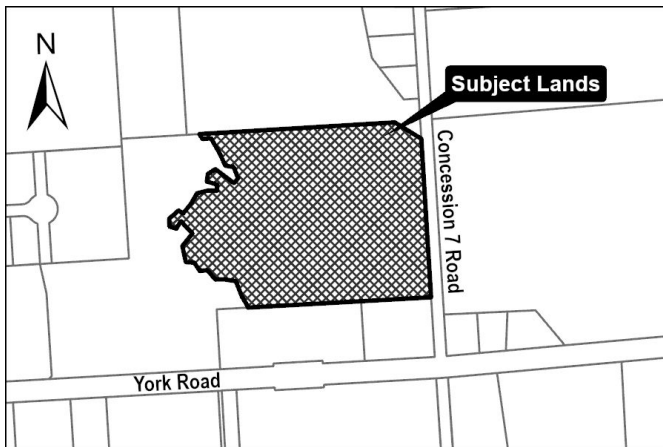


NOTICE OF DECISION



What:	Notice of Decision for two (2) Draft Plan of Common Element Condominiums (under Section 51 of the <i>Planning Act</i> , R.S.O. 1990, c. P.13, as amended).
When:	Approved at the September 22, 2026 Council Meeting
Regarding:	Draft Plan of Common Element Condominium – Phase 1 (File 26CD-18-25-02) Draft Plan of Common Element Condominium – Phase 2 (File 26CD-18-26-01) Modero Estates (Block 84), Niagara-on-the-Lake

What is this?



Town Council for Niagara-on-the-Lake has considered written and oral submissions and approved two (2) Draft Plan of Common Element Condominiums on the subject lands as follows (see the location map):

Draft Plan of Common Element Condominium - Phase 1 (26CD-18-25-02)

The Draft Plan of Common Element Condominium for Phase 1 proposes common elements for shared

infrastructure and amenities serving the private units within the development, which include the private roadways, sidewalks, landscaped areas, visitor parking, and utilities and services. The Draft Plan of Common Element Condominium would also create Parcels of Tied Land ("POTLs"), which will be further defined through a future request to lift of Part Lot Control to create the freehold parcels that will be tied to the common element condominium. The Draft Plan and Conditions of Approval are attached to this Notice.

Draft Plan of Common Element Condominium - Phase 2 (26CD-18-26-01)

The Draft Plan of Common Element Condominium for Phase 2 proposes common elements for shared infrastructure and amenities serving the private units within the development, which include the private roadways, sidewalks, landscaped areas, visitor parking, environmental area, and utilities and services. The Draft Plan of Common Element Condominium would also create Parcels of Tied Land ("POTLs"), which will be further defined through a future request to lift of Part Lot Control to create the freehold parcels that will be tied to the common element condominium. The Draft Plan and Conditions of Approval are attached to this Notice.

The last date for filing a notice of appeal is October 14, 2026.

A notice of appeal:

- i. must be filed with the Town Clerk;
- ii. must set out the reasons for the appeal; and
- iii. must be accompanied by the fee required by the Ontario Land Tribunal.

An appeal to the Ontario Land Tribunal (OLT) in respect to all or part of this amendment may be made by filing a notice of appeal with the Town Clerk by one (1) of the following means:

- Through the Ontario Land Tribunal e-file service (first-time users will need to register for a My Ontario Account) at <https://olt.gov.on.ca/e-file-service/> by selecting the Town of Niagara-on-the-Lake as the Approval Authority; or,
- Through providing physical copies of the appeal materials to Town Hall at the address below; or,
- Through providing electronic copies of the appeal materials to the Town Clerk at clerks@notl.com.

The appeal fee can be paid online through e-file or by certified cheque/money order and submitted to the Town (certified cheque/money order to be addressed to the Minister of Finance, Province of Ontario). Further information and the required forms are available on the OLT website at www.olt.gov.on.ca.

Further notice and appeal eligibility:

Only individuals, corporations or public bodies may appeal decisions in respect of a proposed Draft Plan of Common Element Condominium to the Ontario Land Tribunal. A notice of 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.

Any of the Conditions of Approval may be appealed at any time before final approval of the plan of condominium by the applicant, public body, a specified person, the Minister and the Town by filing a notice of appeal with the Town Clerk. You will be entitled to receive notice of any changes to the conditions of approval of the proposed plan of condominium if you have made a written request to be notified of changes.



No person or public body shall be added as a party to the hearing of the appeal of the decision of Town Council, unless the person or public body, before Town Council made its decision, made oral submissions at a public meeting or written submissions to Town Council, or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

Third party appeals are restricted for this application as per Bill 185, *Cutting Red Tape to Build More Homes Act, 2024. Planning Act* appeals may be filed by the applicant, the Minister of Municipal Affairs and Housing, a “specified person” (as defined by the *Planning Act 1(1)*), and any “public body” (as defined by the *Planning Act 1(1)*).

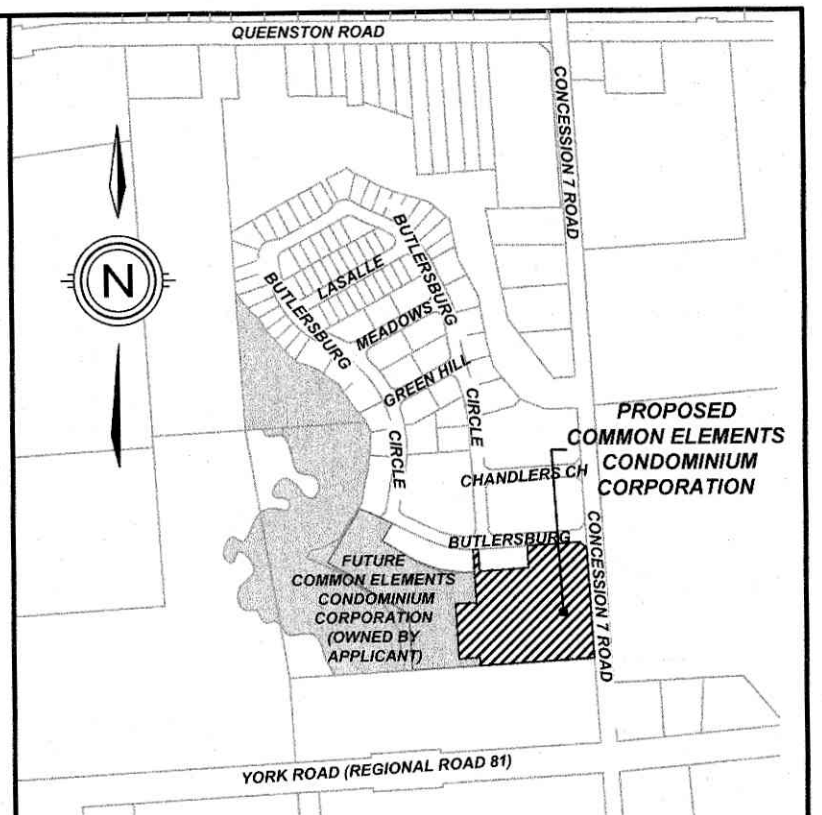
Information with respect to the (2) Draft Plan of Common Element Condominiums and the decisions are available for public inspection from 8:30 a.m. to 4:30 p.m., Monday to Friday at the Town of Niagara-on-the-Lake, 1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON L0S 1T0. For inquiries, please contact the Town Clerk.

Dated at the Town of Niagara-on-the-Lake, **September 24, 2026**

Grant Bivol, Town Clerk (clerks@notl.com or 905-468-3266)

Town Hall, 1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON L0S 1T0

**MODERO ESTATES
BLOCK 84
NIAGARA-ON-THE-LAKE
PHASE 1**



KEY PLAN	N.T.S.
-----------------	--------

**DRAFT PLAN OF MODERO ESTATES
(BLOCK 84) CONDOMINIUM 1**

BEING A PROPOSED COMMON ELEMENTS CONDOMINIUM CORPORATION OF:

LEGAL DESCRIPTION

**PART OF BLOCK 84
PLAN 30M-
TOWN OF NIAGARA-ON-THE-LAKE
REGIONAL MUNICIPALITY OF NIAGARA**

NOTE: THIS IS A DRAFT PLAN ONLY AND IS
SUBJECT TO REVISION AND AMENDMENTS

OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY AUTHORIZE UPPER CANADA CONSULTANTS TO PREPARE AND SUBMIT THIS DRAFT PLAN OF COMMON ELEMENTS CONDOMINIUM TO THE TOWN OF NIAGARA-ON-THE-LAKE FOR APPROVAL.

MARZ HOMES (NOTL) INC. DATE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

 May 28 2026
NICHOLAS P. MUTH
ONTARIO LAND SURVEYOR DATE

**REQUIREMENTS OF SECTION 51(17) OF
THE PLANNING ACT AND SECTION 9 OF
THE CONDOMINIUM ACT (1998)**

- | | | |
|-------------|--------------------|-----------------|
| a) SEE PLAN | e) SEE PLAN | i) SILTY SAND |
| b) SEE PLAN | f) SEE PLAN | j) SEE PLAN |
| c) SEE PLAN | g) SEE PLAN | k) FULL SERVICE |
| d) SEE PLAN | h) MUNICIPAL WATER | l) SEE PLAN |

LAND USE SCHEDULE

LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(%)
CONDOMINIUM CORPORATION			0.652	100.00
TOTAL			0.652	100.00

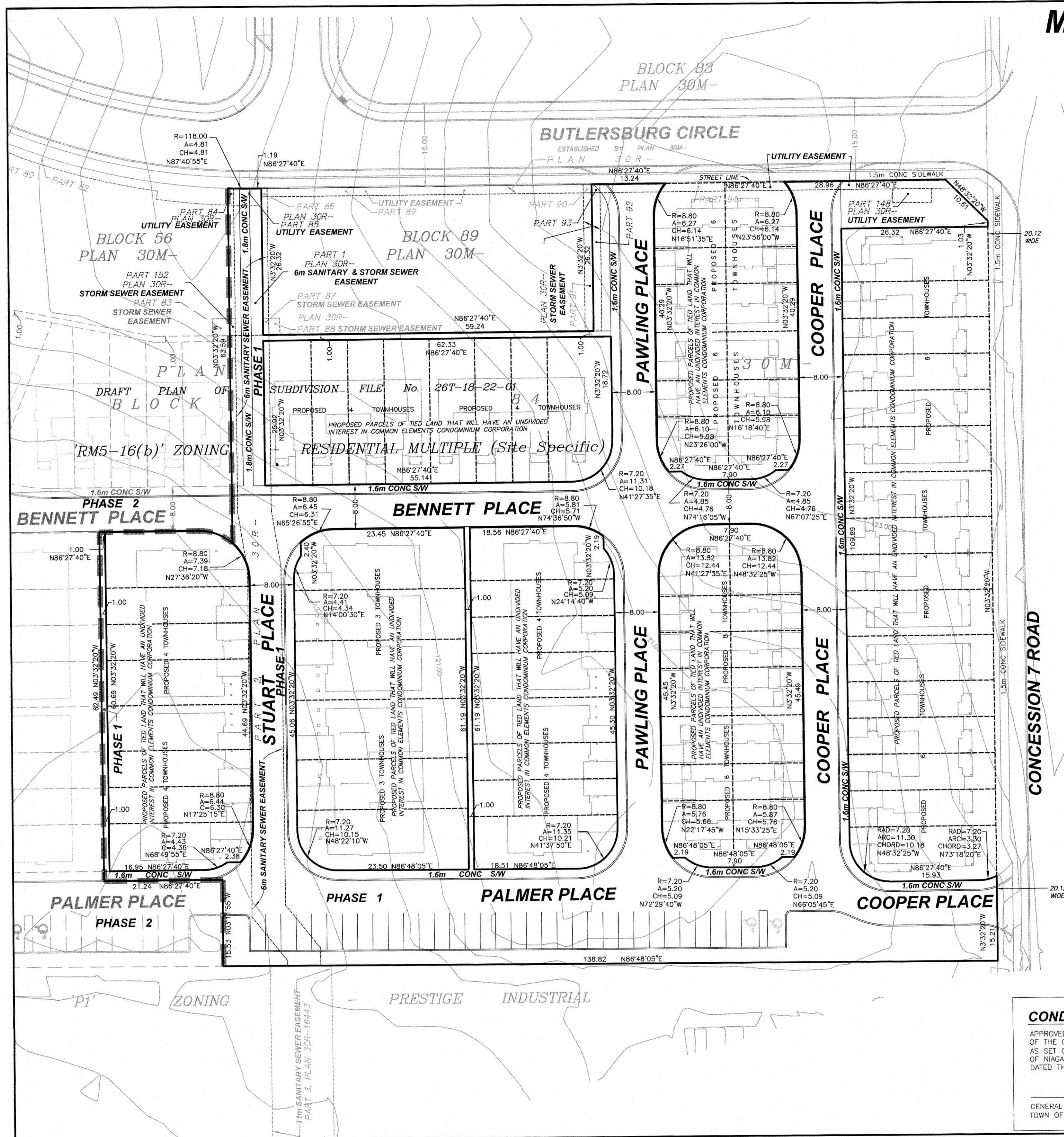
2	ISSUED FOR REVIEW	2025-09-25	-
1	ISSUED FOR APPROVAL	2025-05-15	-
0	ISSUED FOR APPROVAL	2025-04-22	-
#	REVISION	DATE	INIT

DRAWING TITLE DRAFT PLAN OF COMMON ELEMENTS CONDOMINIUM PHASE 1	DRAFTING		WS
	DATE	MAY 22, 2026	
	PRINTED	MAY 28, 2026	
	SCALE	1:500	
	DWG. No.	2130-DRCE	
		REV	3

CONDOMINIUM DRAFT APPROVAL:

APPROVED UNDER SECTION 51 OF THE PLANNING ACT, AND SECTION 9
OF THE CONDOMINIUM ACT AND ANY APPLICABLE AMENDMENTS THERETO
AS SET OUT BY THE REGIONAL MUNICIPALITY OF NIAGARA AND/OR TOWN
OF NIAGARA-ON-THE-LAKE UNDER THE AUTHORITY OF BY-LAW.
DATED THIS _____ DAY OF _____, 2026.

GENERAL MANAGER, PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
TOWN OF NIAGARA-ON-THE-LAKE



File: 26CD-18-25-02

Draft Approval Date: _____

Lapse Date: _____

Town of Niagara-on-the-Lake
Conditions of Draft Plan Approval for Common Elements Condominium

The conditions of Draft Plan Approval and Registration for lands with no municipal address, known as Phase 1 of Block 84 of the approved but not yet registered “Modero Estates Plan of Subdivision”, located north of York Road, west of Concession 7 Road, and south of Queenston Road, and legally described as “Part Township Lot 181, being Part 2 on 30R11752 save and except Part 1 30R13678; Town of Niagara-on-the-Lake” are as follows:

TOWN PLANNING, BUILDING AND DEVELOPMENT SERVICES

1. That this approval applies to the Draft Plan of Common Elements Condominium prepared by Upper Canada Consultants, dated May 22, 2026 and printed on May 28, 2026, identified as Drawing Number 2130-DPCE (REV 3) and titled “DRAFT PLAN OF COMMON ELEMENTS CONDOMINIUM PHASE 1”, with no municipal address known as Phase 1 of Block 84 of the approved but not yet registered “Modero Estates Plan of Subdivision”, and legally described as “Part Township Lot 181, being Part 2 on 30R11752 save and except Part 1 30R13678; Town of Niagara-on-the-Lake”, showing proposed Parcels of Tied Land in addition to common elements for private roads and sidewalks, visitor parking, easements for infrastructure, and landscaping.
2. That if final approval is not given to this plan within three (3) years of the draft approval date and no extensions have been granted, draft approval shall lapse. If the owner wishes to extend the draft approval, a complete application form and written explanation of the request must be received by the Town prior to the lapsing date.
3. That the Condominium Agreement between the Owner and the Town of Niagara-on-the-Lake (the “Condominium Agreement”) be registered by the municipality against the lands to which it applies, pursuant to the provisions of the Planning Act and Condominium Act.

4. That the Owner agrees in the Condominium Agreement that any outstanding taxes will be paid prior to the registration of the final Condominium Plan.
5. That the individual units, known as Parcels of Tied Land ("POTL"), to be tied to the common elements are separated for individual ownership prior to the registration of the final Condominium Plan.
6. That the Owner provide a certificate signed by the surveyor and the Owner that the plan proposed to be submitted for registration is the same as the latest (most recent) draft approved plan and, if the plans are not the same, that any differences between the proposed registered plan and the latest draft plan are accepted/approved by the Town.
7. That the Owner provides a preliminary Condominium Description, in accordance with Ontario Regulation 49/01 under the Condominium Act, and a letter to the Director of Planning, Building and Development Services stating how all conditions of Draft Plan Approval have been satisfied at the time of request for condition clearance.
8. That the Owner submits a written undertaking in which he or she agrees that a copy of the registered Description and Declaration will be provided to the Town of Niagara-on-the-Lake immediately following the registration of the final Condominium Plan, which includes the following schedules:
 - (a) A Schedule containing statement from the declarant's solicitor that in their opinion, based on the parcel register or abstract index and the plans and drawings recorded in them, the legal description is correct and any easements mentioned in the schedule will exist in law upon the registration of the Declaration and Description; and
 - (b) A Schedule being the certification of the project engineer and/or architect that all common elements have been constructed in accordance with the regulations under the Condominium Act.

9. That prior to final approval the Owner enters into a Site Plan Agreement and posts the required securities to implement the requirements of the Draft Plan of Common Elements Condominium, and such Site Plan Agreement shall include clauses requiring that the following be addressed prior to the release of securities:

(a) That all common elements are completed as required by the Condominium Act.

(b) That the Owner, with respect to the common elements, shall provide a certificate and as built drawings from the Owner's engineer stating that all servicing, grading, drainage, and stormwater management requirements, and base asphalt paving have been completed in accordance with the approved plans and conditions in the original site plan agreement, or that arrangements to the satisfaction of the Director of Public Works and Infrastructure have been made for their completion.

10. That the Owner agrees in the Condominium Agreement to grant to the Town any required easements at no cost for the installation and future maintenance of a municipal sanitary sewer over lands legally described as "Part of Township Lot 181, Designated as Part 1 and Part 2 on Plan 30R-16443" and over lands legally described as "Part of Township Lot 181, Designated as Part 2 on Plan 30R-16587" free and clear of any mortgages, liens or encumbrances.

11. That the Owner agrees to include the following warning clause in all Agreements of Purchase and Sale or Lease or Occupancy for Units 1-16, and that it is also included in the Condominium Agreement:

"These lands are in proximity to lands designated for agricultural uses. The lands may be subject to noise, odour, and/or dust from nearby agricultural operations, which may interfere with some activities of the dwelling occupants."

TOWN PUBLIC WORKS AND INFRASTRUCTURE

12. The Owner agrees to the following being included as clauses within the Condominium Agreement:

- (a) That the Condominium Corporation agrees on-street parking shall be prohibited on all private streets, and that the owner be responsible for the purchase and installation of all required regulatory and street signage.
- (b) That the Town's Public Works and Infrastructure Services Department will not provide any snow plowing and/or sanding within the Condominium Corporation lands, and that the Condominium Corporation must provide sufficient space to accommodate snow storage within the development lands.
- (c) That the private sanitary and stormwater management systems may be subject to periodic inspections by the Town's Public Works and Infrastructure Services Department and shall be maintained by the Condominium Corporation and if not maintained, after receiving written notice, the Town's Public Works and Infrastructure Services Department has the authority to enter the private lands, carry out the required repairs and charge the Condominium Corporation accordingly.
- (d) That all infrastructure will be subject to the Town's inspection at the Owner's or Condominium Corporation's expense including qualitative and quantitative tests made of any materials used in the construction of any works.
- (e) That the private internal water system shall be subject to annual inspections and maintenance by the Public Works and Infrastructure Services Department and that the costs associated with those inspections and maintenance will be borne by the Condominium Corporation.
- (f) That any future proposed works and/or maintenance on the private internal water system proposed to be completed by the Condominium Corporation be subject to the review and approval of the Town's Public Works and Infrastructure Services Department prior to any such works taking place.
- (g) That the Condominium Corporation conduct flow testing on all installed hydrants, and provide all test results to the Town, and that the Condominium Corporation install the appropriate colour-coded discs, to be completed at the time of watermain commissioning.
- (h) That all design, construction, inspection, testing and sampling must conform to the requirements of the Town's municipal Consolidated Linear Infrastructure Environmental Compliance Approval ("CLI ECA") for both sanitary and stormwater infrastructure.

REGIONAL MUNICIPALITY OF NIAGARA

13. The Owner is advised that to receive Regional waste collection services on private roadways and/or properties, a properly executed Indemnity Agreement must be submitted to Niagara Region by the Owner or by a property management company with signing authority for the Owner.

14. That the Owner agrees to include the following warning clause in any future Agreements for Purchase and Sale or Lease:

“Purchasers/Tenants are advised that the Owner or property management company must maintain a properly executed Indemnity Agreement with Niagara Region in order for Regional waste collection services to be available.”

15. The Owner agrees that if the development does not comply with Niagara Region’s Procedure for Requirements for Waste Collection, then waste collection for the site will be the responsibility of the Owner through a private contractor and not Niagara Region.

16. That the Condominium Agreement contains a clause requiring the owner to implement the recommendations of the Noise Feasibility Study, Condo Block 84, prepared by HCG Engineering (dated March 16, 2026), including, but not limited to, required warning clauses, a 2.2 metre high noise barrier for Unit 56, and no windows along the west façade of Unit 42.

17. That the Condominium Agreement includes a clause requiring verification from a qualified acoustical consultant that the noise control measures have been properly installed during construction, prior to release of securities for Secondary Services .

18. That the owner agrees to include the following warning clauses in all Agreements of Purchase and Sale or Lease or Occupancy for Units 1-16 (Phase 1) as outlined in the Noise Feasibility Study, Condo Block 84, prepared by HCG Engineering (dated March 16, 2026), and that they also be included in the Condominium Agreement:

“Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.”

“This dwelling unit has been fitted with a forced air heating system and the ducting etc., was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality’s and the Ministry of the Environment, Conservation and Parks noise criteria. (Note: The location and installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and comply with criteria of MECP publication NPC-216, Residential Air Conditioning Devices.)”

CANADA POST

19. The Owner shall complete to the satisfaction of the Director of Public Works and Infrastructure of the Town of Niagara-on-the-Lake and Canada Post:

(a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:

- i. that the home/business mail delivery will be from a designated Centralized Mail Box.
- ii. that the Owner be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

(b) The Owner further agrees to:

- i. work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the condominium.
- ii. install concrete pad(s) in accordance with the requirements of and in locations to

be approved by Canada Post to facilitate the placement of Community Mail Boxes.

- iii. identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of condominium.
 - iv. determine the location of all centralized mail receiving facilities in cooperation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- (c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at the owner/developers own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

NIAGARA CATHOLIC DISTRICT SCHOOLBOARD

20. That the Owner agrees in the Condominium Agreement to include in all Offers of Purchase and Sale, the following statements advising prospective purchasers that:

- (a) *“Accommodation within a Catholic school operated by the Niagara Catholic District School Board may include temporary facilities; including but not limited to accommodation in a portable classroom or directing students to an alternative attendance boundary.*
- (b) *Student busing is at discretion of the Niagara Student Transportation Services.*
- (c) *If school buses are required within the Subdivision in accordance with Board Transportation policies, as may be amended from time to time, school bus pick up points will generally be located on the through street at a location as determined by Niagara Student Transportation Services.”*

ENBRIDGE GAS INC.

21. That the Owner agrees to provide Enbridge Gas Inc. ("Enbridge Gas") the necessary easements at no cost and/or agreements required by Enbridge Gas for the provision of local gas services for this project, in a form satisfactory to Enbridge Gas.

Clearance of Conditions

Prior to granting final approval for the condominium plan, the Town of Niagara-on-the-Lake Planning, Building and Development Services Department requires **written notification** from the following agencies that their respective conditions have been met satisfactorily.

Department or Agency	Conditions
Town Planning, Building & Development Services	1 – 11
Town Public Works and Infrastructure	12
Niagara Region	13 - 18
Canada Post	19
Niagara Catholic District Schoolboard	20
Enbridge Gas	21

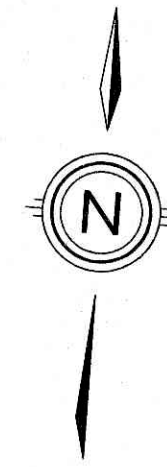
Clearance of the conditions of final approval should be coordinated with the following contacts:

Department or Agency	Contact Name	Address	Phone	Email
Town Planning, Building and Development Services	Aimee Alderman, Director of Planning, Building & Development Services	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266	Aimee.alderman@notl.com
Town Public Works Department	Jordan Frost, Director of Public Works	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266	Jordan.frost@notl.com
Town Corporate Services Department	Grant Bivol, Town Clerk	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266	clerks@notl.com
Niagara Region	Katie Young, Senior Planner	1815 Sir Isaac Brock Way, P.O. Box 1042, Thorold, ON, L2V 4T7	(905) 980-6000	Katie.young@niagararegion.ca
Enbridge Gas	Willie Cornelio, Sr Analyst Municipal Planning	500 Consumers Road, North York, ON M2J 1P8	(416)-495-6411	municipalplanning@enbridge.com

Review of Conditions

Should any of the conditions appear unjustified or their resolution appear onerous, requests to revise or remove conditions may be presented by the owner to the Committee of the Whole. The Committee will consider requests to revise or delete conditions, subject to ratification by Town Council.

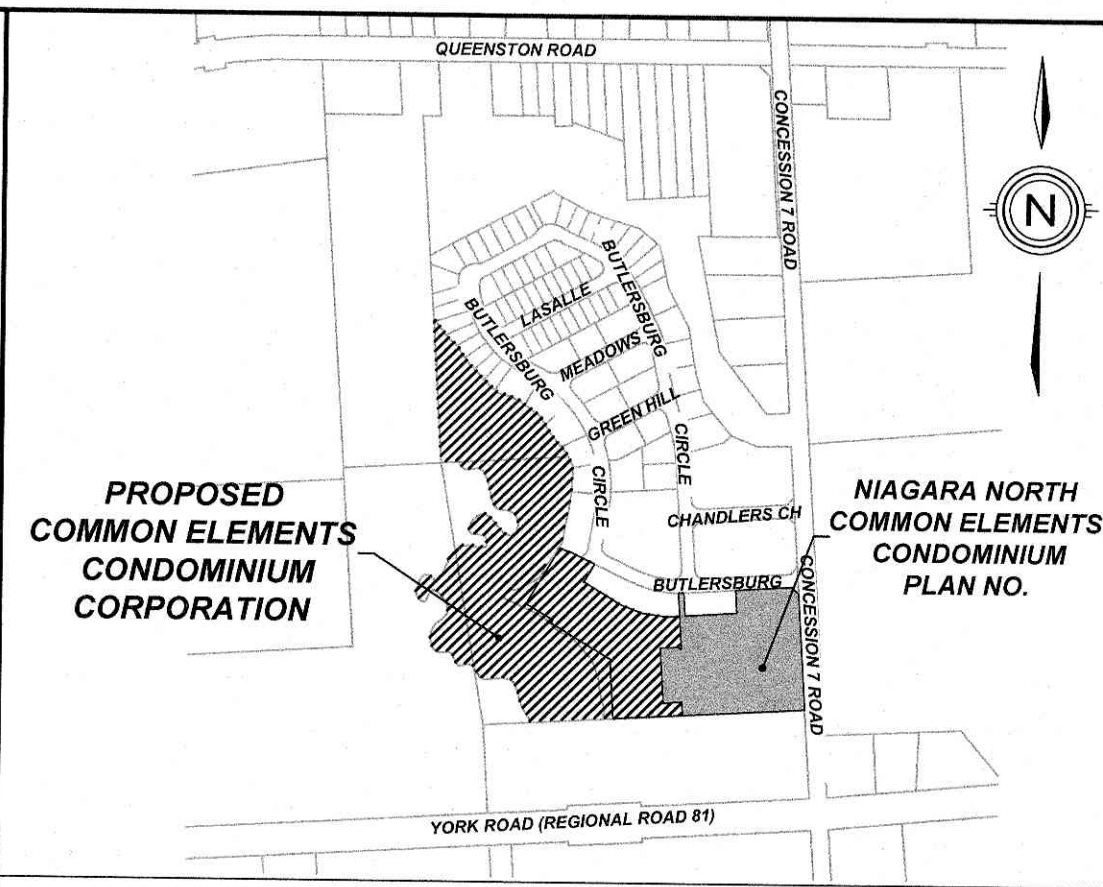
MODERO ESTATES-BLOCK 84
NIAGARA-ON-THE-LAKE
PHASE 2



CONDOMINIUM DRAFT APPROVAL:

APPROVED UNDER SECTION 51 OF THE PLANNING ACT, AND SECTION 9 OF THE CONDOMINIUM ACT AND ANY APPLICABLE AMENDMENTS THERETO AS SET OUT BY THE REGIONAL MUNICIPALITY OF NIAGARA AND/OR TOWN OF NIAGARA-ON-THE-LAKE UNDER THE AUTHORITY OF BY-LAW, DATED THIS ____ DAY OF _____, 2026.

GENERAL MANAGER, PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
TOWN OF NIAGARA-ON-THE-LAKE



KEY PLAN

N.T.S.

DRAFT PLAN OF MODERO ESTATES
(BLOCK 84) CONDOMINIUM 2

BEING A PROPOSED COMMON ELEMENTS CONDOMINIUM CORPORATION OF:

LEGAL DESCRIPTION

BLOCK 87 & PART OF BLOCK 84
PLAN 30M-

AND
PART OF TOWNSHIP LOTS 180 & 181
GEOGRAPHIC TOWNSHIP OF NIAGARA
TOWN OF NIAGARA-ON-THE-LAKE
REGIONAL MUNICIPALITY OF NIAGARA

NOTE: THIS IS A DRAFT PLAN ONLY AND IS
SUBJECT TO REVISION AND AMENDMENTS

OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY AUTHORIZE UPPER CANADA CONSULTANTS TO PREPARE AND SUBMIT THIS DRAFT PLAN OF COMMON ELEMENTS CONDOMINIUM TO THE TOWN OF NIAGARA-ON-THE-LAKE FOR APPROVAL.

MARZ HOMES (NOTL) INC.

DATE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

NICHOLAS P. MUTH
ONTARIO LAND SURVEYOR

May 29 2026
DATE

REQUIREMENTS OF SECTION 51(17) OF
THE PLANNING ACT AND SECTION 9 OF
THE CONDOMINIUM ACT (1998)

- a) SEE PLAN
b) SEE PLAN
c) SEE PLAN
d) SEE PLAN
e) SEE PLAN
f) SEE PLAN
g) SEE PLAN
h) MUNICIPAL WATER
i) SILTY SAND
j) SEE PLAN
k) FULL SERVICE
l) SEE PLAN

LAND USE SCHEDULE

LAND USE	LOT/BLOCK	# OF UNITS	AREA(m ²)	AREA(%)
CONDOMINIUM CORPORATION			5,088	100.00
TOTAL			5,088	100.00

2				
1	ISSUED FOR APPROVAL	2025-05-15	-	
0	ISSUED FOR APPROVAL	2025-04-22	-	
#	REVISION	DATE	INIT	

DRAWING TITLE

DRAFT PLAN OF
COMMON ELEMENTS
CONDOMINIUM
PHASE 2

DRAFTING	WS
DATE	MAY 22, 2026
PRINTED	MAY 29, 2026
SCALE	1:500
DWG. No.	2130-DPCE
REV	3

26T-16-22-01

BLOCK 83
PLAN 30M-

BUTLERSBURG CIRCLE

ESTABLISHED BY PLAN 30M-
P.L.A.N. 30 M.

BLOCK 89
PLAN 30M-

ESTABLISHED BY PLAN 30M-
P.L.A.N. 30 M.

BLOCK 84
PLAN 30M-

ESTABLISHED BY PLAN 30M-
P.L.A.N. 30 M.

BLOCK 87
PLAN 30M-

ESTABLISHED BY PLAN 30M-
P.L.A.N. 30 M.

BLOCK 86
PLAN 30M-

ESTABLISHED BY PLAN 30M-
P.L.A.N. 30 M.

BLOCK 85
PLAN 30M-

ESTABLISHED BY PLAN 30M-
P.L.A.N. 30 M.

BLOCK 82
PLAN 30M-

ESTABLISHED BY PLAN 30M-
P.L.A.N. 30 M.

BLOCK 81
PLAN 30M-

ESTABLISHED BY PLAN 30M-
P.L.A.N. 30 M.

BLOCK 80
PLAN 30M-

ESTABLISHED BY PLAN 30M-
P.L.A.N. 30 M.

BLOCK 79
PLAN 30M-

ESTABLISHED BY PLAN 30M-
P.L.A.N. 30 M.

BLOCK 78
PLAN 30M-

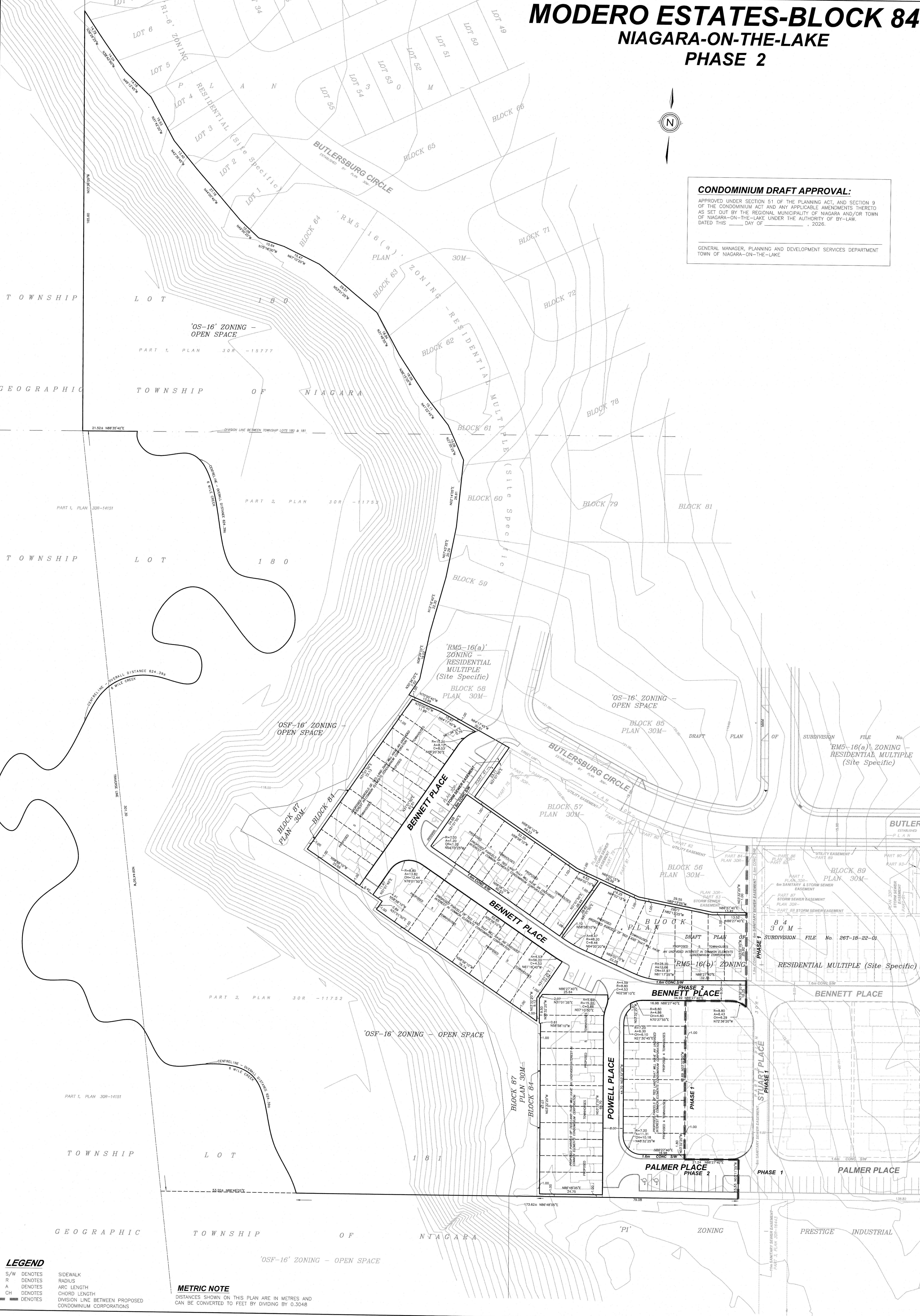
ESTABLISHED BY PLAN 30M-
P.L.A.N. 30 M.

BLOCK 77
PLAN 30M-

ESTABLISHED BY PLAN 30M-
P.L.A.N. 30 M.

BLOCK 76
PLAN 30M-

ESTABLISHED BY PLAN 30M-
P.L.A.N. 30 M.



LEGEND

- S/W DENOTES
R DENOTES
A DENOTES
CH DENOTES
DENOTES
SIDEWALK
RADIUS
ARC LENGTH
CHORD LENGTH
DIVISION LINE BETWEEN PROPOSED
CONDOMINIUM CORPORATIONS

METRIC NOTE

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

File: 26CD-18-26-01

Draft Approval Date: _____

Lapse Date: _____

Town of Niagara-on-the-Lake
Conditions of Draft Plan Approval for Common Elements Condominium

The conditions of Draft Plan Approval and Registration for lands with no municipal address, known as Phase 2 of Block 84 of the approved but not yet registered “Modero Estates Plan of Subdivision”, located north of York Road, west of Concession 7 Road, and south of Queenston Road, and legally described as “Part Township Lot 181, being Part 2 on 30R11752 save and except Part 1 30R13678; Town of Niagara-on-the-Lake” are as follows:

TOWN PLANNING, BUILDING AND DEVELOPMENT SERVICES

1. That this approval applies to the Draft Plan of Common Elements Condominium prepared by Upper Canada Consultants, dated May 22, 2026 and printed on May 29, 2026, identified as Drawing Number 2130-DPCE (REV 3) and titled “DRAFT PLAN OF COMMON ELEMENTS CONDOMINIUM PHASE 2”, with no municipal address known as Phase 2 of Block 84 of the approved but not yet registered “Modero Estates Plan of Subdivision”, and legally described as “Part Township Lot 181, being Part 2 on 30R11752 save and except Part 1 30R13678; Town of Niagara-on-the-Lake”, showing proposed Parcels of Tied Land in addition to common elements for private roads and sidewalks, visitor parking, easements for infrastructure, and landscaping.
2. That if final approval is not given to this plan within three (3) years of the draft approval date and no extensions have been granted, draft approval shall lapse. If the owner wishes to extend the draft approval, a complete application form and written explanation of the request must be received by the Town prior to the lapsing date.
3. That the Condominium Agreement between the Owner and the Town of Niagara-on-the-Lake (the “Condominium Agreement”) be registered by the municipality against the lands to which it applies, pursuant to the provisions of the Planning Act and Condominium Act.

4. That the Owner agrees in the Condominium Agreement that any outstanding taxes will be paid prior to the registration of the final Condominium Plan.
5. That the individual units, known as Parcels of Tied Land ("POTL"), to be tied to the common elements are separated for individual ownership prior to the registration of the final Condominium Plan.
6. That the Owner provide a certificate signed by the surveyor and the Owner that the plan proposed to be submitted for registration is the same as the latest (most recent) draft approved plan and, if the plans are not the same, that any differences between the proposed registered plan and the latest draft plan are accepted/approved by the Town.
7. That the Owner provides a preliminary Condominium Description, in accordance with Ontario Regulation 49/01 under the Condominium Act, and a letter to the Director of Planning, Building and Development Services stating how all conditions of Draft Plan Approval have been satisfied at the time of request for condition clearance.
8. That the Owner submits a written undertaking in which he or she agrees that a copy of the registered Description and Declaration will be provided to the Town of Niagara-on-the-Lake immediately following the registration of the final Condominium Plan, which includes the following schedules:
 - (a) A Schedule containing statement from the declarant's solicitor that in their opinion, based on the parcel register or abstract index and the plans and drawings recorded in them, the legal description is correct and any easements mentioned in the schedule will exist in law upon the registration of the Declaration and Description; and
 - (b) A Schedule being the certification of the project engineer and/or architect that all common elements have been constructed in accordance with the regulations under the Condominium Act.

9. That prior to final approval the Owner enters into a Site Plan Agreement and posts the required securities to implement the requirements of the Draft Plan of Common Elements Condominium, and such Site Plan Agreement shall include clauses requiring that the following be addressed prior to the release of securities:

(a) That all common elements are completed as required by the Condominium Act.

(b) That the Owner, with respect to the common elements, shall provide a certificate and as built drawings from the Owner's engineer stating that all servicing, grading, drainage, and stormwater management requirements, and base asphalt paving have been completed in accordance with the approved plans and conditions in the original site plan agreement, or that arrangements to the satisfaction of the Director of Public Works and Infrastructure have been made for their completion.

TOWN PUBLIC WORKS AND INFRASTRUCTURE

10. The Owner agrees to the following being included as clauses within the Condominium Agreement:

(a) That the Condominium Corporation agrees on-street parking shall be prohibited on all private streets, and that the owner be responsible for the purchase and installation of all required regulatory and street signage.

(b) That the Town's Public Works and Infrastructure Services Department will not provide any snow plowing and/or sanding within the Condominium Corporation lands, and that the Condominium Corporation must provide sufficient space to accommodate snow storage within the development lands.

(c) That the private sanitary and stormwater management systems may be subject to periodic inspections by the Town's Public Works and Infrastructure Services Department and shall be maintained by the Condominium Corporation and if not maintained, after receiving written notice, the Town's Public Works and Infrastructure Services Department has the authority to enter the private lands, carry out the required repairs and charge the Condominium Corporation accordingly.

(d) That all infrastructure will be subject to the Town's inspection at the Owner's or Condominium Corporation's expense including qualitative and quantitative tests made of any materials used in the construction of any works.

- (e) That the private internal water system shall be subject to annual inspections and maintenance by the Public Works and Infrastructure Services Department and that the costs associated with those inspections and maintenance will be borne by the Condominium Corporation.
- (f) That any future proposed works and/or maintenance on the private internal water system proposed to be completed by the Condominium Corporation be subject to the review and approval of the Town's Public Works and Infrastructure Services Department prior to any such works taking place.
- (g) That the Condominium Corporation conduct flow testing on all installed hydrants, and provide all test results to the Town, and that the Condominium Corporation install the appropriate colour-coded discs, to be completed at the time of watermain commissioning.
- (h) That all design, construction, inspection, testing and sampling must conform to the requirements of the Town's municipal Consolidated Linear Infrastructure Environmental Compliance Approval ("CLI ECA") for both sanitary and stormwater infrastructure.

REGIONAL MUNICIPALITY OF NIAGARA

11. The Owner is advised that to receive Regional waste collection services on private roadways and/or properties, a properly executed Indemnity Agreement must be submitted to Niagara Region by the Owner or by a property management company with signing authority for the Owner.

12. That the Owner agrees to include the following warning clause in any future Agreements for Purchase and Sale or Lease:

"Purchasers/Tenants are advised that the Owner or property management company must maintain a properly executed Indemnity Agreement with Niagara Region in order for Regional waste collection services to be available."

13. The Owner agrees that if the development does not comply with Niagara Region's Procedure for Requirements for Waste Collection, then waste collection for the site will be the responsibility of the Owner through a private contractor and not Niagara Region.

14. That the Condominium Agreement and Site Plan Agreement contain wording wherein the owner agrees to implement the mitigation measures and recommendations found in the Environmental Impact Study (EIS) prepared by Ecological & Environmental Solutions & LCA Environmental (dated March 2022), including but not limited to:
- (a) That vegetation removals be undertaken between October 1st and March 14th, outside of both the breeding bird nesting period and active bat season. A survey for active bird nests should be conducted prior to any vegetation removal or site alteration planned to occur during this window. Further, should tree removal be required between May 1 and September 31, a qualified Ecologist shall complete an exit survey of suitable maternal roosting sites identified for removal a maximum of 24 hours before removal. The exit survey must make use of a bat detector and shall occur for no less than the time period between sunset and 60 minutes after sunset.
 - (b) That any security lighting to be installed on buildings should be downward facing and directed away from natural areas to minimize ambient light exposure to the adjacent natural areas.
 - (c) That the contractor has a spill kit on site to minimize potential contamination from accidental spills. The equipment should be inspected for leaks and refueling be completed in accordance with best management practices and at least 30 m away from the woodland.
15. That the owner agrees to implement the Grading and Siltation Plan (Plan 4 & 5), prepared by Upper Canada Consultants, dated February 27, 2026.
16. That a no-gate provision be included in both the Condominium Agreement, to the satisfaction of the Town of Niagara-on-the-Lake, to minimize human encroachment and restrict pet access into the adjacent natural areas.
17. That the owner agrees to implement the Tree Inventory and Preservation Plan (including Sheets 1-3), prepared by Jackson Arboriculture Inc., (dated November 6, 2024).

CANADA POST

18. The Owner shall complete to the satisfaction of the Director of Public Works and Infrastructure of the Town of Niagara-on-the-Lake and Canada Post:

(a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:

- i. that the home/business mail delivery will be from a designated Centralized Mail Box.
- ii. that the Owner be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

(b) The Owner further agrees to:

- i. work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the condominium.
- ii. install concrete pad(s) in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
- iii. identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of condominium.
- iv. determine the location of all centralized mail receiving facilities in cooperation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

(c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at the owner/developers own expense, will be in

effect for buildings and complexes with a common lobby, common indoor or sheltered space.

NIAGARA CATHOLIC DISTRICT SCHOOLBOARD

19. That the Owner agrees in the Condominium Agreement to include in all Offers of Purchase and Sale, the following statements advising prospective purchasers that:

- (a) *“Accommodation within a Catholic school operated by the Niagara Catholic District School Board may include temporary facilities; including but not limited to accommodation in a portable classroom or directing students to an alternative attendance boundary.*
- (b) *Student busing is at discretion of the Niagara Student Transportation Services.*
- (c) *If school buses are required within the Subdivision in accordance with Board Transportation policies, as may be amended from time to time, school bus pick up points will generally be located on the through street at a location as determined by Niagara Student Transportation Services.”*

ENBRIDGE GAS INC.

20. That the Owner agrees to provide Enbridge Gas Inc. (“Enbridge Gas”) the necessary easements at no cost and/or agreements required by Enbridge Gas for the provision of local gas services for this project, in a form satisfactory to Enbridge Gas.

Clearance of Conditions

Prior to granting final approval for the condominium plan, the Town of Niagara-on-the-Lake Planning, Building and Development Services Department requires **written notification** from the following agencies that their respective conditions have been met satisfactorily.

Department or Agency	Conditions
Town Community & Development Services	1 – 9
Town Public Works and Infrastructure	10
Niagara Region	11 - 17

Canada Post	18
Niagara Catholic District Schoolboard	19
Enbridge Gas	20

Clearance of the conditions of final approval should be coordinated with the following contacts:

Department or Agency	Contact Name	Address	Phone	Email
Town Planning, Building and Development Services	Aimee Alderman, Director of Planning, Building & Development Services	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266	Aimee.alderman@notl.com
Town Public Works Department	Jordan Frost, Director of Public Works	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266	Jordan.frost@notl.com
Town Corporate Services Department	Grant Bivol, Town Clerk	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266	clerks@notl.com
Niagara Region	Katie Young, Senior Planner	1815 Sir Isaac Brock Way, P.O. Box 1042, Thorold, ON, L2V 4T7	(905) 980-6000	Katie.young@niagararegion.ca
Enbridge Gas	Willie Cornelio, Sr Analyst Municipal Planning	500 Consumers Road, North York, ON M2J 1P8	(416)-495-6411	municipalplanning@enbridge.com

Review of Conditions

Should any of the conditions appear unjustified or their resolution appear onerous, requests to revise or remove conditions may be presented by the owner to the Committee of the Whole. The Committee will consider requests to revise or delete conditions, subject to ratification by Town Council.