

Applicant: Ridge Capital Group Inc &
Giorgi Development Inc
File No.: 37-T-22005
Municipality: Municipality of Lakeshore
Location: PT LT 4, Con East of Puce River
(Former Township of Maidstone)

Date of Decision: November 10th, 2022
Date of Notice: November 10th, 2022
Last Date of Appeal: November 30th, 2022
Lapsing Date: November 10th, 2025

NOTICE OF DECISION

On Application for Approval of Draft Plan of Subdivision Subsection 51(37) of the Planning Act

Approval of Draft Plan of Subdivision to the application in respect of the subject lands noted above, is proposed to be given by the County of Essex. All submissions were considered as part of the decision-making process. Refinements to the conditions of draft approval reflect the public input and submissions. A copy of the decision is attached.

When and How to File an Appeal

Notice to appeal the decision to the Ontario Land Tribunal (OLT) formerly LPAT, must be filed with the County of Essex no later than 20 days from the date of this notice as shown above as the last date of appeal.

The notice of appeal should be sent to the attention of the Manager, Planning Services at the address shown below and it must,

- (1) include the reasons for the appeal, and a completed ***Appeal Form (A1) Planning Act*** available from the OLT website:
<https://olt.gov.on.ca/appeals-process/forms/>
- (2) be accompanied by the prescribed filing fee payable by certified cheque or money order to the Minister of Finance.

Who Can File An Appeal

Only individuals, corporations or public bodies may appeal the decision of the County of Essex to the Tribunal. An appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal to the decision of the County, including the lapsing provisions or the conditions, unless the person or public body, before the decision of the County, made oral submission at a public meeting or written submissions to the Council or, in the Tribunal's opinion, there is reasonable grounds to add the person or public body as a party.

Right of Applicant or Public Body to Appeal Conditions

The applicant, the Minister, the Municipality, or any public body that, before the County made its decision, made oral submissions at a public meeting or written submissions to the County, may at any time before the final plan of subdivision is approved, appeal any of the conditions imposed by the County to the Tribunal by filing with the County a notice of appeal.

How to receive Notice of Changed Conditions

The conditions of an approval of draft plan of subdivision may be changed at any time before the final approval is given. You will be entitled to receive notice of any changes to the conditions of approval of the proposed plan of subdivision if you have made a written request to be notified of changes to the conditions.

No person or public body shall be added as a party to the hearing of an appeal of the decision of the County, including the lapsing provisions or the conditions, unless the person or public body, before the County made its decision, made oral submissions at a public meeting or written submissions to the County, or made a written request to be notified of the changes to the conditions or, in the Tribunal's opinion, there are reasonable grounds to add the person or public body as a party.

Getting Additional Information

Additional information about the application is available for public inspection during regular office hours at the County of Essex at the address noted below or from the Municipality of Lakeshore.

Mailing Address for Filing a Notice of Appeal:

County of Essex
Attention: Rebecca Belanger, Manager, Planning Services
360 Fairview Avenue West
Essex, ON N8M 1Y6
Tel: (519) 776-6441, Ext. 1325 Fax: (519) 776-4455

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The County of Essex's conditions and amendments to final plan of approval for registration of this Subdivision are as follows:

No.	Conditions
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1. That this approval applies to the draft plan of subdivision prepared by R.C. Spencer and Associates Inc. and certified by Andrew Mantha, O.L.S., dated April 11, 2022, that shows:
 - Thirty-seven (37) lots for single detached residential unit;
 - Thirty-five (35) lots for a total of seventy (70) semi-detached residential units; and
 - Three (3) blocks (73, 74, and 75) for reserves.

The lands comprising the draft plan of subdivision are legally described as Part of Lot 4, Concession East of Puce River (Geographic Township of Maidstone), Municipality of Lakeshore, County of Essex.

2. That the Owner enter into a subdivision agreement with the Municipality of Lakeshore (hereinafter referred to as the Municipality), wherein the Owner agrees to satisfy all the requirements, financial and otherwise, of the Municipality concerning the payment of development charges, provisions of roads, sidewalks, installation and capacity of services, sanitary sewerage collection system, water distribution system, utilities and stormwater management facilities for the development of the lands within the plan. The final form and content of the Agreement being to the satisfaction of the Municipality.
3. That the subdivision agreement between the Owner and the Municipality contain a provision requiring the owner to notify in writing each person who first offers to purchase any subdivided lot within the plan of subdivision of all approved development charges, including development charges for school purposes, relating to any such lot pursuant to Section 59(4) of the Development Charges Act, 1997, and the Education Act.
4. That the subdivision agreement between the Owner and the Municipality of Lakeshore be registered against the lands to which it applies prior to the registration of the plan of subdivision.
5. That the Owner provide street names to the Municipality and that the streets shall be named to the satisfaction of the Municipality.
6. That the all road allowances included in this draft plan shall be shown and dedicated as public highways, to the Municipality.
7. That the owner agrees to provide financial contribution to construct a controlled pedestrian crossing on Oakwood Avenue to facilitate active transportation in the area as identified in the Puce Transportation Study.
8. That the subdivision agreement between the Owner and the Municipality include a provision that the Owner conveys up to 5% of the land included in the plan to the

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- Municipality for park purposes. Alternatively, the Municipality may require cash-in-lieu of all or a portion of the conveyance. Payment of cash-in-lieu for park or other recreational purposes shall be made prior to the issuance of building permits pursuant to Section 42(6) of the Planning Act, R.S.O. 1990, c.P.13, as amended.
9. That the subdivision agreement between the Owner and the Municipality include a provision that prior to final approval by the County of Essex, the County is to be advised by the Municipality that this proposed subdivision conforms to the Zoning By-law in effect. The Owner shall provide to the Municipality a table of lot areas and lot frontages certified by an Ontario Land Surveyor confirming compliance with the Zoning By-law.
 10. That the subdivision agreement between the Owner and the Municipality include a provision that the Owner shall gratuitously provide easements as may be required for services, utility or drainage purposes in a form satisfactory to the Municipality or utility.
 11. That the subdivision agreement between the Owner and the Municipality include a provision that all open sides of road allowances created by this plan be terminated in 0.3 metre reserves to be conveyed to the Municipality.
 12. That the subdivision agreement between the Owner and the Municipality include a provision that the Owner of the subject lands convey Blocks 74 and 75 on the Draft Plan of Subdivision to the Municipality of Lakeshore, as deemed necessary and appropriate, at no cost to the Municipality.
 13. That the subdivision agreement between the Owner and the Municipality include a provision that the subdivision agreement contains a clause that addresses the future conveyance of Blocks 74 & 75 on the draft plan of subdivision. Such clause should outline any conditions precedent such as, but not limited to, cost sharing and timing.
 14. That the subdivision agreement between the Owner and the Municipality contain a provision to the satisfaction of the Municipality that Cost Sharing as per the Draft Emery Secondary Plan will be complied with.
 15. That the owner agrees to coordinate the servicing for the adjacent lands to the north as required to ensure the Municipality's development standards are followed and the lands are serviced by one conveyance system.
 16. That prior to final approval, the Municipality shall confirm that sewage treatment conveyance and capacity and water supply capacity is available for all lots in the proposed development, or phase of development.
 17. That the subdivision agreement between the Owner and the Municipality contain provisions to the satisfaction of the Municipality and the Essex Region Conservation

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- Authority, that stipulates that prior to obtaining final approval for any phase of the development that the Owner will finalize an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increase in flows in downstream watercourses in accordance with the Windsor-Essex Region Stormwater Management Standards Manual and any other relevant municipal/provincial, standards or guidelines in consultation with the Essex Region Conservation Authority.
18. That the subdivision agreement between the Owner and the Municipality contain provisions that requires, that the Owner, installs the stormwater management measures, for any phase of the development, identified in the final engineering analysis completed, as part of the development for the site and undertake to implement the recommendations contained therein, to the satisfaction of the Municipality and the Essex Region Conservation Authority.
 19. That prior to final approval the Essex Region Conservation Authority shall require a copy of the fully executed subdivision agreement between the Owner and the Municipality, in wording acceptable to the Essex Region Conservation Authority, containing provisions to carry out the recommendations of the final plans, reports and requirements noted above.
 20. That prior to undertaking construction or site alteration activities, any necessary permits or clearances, be received, from the Essex Region Conservation Authority, in accordance with Section 28 of the Conservation Authorities Act. If the works are located within an area, not regulated by Section 28 of the Conservation Authorities Act, then a Development Review, must be obtained from the Essex Region Conservation Authority, prior to undertaking construction or site alteration activities.
 21. That the subdivision agreement includes a provision to require 1156756 ONTARIO LIMITED, the Owner of 'the benefiting lands' to the north and the current Owner of the subject lands, to act reasonably and make best efforts to enter into a separate landowner's cost sharing agreement for the construction and cost sharing for the portion of Street 'C' and other services, that benefit their respective lands, that form part of the subject lands.
 22. That the subdivision agreement between the Owner and the Municipality contain provisions, requiring sidewalks or recreational pathways along all streets in accordance with municipal requirements.
 23. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of the Greater Essex County District School Board, the Windsor Essex Catholic District School Board, and the Municipality, requiring a sidewalk be provided along the internal streets within the proposed plan pursuant to standard municipal requirements to facilitate pedestrian movement, bus routing and stops, and safety of school children.

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24. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of the Greater Essex County District School, the Windsor Essex Catholic District School Board, and the Municipality, requiring notice in every agreement of purchase and sale advising purchasers of lots to be aware that students may not be able to attend the closest neighbourhood school and could be bused to a distant school with available capacity.
25. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of the Canada Post Corporation and the Municipality, requiring notice in every agreement of purchase and sale advising that mail will be delivered via Community Mail Boxes. Further the developer agrees to note the locations of all Community Mail Boxes within the development, and to notify affected homeowners of any established easements granted to Canada Post to permit access to the Community Mail Box.
26. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of the Canada Post Corporation and the Municipality, requiring that the Owner provide the following for each community mail box site and to include these requirements on the appropriate servicing plans: any required walkway across the boulevard, per municipal standards; any required curb depressions for wheelchair access, with an opening of at least two metres (consult Canada Post for detailed specifications) and a community mail box concrete base pad per Canada Post specifications.
27. That the subdivision agreement between the Owner and the Municipality contain a provision, to the satisfaction of the Municipality that the following clause be inserted in all offers to purchase, agreements of sale and purchase or lease for each dwelling as follows:

“Canadian Pacific Railway and/or its assigns or successors in interest has or have a railway right-of-way and/or yard located nearby to the subject land hereof with operations conducted 24 hours a day, 7 days a week, including the shunting of trains and the idling of locomotives. There may be alterations to, or expansions of, the railway facilities and/or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity. Notwithstanding the inclusion of any noise and/or vibration attenuating measures in the design of the development and individual dwellings, Canadian Pacific Railway will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over, or under the aforesaid right-of-way and/or yard.”

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28. That the subdivision agreement between the Owner and the Municipality contain a provision, to the satisfaction of the Municipality, whereby the Owner shall submit a temporary drainage plan to ensure that the drainage of surrounding lands and the lands to be developed are not adversely impacted by stormwater.
29. That the Owner agrees to submit a Construction Management Plan which addresses among other matters, site access, construction traffic, parking for construction trades, material delivery and storage, staging, mud, dust and noise controls to the satisfaction of the Municipality, prior to the issuance of the first building permit.
30. That the subdivision agreement between the Owner and the Municipality include a provision that the Owner agrees to maintain access routes for fire department vehicles to new buildings, construction trailers and material storage areas at all times during construction.
31. That the subdivision agreement between the Owner and the Municipality include a provision that the Owner agrees to provide a water supply for firefighting purposes that is adequate, accessible and operational at all times.
32. That the subdivision agreement between the Owner and the Municipality include a provision that the Owner shall submit a detailed plan, noting all services/hydrant locations to the Municipality for approval.
33. That the subdivision agreement between the Owner and the Municipality states that the owner agrees to provide fire hydrants in conformity with the requirements of the Ontario Building Code, or other authorities, to the satisfaction of the Municipality.
34. That the subdivision agreement between the Owner and the Municipality states that the Owner shall provide the Municipality of Lakeshore Engineering Division, grading plans for all lots, blocks, right-of-ways and landscaped blocks and detailed engineering drawings in accordance with Municipality of Lakeshore Development Manual standards to the satisfaction of the Municipality of Lakeshore, prior to the preparation of a subdivision agreement and / or issuance of Building Permits.
35. That the subdivision agreement between the Owner and the Municipality states that the Owner shall provide the Municipality, as part of the engineering submission, a geotechnical report prepared by a qualified person.
36. That the subdivision agreement between the Owner and the Municipality states that the Owner agrees that the Municipality and or the County, upon recommendation of the Owner, will determine the location of temporary road for construction access that will be provided and maintained by the Owner.

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37. That the subdivision agreement between the Owner and the Municipality states that the Owner agrees that all required parking for construction and trades shall be provided wholly on-site and not on public streets outside of the development limits, for the duration of the construction.
 38. That the subdivision agreement between the Owner and the Municipality states that the Owner agrees to employ a professional engineer to design all roads, sidewalks, stormwater facilities and services to the satisfaction of the Municipality and in compliance with Lakeshore's Development Manual.
 39. That the subdivision agreement between the Owner and the Municipality states that prior to final approval, the Owner shall be responsible for preparing a composite utility plan that allows for the safe installation of all utilities, including separation between utilities.
 40. That the subdivision agreement between the Owner and the Municipality states that the Owner agrees to ensure that all streets are constructed in accordance with composite utility plans previously submitted and approved by all utilities.
 41. That the subdivision agreement between the Owner and the Municipality contains a provision, that requires the Owner to install a privacy fence along the eastern property line of the subdivision lands at their sole cost and expense, at the satisfaction of the timing to the Municipality.
 42. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of Bell Canada and the Municipality, which states that the Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.
 43. That prior to final approval by the County of Essex, the Owner shall submit for review and approval by the Municipality and the County, a draft of the final 12M plan, for every phase of the development.
 44. That prior to final approval by the County of Essex, the County is advised in writing by the Municipality of Lakeshore how Conditions 1 to 19 inclusive, and Conditions 21 to 43 inclusive, have been satisfied.
 45. That prior to final approval by the County of Essex, the County is advised in writing by the Essex Region Conservation Authority how Conditions 17 to 20 have been satisfied.
 46. That prior to final approval by the County of Essex, the County is advised in writing by the Greater Essex County District School Board how Conditions 23 and 24 have been satisfied.

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47. That prior to final approval by the County of Essex, the County is advised in writing by the Windsor Essex Catholic District School Board how Conditions 23 and 24 have been satisfied.
48. That prior to final approval by the County of Essex, the County is advised in writing by the Canada Post Corporation how Conditions 25 and 26 have been satisfied.
49. That prior to final approval by the County of Essex, the County is advised in writing by Bell Canada how Condition 42 has been satisfied.

NOTES TO DRAFT APPROVAL

1. It is the applicant's responsibility to fulfill the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the County of Essex, quoting the file number "37-T-22005".
2. It is suggested that the owner make themselves aware of section 144 of the Land Titles Act and subsection 78(10) of the Registry Act.
3. Inauguration or extension of a piped water supply, a sewage system or a storm drainage system is subject to the approval of the Ministry of Environment under Section 23 and Section 24 of the Ontario Water Resources Act, R.S.O. 1980.
4. The Ministry of Environment did not review this subdivision with respect to any groundwater, soil or soil atmosphere testing to fully discount the possibility that waste materials and/or other contaminants are present within or in close proximity to this subdivision. If either the Municipality or the Owner requires this assurance before proceeding, a consultant(s) should be engaged to conduct the necessary investigations.
5. The Ministry of Environment must be advised immediately should waste materials or other contaminants be discovered during the development of this plan of subdivision. If waste materials or contaminants are discovered, a further approval under Section 46 of the Environmental Protection Act may be required from that Ministry.
6. The costs of any relocations or revisions to Hydro One Networks Inc. (HONI) facilities or any other local electrical utility that are necessary to accommodate the subdivision will be borne by the developer.
7. Any easement rights of Hydro One Networks Inc. (HONI) or any other local electrical utility are to be respected.

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8. The developer should contact the local Hydro One Networks Inc. Services office or other local electrical utility to verify if any low voltage distribution lines may be affected by this proposal. The transmission lines abutting this subdivision operate at either 500,000, 230,000 or 115,000 volts. Section 188 of Regulation 213/91 pursuant to the *Occupational Health and Safety Act*, require that no object be brought closer than 6.0 metres to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres and for 115 kV conductors is 3.0 metres. It is the developer's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the *Act*. The parties should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.
9. The developer is hereby advised that prior to commencing any work within the plan, the developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the developer is hereby advised that the developer may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the developer elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the developer shall be required to demonstrate to the municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services, i.e., 911 Emergency Services.
10. Clearances are required from the following agencies:

Mr. Aaron Hair
Municipality of Lakeshore
419 Notre Dame Street
Belle River, ON N0R 1A0
ahair@lakeshore.ca

Ms. Kim Darroch
Essex Region Conservation Authority
360 Fairview Avenue West
Essex, ON N8M 1Y6
kdarroch@erca.org

Senior Manager
Windsor-Essex Catholic District School Board
1325 California Avenue
Windsor, ON N9B 3Y6

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seniormanagerfs@wecdsb.on.ca

Ms. Giuliana Hinchcliffe
Greater Essex County District School Board
451 Park Street West
P. O. Box 210
Windsor, ON N9A 6K1
Giuliana.Hinchliffe@publicboard.ca

Mr. Bruno DeSando
Canada Post Corporation
955 Highbury Avenue North
London, ON N5Y 1A3
bruno.desando@canadapost.ca

Manager- Planning and Development
Bell Canada
planninganddevelopment@bell.ca

If the agency's clearance concerns a condition in the subdivision agreement, a copy of the agreement should be sent to them. This will expedite clearance of the final plan. The County of Essex does not require a copy of the agreement. Some agencies may charge a fee to obtain a clearance letter.

11. All measurements in subdivision and condominium final plans must be presented in metric units.
12. The approval of the draft plan will lapse on November 10, 2025. It is the responsibility of the applicant to request an extension of the draft approval if one is needed.

A request for extension should be made at least 60 days before the approval lapses. The request should include the reasons why an extension is needed and a resolution in support of the extension from the Municipality of Lakeshore.