner lots.	Yes	
	Accessible parking spaces are located closest to the accessible building entrance in surface lots, and located closest to the elevator for structured parking.	Yes	
	Accessible parking spaces are directly connected to entrances by a barrier-free path.	Yes	
	Safe and barrier-free pedestrian paths of travel are provided from all areas of the parking to the main path of travel or entrance.	Yes	
	Curbing and sidewalks are designed to help prevent pedestrians from travelling behind parked cars and in vehicle laneways.	Yes	
	Service and drop-off area circulation is located along a barrier-free path of travel and does not interfere with pedestrian circulation.	Yes	
	Pedestrian crossings are indicated using distinctive pavement and high tonal contrast pavement markings.	Yes	
	The siting of parking for energy-efficient vehicles (zero-emission vehicles, hybrid vehicles, etc.) and car-share vehicles is prioritized near to building entrances.	Yes	
	Permeable paving, swales, and other features to manage stormwater on site are used, where appropriate.	Yes	
	Freestanding or building-mounted light standards are provided at pedestrian level, along pathways, and at a broad area level and designed with full cut-off to prevent light spill onto adjacent properties.	Yes	
	Major internal vehicular routes are defined by raised and curbed traffic islands planted with trees and low-level vegetation.	N/A	Planned parking lot not large enough to warrant traffic islands
	Planting strips, landscaped traffic islands, and/or paving articulation are appropriately placed to define smaller parking ‘courts,’ improve edge conditions, provide for pedestrian walkways, and screen storage and utility areas.	Yes	
	Landscaped parking islands at the end of parking rows and pedestrian connections contain shade trees.	N/A	Planned parking lot not large enough to warrant traffic islands
	Surface parking areas that are adjacent to the public sidewalk have a well-defined edge treatment (i.e., through the appropriate use of landscaping, fencing and other buffers or enclosures).	Yes	
	Adequate buffers, such as landscaping or bollards, are provided between parked vehicles and public sidewalks to facilitate clear sightlines between the street and parking area.	Yes	
	Buffer elements do not exceed a maximum height of 1.2 metres.	Yes	
	Landscaped enclosures of low walls, hedges, or berms are used to screen parking facilities.	Yes	
	The amount of landscaping is proportionate to the overall parking lot size.	Yes	
	High branching trees with tree grates and shrubbery on hard paving surfaces are used for ease of maintenance.	Yes	
	Sod surface or shrubs are used as ground cover at the perimeter of the surface parking lot.	Yes	
	Species selected for landscaping within the surface parking area are salt-tolerant and native to Belleville.	Yes	
	Where feasible, parking structures fronting on to public streets and public open space have active at-grade uses.	N/A	No structured parking facilities planned

Parking Lots-Structured	Wherever possible, access to structured parking is from secondary streets or the interior of blocks.	N/A	No structured parking facilities planned
	There are no access ramps at street corners or view termini.	N/A	No structured parking facilities planned
	Ramps to parking structures are located away from main building frontages and major streets.	N/A	No structured parking facilities planned
	Parking within a structure is screened from view at sidewalk level.	N/A	No structured parking facilities planned
	The street-level wall of the structured parking is enhanced with architectural detailing, landscaping or similar treatment.	N/A	No structured parking facilities planned
	Pedestrian entrances for parking structures are located adjacent to main building entrances, public streets, or other highly visible locations.	N/A	No structured parking facilities planned
Parking Lots-Bicycle, Scooter, Stroller	Bicycle parking and scooter parking are provided in proximity to the entrances to the building that is associated with the surface parking lot or structured parking lot.	Yes	
	Charging stations for electric mobility devices (e.g., scooters, electric wheelchairs, e-bikes, etc.) are provided at sites where they are warranted.	Yes	
	Secured and, where feasible, sheltered storage facilities for bicycles and scooters are provided at public parks, open spaces, and major transit interchanges (i.e., downtown bus depots, intercity bus depots, train stations).	Yes	
	Bicycle racks and lockers are provided in structured parking facilities.	N/A	No structured parking facilities planned
	Parking and storage facilities for bicycle and scooters are weather-protected and either adjacent to building entrances or integrated into the building.	Yes	
	Areas to secure and store bicycles are placed out of clear paths of travel to avoid interference with pedestrian flow.	Yes	
	Bicycles are secured and stored in areas where they can always be within line of sight.	Yes	
Open Space-Trails	The multi-use trail on a street connects to other existing recreational and multi-use trails.	Yes	
	The design of the trail reflects its function and context.	Yes	
	Lighting on the trail is located to create a safe and comfortable environment for all trail users, without disturbing natural habitats nearby or causing excessive light spillover into adjacent residential properties.	Yes	
	The trail is accessible and visible from the public street or other public areas.	Yes	
	Hard surface paving is used along trails with standard pavement lining and active transportation signage.	Yes	
	Trails are a minimum of 3.0 metres wide to allow for two-way passage, with a vegetation cut back of a minimum of 5.0 metres.	Yes	
Open Space-Stormwater Management	For new developments that have on-site SWM facilities, street and block patterns enhance views and access to the SWM facilities.	N/A	Stormwater management will all be underground, no public visibility
	Public education displays (e.g., about the benefits of SWM) are used, where appropriate.	N/A	Stormwater management will all be underground, no public visibility
	Edges of stormwater ponds abutting the greenspace system remain naturalized.	N/A	Stormwater management will all be underground, no public visibility
	Where feasible and appropriate, sitting areas with pathway connections are provided at SWM pond edges.	N/A	Stormwater management will all be underground, no public visibility
	SWM pond edges accessible to the public: -have a low slope grade that can support public seating; -are fenced and planted with pollinator natural landscaping; and, -incorporate an arrangement of formal planting, seating, and paths that do not interfere with their function.	N/A	Stormwater management will all be underground, no public visibility

	Overlooks with railings or densely planted areas are used to prevent direct access to SWM ponds.	N/A	Stormwater management will all be underground, no public visibility
	Interpretive and caution signage is provided, and it is designed to match existing City signage and branding.	N/A	Stormwater management will all be underground, no public visibility
	Planting within SWM facilities is compatible with the adjacent natural areas.	N/A	Stormwater management will all be underground, no public visibility
	There is an appropriate transition between the SWM facility and the public realm.	N/A	Stormwater management will all be underground, no public visibility

Appendix F: Certificates of Property Use

Certificate of Property Use

Environmental Protection Act, R.S.O. 1990, c.E.19, s.168.6 and 197

Certificate of Property Use number RA1470-15-01
Risk Assessment number RA1470-15e

Owner: **Belle Harbour GP Inc.**
(for and on behalf of)
Belle Harbour LP

190 Hotchkiss Street
Gravenhurst, ON, P1P 1H6

Site: **25 Dundas Street West**
Belleville, Ontario

with a legal description of:

Part of Lots 6, 7 & 8 North of Water Street, Part of Lots 10 & 11 South of Water Street; Part of Ann Street (closed by RBL 135, By-Law 3766); Part of Water Street (closed by RBL 135, By-Law 3766), Registered Plan 14, Thurlow, Part of Lots A & B, Lots C & D, South of Dundas Street and West of Ann Street, Part of Lot 77, Plan Hasletts Thurlow, Part of Lots 4, 5, 6 & 7, Registered Plan 9; Part of Water Lot in front of Lot 3, Concession 1, Thurlow, designated as Part 2, Plan 21R24741, Belleville

Being Part of PIN 40477-0261

The conditions of this Certificate of Property Use (CPU) address the Risk Management Measures in the Risk Assessment noted above and described in detail in Part 1 below (Risk Assessment). In the event of a conflict between the CPU and the Risk Assessment, the conditions of the CPU take precedence.

Summary:

Refer to Part 1 of the CPU, Interpretation, for the meaning of all the defined capitalized terms that apply to the CPU.

i) CPU requirements addressed in Part 4 of the CPU, Director Requirements, are summarized as follows:
a. Installing/maintaining any equipment Yes

b. Monitoring any contaminant	Yes
c. Refraining from constructing any building unless as specified	Yes
d. Refraining from using the Property for any use specified	Yes
e. Maintaining a barrier to site soils with Hard or Fill Cap	Yes
f. Preparing and implementing a soil management plan for the Property	Yes
g. Preparing and implementing a health and safety plan for the Property	Yes

ii) Duration of Risk Management Measures identified in Part 4 of the CPU is summarized as follows:

a. The barrier to site soils over the entirety of the Property shall be maintained for as long as the Contaminants of Concern are present on the Property.
b. The active sub-slab ventilation systems for on-site buildings shall be required for the Property for as long as the Contaminants of Concern are present on the Property.
c. The soil management plan shall be required for the Property during any Intrusive Activities for as long as the Contaminants of Concern are present on the Property.
d. The health and safety plan shall be required for the Property during any Intrusive Activities for as long as the Contaminants of Concern are present on the Property.
e. All other Risk Management Measures shall continue indefinitely until the Director alters or revokes the CPU.

Part 1: Interpretation

In the CPU the following terms shall have the meanings described below:

"Act" means the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended.

"Adverse Effect" has the same meaning as in the Act; namely,

(a) impairment of the quality of the natural environment for any use that can be made of it;
(b) injury or damage to property or to plant or animal life;
(c) harm or material discomfort to any person;
(d) an adverse effect on the health of any person;
(e) impairment of the safety of any person;
(f) rendering any property or plant or animal life unfit for human use;
(g) loss of enjoyment of normal use of property; and,
(h) interference with the normal conduct of business.

"Approved Model" has the same meaning as in subsection 1 (1) of Schedule C of O. Reg. 153/04, namely, the data file entitled "Modified Generic Risk Assessment Model" and dated October 19, 2009 as amended from time to time, that is maintained by the Ministry as part of its Brownfield initiative and is available on the Internet and may be available in

such other manner as the Minister considers appropriate.

“Capping Soil” means,
(a) soil found on, in or under the Property in which no Property Specific Contaminants of Concern are present, or
(b) soil that meets the the Residential/Parkland/Institutional Property Use Standards within Table 7 of the Soil, Groundwater and Sediment Standards for Use under Part XV.1 of the Act published by the Ministry and dated April 15, 2011 for course textured soils.

applicable site condition standards for the Property, and does not contain any contaminant for which no applicable site condition standard for soil is prescribed under Part IX (Site Condition Standards and Risk Assessment) and which is associated with any potentially contaminating activity described in the Risk Assessment.

“Competent Person” has the same meaning as in the Occupational Health and Safety Act, R.S.O. 1990, c. O.1.

“Contaminant” has the same meaning as in the Act; namely any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them, resulting directly or indirectly from human activities that causes or may cause an Adverse Effect.

“Contaminants of Concern” has the meaning as set out in Item 3.2 of the CPU.

“CPU” means this Certificate of Property Use as may be altered from time to time and bearing the document number **RA1470-15-01.**

"Director" means the undersigned Director or any other person appointed as a Director for the purpose of issuing a certificate of property use.

“EBR” means the *Environmental Bill of Rights*, *1993*, S.O. 1993, c. 28, as amended.

“Fill Cap” means cover, above the Property Specific Contaminants of Concern, that,

(a) is at least, the applicable of,
    (i) 1.0 metre thick, or any greater thickness than 1.0 metre, as specified in section 7 of the Risk Assessment report, or
    (ii) 1.5 metres thick, where the option to modify the S3 component value in the Approved Model for protection of subsurface workers from direct soil contact has been used in the Risk Assessment, as specified in section 7 of the Risk Assessment report,

and,

(b) consists of at least 0.5 metres thickness of Capping Soil, and above this, cover consisting of additional Capping Soil or non-soil surface treatment such as asphalt, concrete or concrete pavers, stone pavers, brick or aggregate.

“Hard Cap” means an asphalt or concrete cover layer, above the Property Specific Contaminants of Concern, that is at least 225 millimetres thick, and consists of at least 75

millimetres thickness of hot mix asphalt or poured concrete underlain by Granular “A” aggregate or equivalent material, and includes a building slab or building foundation and floor slab meeting these specifications.

“Intrusive Activities” means any intrusive activity undertaken at the Property, such as excavating or drilling into soil or ground water, which may disturb or expose Property Specific Contaminants of Concern at the Property.

"Ministry" means the ministry of the government of Ontario responsible for the administration of the Act, currently named Ontario Ministry of the Environment, Conservation and Parks.

“O. Reg. 153/04” means Ontario Regulation 153/04, “Record of Site Condition – Part XV.1 of the Act” as amended, made under the Act.

“Owner” means the owner(s) of the Property, beginning with the person(s) to whom the CPU is issued, described in the “Owner” section on Page 1 above, and any subsequent owner(s) of the Property.

"OWRA" means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended.

“Professional Engineer” means a person who holds a licence, limited licence or temporary licence under the *Professional Engineers Act*, R.S.O. 1990, c. P. 28.

“Property” means the property that is the subject of the CPU and described in the “Site” section on page 1 above.

“Property Specific Contaminants of Concern” means one or more contaminants found on, in or under the Property at a concentration that exceeds the applicable site condition standards for the Property and any higher standards for the contaminant or contaminants as generated by the Approved Model without incorporation of risk management measures, and as specified in section 3 of the Risk Assessment.

“Property Specific Standards” means the property specific standards established for the Contaminants of Concern in the Risk Assessment number and in Item 3.2 of the CPU.

"Provincial Officer" means a person who is designated as a provincial officer for the purposes of the Act.

“Qualified Person” means a person who meets the qualifications prescribed in subsection 5 (2) of O. Reg. 153/04, namely a person who:

a. Holds a licence, limited licence or temporary licence under the *Professional Engineers Act*, or
b. Holds a certificate of registration under the *Professional Geoscientists Act*, 2000, and is a practising member, temporary member, or limited member of the Association of Professional Geoscientists of Ontario.

"Risk Assessment" means the Risk Assessment number **1470-15e** accepted by the Director on May 24, 2019 and set out in the following documents:

- **Fourth Revision Risk Assessment for the Table 7 Parcel at 25 Dundas Street West, Belleville, Ontario report prepared by BluMetric Environmental, dated February 2021**
  and
  Fourth Revision Risk Assessment for the Table 9 Parcel at 25 Dundas Street West, Belleville, Ontario report prepared by BluMetric Environmental, dated February 2021

- **"RE: Fourth Revision of the Two RAs for 25 Dundas Street West, Belleville [RA1470-15d, IDS 0053-9X3NWY]" e-mail from Brett Ibbotson, BluMetric Environmental, received by TASDB on March 10, 2021, with the following document attached:**
  - *Fourth Revision T7 Parcel Main RA Compiled.pdf*

- **"RE: 25 Dundas Street West, Belleville [RA1470-15d, IDS 0053-9X3NWY] - New Ownership" e-mail from Paul Bandler, BluMetric Environmental, received by TASDB on April 21, 2201, with the following documents attached:**
  - *Lawyer Letter Apr 21-2021 – compiled.pdf*
  - *PSF - 25 Dundas W Belleville – signed.pdf*

"Risk Management Measures" means the risk management measures specific to the Property described in the Risk Assessment and/or Part 4 of the CPU.

"Shallow Soil Cap" means cover, above the Property Specific Contaminants of Concern, that is at least 0.5 metres thick, and consists of Capping Soil on top of a geotextile fabric layer.

"Tribunal" has the same meaning as in the Act; namely, the Ontario Land Tribunal.

Part 2: Legal Authority

2.1 Section 19 of the Act states that a certificate of property use is binding on the executor, administrator, administrator with the will annexed, guardian of property or attorney for property of the person to whom it was directed, and on any other successor or assignee of the person to whom it was directed.

2.2 Subsection 132(1.1) of the Act states that the Director may include in a certificate of property use a requirement that the person to whom the certificate is issued provide financial assurance to the Crown in right of Ontario for any one or more of,

a. the performance of any action specified in the certificate of property use;
b. the provision of alternate water supplies to replace those that the Director has reasonable and probable grounds to believe are or are likely to be contaminated or otherwise interfered with by a contaminant

on, in or under the property to which the certificate of property use relates; and

c. measures appropriate to prevent adverse effects in respect of the property to which the certificate of property use relates.

2.3 Section 168.6 (1) of the Act states that if a risk assessment related to the property has been accepted under clause 168.5 (1) (a), the Director may issue a certificate of property use to the owner of the property, requiring the owner to do any of the following things:

1) Take any action that is specified in the certificate and that, in the Director's opinion, is necessary to prevent, eliminate or ameliorate any adverse effect that has been identified in the Risk Assessment, including installing any equipment, monitoring any contaminant or recording or reporting information for that purpose.

2) Refrain from using the property for any use specified in the certificate or from constructing any building specified in the certificate on the property

2.4 Subsection 168.6(2) of the Act states that a certificate of property use shall not require an owner of property to take any action that would have the effect of reducing the concentration of a contaminant on, in or under the property to a level below the level that is required to meet the standards specified for the contaminant in the risk assessment.

2.5 Subsection 168.6(3) of the Act states that the Director may, on his or her own initiative or on application by the owner of the property in respect of which a certificate has been issued under subsection 168.6(1),

a. alter any terms and conditions in the certificate or impose new terms and conditions; or

b. revoke the certificate.

2.6 Subsection 168.6(4) of the Act states that if a certificate of property use contains a provision requiring the owner of property to refrain from using the property for a specified use or from constructing a specified building on the property,

a. the owner of the property shall ensure that a copy of the provision is given to every occupant of the property;

b. the provision applies, with necessary modifications, to every occupant of the property who receives a copy of the provision; and

c. the owner of the property shall ensure that every occupant of the property complies with the provision.

2.7 Subsection 197(1) of the Act states that a person who has authority under the Act to make an order or decision affecting real property also has authority to make an order requiring any person with an interest in the property, before dealing with the property in any way, to give a copy of the order or decision affecting the property to every person who will acquire an interest in the property as a result of the dealing.

2.8 Subsection 197(2) of the Act states that a certificate setting out a requirement imposed under subsection 197(1) may be registered in the proper land registry office on the title of the real property to which the requirement relates, if the certificate is in a form approved by the Minister, is signed or authorized by a person who has authority to make orders imposing requirements under subsection 197(1) and is accompanied by a registrable description of the property.

2.9 Subsection 197(3) of the Act states that a requirement, imposed under subsection 197(1) that is set out in a certificate registered under subsection 197(2) is, from the time of registration, deemed to be directed to each person who subsequently acquires an interest in the real property.

2.10 Subsection 197(4) of the Act states that a dealing with real property by a person who is subject to a requirement imposed under subsection 197(1) or 197(3) is voidable at the instance of a person who was not given the copy of the order or decision in accordance with the requirement.

Part 3: Background

3.1 The Risk Assessment was undertaken for the Property on behalf of the Owner to assess the human health risks and ecological risks associated with the presence or discharge of Contaminants on, in or under the Property and to identify appropriate Risk Management Measures to be implemented to ensure that the Property is suitable for the intended use**:** mixed Commercial Use and Residential Use as defined in O. Reg. 153/04.

3.2 The Contaminants on, in or under the Property that are present above the Residential/Parkland/Institutional Property Use Standards within Table 7 of the *Soil, Groundwater and Sediment Standards for Use under Part XV.1 of the Act published by the Ministry and dated April 15, 2011* for course textured soils or for which there are no such standards are defined as the Contaminants of Concern. The Property Specific Standards for the Contaminants of Concern are set out in Schedule “A” attached to and forming part of the CPU. Also attached to and forming part of the CPU is the following figures:

- Plan of Survey

3.3 I am of the opinion, for the reasons set out in the Risk Assessment that the Risk Management Measures described therein and outlined in Part 4 of the CPU are necessary to prevent, eliminate or ameliorate an Adverse Effect on the Property.

3.4 The Risk Assessment indicates the presence of Contaminants of Concern including: antimony; arsenic; barium; boron (HWS); cobalt; copper; lead; mercury; nickel; thallium; selenium; zinc; electrical conductivity; sodium adsorption ratio; acenaphthylene; anthracene, benzon(a)anthracene; benzo[a]pyrene; benz[b]fluoranthene; benzo[k]fluoranthene; dibenzo[a,h]anthracene; fluoranthene; indeno[1,2,3-cd]pyrene; naphthalene;

phenanthrene; benzene; toluene; xylene and petroleum hydrocarbons F2 and F3 in soil which require on-going pathway elimination.

3.5 As such, it is necessary to impose Risk Management Measures including: a requirement for barriers to prevent contact with soils; an active sub-slab ventilation for on-site buildings, a soil management plan; no groundwater use; and a health and safety plan for any Intrusive Activities as set out in the Risk Assessment and in Parts 4 and 5 of the CPU.

3.6 I am of the opinion, that the requirements set out in Part 6 of the CPU are necessary to supplement the Risk Management Measures described in the Risk Assessment in Part 4 of the CPU.

3.7 I believe for the reasons set out in the Risk Assessment that it is also advisable to require the disclosure of the CPU and registration of notice of the CPU on title to the Property as set out in the section 197 order requirements in Part 7 of the CPU.

Part 4: CPU Risk Management Measures Relating to the Risk Assessment and the Property

I hereby require the Owner to do or cause to be done the following under the authority of section 168.6(1) of the Act:

4.1 Implement, and thereafter maintain or cause to be maintained, the Risk Management Measures as set out in Items 4.2 to 4.9 below.

4.2 The Hard Cap or Fill Cap barrier risk management measure is set out below:

a. Covering of all areas of the Property where Property Specific Contaminants of Concern are present at or within 1.0 metre below the soil surface, such that a Hard Cap Barrier or a Fill Cap barrier is in place in these areas, so as to prevent exposure to the Property Specific Contaminants of Concern at the Property, in conjunction with any existing Barriers in any other areas of the Property where Property Specific Contaminants of Concern are present below the soil surface;

b. Before commencing development of all or any part of the Property, installing fencing and implementing dust control measures for any part of the Property requiring covering but which has not been covered, so as to restrict access to the part fenced and prevent exposure to the Property Specific Contaminants of Concern at the Property, with the fencing and dust control measures to be maintained until covering of the part fenced is complete;

c. Preparing and implementing a written inspection and maintenance program, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, so as to ensure the continuing

integrity of each Barrier at the Property so long as the Property Specific Contaminants of Concern are present at the Property, including, at a minimum:

i. procedures and timing for implementing the program;
ii. semi-annual inspections, in spring and fall, of the Barrier;
iii. noting any deficiencies in the Barrier observed during the inspections, or at any other time;
iv. repairing promptly any such deficiencies, to the original design specifications, with written confirmation by a Licenced Professional Engineer that the barrier has been properly repaired, to be retained by the Owner and be available for inspection upon request by a Provincial Officer;
v. contingency measures, such as fencing, to be implemented if cracks, breaches or any loss of integrity of the barrier cannot be repaired or addressed in a timely manner, to prevent exposure to the Property Specific Contaminants of Concern in that area of the Property; and
vi. recording, in writing, all inspections, deficiencies, repairs and implementation of contingency measures, to be retained by the Owner and be available for inspection upon request by a Provincial Officer;

and which is,

vii. delivered to the Owner before residential use of all or any part of the Property begins, or within 90 days following completion of covering of all or any part of the Property, whichever is earlier; and
viii. updated and delivered to the Owner within 30 days following making any alteration to the program;

d. Preparing a site plan of the entire Property, prepared by a Licenced Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, showing the Property, any fencing, and the location, type and design of each barrier at the Property, including cross-sectional drawings of the barrier showing its design and vertical and lateral extent;
and which is:
    i. delivered to the Owner before residential use of all or any part of the Property begins, or within 90 days following completion of covering of all or any part of the Property, whichever is earlier; and
    ii. updated and delivered to the Owner within 30 days following making any alteration to the location, design or extent of the barrier, or other relevant feature shown on the site plan; and

e. Preparing and implementing written procedures, prepared by Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, for written and oral communication to all persons who may be involved in Intrusive Activities at the Property that may disturb a Barrier at the Property, so as to ensure the persons are made aware of the presence and significance of the Barrier and the Property Specific Contaminants of Concern at the Property and the precautions to be taken to ensure the continued integrity of the barrier when undertaking the Intrusive Activities, and if damaged, to ensure that the barrier is repaired promptly to the original design specifications, or, if it cannot be

repaired promptly, to ensure that the contingency measures are implemented, and records kept, as specified in the inspection and maintenance program;
and which are,

i. delivered to the Owner before any Intrusive Activities are undertaken at the Property; and
ii. updated and delivered to the Owner within 30 days following making any alteration to the procedures.

4.3 Not constructing any Building on the Property unless the Building includes an Active SVIMS, and the Active SVIMS meets the following requirements:

DESIGN, INSTALLATION AND OPERATION

a. Designing, installing and operating an Active SVIMS for the Building, designed by a Licenced Professional Engineer in consultation with a Qualified Person and installed by a person acceptable to and under the supervision of a Licenced Professional Engineer, so as to remove soil vapour from below the Building and prevent soil vapour containing the Property Specific Contaminants of Concern from entering the Building air, including the following requirements and components for the Active SVIMS:

SYSTEM REQUIREMENTS

i. the Active SVIMS is to:

(a) be designed, installed and operated with the objective of achieving during all seasons at least a 6 Pascal lower air pressure differential below the foundation floor slab, relative to the indoor air pressure within the Building, across at least 90% of the Building Area; and

(b) have in place, measures, as appropriate based on an assessment carried out in accordance with ASTM E1998, to prevent potential depressurization induced back drafting and spillage of combustion products from vented combustion appliances that may be in the Building, due to the use of electrical fan powered vents;

SUB-SLAB FOUNDATION LAYER

ii. throughout the Building Area below the foundation floor slab, a sub-slab foundation layer, above soil containing the Property Specific Contaminants of Concern, designed by a Licenced Professional Engineer for the Building constructor in consultation with the Licenced Professional Engineer for the Active SVIMS;

SOIL VAPOUR VENTING LAYER

iii. throughout the Building Area below the foundation floor slab and above the sub-slab foundation layer, a soil vapour venting layer designed for collection and venting of soil vapour from below the floor slab to vent risers for venting to the outdoor air, with the soil vapour venting layer consisting of:

(a) perforated collection pipes or geocomposite strips of sufficient size or diameter, frequency and locations to promote efficient collection and venting, embedded in granular materials of sufficient air permeability and depth;

or,

other soil vapour collection and venting products used to construct a soil vapour venting layer with continuous open void space, such as an aerated sub-floor below the floor slab and around the exterior walls, which provides similar or greater air permeability and collection and venting efficiency;

(b) for a Building with isolated soil vapour venting layer areas caused by interior grade beams or areas of thickened slabs, ventilation pipes to connect the isolated areas or a soil vapour venting layer that extends below these elements of the Building foundation; and

(c) clean-outs, drains or openings to ensure drainage and removal of condensate or water, including any entrained dust, that may enter collection pipes, geocomposite strips or vent risers and, if required, to ensure drainage or dewatering of the soil vapour venting layer in Property areas with a shallow ground water table;

SOIL VAPOUR BARRIER MEMBRANE

iv. throughout the Building Area, a continuous leak free soil vapour barrier membrane, such as a sheet geomembrane or spray applied membrane, below the foundation floor slab and above the soil vapour venting layer, and below and along the walls of any subsurface structures such as a sump, and which:

(a) is of appropriate thickness and meets the appropriate gas permeability and chemical resistance specifications to be considered substantially impermeable to the soil vapour, in accordance with the appropriate ASTM standards such as D412 and D543, as applicable; and

(b) has a suitable protective geotextile, or other suitable protective material, such as a sand layer, immediately below or above the soil vapour barrier membrane, as considered appropriate by the Licenced Professional Engineer;

VENT RISERS

v. vent risers of sufficient size or diameter, frequency and locations to promote efficient venting and that terminate above the roof of the Building, to convey soil vapour from the soil vapour venting layer to the outdoor air above the roof of the Building and that discharge at an appropriate distance, consistent with the separation provisions in ASTM E2121 but modified as appropriate

for the characteristics of the soil vapour and Building, from Building air intakes and openable windows, doors and other openings through which exhausted vapours could be entrained in Building air, including:

(a) at least one vent riser per isolated section of the soil vapour venting layer caused by interior grade beams or thickened slabs, unless analysis or testing indicates a lesser number of vent risers is required;

(b) vent pipe riser diameter that is greater than the collection pipe diameter, to promote efficient venting;

(c) vent risers located within the Building, where appropriate, to promote temperature induced convective venting during colder weather; and

(d) an electrical powered fan on each vent riser, and an automated monitoring system of fan operation which remotely detects and indicates system malfunctions;

MONITORING DEVICES

vi. monitoring devices installed below the foundation floor slab across the Building Area for measurement of the (lower) air pressure differential, relative to the indoor air pressure within the Building, being achieved by the soil vapour venting layer, with the number and locations of the monitoring devices installed being as considered appropriate by the Licenced Professional Engineer in consultation with the Qualified Person, taking into account factors such as the Building Area and the design and configuration of the Building foundation;

LABELING OF EQUIPMENT

vii. labeling of equipment for the Active SVIMS, including information such as the installer's name, date of installation and identification of all visible piping, consistent with the labeling provisions in ASTM E1465 but modified as appropriate for the characteristics of the soil vapour and Building; and

UTILITY SEALING

viii. where utilities or subsurface Building penetrations are a potential conduit for soil vapour migration,

(a) utility trench dams consisting of soil-bentonite mixture, sand-cement slurry or other appropriate material, installed as a precautionary measure to reduce the potential for soil vapour to migrate beneath the Building through relatively permeable trench backfill; and

(b) conduit seals constructed of closed cell polyurethane foam, or other inert gas-impermeable material at the termination of all utility conduits and at

subsurface Building penetrations, such as sumps, to reduce the potential for vapour migration along the conduit to the interior of the Building;

QUALITY ASSURANCE / QUALITY CONTROL

b. Preparing and implementing a quality assurance and quality control program, prepared by a Licenced Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, so as to ensure that the Active SVIMS is being, and has been, properly installed and the installation documented, including inspections, verification testing and documenting of the installation as it is carried out, including at a minimum:

   i. procedures and timing for implementing the program, by a person acceptable to and under the supervision of a Licenced Professional Engineer;

   ii. daily inspections of the installation of the Active SVIMS, including of the quality assurance and quality control measures and procedures undertaken by the installer;

   iii. undertaking, at a minimum, the following quality control measures and verification testing of the soil vapour barrier membrane:

      (a) daily inspection reports noting any deficiencies and corrective actions taken;

      (b) smoke testing of the soil vapour barrier membrane, or equivalent alternative testing method that provides comparable results;

      (c) verification of the type and thickness of the soil vapour barrier membrane through testing of representative samples of materials used, including destructive testing and repair of portions of the membranes to be conducted in a manner and at a frequency that meets or exceeds manufacturer's recommendations;

      (d) verification of field seams of sheet geomembranes as being continuous and leak free, through vacuum or pressure testing, geophysical testing or other appropriate means; and

      (e) verification that appropriate measures to prevent post-construction damage or degradation to the soil vapour barrier membrane have been taken, including at a minimum, appropriate preparation of the sub-slab foundation layer, placement of a protective geotextile, or other suitable protective material, below or above the soil vapour barrier membrane, if included in the design, and work practices to prevent post-construction damage;

   iv. noting any deficiencies in the materials or installation of the Active SVIMS;

   v. ensuring the prompt repair of any deficiencies, to the design specifications;

vi. preparing a written report of all inspections, quality control measures and verification testing undertaken, and any deficiencies and repairs, prepared by the Licenced Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer;

and which is,

vii. delivered to the Owner before installation of the Active SVIMS begins; and

viii. updated and delivered to the Owner within 30 days of making any alteration to the program;

AS CONSTRUCTED PLANS

c. Preparing as constructed plans of the Active SVIMS, prepared by a Licenced Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, showing the location of the Building and the location and specifications of the installed Active SVIMS, including cross-sectional drawings specifying the design and the vertical and lateral extent of the Active SVIMS relative to the Building and the ground surface, and which is:

i. delivered to the Owner before use of all or any part of the Building begins, or within 90 days following completion of installation of the Active SVIMS, whichever is earlier; and

ii. updated and delivered to the Owner within 30 days following making any alteration to the Active SVIMS, or other relevant feature shown on the plans;

INSPECTION AND MAINTENANCE

d. Preparing and implementing a written inspection and maintenance program, prepared by a Licenced Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, to ensure the continued integrity and effectiveness of the Active SVIMS, including, at a minimum:

i. procedures and timing for implementing the program, by a person meeting the qualifications as set out in the program;

ii. maintenance and calibration of operational, monitoring and other equipment, as appropriate;

iii. inspections of the Active SVIMS, including:

(a) semi-annual inspections, in spring and fall, of the visible areas of the foundation floor slab or subsurface walls in contact with soil, to identify any cracks, breaches or other deficiencies that may allow soil vapour to enter the Building;

(b) semi-annual inspections, in spring and fall, the visible components of the Active SVIMS, to identify any cracks, breaches or other

deficiencies that may hinder the collection or venting of soil vapour from below the Building;

(c) additional inspections, on a more frequent basis as appropriate, of the electrical powered fans to confirm they turn freely, to confirm the automated monitoring system of fan operation is operational and to confirm operational parameters such as amperage levels are within appropriate ranges; and

(d) additional inspections during winter, as appropriate, to identify any significant accumulation of snow or ice requiring removal;

iv. noting any deficiencies with the floor slab and Active SVIMS identified during any inspection, or at any other time;

v. repairing promptly any deficiencies, including under the supervision of a Licenced Professional Engineer for a deficiency referred to in part iii. (b);

vi. factors and considerations for determining if additional inspections or monitoring should be undertaken;

vii. a contingency plan to be implemented in the event the deficiencies cannot be repaired promptly, including prompt notification of the Ministry if such deficiencies, along with operational monitoring results and any additional lines of evidence suggest that soil vapour intrusion into the Building may occur, as determined by a Licenced Professional Engineer; and

viii. preparing a written report of all inspections, deficiencies, repairs and maintenance, and of implementation of the contingency plan if necessary, prepared by a Licenced Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer;

and which is,

ix. delivered to the Owner before use of all or any part of the Building begins, or within 90 days following completion of installation of the Active SVIMS, whichever is earlier; and

x. updated and delivered to the Owner within 30 days following making any alteration to the program;

OPERATIONAL MONITORING

e. Preparing and implementing a written program for monitoring of the operation of the installed Active SVIMS, prepared by a Licenced Professional Engineer in consultation with a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, to ensure the continued integrity and effectiveness of the Active SVIMS, including, at a minimum:

i. procedures and timing for implementing the program, by a person meeting the qualifications as set out in the program;

ii. locations and description of the devices and equipment used, or tested, for each monitoring event;

iii. procedures for undertaking the testing, measurement and evaluation during a monitoring event, including calibration of operational, monitoring and other equipment, as appropriate;

iv. undertaking operational monitoring, including recording of the monitoring results, in accordance with the following:

(a) at least once before occupancy and as considered appropriate by a Licenced Professional Engineer after occupancy has commenced, vacuum testing of the soil vapour venting system by conducting pilot testing using the powered fan(s), including with respect to the soil vapour venting layer being able to achieve a 6 Pascal lower air pressure differential objective below the foundation floor slab across the Building Area, relative to the indoor air pressure within the Building; and

(b) at least once before occupancy and semi-annually after occupancy has commenced, measuring of the (lower) air pressure differential below the foundation floor slab across the Building Area, relative to the indoor air pressure within the Building, being achieved by the soil vapour venting layer, using all of the monitoring devices, including those referred to in part vi. of section a. above;

v. for each year, undertaking an assessment and preparing a written monitoring report, by a Licenced Professional Engineer in consultation with a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, on the operational monitoring undertaken and its results and findings with respect to the integrity and effectiveness of the installed Active SVIMS, including taking into account previous monitoring undertaken, and with recommendations and any follow-up actions to be taken, such as:

(a) the need to repeat or undertake additional or follow-up operational monitoring and assessment, or additional inspections;

(b) changes to the frequency or nature of the monitoring;

(c) the need to make repairs or changes to the design or operation of the Active SVIMS; and

(d) if necessary, implementation of the contingency plan in the event needed repairs or changes to the Active SVIMS cannot be made promptly, including notification of the Ministry if the operational monitoring results and any additional lines of evidence suggest that

soil vapour intrusion into the Building may occur, as determined by a Licenced Professional Engineer;

and which is,

vi. delivered to the Owner before use of all or any part of the Building begins, or within 90 days following completion of installation of the Active SVIMS, whichever is earlier; and

vii. updated and delivered to the Owner within 30 days of following making any alteration to the program;

INTRUSIVE ACTIVITIES CAUTION

f. Preparing and implementing written procedures, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, for written and oral communication to all persons who may be involved in Intrusive Activities at the Property that may disturb an installed Active SVIMS, so as to ensure the persons are made aware of the presence and significance of the Active SVIMS and the Property Specific Contaminants of Concern at the Property and the precautions to be taken to ensure the continued integrity of the Active SVIMS when undertaking the Intrusive Activities, and if damaged, to ensure the Active SVIMS is repaired promptly to the original design specifications, or if it cannot be repaired promptly, to ensure the contingency measures are implemented, and records kept, as specified in the inspection and maintenance program; and which are,

i. delivered to the Owner before any Intrusive Activities are undertaken at the Property; and
ii. updated and delivered to the Owner within 30 days following making any alteration to the procedures; and

BUILDING CODE

g. The Building complies with all applicable requirements of the Building Code, such as the provisions governing the following:

i. soil gas control as set out in Division B, subsection 9.13.4. (Soil Gas Control) of the Building Code;
ii. protection against depressurization as set out in Division B, Article 9.32.3.8. (Protection Against Depressurization) of the Building Code; and
iii. separation of air intakes and exhaust outlet openings and protection against contamination of the ventilation air by the exhaust air as set out in Division B, Article 9.32.3.12. (Outdoor Intake and Exhaust Openings) of the Building Code.

4.4 A soil management plan shall be prepared to address activities that involve excavating, storing disposing, reusing and replacing soil on the property. A copy of

the plan shall be kept by the Owner and made available for review by a Provincial Officer upon request. Implementation of the plan shall be overseen by a Qualified Person and shall include, but not be limited to, provisions for soil and water management and record keeping specified below:

i. procedures and timing for implementing the plan, including the supervision of persons implementing the plan;
ii. measures to control dust and prevent tracking of soil by vehicles and persons from the Property, including the cleaning of equipment and vehicles;
iii. measures, in addition to any applicable measures specified in O. Reg. 153/04, to manage soil excavated at the Property and any soil brought to or removed from the Property, including:
    (a) characterizing for contaminant quality all excavated soil and any soil brought to the Property, including determining whether the soil:
        1. is Capping Soil;
        2. meets the Property Specific Standards; or
        3. exceeds the Property Specific Standards;
    (b) managing excavated soil separately from any soil brought to the Property, including any excavated soil that is to be:
        1. used as Capping Soil at the Property;
        2. otherwise used as fill at the Property;
        3. removed from the Property for off-site storage or processing but is to be returned for use as fill at the Property; or
        4. removed from the Property for off-site use as fill or disposal; and
    (c) stockpiling of excavated soil and any soil brought to the Property in separate designated areas that:
        1. reflect the distinctions described in parts iii. (a) and (b);
        2. have been lined and covered, as appropriate, to prevent uncontrolled movement or discharge of the Property Specific Contaminants of Concern;
        3. have been bermed or fenced, as appropriate, to restrict access by persons; and
        4. have storm water runoff controls in place to minimize storm water runoff contacting stockpiled soil, with provision for discharge of storm water runoff to a sanitary sewer or to other approved treatment if needed;
iv. measures to control erosion when excavating to prevent the movement of entrained soil and Property Specific Contaminants of Concern within and away from the Property, including, in addition to any applicable measures specified pursuant to other applicable law or other instruments, measures such as silt fences, filter socks for catch-basins and utility covers, and provision for discharge to a sanitary sewer or to other approved treatment if needed; and
v. recording, in writing, the soil, storm water and any ground water management measures undertaken, in addition to any applicable record keeping requirements specified in O. Reg. 153/04 or pursuant to other

applicable law or other instruments, to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, including:

(a) dates and duration of the Intrusive Activities being undertaken;
(b) weather and site conditions during the Intrusive Activities;
(c) the location and depth of excavation activities, and dewatering activities, if any;
(d) dust control and soil tracking control measures;
(e) characterization results for excavated soil and any soil brought to or removed from the Property, and for any ground water from dewatering;
(f) soil management activities including soil quantities excavated and brought to and removed from the Property, and stockpile management and storm water runoff control;
(g) management activities for any ground water from dewatering;
(h) names and contact information for the Qualified Persons and on-site contractors involved in the Intrusive Activities;
(i) names and contact information for any haulers and receiving sites for soil and any ground water removed from the Property, and for haulers and source sites of any soil brought to the Property; and
(j) any complaints received relating to the Intrusive Activities, including the soil, storm water and any ground water management activities;

and which is,

vi. delivered to the Owner before any Intrusive Activities are undertaken at the Property; and
vii. updated and delivered to the Owner within 30 days following making any alteration to the plan.

4.5 In addition to any requirements under the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1, A Site Specific Health and Safety Plan shall be prepared by a Competent Person in consultation with a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, that includes information concerning the potential hazards and safe work measures and procedures with respect to the Property Specific Contaminants of Concern at the Property and the communication of this information to all persons who may be involved in Intrusive Activities at the Property, including, at a minimum:

i. the procedures and timing for implementing the plan, including the supervision of persons implementing the plan;
ii. all relevant information concerning the presence of, human exposure to, and risk posed by, the Property Specific Contaminants of Concern through dermal contact, soil or ground water ingestion and inhalation of soil particles or vapour, and concerning any biogenic gases such as methane that may be present at the Property including information in the Risk Assessment,
iii. all relevant information, measures and procedures concerning protection of the persons from exposure to the Property Specific Contaminants of Concern and the precautions to be taken when undertaking Intrusive Activities, including the supervision of workers, occupational hygiene requirements, use of personal protective equipment, provision of air flow

augmentation in excavations or other areas or situations of minimal air ventilation, and other protective measures and procedures as appropriate;

iv. all relevant information concerning the presence and significance of the risk management measures and requirements which are being, or have been, implemented at the Property,

v. the procedures and timing for implementing emergency response and contingency measures and procedures, including contact information, in the event of a health and safety incident; and

vi. the recording, in writing, of the implementation of the plan and any health and safety incidents that occur, to be retained by the Owner and be available for inspection upon request by a Provincial Officer;

and which is,

vii. delivered to the Owner before any Intrusive Activities are undertaken at the Property; and updated and delivered to the Owner within 30 days following making any alteration to the plan.

4.6 Any deep rooted plants that are planted on the property shall be installed with a minimum thickness of 1.5 metre of clean planting medium around the root ball. On-site soils shall not be used for growing produce for human consumption.

4.7 No Groundwater Use

a. Do not use ground water in or under the Property as a source of water;
b. Properly abandon any wells on the Property, as defined in section 35. (1) of O. Reg. 153/04, according to R.R.O. 1990, Regulation 903 (Wells), as amended, made under the Ontario Water Resources Act, R.S.O. 1990, c. O.40; and
c. Do not construct on the Property any wells as defined in section 35. (1) of O. Reg. 153/04.

4.8 The Owner shall retain a copy of the site plan prepared and signed by a Qualified Person prior to residential occupancy which will describe the Property, placement and quality of all of the shoreline and surface barrier systems. The site plan will include a plan and cross section drawings specifying the vertical and lateral extent of the barriers. This site plan shall be retained by the Owner for inspection upon request by a Provincial Officer. The site plan shall be revised following the completion of any alteration to the extent of the barriers to site soils and shoreline.

4.9 Beginning the year following the start of development construction, the Owner shall prepare by March 31, an annual report documenting activities relating to the Risk Management Measures undertaken during the previous calendar year. A copy of this report shall be maintained on file by the Owner and shall be made available upon request by a Provincial Officer. The report shall include, but not be limited to, the following minimum information requirements:

a. a copy of all records relating to the inspection and maintenance program for the barrier to site soils;
b. a copy of all records related to operation, testing and maintenance of the active SVMS;

c. a copy of all records relating to the soil management plan and to the health and safety plan;
d. a copy of all signed site plans including any alterations for barriers to site soils.

Part 5: CPU Restrictions on Property Use, Building Construction and Notice Requirements

I hereby require the Owner to do or cause to be done the following under the authority of paragraph 168.6(1)2 of the Act:

Property Use Restrictions

5.1 Refrain from using the Property for any of the following use(s): all property uses, except for mixed commercial use and residential use as defined in O. Reg 153/04.

Building Construction Restrictions

5.2 Refrain from constructing the following building(s): Any new building that is not slab-on-grade and which does not comply with Item 4.3 of the CPU.

Notice of Restrictions

5.3 Pursuant to subsection 168.6(4) of the Act, the Owner shall ensure that every occupant of the Property is given notice that the Ministry has issued this CPU and that it contains the provisions noted above in Items 5.1 and 5.2. For the purposes of this requirement, an occupant means any person with whom the Owner has a contractual relationship regarding the occupancy of all or part of the Property.

Part 6: Additional Requirements

I hereby require the Owner to do or cause to be done the following things under the authority of subsection 168.6(1) of the Act:

Site Changes Affecting Risk Management Measures

6.1 In the event of a change in the physical site conditions or receptor characteristics at the Property that may affect the Risk Management Measures and/or any underlying basis for the Risk Management Measures, the Owner shall forthwith notify the Director of such changes and the steps taken or proposed, to implement, maintain and operate any further Risk Management Measures as are necessary to prevent, eliminate or ameliorate any Adverse Effect that will result from the presence on, in or under the Property of any Contaminant of Concern or the discharge of any Contaminant of Concern into the natural environment from the Property. In support of this work, the Director may require a new risk assessment be completed in accordance with O. Reg. 153/04 and submitted to the Ministry for

acceptance if the change in the physical site conditions or receptor characteristics is such that it is not contemplated by the existing Risk Assessment or cannot be adequately managed by the Risk Management Measures. An amendment to the CPU will be issued to address the changes set out in the notice received and any further changes that the Director considers necessary in the circumstances.

Report Retention Requirements

6.2 The Owner shall retain a copy of any reports required under the CPU for a period of seven (7) years from the date the report is created and within ten (10) days of the Director or a Provincial Officer making a request for a report, provide a copy to the requesting Director or Provincial Officer.

Owner Change Notification

6.3 While the CPU is in effect, the Owner shall, forthwith report in writing to the Director any changes of ownership of the Property except that while the Property is registered under the *Condominium Act, 1998*, S.O. 1998 c.19, as amended, no notice shall be given of changes in the ownership of individual condominium units or any appurtenant common elements on the Property.

Financial Assurance

6.4 The Director has not included in the CPU a requirement that the Owner provide financial assurance to the Crown in right of Ontario.

Part 7: Section 197 Order – Property Notice and Certificate of Requirement Registration

I hereby order the Owner to do or cause to be done the following under the authority of subsections 197(1) and (2) of the Act:

Property Notice Requirement

7.1 I hereby order the Owner and any other person with an interest in the Property, before dealing with the Property in any way, to give a copy of the CPU, including any amendments thereto, to every person who will acquire an interest in the Property as a result of the dealing with the Property.

Certificate of Requirement Registration

7.2 Within fifteen (15) days of receipt of a certificate of requirement, issued under subsection 197 (2) of the Act completed as outlined in Schedule “B”, register the certificate of requirement on the title to the Property in the appropriate land registry office.

Verification

7.3 Within five (5) days after registering of the certificate of requirement, provide to the Director a copy of the registered certificate and of the parcel register(s) for the Property confirming that registration has been completed.

Part 8: General Requirements

8.1 The requirements of the CPU are severable. If any requirement of the CPU or the application of any requirement to any circumstance is held invalid, the application of such requirement to other circumstances and the remainder of the CPU shall not be affected thereby.

8.2 An application under sub section 168.6(3) of the Act to,
- a) alter any terms and conditions in the CPU or impose new terms and conditions; or
- b) revoke the CPU;

shall be made in writing to the Director, with reasons for the request.

8.3 The Director may alter the CPU under subsections 132(2) or (3) of the Act to change a requirement as to financial assurance, including that the financial assurance may be increased or reduced or released in stages. The total financial assurance required may be reduced from time to time or released by an order issued by the Director under section 134 of the Act upon request and submission of such supporting documentation as required by the Director.

8.4 Subsection 186(3) of the Act provides that non-compliance with the requirements of the CPU constitutes an offence.

8.5 The requirements of the CPU are minimum requirements only and do not relieve the Owner from,
- a. complying with any other applicable order, statute, regulation, municipal, provincial or federal law; or
- b. obtaining any approvals or consents not specified in the CPU.

8.6 Notwithstanding the issuance of the CPU, further requirements may be imposed in accordance with legislation as circumstances require. The Director shall also alter the CPU where the approval or acceptance of the Director is required in respect of a matter under the CPU and the Director either does not grant the approval or acceptance or does not grant it in a manner agreed to by the Owner.

8.7 In the event that, any person is, in the opinion of the Director, rendered unable to comply with any requirements in the CPU because of,
- a. natural phenomena of an inevitable or irresistible nature, or insurrections,
- b. strikes, lockouts or other labour disturbances,
- c. inability to obtain materials or equipment for reasons beyond your control, or
- d. any other cause whether similar to or different from the foregoing beyond your control,

the requirements shall be adjusted in a manner defined by the Director. To obtain such an adjustment, the Director must be notified immediately of any of the above occurrences, providing details that demonstrate that no practical alternatives are feasible in order to meet the requirements in question.

8.8 Failure to comply with a requirement of the CPU by the date specified does not absolve the Owner from compliance with the requirement. The obligation to complete the requirement shall continue each day thereafter.

8.9 The Risk Management Measures identified in the Risk Assessment and also in Part 4 of the CPU and other requirements of the CPU shall commence upon the issuance of the CPU and continue in full force and effect until such time as the Director alters or revokes the CPU.

8.10 The provisions of the CPU shall take precedence in the event of a conflict between the provisions of the CPU and the Risk Assessment.

8.11 In the event that the Owner complies with the provisions of Items 7.2 and 7.3 of the CPU regarding the registration of the certificate of requirement on title to the Property, and then creates a condominium corporation by the registration of a declaration and description with respect to the Property pursuant to the *Condominium Act, 1998*, S.O. 1998, c.19, as amended, and then transfers ownership of the Property to various condominium unit owners, the ongoing obligations of the Owner under this CPU can be carried out by the condominium corporation on behalf of the new Owners of the Property.

Part 9: Hearing before the Ontario Land Tribunal

9.1 Pursuant to section 139 of the Act, you may require a hearing before the Ontario Land Tribunal (the “Tribunal”), if within fifteen (15) days after service on you of a copy of the CPU, you serve written notice upon the Director and the Tribunal.

9.2 Pursuant to section 142 of the Act, the notice requiring the hearing must include a statement of the portions of the CPU and the grounds on which you intend to rely at the hearing. Except by leave of the Tribunal, you are not entitled to appeal a portion of the CPU, or to rely on a ground, that is not stated in the notice requiring the hearing.

9.3 Service of a notice requiring a hearing must be carried out in a manner set out in section 182 of the Act and Ontario Regulation 227/07: *Service of Documents,* made under the Act as they may be amended from time to time. The contact information of the Tribunal and the Director are:

Registrar
Ontario Land Tribunal
655 Bay Street, Suite 1500

Toronto, ON, M5G 1E5
Tel : (416) 212-6349 or Toll Free (866) 448-2248
Email: OLT.Registrar@ontario.ca

and

Trevor Dagilis
Ministry of the Environment, Conservation and Parks
Kingston District Office
1259 Gardiners Road, Unit 3
Kingston, ON K7P 3J6
Fax: 613-548-6920
Email: trevor.dagilis@ontario.ca

9.4 Unless stayed by application to the Tribunal under section 143 of the Act, the CPU is effective from the date of issue.

Further information on the Ontario Land Tribunal's requirements can be obtained directly from the Tribunal at:

Tel: (416) 212- 6349 or Toll Free (866) 448-2248
olt.gov.on.ca

Issued at Kingston this 19th day of October, 2021.

Trevor Dagilis
Director, section 168.6 of the Act

Schedule ‘A’

Property Specific Standards for each Contaminant of Concern

Contaminants of Concern (COC)	Property Specific Standards Soil (µg/g)
Antimony	183
Arsenic	76
Barium	775
Boron (HWS)	22.5
Cadmium	8.6
Copper	1,968
Lead	4,560
Mercury	4.78
Nickel	129
Thallium	2.1
Zinc	2,280
Electrical Conductivity	4.1
Sodium Adsorption Ratio	21.7
Acenaphthylene	0.54
Anthracene	2.0
Benzo(a)anthracene	3.4
Benzo[a]pyrene	2.7
Benzo[b]fluoranthene	4.3

Contaminants of Concern (COC)	Property Specific Standards Soil (µg/g)
Benzo[k]fluoranthene	1.4
Dibenzo[a,h]anthracene	0.34
Fluoranthene	9.0
Indeno[1,2,3-cd]pyrene	2.0
Naphthalene	0.75
Phenanthrene	8.6
Benzene	0.68
Toluene	6.9
Xylene Mixture	10.9
PHC F2	1,680
PHC F3	10,080

SCHEDULE B

CERTIFICATE OF REQUIREMENT

s.197(2)
Environmental Protection Act

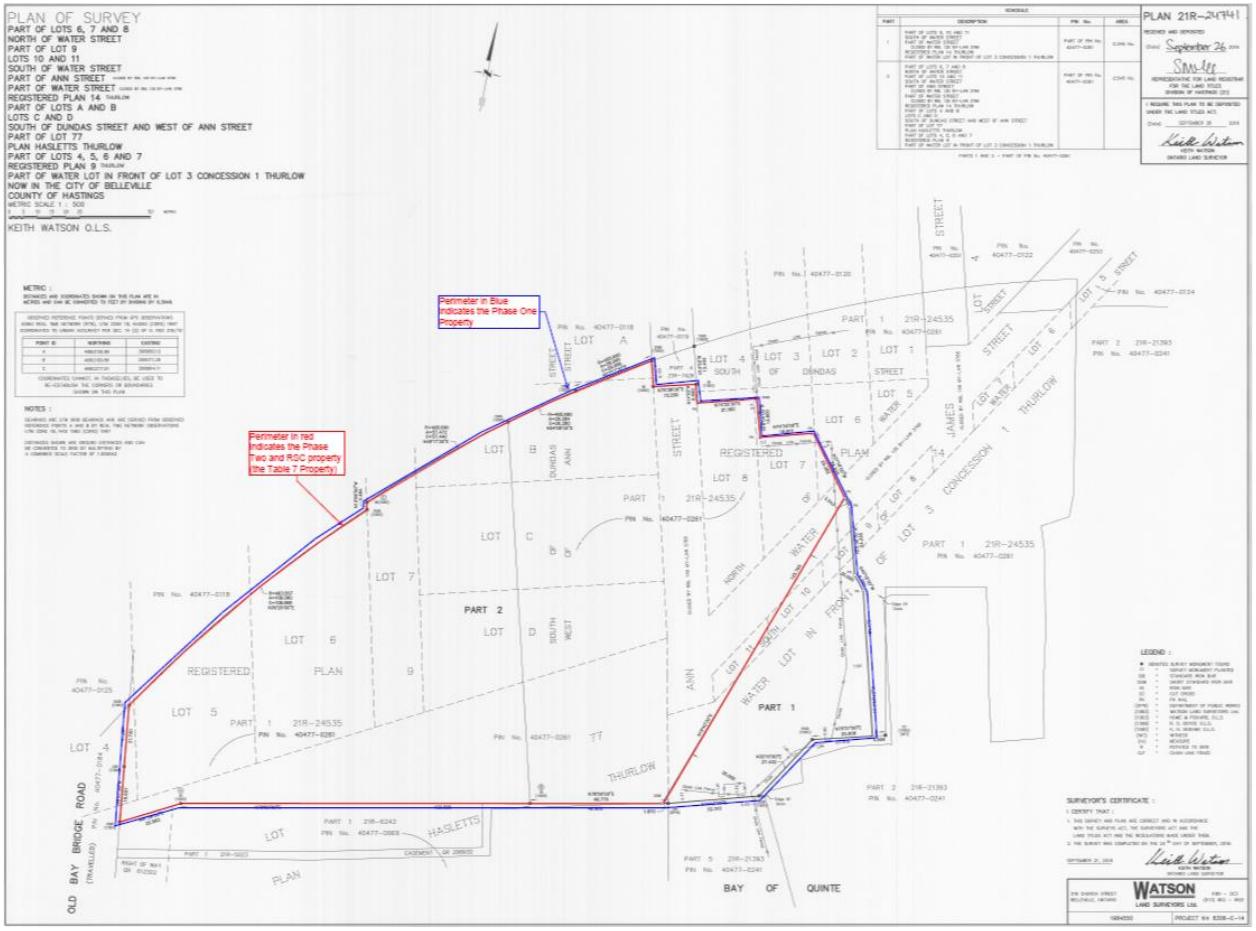
This is to certify that pursuant to Item 7.1 of Certificate of Property Use number RA1470-15-01 issued by Trevor Dagilis, Director of the Ministry of the Environment, Conservation and Parks, under sections 168.6 and 197 of the Environmental Protection Act, on October 19, 2021, being a Certificate of Property Use and order under subsection 197(1) of the Environmental Protection Act relating to the property municipally known as 25 Dundas Street West, Belleville, Ontario, being PART OF Property Identifier Number 40477-0261 (the "Property") with respect to a Risk Assessment and certain Risk Management Measures and other preventive measure requirements on the Property.

Belle Harbour GP Inc. (for and on behalf of Belle Harbour LP)

and any other persons having an interest in the Property, are required before dealing with the Property in any way, to give a copy of the Certificate of Property Use, including any amendments thereto, to every person who will acquire an interest in the Property.

Under subsection 197(3) of the Environmental Protection Act, the requirement applies to each person who, subsequent to the registration of this certificate, acquires an interest in the Property.

Figure 1: Plan of Survey



Certificate of Property Use

Environmental Protection Act, R.S.O. 1990, c.E.19, s.168.6 and 197

Certificate of Property Use number RA1470-15-02
Risk Assessment number RA1470-15e

Owner: **Belle Harbour GP Inc.**
(for and on behalf of)
Belle Harbour LP

190 Hotchkiss Street
Gravenhurst, ON, P1P 1H6

Site: **25 Dundas Street West**
Belleville, Ontario

with a legal description of:

Part of Lots 9, 10 & 11 South of Water Street; Part of Water Street (closed by RBL 135, By-Law 3766) Registered Plan 14, Thurlow; Part of Water Lot in front of Lot 3, Concession 1, Thurlow, designated as Part 1, Plan 21R24741; Belleville

Being Part of PIN 40477-0261

The conditions of this Certificate of Property Use (CPU) address the Risk Management Measures in the Risk Assessment noted above and described in detail in Part 1 below (Risk Assessment). In the event of a conflict between the CPU and the Risk Assessment, the conditions of the CPU take precedence.

Summary:

Refer to Part 1 of the CPU, Interpretation, for the meaning of all the defined capitalized terms that apply to the CPU.

i) CPU requirements addressed in Part 4 of the CPU, Director Requirements, are summarized as follows:

a. Installing/maintaining any equipment	Yes
b. Monitoring any contaminant	Yes
c. Refraining from constructing any building unless as specified	Yes
d. Refraining from using the Property for any use specified	Yes

e. Maintaining a barrier to site soils with Hard or Fill Cap	Yes
f. Preparing and implementing a soil management plan for the Property	Yes
g. Preparing and implementing a health and safety plan for the Property	Yes

ii) Duration of Risk Management Measures identified in Part 4 of the CPU is summarized as follows:

a. The barrier to site soils over the entirety of the Property shall be maintained for as long as the Contaminants of Concern are present on the Property.
b. The active sub-slab ventilation systems for on-site buildings shall be required for the Property for as long as the Contaminants of Concern are present on the Property.
c. The soil management plan shall be required for the Property during any Intrusive Activities for as long as the Contaminants of Concern are present on the Property.
d. The health and safety plan shall be required for the Property during any Intrusive Activities for as long as the Contaminants of Concern are present on the Property.
e. All other Risk Management Measures shall continue indefinitely until the Director alters or revokes the CPU.

Part 1: Interpretation

In the CPU the following terms shall have the meanings described below:

"Act" means the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended.

"Adverse Effect" has the same meaning as in the Act; namely,

(a) impairment of the quality of the natural environment for any use that can be made of it;
(b) injury or damage to property or to plant or animal life;
(c) harm or material discomfort to any person;
(d) an adverse effect on the health of any person;
(e) impairment of the safety of any person;
(f) rendering any property or plant or animal life unfit for human use;
(g) loss of enjoyment of normal use of property; and,
(h) interference with the normal conduct of business.

"Approved Model" has the same meaning as in subsection 1 (1) of Schedule C of O. Reg. 153/04, namely, the data file entitled "Modified Generic Risk Assessment Model" and dated October 19, 2009 as amended from time to time, that is maintained by the Ministry as part of its Brownfield initiative and is available on the Internet and may be available in such other manner as the Minister considers appropriate.

"Capping Soil" means,

(a) soil found on, in or under the Property in which no Property Specific Contaminants of Concern are present, or
(b) soil that meets the the Residential/Parkland/Institutional Property Use Standards within Table 9 of the Soil, Groundwater and Sediment Standards for Use under Part XV.1 of the Act published by the Ministry and dated April 15, 2011 for course textured soils.

applicable site condition standards for the Property, and does not contain any contaminant for which no applicable site condition standard for soil is prescribed under Part IX (Site Condition Standards and Risk Assessment) and which is associated with any potentially contaminating activity described in the Risk Assessment.

“Competent Person” has the same meaning as in the Occupational Health and Safety Act, R.S.O. 1990, c. O.1.

“Contaminant” has the same meaning as in the Act; namely any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them, resulting directly or indirectly from human activities that causes or may cause an Adverse Effect.

“Contaminants of Concern” has the meaning as set out in Item 3.2 of the CPU.

“CPU” means this Certificate of Property Use as may be altered from time to time and bearing the document number **RA1470-15-02.**

"Director" means the undersigned Director or any other person appointed as a Director for the purpose of issuing a certificate of property use.

“EBR” means the *Environmental Bill of Rights*, *1993*, S.O. 1993, c. 28, as amended.

“Fill Cap” means cover, above the Property Specific Contaminants of Concern, that,

(a) is at least, the applicable of,
    (i) 1.0 metre thick, or any greater thickness than 1.0 metre, as specified in section 7 of the Risk Assessment report, or
    (ii) 1.5 metres thick, where the option to modify the S3 component value in the Approved Model for protection of subsurface workers from direct soil contact has been used in the Risk Assessment, as specified in section 7 of the Risk Assessment report,

and,

(b) consists of at least 0.5 metres thickness of Capping Soil, and above this, cover consisting of additional Capping Soil or non-soil surface treatment such as asphalt, concrete or concrete pavers, stone pavers, brick or aggregate.

“Hard Cap” means an asphalt or concrete cover layer, above the Property Specific Contaminants of Concern, that is at least 225 millimetres thick, and consists of at least 75 millimetres thickness of hot mix asphalt or poured concrete underlain by Granular “A” aggregate or equivalent material, and includes a building slab or building foundation and floor slab meeting these specifications.

“Intrusive Activities” means any intrusive activity undertaken at the Property, such as excavating or drilling into soil or ground water, which may disturb or expose Property Specific Contaminants of Concern at the Property.

"Ministry" means the ministry of the government of Ontario responsible for the administration of the Act, currently named Ontario Ministry of the Environment, Conservation and Parks.

“O. Reg. 153/04” means Ontario Regulation 153/04, “Record of Site Condition – Part XV.1 of the Act” as amended, made under the Act.

“Owner” means the owner(s) of the Property, beginning with the person(s) to whom the CPU is issued, described in the “Owner” section on Page 1 above, and any subsequent owner(s) of the Property.

"OWRA" means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended.

“Professional Engineer” means a person who holds a licence, limited licence or temporary licence under the *Professional Engineers Act*, R.S.O. 1990, c. P. 28.

“Property” means the property that is the subject of the CPU and described in the “Site” section on page 1 above.

“Property Specific Contaminants of Concern” means one or more contaminants found on, in or under the Property at a concentration that exceeds the applicable site condition standards for the Property and any higher standards for the contaminant or contaminants as generated by the Approved Model without incorporation of risk management measures, and as specified in section 3 of the Risk Assessment.

“Property Specific Standards” means the property specific standards established for the Contaminants of Concern in the Risk Assessment number and in Item 3.2 of the CPU.

"Provincial Officer" means a person who is designated as a provincial officer for the purposes of the Act.

“Qualified Person” means a person who meets the qualifications prescribed in subsection 5 (2) of O. Reg. 153/04, namely a person who:

a. Holds a licence, limited licence or temporary licence under the *Professional Engineers Act*, or
b. Holds a certificate of registration under the *Professional Geoscientists Act*, 2000, and is a practising member, temporary member, or limited member of the Association of Professional Geoscientists of Ontario.

"Risk Assessment" means the Risk Assessment number **1470-15e** accepted by the Director on May 24, 2019 and set out in the following documents:

- **Fourth Revision Risk Assessment for the Table 7 Parcel at 25 Dundas Street West, Belleville, Ontario report prepared by BluMetric**

Environmental, dated February 2021
and
Fourth Revision Risk Assessment for the Table 9 Parcel at 25 Dundas Street West, Belleville, Ontario report prepared by BluMetric Environmental, dated February 2021

- **"RE: Fourth Revision of the Two RAs for 25 Dundas Street West, Belleville [RA1470-15d, IDS 0053-9X3NWY]" e-mail from Brett Ibbotson, BluMetric Environmental, received by TASDB on March 10, 2021, with the following document attached:**
    - *Fourth Revision T7 Parcel Main RA Compiled.pdf*

- **"RE: 25 Dundas Street West, Belleville [RA1470-15d, IDS 0053-9X3NWY] - New Ownership" e-mail from Paul Bandler, BluMetric Environmental, received by TASDB on April 21, 2201, with the following documents attached:**
    - *Lawyer Letter Apr 21-2021 – compiled.pdf*
    - *PSF - 25 Dundas W Belleville – signed.pdf*

"Risk Management Measures" means the risk management measures specific to the Property described in the Risk Assessment and/or Part 4 of the CPU.

"Shallow Soil Cap" means cover, above the Property Specific Contaminants of Concern, that is at least 0.5 metres thick, and consists of Capping Soil on top of a geotextile fabric layer.

"Tribunal" has the same meaning as in the Act; namely, the Ontario Land Tribunal.

Part 2: Legal Authority

2.1 Section 19 of the Act states that a certificate of property use is binding on the executor, administrator, administrator with the will annexed, guardian of property or attorney for property of the person to whom it was directed, and on any other successor or assignee of the person to whom it was directed.

2.2 Subsection 132(1.1) of the Act states that the Director may include in a certificate of property use a requirement that the person to whom the certificate is issued provide financial assurance to the Crown in right of Ontario for any one or more of,

a. the performance of any action specified in the certificate of property use;
b. the provision of alternate water supplies to replace those that the Director has reasonable and probable grounds to believe are or are likely to be contaminated or otherwise interfered with by a contaminant on, in or under the property to which the certificate of property use relates; and
c. measures appropriate to prevent adverse effects in respect of the

property to which the certificate of property use relates.

2.3 Section 168.6 (1) of the Act states that if a risk assessment related to the property has been accepted under clause 168.5 (1) (a), the Director may issue a certificate of property use to the owner of the property, requiring the owner to do any of the following things:

1) Take any action that is specified in the certificate and that, in the Director's opinion, is necessary to prevent, eliminate or ameliorate any adverse effect that has been identified in the Risk Assessment, including installing any equipment, monitoring any contaminant or recording or reporting information for that purpose.
2) Refrain from using the property for any use specified in the certificate or from constructing any building specified in the certificate on the property

2.4 Subsection 168.6(2) of the Act states that a certificate of property use shall not require an owner of property to take any action that would have the effect of reducing the concentration of a contaminant on, in or under the property to a level below the level that is required to meet the standards specified for the contaminant in the risk assessment.

2.5 Subsection 168.6(3) of the Act states that the Director may, on his or her own initiative or on application by the owner of the property in respect of which a certificate has been issued under subsection 168.6(1),

a. alter any terms and conditions in the certificate or impose new terms and conditions; or
b. revoke the certificate.

2.6 Subsection 168.6(4) of the Act states that if a certificate of property use contains a provision requiring the owner of property to refrain from using the property for a specified use or from constructing a specified building on the property,

a. the owner of the property shall ensure that a copy of the provision is given to every occupant of the property;
b. the provision applies, with necessary modifications, to every occupant of the property who receives a copy of the provision; and
c. the owner of the property shall ensure that every occupant of the property complies with the provision.

2.7 Subsection 197(1) of the Act states that a person who has authority under the Act to make an order or decision affecting real property also has authority to make an order requiring any person with an interest in the property, before dealing with the property in any way, to give a copy of the order or decision affecting the property to every person who will acquire an interest in the property as a result of the dealing.

2.8 Subsection 197(2) of the Act states that a certificate setting out a requirement imposed under subsection 197(1) may be registered in the proper land registry office on the title of the real property to which the requirement relates, if the

certificate is in a form approved by the Minister, is signed or authorized by a person who has authority to make orders imposing requirements under subsection 197(1) and is accompanied by a registrable description of the property.

2.9 Subsection 197(3) of the Act states that a requirement, imposed under subsection 197(1) that is set out in a certificate registered under subsection 197(2) is, from the time of registration, deemed to be directed to each person who subsequently acquires an interest in the real property.

2.10 Subsection 197(4) of the Act states that a dealing with real property by a person who is subject to a requirement imposed under subsection 197(1) or 197(3) is voidable at the instance of a person who was not given the copy of the order or decision in accordance with the requirement.

Part 3: Background

3.1 The Risk Assessment was undertaken for the Property on behalf of the Owner to assess the human health risks and ecological risks associated with the presence or discharge of Contaminants on, in or under the Property and to identify appropriate Risk Management Measures to be implemented to ensure that the Property is suitable for the intended use**:** mixed Commercial Use and Residential Use as defined in O. Reg. 153/04.

3.2 The Contaminants on, in or under the Property that are present above the Residential/Parkland/Institutional Property Use Standards within Table 9 of the *Soil, Groundwater and Sediment Standards for Use under Part XV.1 of the Act published by the Ministry and dated April 15, 2011* for course textured soils or for which there are no such standards are defined as the Contaminants of Concern. The Property Specific Standards for the Contaminants of Concern are set out in Schedule “A” attached to and forming part of the CPU. Also attached to and forming part of the CPU is the following figures:

- Plan of Survey

3.3 I am of the opinion, for the reasons set out in the Risk Assessment that the Risk Management Measures described therein and outlined in Part 4 of the CPU are necessary to prevent, eliminate or ameliorate an Adverse Effect on the Property.

3.4 The Risk Assessment indicates the presence of Contaminants of Concern including: antimony; arsenic; barium; boron (HWS); cobalt; copper; lead; mercury; nickel; thallium; selenium; zinc; electrical conductivity; sodium adsorption ratio; acenaphthylene; anthracene, benzon(a)anthracene; benzo[a]pyrene; benz[b]fluoranthene; benzo[k]fluoranthene; dibenzo[a,h]anthracene; fluoranthene; indeno[1,2,3-cd]pyrene; naphthalene; phenanthrene; benzene; toluene; xylene and petroleum hydrocarbons F2 and F3 in soil which require on-going pathway elimination.

3.5 As such, it is necessary to impose Risk Management Measures including: a requirement for barriers to prevent contact with soils; an active sub-slab ventilation for on-site buildings, a soil management plan; no groundwater use; and a health and safety plan for any Intrusive Activities as set out in the Risk Assessment and in Parts 4 and 5 of the CPU.

3.6 I am of the opinion, that the requirements set out in Part 6 of the CPU are necessary to supplement the Risk Management Measures described in the Risk Assessment in Part 4 of the CPU.

3.7 I believe for the reasons set out in the Risk Assessment that it is also advisable to require the disclosure of the CPU and registration of notice of the CPU on title to the Property as set out in the section 197 order requirements in Part 7 of the CPU.

Part 4: CPU Risk Management Measures Relating to the Risk Assessment and the Property

I hereby require the Owner to do or cause to be done the following under the authority of section 168.6(1) of the Act:

4.1 Implement, and thereafter maintain or cause to be maintained, the Risk Management Measures as set out in Items 4.2 to 4.9 below.

4.2 The Hard Cap or Fill Cap barrier risk management measure is set out below:

a. Covering of all areas of the Property where Property Specific Contaminants of Concern are present at or within 1.0 metre below the soil surface, such that a Hard Cap Barrier or a Fill Cap barrier is in place in these areas, so as to prevent exposure to the Property Specific Contaminants of Concern at the Property, in conjunction with any existing Barriers in any other areas of the Property where Property Specific Contaminants of Concern are present below the soil surface;

b. Before commencing development of all or any part of the Property, installing fencing and implementing dust control measures for any part of the Property requiring covering but which has not been covered, so as to restrict access to the part fenced and prevent exposure to the Property Specific Contaminants of Concern at the Property, with the fencing and dust control measures to be maintained until covering of the part fenced is complete;

c. Preparing and implementing a written inspection and maintenance program, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, so as to ensure the continuing integrity of each Barrier at the Property so long as the Property Specific Contaminants of Concern are present at the Property, including, at a minimum:
    i. procedures and timing for implementing the program;
    ii. semi-annual inspections, in spring and fall, of the Barrier;

iii. noting any deficiencies in the Barrier observed during the inspections, or at any other time;
iv. repairing promptly any such deficiencies, to the original design specifications, with written confirmation by a Licenced Professional Engineer that the barrier has been properly repaired, to be retained by the Owner and be available for inspection upon request by a Provincial Officer;
v. contingency measures, such as fencing, to be implemented if cracks, breaches or any loss of integrity of the barrier cannot be repaired or addressed in a timely manner, to prevent exposure to the Property Specific Contaminants of Concern in that area of the Property; and
vi. recording, in writing, all inspections, deficiencies, repairs and implementation of contingency measures, to be retained by the Owner and be available for inspection upon request by a Provincial Officer;

and which is,

vii. delivered to the Owner before residential use of all or any part of the Property begins, or within 90 days following completion of covering of all or any part of the Property, whichever is earlier; and
viii. updated and delivered to the Owner within 30 days following making any alteration to the program;

d. Preparing a site plan of the entire Property, prepared by a Licenced Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, showing the Property, any fencing, and the location, type and design of each barrier at the Property, including cross-sectional drawings of the barrier showing its design and vertical and lateral extent;
and which is:
i. delivered to the Owner before residential use of all or any part of the Property begins, or within 90 days following completion of covering of all or any part of the Property, whichever is earlier; and
ii. updated and delivered to the Owner within 30 days following making any alteration to the location, design or extent of the barrier, or other relevant feature shown on the site plan; and

e. Preparing and implementing written procedures, prepared by Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, for written and oral communication to all persons who may be involved in Intrusive Activities at the Property that may disturb a Barrier at the Property, so as to ensure the persons are made aware of the presence and significance of the Barrier and the Property Specific Contaminants of Concern at the Property and the precautions to be taken to ensure the continued integrity of the barrier when undertaking the Intrusive Activities, and if damaged, to ensure that the barrier is repaired promptly to the original design specifications, or, if it cannot be repaired promptly, to ensure that the contingency measures are implemented, and records kept, as specified in the inspection and maintenance program;
and which are,

i. delivered to the Owner before any Intrusive Activities are undertaken at the Property; and
ii. updated and delivered to the Owner within 30 days following making any alteration to the procedures.

4.3 Not constructing any Building on the Property unless the Building includes an Active SVIMS, and the Active SVIMS meets the following requirements:

DESIGN, INSTALLATION AND OPERATION

a. Designing, installing and operating an Active SVIMS for the Building, designed by a Licenced Professional Engineer in consultation with a Qualified Person and installed by a person acceptable to and under the supervision of a Licenced Professional Engineer, so as to remove soil vapour from below the Building and prevent soil vapour containing the Property Specific Contaminants of Concern from entering the Building air, including the following requirements and components for the Active SVIMS:

SYSTEM REQUIREMENTS

i. the Active SVIMS is to:

(a) be designed, installed and operated with the objective of achieving during all seasons at least a 6 Pascal lower air pressure differential below the foundation floor slab, relative to the indoor air pressure within the Building, across at least 90% of the Building Area; and

(b) have in place, measures, as appropriate based on an assessment carried out in accordance with ASTM E1998, to prevent potential depressurization induced back drafting and spillage of combustion products from vented combustion appliances that may be in the Building, due to the use of electrical fan powered vents;

SUB-SLAB FOUNDATION LAYER

ii. throughout the Building Area below the foundation floor slab, a sub-slab foundation layer, above soil containing the Property Specific Contaminants of Concern, designed by a Licenced Professional Engineer for the Building constructor in consultation with the Licenced Professional Engineer for the Active SVIMS;

SOIL VAPOUR VENTING LAYER

iii. throughout the Building Area below the foundation floor slab and above the sub-slab foundation layer, a soil vapour venting layer designed for collection and venting of soil vapour from below the floor slab to vent risers for venting to the outdoor air, with the soil vapour venting layer consisting of:

(a) perforated collection pipes or geocomposite strips of sufficient size or diameter, frequency and locations to promote efficient collection

and venting , embedded in granular materials of sufficient air permeability and depth;

or,

other soil vapour collection and venting products used to construct a soil vapour venting layer with continuous open void space, such as an aerated sub-floor below the floor slab and around the exterior walls, which provides similar or greater air permeability and collection and venting efficiency;

(b) for a Building with isolated soil vapour venting layer areas caused by interior grade beams or areas of thickened slabs, ventilation pipes to connect the isolated areas or a soil vapour venting layer that extends below these elements of the Building foundation; and

(c) clean-outs, drains or openings to ensure drainage and removal of condensate or water, including any entrained dust, that may enter collection pipes, geocomposite strips or vent risers and, if required, to ensure drainage or dewatering of the soil vapour venting layer in Property areas with a shallow ground water table;

SOIL VAPOUR BARRIER MEMBRANE

iv. throughout the Building Area, a continuous leak free soil vapour barrier membrane, such as a sheet geomembrane or spray applied membrane, below the foundation floor slab and above the soil vapour venting layer, and below and along the walls of any subsurface structures such as a sump, and which:

(a) is of appropriate thickness and meets the appropriate gas permeability and chemical resistance specifications to be considered substantially impermeable to the soil vapour, in accordance with the appropriate ASTM standards such as D412 and D543, as applicable; and

(b) has a suitable protective geotextile, or other suitable protective material, such as a sand layer, immediately below or above the soil vapour barrier membrane, as considered appropriate by the Licenced Professional Engineer;

VENT RISERS

v. vent risers of sufficient size or diameter, frequency and locations to promote efficient venting and that terminate above the roof of the Building, to convey soil vapour from the soil vapour venting layer to the outdoor air above the roof of the Building and that discharge at an appropriate distance, consistent with the separation provisions in ASTM E2121 but modified as appropriate for the characteristics of the soil vapour and Building, from Building air intakes and openable windows, doors and other openings through which exhausted vapours could be entrained in Building air, including:

(a) at least one vent riser per isolated section of the soil vapour venting layer caused by interior grade beams or thickened slabs, unless analysis or testing indicates a lesser number of vent risers is required;

(b) vent pipe riser diameter that is greater than the collection pipe diameter, to promote efficient venting;

(c) vent risers located within the Building, where appropriate, to promote temperature induced convective venting during colder weather; and

(d) an electrical powered fan on each vent riser, and an automated monitoring system of fan operation which remotely detects and indicates system malfunctions;

MONITORING DEVICES

vi. monitoring devices installed below the foundation floor slab across the Building Area for measurement of the (lower) air pressure differential, relative to the indoor air pressure within the Building, being achieved by the soil vapour venting layer, with the number and locations of the monitoring devices installed being as considered appropriate by the Licenced Professional Engineer in consultation with the Qualified Person, taking into account factors such as the Building Area and the design and configuration of the Building foundation;

LABELING OF EQUIPMENT

vii. labeling of equipment for the Active SVIMS, including information such as the installer's name, date of installation and identification of all visible piping, consistent with the labeling provisions in ASTM E1465 but modified as appropriate for the characteristics of the soil vapour and Building; and

UTILITY SEALING

viii. where utilities or subsurface Building penetrations are a potential conduit for soil vapour migration,

(a) utility trench dams consisting of soil-bentonite mixture, sand-cement slurry or other appropriate material, installed as a precautionary measure to reduce the potential for soil vapour to migrate beneath the Building through relatively permeable trench backfill; and

(b) conduit seals constructed of closed cell polyurethane foam, or other inert gas-impermeable material at the termination of all utility conduits and at subsurface Building penetrations, such as sumps, to reduce the potential for vapour migration along the conduit to the interior of the Building;

QUALITY ASSURANCE / QUALITY CONTROL

b. Preparing and implementing a quality assurance and quality control program, prepared by a Licenced Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, so as to ensure that the Active SVIMS is being, and has been, properly installed and the installation documented, including inspections, verification testing and documenting of the installation as it is carried out, including at a minimum:

   i. procedures and timing for implementing the program, by a person acceptable to and under the supervision of a Licenced Professional Engineer;

   ii. daily inspections of the installation of the Active SVIMS, including of the quality assurance and quality control measures and procedures undertaken by the installer;

   iii. undertaking, at a minimum, the following quality control measures and verification testing of the soil vapour barrier membrane:

      (a) daily inspection reports noting any deficiencies and corrective actions taken;

      (b) smoke testing of the soil vapour barrier membrane, or equivalent alternative testing method that provides comparable results;

      (c) verification of the type and thickness of the soil vapour barrier membrane through testing of representative samples of materials used, including destructive testing and repair of portions of the membranes to be conducted in a manner and at a frequency that meets or exceeds manufacturer's recommendations;

      (d) verification of field seams of sheet geomembranes as being continuous and leak free, through vacuum or pressure testing, geophysical testing or other appropriate means; and

      (e) verification that appropriate measures to prevent post-construction damage or degradation to the soil vapour barrier membrane have been taken, including at a minimum, appropriate preparation of the sub-slab foundation layer, placement of a protective geotextile, or other suitable protective material, below or above the soil vapour barrier membrane, if included in the design, and work practices to prevent post-construction damage;

   iv. noting any deficiencies in the materials or installation of the Active SVIMS;

   v. ensuring the prompt repair of any deficiencies, to the design specifications;

   vi. preparing a written report of all inspections, quality control measures and verification testing undertaken, and any deficiencies and repairs, prepared

by the Licenced Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer;

and which is,

vii. delivered to the Owner before installation of the Active SVIMS begins; and

viii. updated and delivered to the Owner within 30 days of making any alteration to the program;

AS CONSTRUCTED PLANS

c. Preparing as constructed plans of the Active SVIMS, prepared by a Licenced Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, showing the location of the Building and the location and specifications of the installed Active SVIMS, including cross-sectional drawings specifying the design and the vertical and lateral extent of the Active SVIMS relative to the Building and the ground surface, and which is:

i. delivered to the Owner before use of all or any part of the Building begins, or within 90 days following completion of installation of the Active SVIMS, whichever is earlier; and

ii. updated and delivered to the Owner within 30 days following making any alteration to the Active SVIMS, or other relevant feature shown on the plans;

INSPECTION AND MAINTENANCE

d. Preparing and implementing a written inspection and maintenance program, prepared by a Licenced Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, to ensure the continued integrity and effectiveness of the Active SVIMS, including, at a minimum:

i. procedures and timing for implementing the program, by a person meeting the qualifications as set out in the program;

ii. maintenance and calibration of operational, monitoring and other equipment, as appropriate;

iii. inspections of the Active SVIMS, including:

(a) semi-annual inspections, in spring and fall, of the visible areas of the foundation floor slab or subsurface walls in contact with soil, to identify any cracks, breaches or other deficiencies that may allow soil vapour to enter the Building;

(b) semi-annual inspections, in spring and fall, the visible components of the Active SVIMS, to identify any cracks, breaches or other deficiencies that may hinder the collection or venting of soil vapour from below the Building;

(c) additional inspections, on a more frequent basis as appropriate, of the electrical powered fans to confirm they turn freely, to confirm the automated monitoring system of fan operation is operational and to confirm operational parameters such as amperage levels are within appropriate ranges; and

(d) additional inspections during winter, as appropriate, to identify any significant accumulation of snow or ice requiring removal;

iv. noting any deficiencies with the floor slab and Active SVIMS identified during any inspection, or at any other time;

v. repairing promptly any deficiencies, including under the supervision of a Licenced Professional Engineer for a deficiency referred to in part iii. (b);

vi. factors and considerations for determining if additional inspections or monitoring should be undertaken;

vii. a contingency plan to be implemented in the event the deficiencies cannot be repaired promptly, including prompt notification of the Ministry if such deficiencies, along with operational monitoring results and any additional lines of evidence suggest that soil vapour intrusion into the Building may occur, as determined by a Licenced Professional Engineer; and

viii. preparing a written report of all inspections, deficiencies, repairs and maintenance, and of implementation of the contingency plan if necessary, prepared by a Licenced Professional Engineer and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer;

and which is,

ix. delivered to the Owner before use of all or any part of the Building begins, or within 90 days following completion of installation of the Active SVIMS, whichever is earlier; and

x. updated and delivered to the Owner within 30 days following making any alteration to the program;

OPERATIONAL MONITORING

e. Preparing and implementing a written program for monitoring of the operation of the installed Active SVIMS, prepared by a Licenced Professional Engineer in consultation with a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, to ensure the continued integrity and effectiveness of the Active SVIMS, including, at a minimum:

i. procedures and timing for implementing the program, by a person meeting the qualifications as set out in the program;

ii. locations and description of the devices and equipment used, or tested, for each monitoring event;

iii. procedures for undertaking the testing, measurement and evaluation during a monitoring event, including calibration of operational, monitoring and other equipment, as appropriate;

iv. undertaking operational monitoring, including recording of the monitoring results, in accordance with the following:

(a) at least once before occupancy and as considered appropriate by a Licenced Professional Engineer after occupancy has commenced, vacuum testing of the soil vapour venting system by conducting pilot testing using the powered fan(s), including with respect to the soil vapour venting layer being able to achieve a 6 Pascal lower air pressure differential objective below the foundation floor slab across the Building Area, relative to the indoor air pressure within the Building; and

(b) at least once before occupancy and semi-annually after occupancy has commenced, measuring of the (lower) air pressure differential below the foundation floor slab across the Building Area, relative to the indoor air pressure within the Building, being achieved by the soil vapour venting layer, using all of the monitoring devices, including those referred to in part vi. of section a. above;

v. for each year, undertaking an assessment and preparing a written monitoring report, by a Licenced Professional Engineer in consultation with a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, on the operational monitoring undertaken and its results and findings with respect to the integrity and effectiveness of the installed Active SVIMS, including taking into account previous monitoring undertaken, and with recommendations and any follow-up actions to be taken, such as:

(a) the need to repeat or undertake additional or follow-up operational monitoring and assessment, or additional inspections;

(b) changes to the frequency or nature of the monitoring;

(c) the need to make repairs or changes to the design or operation of the Active SVIMS; and

(d) if necessary, implementation of the contingency plan in the event needed repairs or changes to the Active SVIMS cannot be made promptly, including notification of the Ministry if the operational monitoring results and any additional lines of evidence suggest that soil vapour intrusion into the Building may occur, as determined by a Licenced Professional Engineer;

and which is,

vi. delivered to the Owner before use of all or any part of the Building begins, or within 90 days following completion of installation of the Active SVIMS, whichever is earlier; and

vii. updated and delivered to the Owner within 30 days of following making any alteration to the program;

INTRUSIVE ACTIVITIES CAUTION

f. Preparing and implementing written procedures, prepared by a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, for written and oral communication to all persons who may be involved in Intrusive Activities at the Property that may disturb an installed Active SVIMS, so as to ensure the persons are made aware of the presence and significance of the Active SVIMS and the Property Specific Contaminants of Concern at the Property and the precautions to be taken to ensure the continued integrity of the Active SVIMS when undertaking the Intrusive Activities, and if damaged, to ensure the Active SVIMS is repaired promptly to the original design specifications, or if it cannot be repaired promptly, to ensure the contingency measures are implemented, and records kept, as specified in the inspection and maintenance program; and which are,

i. delivered to the Owner before any Intrusive Activities are undertaken at the Property; and
ii. updated and delivered to the Owner within 30 days following making any alteration to the procedures; and

BUILDING CODE

g. The Building complies with all applicable requirements of the Building Code, such as the provisions governing the following:

i. soil gas control as set out in Division B, subsection 9.13.4. (Soil Gas Control) of the Building Code;
ii. protection against depressurization as set out in Division B, Article 9.32.3.8. (Protection Against Depressurization) of the Building Code; and
iii. separation of air intakes and exhaust outlet openings and protection against contamination of the ventilation air by the exhaust air as set out in Division B, Article 9.32.3.12. (Outdoor Intake and Exhaust Openings) of the Building Code.

4.4 A soil management plan shall be prepared to address activities that involve excavating, storing disposing, reusing and replacing soil on the property. A copy of the plan shall be kept by the Owner and made available for review by a Provincial Officer upon request. Implementation of the plan shall be overseen by a Qualified

Person and shall include, but not be limited to, provisions for soil and water management and record keeping specified below:

i. procedures and timing for implementing the plan, including the supervision of persons implementing the plan;
ii. measures to control dust and prevent tracking of soil by vehicles and persons from the Property, including the cleaning of equipment and vehicles;
iii. measures, in addition to any applicable measures specified in O. Reg. 153/04, to manage soil excavated at the Property and any soil brought to or removed from the Property, including:
    (a) characterizing for contaminant quality all excavated soil and any soil brought to the Property, including determining whether the soil:
        1. is Capping Soil;
        2. meets the Property Specific Standards; or
        3. exceeds the Property Specific Standards;
    (b) managing excavated soil separately from any soil brought to the Property, including any excavated soil that is to be:
        1. used as Capping Soil at the Property;
        2. otherwise used as fill at the Property;
        3. removed from the Property for off-site storage or processing but is to be returned for use as fill at the Property; or
        4. removed from the Property for off-site use as fill or disposal; and
    (c) stockpiling of excavated soil and any soil brought to the Property in separate designated areas that:
        1. reflect the distinctions described in parts iii. (a) and (b);
        2. have been lined and covered, as appropriate, to prevent uncontrolled movement or discharge of the Property Specific Contaminants of Concern;
        3. have been bermed or fenced, as appropriate, to restrict access by persons; and
        4. have storm water runoff controls in place to minimize storm water runoff contacting stockpiled soil, with provision for discharge of storm water runoff to a sanitary sewer or to other approved treatment if needed;
iv. measures to control erosion when excavating to prevent the movement of entrained soil and Property Specific Contaminants of Concern within and away from the Property, including, in addition to any applicable measures specified pursuant to other applicable law or other instruments, measures such as silt fences, filter socks for catch-basins and utility covers, and provision for discharge to a sanitary sewer or to other approved treatment if needed; and
v. recording, in writing, the soil, storm water and any ground water management measures undertaken, in addition to any applicable record keeping requirements specified in O. Reg. 153/04 or pursuant to other applicable law or other instruments, to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, including:
    (a) dates and duration of the Intrusive Activities being undertaken;

(b) weather and site conditions during the Intrusive Activities;
(c) the location and depth of excavation activities, and dewatering activities, if any;
(d) dust control and soil tracking control measures;
(e) characterization results for excavated soil and any soil brought to or removed from the Property, and for any ground water from dewatering;
(f) soil management activities including soil quantities excavated and brought to and removed from the Property, and stockpile management and storm water runoff control;
(g) management activities for any ground water from dewatering;
(h) names and contact information for the Qualified Persons and on-site contractors involved in the Intrusive Activities;
(i) names and contact information for any haulers and receiving sites for soil and any ground water removed from the Property, and for haulers and source sites of any soil brought to the Property; and
(j) any complaints received relating to the Intrusive Activities, including the soil, storm water and any ground water management activities;

and which is,

vi. delivered to the Owner before any Intrusive Activities are undertaken at the Property; and
vii. updated and delivered to the Owner within 30 days following making any alteration to the plan.

4.5 In addition to any requirements under the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1, A Site Specific Health and Safety Plan shall be prepared by a Competent Person in consultation with a Qualified Person and to be retained by the Owner, and be available for inspection upon request by a Provincial Officer, that includes information concerning the potential hazards and safe work measures and procedures with respect to the Property Specific Contaminants of Concern at the Property and the communication of this information to all persons who may be involved in Intrusive Activities at the Property, including, at a minimum:

i. the procedures and timing for implementing the plan, including the supervision of persons implementing the plan;
ii. all relevant information concerning the presence of, human exposure to, and risk posed by, the Property Specific Contaminants of Concern through dermal contact, soil or ground water ingestion and inhalation of soil particles or vapour, and concerning any biogenic gases such as methane that may be present at the Property including information in the Risk Assessment,
iii. all relevant information, measures and procedures concerning protection of the persons from exposure to the Property Specific Contaminants of Concern and the precautions to be taken when undertaking Intrusive Activities, including the supervision of workers, occupational hygiene requirements, use of personal protective equipment, provision of air flow augmentation in excavations or other areas or situations of minimal air ventilation, and other protective measures and procedures as appropriate;

iv. all relevant information concerning the presence and significance of the risk management measures and requirements which are being, or have been, implemented at the Property,
v. the procedures and timing for implementing emergency response and contingency measures and procedures, including contact information, in the event of a health and safety incident; and
vi. the recording, in writing, of the implementation of the plan and any health and safety incidents that occur, to be retained by the Owner and be available for inspection upon request by a Provincial Officer;

and which is,

vii. delivered to the Owner before any Intrusive Activities are undertaken at the Property; and updated and delivered to the Owner within 30 days following making any alteration to the plan.

4.6 Any deep rooted plants that are planted on the property shall be installed with a minimum thickness of 1.5 metre of clean planting medium around the root ball. On-site soils shall not be used for growing produce for human consumption.

4.7 No Groundwater Use

a. Do not use ground water in or under the Property as a source of water;
b. Properly abandon any wells on the Property, as defined in section 35. (1) of O. Reg. 153/04, according to R.R.O. 1990, Regulation 903 (Wells), as amended, made under the Ontario Water Resources Act, R.S.O. 1990, c. O.40; and
c. Do not construct on the Property any wells as defined in section 35. (1) of O. Reg. 153/04.

4.8 The Owner shall retain a copy of the site plan prepared and signed by a Qualified Person prior to residential occupancy which will describe the Property, placement and quality of all of the shoreline and surface barrier systems. The site plan will include a plan and cross section drawings specifying the vertical and lateral extent of the barriers. This site plan shall be retained by the Owner for inspection upon request by a Provincial Officer. The site plan shall be revised following the completion of any alteration to the extent of the barriers to site soils and shoreline.

4.9 Beginning the year following the start of development construction, the Owner shall prepare by March 31, an annual report documenting activities relating to the Risk Management Measures undertaken during the previous calendar year. A copy of this report shall be maintained on file by the Owner and shall be made available upon request by a Provincial Officer. The report shall include, but not be limited to, the following minimum information requirements:

a. a copy of all records relating to the inspection and maintenance program for the barrier to site soils;
b. a copy of all records related to operation, testing and maintenance of the active SVMS;
c. a copy of all records relating to the soil management plan and to the health and safety plan;

d. a copy of all signed site plans including any alterations for barriers to site soils.

Part 5: CPU Restrictions on Property Use, Building Construction and Notice Requirements

I hereby require the Owner to do or cause to be done the following under the authority of paragraph 168.6(1)2 of the Act:

Property Use Restrictions

5.1 Refrain from using the Property for any of the following use(s): all property uses, except for mixed commercial use and residential use as defined in O. Reg 153/04.

Building Construction Restrictions

5.2 Refrain from constructing the following building(s): Any new building that is not slab-on-grade and which does not comply with Item 4.3 of the CPU.

Notice of Restrictions

5.3 Pursuant to subsection 168.6(4) of the Act, the Owner shall ensure that every occupant of the Property is given notice that the Ministry has issued this CPU and that it contains the provisions noted above in Items 5.1 and 5.2. For the purposes of this requirement, an occupant means any person with whom the Owner has a contractual relationship regarding the occupancy of all or part of the Property.

Part 6: Additional Requirements

I hereby require the Owner to do or cause to be done the following things under the authority of subsection 168.6(1) of the Act:

Site Changes Affecting Risk Management Measures

6.1 In the event of a change in the physical site conditions or receptor characteristics at the Property that may affect the Risk Management Measures and/or any underlying basis for the Risk Management Measures, the Owner shall forthwith notify the Director of such changes and the steps taken or proposed, to implement, maintain and operate any further Risk Management Measures as are necessary to prevent, eliminate or ameliorate any Adverse Effect that will result from the presence on, in or under the Property of any Contaminant of Concern or the discharge of any Contaminant of Concern into the natural environment from the Property. In support of this work, the Director may require a new risk assessment be completed in accordance with O. Reg. 153/04 and submitted to the Ministry for acceptance if the change in the physical site conditions or receptor characteristics is such that it is not contemplated by the existing Risk Assessment or cannot be

adequately managed by the Risk Management Measures. An amendment to the CPU will be issued to address the changes set out in the notice received and any further changes that the Director considers necessary in the circumstances.

Report Retention Requirements

6.2 The Owner shall retain a copy of any reports required under the CPU for a period of seven (7) years from the date the report is created and within ten (10) days of the Director or a Provincial Officer making a request for a report, provide a copy to the requesting Director or Provincial Officer.

Owner Change Notification

6.3 While the CPU is in effect, the Owner shall, forthwith report in writing to the Director any changes of ownership of the Property except that while the Property is registered under the *Condominium Act, 1998*, S.O. 1998 c.19, as amended, no notice shall be given of changes in the ownership of individual condominium units or any appurtenant common elements on the Property.

Financial Assurance

6.4 The Director has not included in the CPU a requirement that the Owner provide financial assurance to the Crown in right of Ontario.

Part 7: Section 197 Order – Property Notice and Certificate of Requirement Registration

I hereby order the Owner to do or cause to be done the following under the authority of subsections 197(1) and (2) of the Act:

Property Notice Requirement

7.1 I hereby order the Owner and any other person with an interest in the Property, before dealing with the Property in any way, to give a copy of the CPU, including any amendments thereto, to every person who will acquire an interest in the Property as a result of the dealing with the Property.

Certificate of Requirement Registration

7.2 Within fifteen (15) days of receipt of a certificate of requirement, issued under subsection 197 (2) of the Act completed as outlined in Schedule “B”, register the certificate of requirement on the title to the Property in the appropriate land registry office.

Verification

7.3 Within five (5) days after registering of the certificate of requirement, provide to the Director a copy of the registered certificate and of the parcel register(s) for the Property confirming that registration has been completed.

Part 8: General Requirements

8.1 The requirements of the CPU are severable. If any requirement of the CPU or the application of any requirement to any circumstance is held invalid, the application of such requirement to other circumstances and the remainder of the CPU shall not be affected thereby.

8.2 An application under sub section 168.6(3) of the Act to,

a) alter any terms and conditions in the CPU or impose new terms and conditions; or

b) revoke the CPU;

shall be made in writing to the Director, with reasons for the request.

8.3 The Director may alter the CPU under subsections 132(2) or (3) of the Act to change a requirement as to financial assurance, including that the financial assurance may be increased or reduced or released in stages. The total financial assurance required may be reduced from time to time or released by an order issued by the Director under section 134 of the Act upon request and submission of such supporting documentation as required by the Director.

8.4 Subsection 186(3) of the Act provides that non-compliance with the requirements of the CPU constitutes an offence.

8.5 The requirements of the CPU are minimum requirements only and do not relieve the Owner from,

a. complying with any other applicable order, statute, regulation, municipal, provincial or federal law; or

b. obtaining any approvals or consents not specified in the CPU.

8.6 Notwithstanding the issuance of the CPU, further requirements may be imposed in accordance with legislation as circumstances require. The Director shall also alter the CPU where the approval or acceptance of the Director is required in respect of a matter under the CPU and the Director either does not grant the approval or acceptance or does not grant it in a manner agreed to by the Owner.

8.7 In the event that, any person is, in the opinion of the Director, rendered unable to comply with any requirements in the CPU because of,

a. natural phenomena of an inevitable or irresistible nature, or insurrections,

b. strikes, lockouts or other labour disturbances,

c. inability to obtain materials or equipment for reasons beyond your control, or

d. any other cause whether similar to or different from the foregoing beyond your control,

the requirements shall be adjusted in a manner defined by the Director. To obtain such an adjustment, the Director must be notified immediately of any of the above occurrences, providing details that demonstrate that no practical alternatives are feasible in order to meet the requirements in question.

8.8 Failure to comply with a requirement of the CPU by the date specified does not absolve the Owner from compliance with the requirement. The obligation to complete the requirement shall continue each day thereafter.

8.9 The Risk Management Measures identified in the Risk Assessment and also in Part 4 of the CPU and other requirements of the CPU shall commence upon the issuance of the CPU and continue in full force and effect until such time as the Director alters or revokes the CPU.

8.10 The provisions of the CPU shall take precedence in the event of a conflict between the provisions of the CPU and the Risk Assessment.

8.11 In the event that the Owner complies with the provisions of Items 7.2 and 7.3 of the CPU regarding the registration of the certificate of requirement on title to the Property, and then creates a condominium corporation by the registration of a declaration and description with respect to the Property pursuant to the *Condominium Act, 1998*, S.O. 1998, c.19, as amended, and then transfers ownership of the Property to various condominium unit owners, the ongoing obligations of the Owner under this CPU can be carried out by the condominium corporation on behalf of the new Owners of the Property.

Part 9: Hearing before the Ontario Land Tribunal

9.1 Pursuant to section 139 of the Act, you may require a hearing before the Ontario Land Tribunal (the “Tribunal”), if within fifteen (15) days after service on you of a copy of the CPU, you serve written notice upon the Director and the Tribunal.

9.2 Pursuant to section 142 of the Act, the notice requiring the hearing must include a statement of the portions of the CPU and the grounds on which you intend to rely at the hearing. Except by leave of the Tribunal, you are not entitled to appeal a portion of the CPU, or to rely on a ground, that is not stated in the notice requiring the hearing.

9.3 Service of a notice requiring a hearing must be carried out in a manner set out in section 182 of the Act and Ontario Regulation 227/07: *Service of Documents,* made under the Act as they may be amended from time to time. The contact information of the Tribunal and the Director are:

Registrar
Ontario Land Tribunal
655 Bay Street, Suite 1500
Toronto, ON, M5G 1E5

Tel : (416) 212-6349 or Toll Free (866) 448-2248
Email: OLT.Registrar@ontario.ca

and

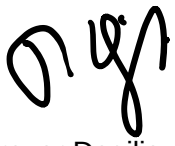
Trevor Dagilis
Ministry of the Environment, Conservation and Parks
Kingston District Office
1259 Gardiners Road, Unit 3
Kingston, ON K7P 3J6
Fax: 613-548-6920
Email: trevor.dagilis@ontario.ca

9.4 Unless stayed by application to the Tribunal under section 143 of the Act, the CPU is effective from the date of issue.

Further information on the Ontario Land Tribunal's requirements can be obtained directly from the Tribunal at:

Tel: (416) 212- 6349 or Toll Free (866) 448-2248
olt.gov.on.ca

Issued at Kingston this 19th day of October, 2021.



Trevor Dagilis
Director, section 168.6 of the Act

Schedule ‘A’

Property Specific Standards for each Contaminant of Concern

Contaminants of Concern (COC)	Property Specific Standards Soil (µg/g)
Antimony	8.8
Barium	436
Boron (HWS)	3.9
Boron (total)	162
Copper	120
Lead	296
Mercury	2.1
Trichloroethylene	3.2
Benzene	0.09
Ethylbenzene	0.28
Toluene	0.6
Xylene Mixture	0.55
PHC F3	1,680

SCHEDULE B

CERTIFICATE OF REQUIREMENT

s.197(2)
Environmental Protection Act

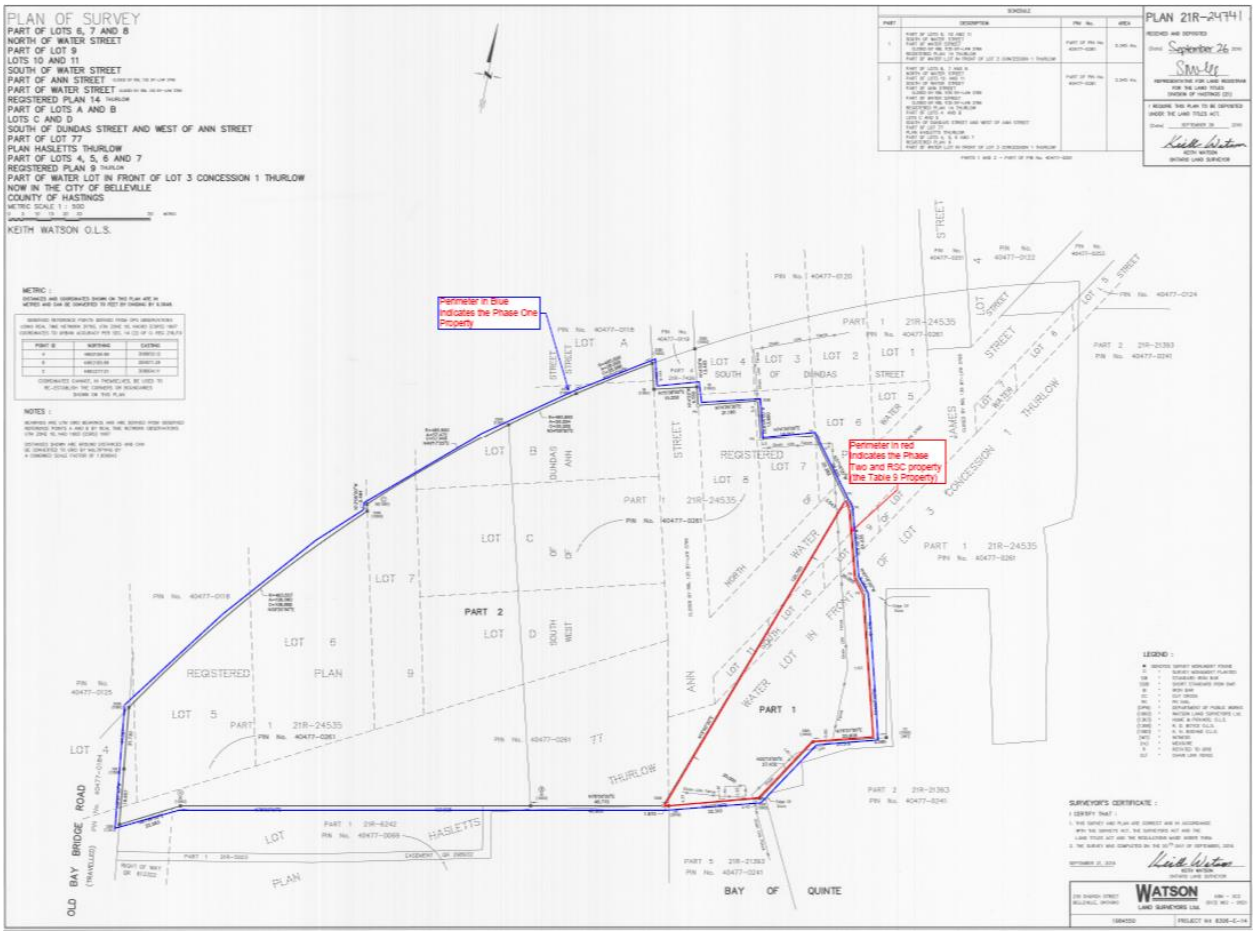
This is to certify that pursuant to Item 7.1 of Certificate of Property Use number RA1470-15-02 issued by Trevor Dagilis, Director of the Ministry of the Environment, Conservation and Parks, under sections 168.6 and 197 of the Environmental Protection Act, on October 19, 2021, being a Certificate of Property Use and order under subsection 197(1) of the Environmental Protection Act relating to the property municipally known as 25 Dundas Street West, Belleville, Ontario, being PART OF Property Identifier Number 40477-0261 (the "Property") with respect to a Risk Assessment and certain Risk Management Measures and other preventive measure requirements on the Property.

Belle Harbour GP Inc. (for and on behalf of Belle Harbour LP)

and any other persons having an interest in the Property, are required before dealing with the Property in any way, to give a copy of the Certificate of Property Use, including any amendments thereto, to every person who will acquire an interest in the Property.

Under subsection 197(3) of the Environmental Protection Act, the requirement applies to each person who, subsequent to the registration of this certificate, acquires an interest in the Property.

Figure 1: Plan of Survey



Appendix G: Pre-Consultation Comments

City of Belleville

Engineering & Development Services Department
Approvals
Telephone: (613) 967-3288
Email: planning@belleville.ca

File: PLPRE20240311

E-mailed response to: Beverly Saunders BSaunders@lgl.com; Thomas Binczyk | MDM Developments <tbinczyk@mdmdevelopments.com>; Luke Wilson | MDM Developments <lwilson@mdmdevelopments.com>; Doug Gray | MDM Developments <dgray@mdmdevelopments.com>

February 11, 2025

BELLE HARBOUR GP INC
190 HOTCHKISS ST
GRAVENHURST, ON P1P1H6

Attention: BELLE HARBOUR GP INC

RE: Pre-Consultation Meeting
25 OLD BAY BRIDGE RD [PID:21440] [ROLL:120801001004919], CITY OF BELLEVILLE, COUNTY OF HASTINGS

Further to the pre-consultation meeting held on November 21, 2024, concerning the development proposal for above-noted property, please find below application requirements for your proposed Planning Application Submittal.

The below documents will be required for a complete application submission. Please note that additional documents may be required once the application has been received for processing. **In addition, this letter is required to be submitted with any application indicated below.**

- **Zoning By-law Amendment**
  - Application Form
    - No Additional Comments
  - Planning Justification Report
    - Completed by a Registered Professional Planner.
  - Proposed Draft By-Law Amendment
    - Staff strongly encourage utilizing two zones, for example, using the R2 Zone for the proposed towns and a commercial or Mixed Use 1

Zone for the commercial building versus creating a new site-specific zone to incorporate all of the proposed uses.
    - Vibration Impact Study
        - Based on revised plan
    - Noise Impact Study
        - Based on revised plan
    - Pre-Consultation Checklist
        - No Additional Comments
    - Elevation Drawings
        - Based on revised built forms.
    - Concept Plan / Sketch of Proposal
        - No Additional Comments
    - Transportation /Traffic Study
        - No Additional Comments
    - Functional Servicing Study
        - No Additional Comments
    - Zoning Matrix
        - No Additional Comments
    - Other / Miscellaneous
        - A letter of non-objection from Quinte Conservation, or a decision from their Board endorsing the proposal is necessary. Staff has received unfavourable comments to date because of the floodplain as it relates to the current proposal, and is not prepared to recommend approval of further planning applications until this is addressed.
- **Site Plan Approval**
    - Application Form
        - No Additional Comments
    - Environmental Site Assessment
        - No Additional Comments
    - Cash-in-lieu of Parkland Appraisal Report
        - No Additional Comments
    - Elevation Drawings
        - No Additional Comments
    - Erosion & Sediment Control Plan(s)
        - No Additional Comments
    - Functional Servicing Study
        - No Additional Comments
    - Noise Impact Study
        - No Additional Comments
    - Pre-Consultation Checklist
        - No Additional Comments
    - Servicing & Infrastructure Plan(s)
        - No Additional Comments
    - Plan of Survey (draft or registered)
        - No Additional Comments
    - Site Plan Drawing

        - No Additional Comments
    - Servicing Feasibility Study
        - No Additional Comments
    - Stormwater Management Report/Plan
        - No Additional Comments
    - Site Servicing Plan/Drawing
        - No Additional Comments
    - Hydrogeological Study
        - No Additional Comments
    - Grading Plan(s)
        - No Additional Comments
    - Lighting & Photometric Design Study
        - Illumination plan showing full cutoff at the property line.
    - Landscape Plan/Drawing
        - No Additional Comments
    - Other / Miscellaneous
        - - Please note the application must comply with applicable zoning in order to be determined complete by the municipality.
          - The site plan application will be circulated to Quinte Conservation for their review.
          - Special provisions and servicing strategies from the previously approved subdivision agreement will be carried forward to this new application.
          - All previous reports for the subject property will need to be updated to reflect the new design.
          - The applicant will be responsible for obtaining any required CP approvals based on the new design.
    - Zoning Matrix
        - No Additional Comments
    - Transportation /Traffic Study
        - No Additional Comments

For more information, the application can be inspected through the CityView Portal at https://building.belleville.ca/cityviewportal. If you have any questions, please do not hesitate to get in touch by email at planning@belleville.ca or by telephone at (613) 967-3288.

Please note that this email checklist is valid for application submitted up to 9 months from the date of issue by the City. For applications to be submitted beyond this time, a follow-up pre-consultation or correspondence from staff will be required to update the contents of the checklist.

Kind Regards,

Thomas Deming, MCIP, RPP, PLE
Senior Principal Planner, Approvals

Appendix H: Draft Zoning By-Law

THE CORPORATION OF THE CITY OF BELLEVILLE BY-LAW NUMBER 2026-XXX

A BY-LAW TO AMEND BY-LAW NUMBER 2024-001 (Zone Change from MX2-1 to R2- Exception Zone, 25 Old Bay Bridge Road)**

Passed: (Date)

THE COUNCIL OF THE CORPORATION OF THE CITY OF BELLEVILLE ENACTS AS FOLLOWS:

1. THAT Schedule A of By-Law Number 2025-100 be amended by rezoning lands municipally known as 25 Old Bay Bridge Road from MX2-1 to R2-** Zone with special provisions, as shown on the zoning map attached hereto as Schedule A.

2. That Section 3.2.1 (*) is hereby amended by adding the following subsection.

3. For lands zoned R2-**, the following shall apply despite any provisions in this Zoning By-Law to the contrary:
    a. Permitted uses shall also include:
        i. mid-rise multi-unit dwellings and
        ii. ground floor commercial use(s) accessory to multi-unit dwellings provided
            1. Commercial uses are limited to those identified in Table 4-1 under the C1 Zone
            2. Required parking is provided for each use, see Section 18.2.
    b. The following requirements shall apply to all main uses in the R2-** Zone

*Table 3-4. Requirements for main uses in R2-** Zone*

Use	Requirement
Minimum aisle width for all uses (metres)	6.4
Minimum shoreline setback for all buildings (metres)	15.0
Maximum building height for all permitted uses under Section 3.2.1(*) (metres)	Low-rise multi-unit buildings– 16.0
	Mid-rise multi-unit buildings – 27.0
	Stacked townhouses – 16.0
Exterior yard for multi-unit dwellings (metres)	6.0
Minimum landscape area	25% per townhouse dwelling block
	0% per townhouse dwelling front yard
	40% for overall site

c. The following requirements shall apply to stacked townhouse dwellings and multi-unit dwellings in the R2-** Zone

Table 3-5. Minimum requirements for types of residential dwellings

Use	Stacked townhouse dwellings	Multi-unit dwellings
Minimum lot size (sq. metres)	97.0	97.0
Minimum frontage on a private road or common walkway (metres)	15.0	24.0
Minimum front yard setback (metres)	3.0	5.0
Interior setback (metres)	1.2*	3.0
Minimum rear yard setback (metres)	5.0**	3.0
Minimum amenity space (sq. metres)	17.5	10.0

*except when abutting a shared common wall or a horizontal projection of a common wall
**except when it is stacked back-to-back, 0 metres is permitted.

d. In the R2-** Zone, stacked townhouses include orientations that are both stacked and back-to-back and provisions regarding stacked townhouses also apply to back-to-back townhouses unless otherwise prescribe.
e. Lot Provision Calculations: Where a condominium development is proposed, lot provisions in Table 3-3 under Provision 3.2.(3) and Provision 16.15 of the Zoning By-law, are to be calculated on the combined lands subject to this R2-**Zone.
f. Within a condominium development 24.0 metres is required along a municipal street, but vehicular access shall only be permitted via a private street.
g. Stacked back-to-back townhouse dwellings with cantilevered upper-storey and balconies that extend over a common access laneway provided that such extensions do not impede the intended functional use of the laneway for vehicle and emergency access are permitted within a condominium development.
    i. Notwithstanding the definition of rear yard in the By-law, the rear yard for such townhouses shall be adjacent to the laneway. The minimum rear yard setback for such townhouses will be 0 metres.
    ii. Notwithstanding the definition of front yard in the By-law, the front yard for such townhouses will the width of the lot adjacent to the common walkway.
h. Noise mitigation measures in accordance with MECP guidelines to address CP Rail noise requirements, must be implemented through site plan approval and building permit drawings.

Appendix I: Zoning Matrix

Zoning Matrix Comparison of Proposed Concept to R2 of the Belleville Zoning By-Law (Italics and bold where discrepancies are identified)

Site Statistic	Zone Requirements	Overall Site Statistics
OPTION 1: Residential R2 Zone (Section 3.2) – City Preference		
Permitted Uses	One-unit detached, semi-detached and townhouse dwelling; two-unit semi-detached dwelling; two-unit, three-unit, four-unit dwellings; back-to-back townhouse, stacked townhouse and low-rise multi-unit dwelling; and long-term care home	Proposed development includes **mid-rise buildings** with **ground floor commercial**, stacked and back-to-back townhouses and **commercial building**.
Site statistics specific to stacked and back-to-back townhouses in R2 zone		
Minimum lot area	161.5 square metres per dwelling unit	Overall lot area/dwelling unit is **137.8 square metres/unit** (suggesting 100 to allow for flexibility to add units)
Minimum lot frontage	24.0 metres	Overall site frontage is 415 m
Maximum height	13.5 metres	All blocks exceed this; maximum proposed height is ***15.5 metres*** (low rise buildings including townhomes) ***27 metres*** maximum for mid-rise apartments
Maximum lot coverage	30%	*28.31%*
Minimum landscaped area	40%	40.7%
Minimum front yard depth	7.5 metres	Front yard depth from a public street for overall site is 30m For individual townhome lots the lowest front yard from the private street is ***3.4 metres*** For multi-unit building from private entrance appr. ***6 metres***
Minimum interior side yard	3.5 metres or one half of building height, whichever is greater	***3 metres*** for overall lot (multi-unit building) ***1.2 metre side yard*** *between townhome blocks provided for townhouse Types A, B, C and D with* ***zero metres*** *interior side yard for connected townhomes.*
Minimum rear yard depth	7.5 metres	Overall site is 10m For back-to-back townhomes it is ***0m*** For remaining townhomes it is ***5 metres*** or higher (11.4m)
General policies		
Section 18.2 Parking Requirement	0.75 per unit; Total required spaces for 213 residential units = 160 0.2 visitor per unit for units exceeding 6 units; Total required spaces for 213 units = 43	202 residential parking space are provided plus 53 visitor parking spaces
Section 18.3 Supplementary off-street parking requirements	Minimum aisle width 6.7 m or 6.4 m for solely residential uses	***6.5 metres*** for commercial uses
Section 18.2 Parking Requirement	For commercial use: 2.3 to 10 spots per 100 square metres depending on zone and commercial use (equivalent of 13 to 66 depending on the commercial use). Required parking is 33 if Commercial A is a restaurant at 10 spots per 100 sq.m. and Commercial B is 1/3 retail at 3.4 spots per 100 sq.m and 2/3 offices or other uses at 2.3 spots per 100 sq.m.	33 commercial spots. Complies in general - no variance to be requested.
Section 18.7 Bicycle Parking	0.5 per dwelling unit for a multi-unit dwelling; 1 per 500sq. m of retail store GFA; 1 per 250 sq. m of restaurant GFA (total requirement between 5 and 7)	Can Comply (not shown on concept plan but to be addressed at detailed design
Section 16.15 Amenity Area	Minimum of 18.5 sq. m. of amenity area for each unit; Total amenity area required for 213 units = 3,940,.5 square metres.	***10 square metres/apartment unit*** or ***17.5 square metres/unit overall*** with a total of 3821.8 square metres including common element amenity area of 1044 square metres and 2777.80 square metres of private outdoor amenities, including balconies, patios, and yards.
Section 16.24.5 Landscaping for each lot	Minimum 50% of front yard must be landscaping, of which minimum 50% must be soft landscaping.	Lot Type A and B both have ***0% landscaping in the front yard.*** Can comply for Lot Type C and D

Appendix J: Fill Permit and Associated Correspondence

Quinte CONSERVATION

2061 OLD HIGHWAY 2, RR#2, BELLEVILLE, ON, K8N 4Z2
PHONE: (613) 968-3434 • **FAX:** (613) 968-8240
www.quinteconservation.ca

Prohibited Activities, Exemptions and Permits
Ontario Regulation 41/24

PERMIT #	**REG0045-2025**
Issued To:	Belle Harbour GP Inc & Harbour 25 LP
Civic Address:	25 Dundas West
Geographic Description:	Lot 2, Conc. 1 Thurlow (City of Belleville)
Water Feature:	Bay of Quinte

Works to be undertaken include:

Import and grade fill as per the application dated February 27, 2025, the Certificate of Property Use (2) issued October 19, 2021, by the Ministry of the Environment Conservation and Parks (MECP), the Memo dated February 27, 2025 from Jewell Engineering, the Fill Plan dated February 25, 2025 by Jewell, and the following conditions:

Conditions:

- As per the MECP Certificates, a minimum one meter thick fill cap is required on the entire site to protect the public from the contaminated soils.
- It is understood that although a Fill Plan was included as part of the application, that detailed final grades will be reviewed as part of the municipal planning process (ZB Amendment and Plan of Subdivision).
- It is understood that the filling will take place at the same time the subdivision is constructed.
- The subdivision will require a separate permit.

This permit is not transferable/renewable. Additional approvals may be required under other applicable legislation.

PERMIT MUST BE PROMINENTLY DISPLAYED AT THE WORK SITE

Paul McCoy
Planning & Regulations Manager

March 7, 2025
Issuance Date

March 6, 2030
Expiry Date

In accordance with the Development, Interference with Wetlands & Alterations to Shorelines & Watercourses Regulation made pursuant to Section 28(1) of the Conservation Authorities Act, R.S.O. 1990, this permit is granted provided that all works are completed in accordance with the specifications and plans set out in the application.

From:	Pinchin, Greg
To:	Beverly Saunders
Cc:	Thomas Binczyk | MDM Developments; Luke Wilson | MDM Developments; Doug Gray | MDM Developments; Deming, Thomas
Subject:	RE: 25 Old Bay Bridge Redesign
Date:	February 19, 2025 4:07:56 PM
Attachments:	image001.jpg

Thanks Beverly, I hope you also had a nice long weekend.
I'm inclined to agree that a current approval to eliminate the floodplain concern would be helpful in demonstrating that flood hazard issues have been addressed. This is probably the best starting point.
Cheers,
Greg.

From: Beverly Saunders <BSaunders@lgl.com>
Sent: February 18, 2025 4:43 PM
To: Pinchin, Greg <gpinchin@belleville.ca>
Cc: Thomas Binczyk | MDM Developments <tbinczyk@mdmdevelopments.com>; Luke Wilson | MDM Developments <lwilson@mdmdevelopments.com>; Doug Gray | MDM Developments <dgray@mdmdevelopments.com>; Deming, Thomas <tdeming@belleville.ca>
Subject: RE: 25 Old Bay Bridge Redesign

Dear Greg,

I hope you had a fantastic long weekend and thanks for sending this over.

To avoid the unknowns associated with the application, MDM wants to get the key issue of CA endorsement addressed prior to paying for additional studies/submitting applications. To that end, we are setting up a meeting with Paul McCoy next week to discuss the matter.

We have also internally discussed obtaining a 5- year fill permit from Quinte Conservation, which would enable fill placement on the property to above the flood hazard (based on existing principle of development and the existing CPU which requires fill placement). We feel confident we can obtain this permit and feel this is common sense approach to addressing the concerns surrounding whether flood hazard policies apply to this application. Our thought is that this would functionally eliminate the need for further floodplain discussions, as this fill placement permit (to above the flood hazard) would already be in place at the time of approval. We would be grateful if you could advise whether you have any concerns with the above approach. We intend to discuss it with Paul as an alternative path (should he feel unable to provide a letter of non-objection) but want to ensure City staff has no objections to this approach.

Looking forward to getting this resolved and to hearing from you.

Sincerely,
Beverly Saunders
Senior Land Use Planner, M.Sc., B.Sc., EP

LGL Limited
environmental research associates
445 Thompson Drive, Unit 2
Cambridge Ontario N1T 2K7
Update – Our phone system has changed. You can reach me anywhere at tel: 519-622-3300 x39
Visit us on the web at www.lgl.com

Appendix K: Fisheries Assessment

Report Letter

To: Beverly Saunders, Senior Natural Heritage and Land Use Planner| LGL Limited

CC: Thomas Binczyk | MDM Developments tbinczyk@mdmdevelopments.com

From: Kyle Swanson, Hons. BA, PG (GIS), LGL Ltd

Date: August 5, 2025

RE: Rezoning, 25 Dundas Street West, Belleville

An environmental screening and review were completed for Harbour 25 LP (Porta) at 25 Dundas Street West in Belleville, in support of a rezoning application. Based on review of the Functional Service Report (FSR) , Stormwater Management Report (SWMR), and desktop screening of the project area, impacts to aquatic habitat from the proposed development are anticipated to be low and scoped Environmental Impact Study is not required. However, the project's proximity to critical habitat supporting several Species at Risk requires strict adherence to important provisions and guidelines under the Fisheries Act and Species at Risk Act to protect nearby aquatic ecosystems. Below you can find a summarization of the findings, guidance, and recommendations to ensure the provisions are followed.

The property is located along the shoreline of the Bay of Quinte with minimal to no terrestrial natural heritage features with sparse vegetation and scattered bushes and few trees (SWMR). The immediate aquatic habitat consists of a small section of shoreline area adjacent to an active marina. Within the surrounding 1 km² area, more significant aquatic natural features are present, including submergent and emergent vegetation and the mouth of the Moira River. The project area falls within the 100-year flood limit zone as identified in the Quinte Conservation Shoreline Management Plan (2022). The Shoreline Management Plan recommends “maintaining natural shorelines, recreational spaces, geodiversity, and vegetation to preserve resilience, natural protection, and ecological benefits”. Site drainage is poorly defined, with surface water generally collected in a ditch along the southern boundary before discharging into the Bay of Quinte (SWMR).

Species at Risk

Several aquatic Species at Risk have been identified in the vicinity (1km^2) of the project site and were identified using the Department of Fisheries and Ocean (DFO) Aquatic species at risk map. The **Channel Darter (Percina copelandi)**, listed as endangered, has critical habitat mapped by DFO in the Moira River immediately upstream of the work site. This species is intolerant of high turbidity and siltation, preferring pools and riffle margins in small to medium rivers over sand or gravel substrates. While the adjacent waterbody characteristics are not representative of typical Channel Darter habitat, the species is likely to exist in the Moira River upstream where habitat conditions are more suitable. The **River Redhorse (Moxostoma carinatum)**, a species of concern identified near the project site, prefers pools and swift runs of medium to large rivers with gravel, cobble, boulder, or bedrock substrates and is intolerant of high turbidity, siltation, and pollution. Similar to the Channel Darter, while the immediate project area characteristics are not typical for this species, the River Redhorse is likely to exist in the Moira River upstream where habitat preferences are better represented. Due to there habitat preferences these species are unlikely to be impacted, regardless measures must be taken to eliminate any impacts the project could have.

The **Northern Sunfish (Lepomis peltastes)** is a species of special concern and has habitat characteristics near the study area that are suitable for this species. It prefers warm, clear, quiet pools with aquatic vegetation and sand/silt/marl substrates but is intolerant of siltation and pollution and sensitive to aquatic vegetation removal. The

Grass Pickerel (Esox americanus vermiculatus), also a species of special concern is a warmwater species preferring lakes, backwaters, and sluggish pools with mud bottom, aquatic vegetation, and clear water. The Rainbow Mussel (Villosa iris), also a species of special concern is typically found in shallow, well-oxygenated reaches of small to medium rivers requiring cobble, gravel, and sand substrates. This species is intolerant of pollution, and desktop review indicates the project area is not characteristic for this species.

Additional Species at Risk in the area include Midland Painted, Snapping, and Map Turtles which are all species of concern. Construction sites with loose substrate and fill make suitable nesting locations for turtles, so awareness of the species is also important. While there is very little habitat for birds it is also important to be aware of the general breeding bird window (April 1 to August 31) to comply with the federal Migratory Birds Convention Act, which prohibits the destruction of nests, eggs, or young birds.

Documentation Review

Review of the Functional Service Report (FSR) indicates minimal risk to aquatic habitat from the proposed sewer system. The development will utilize a new private gravity system connecting to a private pump station, with connection to the existing Belleville Sewage Collection System via existing forcemain. No new discharges to the natural environment will be created by this installation.

It was noted that high groundwater levels were present in the area (FSR) and contaminants within the soils exceed ministry guidelines (SWMR). If construction dewatering is required, water taking requirements should be reviewed under *O. Reg. 63/16*, as dewatering activities could impact aquatic habitat and species sensitive to sedimentation or pollution if the dewatered water is diverted back into the Bay of Quinte.

The Stormwater Management Report (SWMR) focuses on three environmental objectives: mitigating flooding, quality impacts, and erosion impacts to the Bay of Quinte receiving system. Stormwater management targets were developed in consultation with Quinte Conservation Authority and City of Belleville. Where possible, flows are encouraged across pervious grassed surfaces prior to storm sewer collection to promote infiltration into soils. The system will implement a Jellyfish Filter (JF8-8-2) for enhanced treatment, providing 80% Total Suspended Solids (TSS) removal and 77% Total Phosphorus (TP) removal efficiency. The filter will also remove floatables, litter, oil, debris, and particulate-bound pollutants. The phosphorus removal provides additional benefit to the Bay of Quinte, which is designated as an Area in Recovery from historic phosphorus loading effects.

Applicable Legislation and Requirements

Based on the anticipated site plans and methodologies described above the risk to aquatic habitat and species at risk by way of sewer and storm surface runoff is low. However, projects must comply with provisions under the *Fisheries Act* and *Species at Risk Act*, including avoiding death of fish or harmful alteration, disruption, or destruction of fish habitat. Project proponents are responsible for understanding risks to fish and fish habitat, taking measures to avoid and mitigate risks, requesting ministerial authorization when risks cannot be avoided or mitigated, and ensuring compliance with all federal and provincial legislation.

Relevant guidance for this project includes preventing harmful alteration, disruption, or removal of shoreline materials, developing and implementing erosion and sediment control plans, and preventing deleterious substances from entering water. These standards and codes of practice are available on the Projects Near Water page of the Department of Fisheries and Oceans Canada website, which provides sector-specific guidance and regulatory requirements. More details on Erosion and Sediment Control measures are described below.

Erosion and Sediment Control Measures

While post construction conditions have been identified and some erosion and sediment control measures were mentioned in the SWMR, below are recommendations and guidelines that are part of the standards and codes of practice for **Projects Near Water.** It is important to ensure contractors are following these standards given the sensitivity of identified species to sedimentation and pollution:

Installation and Maintenance:

- *Install effective erosion and sediment control measures for all erodible and exposed areas*
- *Regularly inspect and maintain controls during all project phases*
- *Keep measures in place until all disturbed ground is permanently stabilized*

Operational Guidelines:

- *Schedule work to avoid wet, windy, and rainy periods*
- *Monitor watercourse for sedimentation signs and take corrective action*
- *Use biodegradable materials when possible; remove non-biodegradable materials post-stabilization*
- *Operate machinery on stable, dry land areas only*

Spill Prevention and Response:

- *Avoid depositing deleterious substances in watercourse*
- *Develop and implement spill response plan*
- *Maintain emergency spill kit on-site*
- *Stop work and contain spills immediately*
- *Report all spills of sewage, oil, fuel, or other deleterious materials*
- *Plan activities to prevent materials and chemicals from entering watercourse*
- *Maintain machinery in clean condition, free of fluid leaks*
- *Conduct washing, refueling, and servicing away from water*

Based on the anticipated site plans and methodologies described in the FSR and SWMR, the risk to aquatic habitat and Species at Risk is assessed as low. An Environmental Impact Study (EIS) is not required for this project and a request for review should not be required by the DFO.

However, protection of the aquatic environment requires strict adherence to all erosion and sediment control measures outlined above, compliance with Fisheries Act and Species at Risk Act provisions, implementation of the proposed stormwater management system as designed, and monitoring during construction to ensure protective measures remain effective.

If concerns arise regarding the ability to follow the prescribed conditions or more guidance is needed to follow set out conditions, a request for review should be submitted to Department of Fisheries and Oceans (DFO) to determine if project authorization or any other permitting is required.