

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: August 21, 2015

CASE NO(S): PL141061

PROCEEDING COMMENCED UNDER subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Referred by: Tega Developments Inc.
Subject: Site Plan
Property Address/Description: 19 & 23 Bachman Terrace
Municipality: City of Ottawa
OMB Case No.: PL141061
OMB File No.: PL141061
OMB Case Name: Tega Developments Inc. v. Ottawa (City)

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

Applicant and Appellant: Tega Developments Inc.
Subject: Application to amend Zoning By-law No. 2008-250 – Refusal of application by the City of Ottawa
Existing Zoning: Residential First Density, Subzone M (R1M)
Proposed Zoning: Residential Third Density, Subzone Z, exception (R3Z-(xx))
Purpose: To permit the construction of 23 townhouse units with 18 back to back units in 2 buildings and a row of 5 street townhouses.
Property Address/Description: 19 & 23 Bachman Terrace
Municipality: City of Ottawa
Municipal File No.: D02-02-14-0041
OMB Case No.: PL141061
OMB File No.: PL141228

Heard: June 17 and 18, 2015 in Ottawa, Ontario

APPEARANCES:

<u>Parties</u>	<u>Counsel/Representative*</u>
City of Ottawa	T. Marc
Tega Developments Inc.	A.K. Cohen
Katimavik-Hazeldean Community Association	R. MacLean*

DECISION DELIVERED BY R.G.M. MAKUCH AND ORDER OF THE BOARD

[1] The Applicant/Appellant, Tega Developments Inc. ("Tega") applied for a zoning by-law amendment for its property at 19 and 23 Bachman Terrace ("subject lands"). The application was refused by City of Ottawa ("City") Council on the grounds that the proposed development was too dense in light of the existing development and that it does not "fit well" within its physical context nor does it "work well" with the existing and planned function of the surrounding community. Tega appealed this refusal.

[2] Tega also applied for the approval of a site plan under s. 41 of the *Planning Act*, City Council however, did not make a decision within the prescribed time also resulting in a further appeal.

[3] The subject site is located in the Katimavik-Hazeldean neighbourhood and is an irregularly shaped corner parcel having an area of approximately 3,377 square metres ("sq m"). Semi-detached dwellings are located to the east, Irwin Gate Park is to the north, there are single detached dwellings and a six bedroom group home under construction to the west and rear of the site. There is a commercial plaza across Bachman Terrace to the south. It fronts on Hazeldean Road, an arterial road and the rear of the plaza abuts Bachman Terrace.

[4] The purpose of the zoning by-law amendment application is to rezone the subject lands from "Residential First Density, Subzone M (R1M)" to "Residential Third Density, Subzone Z, exception (R3Z-(xx))". This would allow the creation of 18 back to back

units having three storeys in two buildings as well as five street townhouses. Half of the back to back units would front onto Bachman Terrace while the rest would back onto a private road within the site. The five townhouses would also front onto the private road. The exception is required for new performance standards for setbacks for the five townhouse and back to back units. The 23 units would provide a total of 46 parking spaces plus space within the boulevard for another nine spaces. On-street parking between the driveways would also be available.

[5] The general area has a mixture of low rise residential uses consisting of singles, semis, townhouses as well as apartments having four storeys or less.

[6] The public consultation process carried out by the City resulted in substantial opposition from the community.

[7] The Katimavik-Hazeldean Community Association (KHCA) was granted party status at the commencement of the hearing without objections from the City or Tega.

[8] The evidence in support of the appeals consists of the testimony of David Krajaefski, the land use planning consultant for the Applicant/Appellant and Tracey Scaramozzino, a land use planner with the City who gave evidence under summons issued at the request of the Applicant/Appellant.

[9] The evidence, in opposition to the appeals, consists of the testimony of Dennis Jacobs, a land use planning consultant retained by the City.

[10] The Board also heard from Sabah Nahfawi and John Hurda, two residents of the area who expressed the concerns of the community as follows:

- the increased density and flat roof design of the buildings that were not compatible with the neighbourhood;

- the lack of green space on the subject property and the loss of mature trees resulting from this development;
- the lack of adequate parking for the residents and visitors;
- the small size of Irwin Gate Park and its inability to accommodate the additional people from the new development;
- the narrowness of the road including the lack of sidewalks;
- concerns with storm water runoff causing flooding in the park;
- concerns with loss of property values, increased noise and loss of sunlight and privacy; and
- concerns over the location of snow storage and garbage.

[11] Sandy Jenkyns, who is the Manager Support Services for Pathways Group ("Pathways"), the owner of the abutting properties to the south at 13 and 15 Bachman Terrace also provided testimony in opposition to the appeals. Pathways is currently constructing a six bedroom group home on its property to provide accommodations for individuals with brain injuries. It is objecting to the proposal on the grounds that the development will affect the privacy of the residents of the home and the additional traffic to be generated from the development will increase the risks to the residents on the road.

[12] It is currently operating a group home on a working farm in former Osgoode Township in the south part of the City. It is relocating so that the residents are close to the required amenities in the urban area. Pathways chose this property because according to Ms. Jenkyns, it was on the periphery of the neighbourhood.

[13] The Board has carefully considered the evidence as well as the submissions of counsel and finds that this appeal should be allowed for the reasons that follow. The Board prefers the evidence of Mr. Krajaefski and Ms. Scaramozzino over that of Mr. Jacobs. Mr. Krajaefski and Ms. Scaramozzino gave straight forward objective evidence and readily made admissions respecting certain matters while under cross-examination by counsel for the City. Mr. Jacobs on the other hand appeared at times to be more of an advocate for the issues he was supporting rather than an independent and impartial professional witness. On a few occasions, during cross-examination by counsel for Tega, Mr. Jacobs would agree with all of the propositions put to him by counsel but would refuse to agree with the logical conclusions which would naturally flow from having agreed with these propositions. He, at times, had difficulty agreeing with the obvious in order to defend his opinions. He did finally agree with counsel for the Applicant/Appellant that development could be different but nevertheless compatible. His description of the neighbourhood as being "pastoral" was somewhat of an exaggeration given the existence of singles semis, townhouse and apartments in the area and that it is mostly built out.

[14] The professional witnesses have no issues with respect to the consistency of this proposal with the Provincial Policy Statement 2005 or 2014 and the Board is satisfied that it is consistent with these in that the development proposed falls within the definition of intensification on an underutilized site which is within a settlement area and where municipal services are available. The proposed development is also considered to be transit supportive.

[15] The subject lands are located in the "General Urban Area" designation under the City's Official Plan. This designation permits the development of a full range and choice of housing types to meet the needs of all ages, incomes and life circumstances, in combination with conveniently located employment, retail, service, cultural, leisure, entertainment and institutional uses.

[16] The Plan contemplates that 90% of the growth in the City will be accommodated in the urban area, where urban services already exist or can be efficiently provided. Most of the growth is intended to be directed to locations with significant development potential and specifically those designated as “Central area”, “Mixed-Use Centres”, “Employment Areas”, “Enterprise Areas”, “Developing Communities” and “Mainstreets” and include locations that are centered on the rapid-transit network, major roads, busy commercial streets and large tracts of vacant lands.

[17] The Plan also contemplates that opportunities for intensification exist and will be supported within lands designated “General Urban Area” although at a much smaller scale than the land use designations referred to above. The scale of intensification in the “General Urban Area” will vary depending upon factors such as the existing built context and the proximity to major roads and transit.

[18] The policies of this designation provide that the zoning by-law will regulate the location, scale and type of land use in accordance with the policies of the plan. The plan supports infill development and other intensification within the “General Urban Area” in a manner that enhances and complements the desirable characteristics and ensures the long-term viability of the many existing communities that make up the City. The Plan also suggests that the quality of the built environment is a significant cornerstone of intensification, which must have full regard for the existing built context and a full understanding of the impacts the development will have on both the immediate and wider surroundings.

[19] The evaluation of development applications is to be in accordance with s. 2.5.1 and s. 4.11 and must recognize the importance of new development relating to existing community character so that it enhances and builds upon desirable established patterns of built form as well as consider its contribution to the maintenance and achievement of a balance of housing types and tenures to provide a full range of housing for a variety of demographic profiles throughout the “General Urban Area”. It must also assess ground-oriented multiple housing forms, such as duplex, triplex and fourplex, as one means of

intensifying within established low-rise residential communities. This means the City must do its best to accommodate all types of people within the General Urban Area.

[20] Mr. Jacobs argues that the site is in the interior of a stable, low-rise residential neighbourhood dominated by low density single dwellings on larger lots and that the proposed development will not fit in since it is at a higher density. He takes the position that the periphery of the neighbourhood is the strip along the north side of Hazeldean Road designated "Arterial Main Street". This designation permits a wide range of commercial and residential uses at a much higher density than what is permitted in the Residential area to the north in which the subject lands are situated.

[21] The Board cannot agree with Mr. Jacobs. It is quite clear from the evidence that the subject site is on the edge or periphery of the neighbourhood delineated from the "Arterial Mainstreet" designation along Hazeldean Road. It is also noted that Ms. Jenkns testified that their site was chosen because it was on the periphery of the neighbourhood.

[22] The Plan also has policies for intensification outside the target areas referred to above and will promote opportunities for intensification on lands within 600 metres ("m") of future or existing transit stations with the potential to develop as compact, mixed-use or pedestrian friendly cores; lands that are no longer viable for the purpose for which they were intended; lands where the present use is maintained but the addition of residential uses or other uses can be accomplished in a complimentary manner, such as under-utilized shopping center sites. Mr. Jacobs argues that since the subject lands are not part of an under-utilized shopping center site, these are not eligible under this policy to be promoted as lands appropriate for intensification. The Board agrees with Ms. Scaramozzino and Mr. Krajaefski that the reference to "under-utilized shopping centre sites" does not exclude the subject property as the term was only included as a possible examples and not meant to exclude sites that were not under-utilized shopping center sites.

[23] The Plan recognizes that the way communities are built must change given the growth in the City's population and the economic pressures with limited finances putting pressure on the need for more compact communities.

[24] The Plan defines compatible development as development that, although it is not necessarily the same as or similar to existing buildings in the vicinity, nonetheless enhances an established community and coexists with existing development without causing undue adverse impacts on surrounding properties. It "fits well" within its physical context and "works well" among those functions that surround it. Generally speaking, the more a new development can incorporate the common characteristics of its setting in its design, the more compatible it will be. Nevertheless, a development can be designed to fit and work well in a certain existing context without being the same as the existing development. Mr. Jacobs was not able to point to any undue adverse impacts resulting from this proposal.

[25] The design objectives and principles of the Plan refer to new development creating distinctive places and allowing the built form of an area to evolve through architectural style and innovation and to achieve a more compact urban form over time. That is being done here.

[26] To achieve the Plan's strategic directions for managing growth, the zoning in many areas of the City, particularly areas adjacent to major roads, at the periphery of neighbourhoods and proximate to transit stations, may allow for more intense development than has occurred in the past and in order to achieve compatibility of scale and use, a development requires a careful design that appropriately addresses the impact generated by any infill or intensification project.

[27] As noted above, the City's Planning Department recommended approval of the applications. Ms. Scaramozzino was responsible for the preparation of the planning report to Planning Committee respecting these applications and she provided the Board

with a comprehensive overview of the process and analysis she conducted leading up to the formulation of her opinions.

[28] She explained that she had participated in the pre-consultations with the Applicant/Appellant prior to the filing of the applications initially for the approval of a 25 unit development. The original application was for one large block of 20 back to back town home units and five street townhouses. The number of units was reduced to 18 back to back units in two buildings with five street townhouses following input from the community and the Ward Councillor as well as discussions with Tega. Ms. Scaramozzino had considered the initial proposal to be too dense although her colleagues in the Planning Department did not have any concerns with the initial 25 units proposed. Nine of the townhouse units would front onto Bachman Terrace facing the existing semi-detached dwellings to the east and the other nine townhouse units would face west and front onto a private road within the development. The five street townhouses would face east and would also front on the private road.

[29] Ms. Scaramozzino was of the opinion that the proposed development was in conformity with the relevant policies under the "General Urban Area" designation in terms of respecting the maximum building height and by providing infill development through ground-oriented multiple-unit housing that provides a new form of development, which provides a choice of housing that is not currently available in the neighbourhood. She was of the view that the form of development proposed respects the existing character of the dwellings in the area by providing twinned driveways, landscaped front yards and front porches. The flat roofs and architecture proposed is more modern than what exists in the neighbourhood but she nevertheless was of the opinion that the materials and colours were traditional in nature and would complement the existing dwellings in the community.

[30] She reviewed the proposal against the criteria set out in s. 4.11 of the Plan relating to urban design and compatibility and concluded that the development proposed met these. The flat roofs and back to back townhouse design represents

flexibility and innovation while maintaining the compatibility which is sought to be achieved by the Official Plan.

[31] The proposed development was considered to be a low traffic generator and did not warrant the production of a traffic impact study. Ms. Scaramozzino also considered the vehicular access to be proper with nine of the back to back townhouses having direct access to their garage off a public street (Bachman Terrace) while the remaining nine back to back townhouses and the five street townhouses would have direct access to their garages from the private road. With respect to parking, the required number of spaces would be provided within the attached garage with visitor parking in the driveways.

[32] Each of the street townhouses would have its own private amenity space in their rear yard and private amenity space for the back to back townhouse being provided on private balconies.

[33] The subject site is within an existing community with a number of parks in the area including Irwin Gate Park, which abuts the site to the north.

[34] The existing built context in the area is low profile and the construction of two three-storey residential buildings as well as the two-storey street townhouses will fit well into and not change the general character of the neighbourhood according to Ms. Scaramozzino. The back to back units are divided up into two buildings breaking up the massing and providing green space on the site.

[35] Ms. Scaramozzino also reviewed the concerns expressed by the community and concluded that these had been properly addressed by the development.

[36] Mr. Krajaefski's indicated that the buildings would have flat roofs, which would perform a storm water management function for the site with containment of water during major storms and avoid flooding on abutting properties. There would also be temporary storage of excess water run off on the driveways during such major storms.

The buildings are contemporary in design giving the development a more modern look and style different than the majority of the homes in the area which are approximately 40 years old. Mr. Krajaefski believes that these are architecturally compatible with the adjacent housing stock. The site is being raised one metre to meet City standards with respect to drainage. The height of the buildings will be at 9.2 m measured from finished grade to the top of the roof. The maximum height in the area is set at 11 m. It is noted that the City's Engineering Department did not have any concerns with the proposed storm water management scheme on this site.

[37] The back to back townhouse units will have second storey balconies at the front of the units. The first and second floors will be bricked and the third floor will be clad with siding. The ends of the buildings will have front doors so as not to create blank walls.

[38] The Board cannot ignore the importance principles of intensification emphasized in the Provincial Policy Statement ("PPS") 2014. While these policies do not advocate for intensification at any cost, the Board is nevertheless satisfied that this development meets the built form and compatibility policies set out in the City's Official Plan. It is imperative that resources be used efficiently and the Official Plan must be interpreted to be consistent with the policy direction set out in the PPS 2014. The Board is satisfied that the Official Plan supports and promotes intensification in many forms and that where it is supported and promoted, it is expected to be more intense than the established neighbourhood in which it is proposed.

[39] The concerns raised by Pathways Group Home respecting infringement on the residents' privacy do not appear to be any different than what would likely occur if only 16 units were constructed as per the City's proposed alternative. It is noted that a fence will be provided.

[40] The Board notes that Tega has accepted the conditions of site plan approval issued by the City (Exhibit 13).

[41] The Board is satisfied that the proposed zoning by-law amendment is consistent with the PPS, is in conformity with the City's Official Plan and represents appropriate land use planning.

[42] Accordingly, the appeal pursuant to s. 34(11) is allowed and Zoning By-law No. 2008-250 will be amended substantially in accordance with Attachment 1 hereto (Exhibit 14). Furthermore, the appeal pursuant to s. 41(12) is also allowed and the site plan is approved subject to the conditions set out in Attachment 2 (Exhibit 13). The Board will remain seized and withhold its order until it receives the final documents in accordance with this decision.

"R.G.M. Makuch"

R.G.M. MAKUCH
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

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ATTACHMENT 1

9/14

BY-LAW NO. 2014 - XX

A by-law of the City of Ottawa to amend By-law No. 2008-250 of the City of Ottawa to change the zoning part of the lands known municipally as part of 19 Bachman Terrace and 23 Bachman Terrace.

The Council of the City of Ottawa, pursuant to Section 34 of the *Planning Act*, R.S.O.1990, enacts as follows:

1. The Zoning Map of By-law No. 2008-250, entitled the "City of Ottawa Zoning By-law" is amended by rezoning the lands shown as Area A on Attachment 1 to this by-law from R1M to R3B[2161].
2. Section 239 – Urban Exceptions of the said By-law No. 2008-250 is amended by adding the following exception:

I Exception Number	II Applicable Zone	Exception Provisions		
		III Additional Land Uses Permitted	IV Land Uses Prohibited	V Provisions
2161	R3B[2161]			-minimum rear yard setback: 2.5m -minimum interior side yard setback from the lot line abutting the rear lot of the lands municipally known as 19 Bachman Terrace: 2m

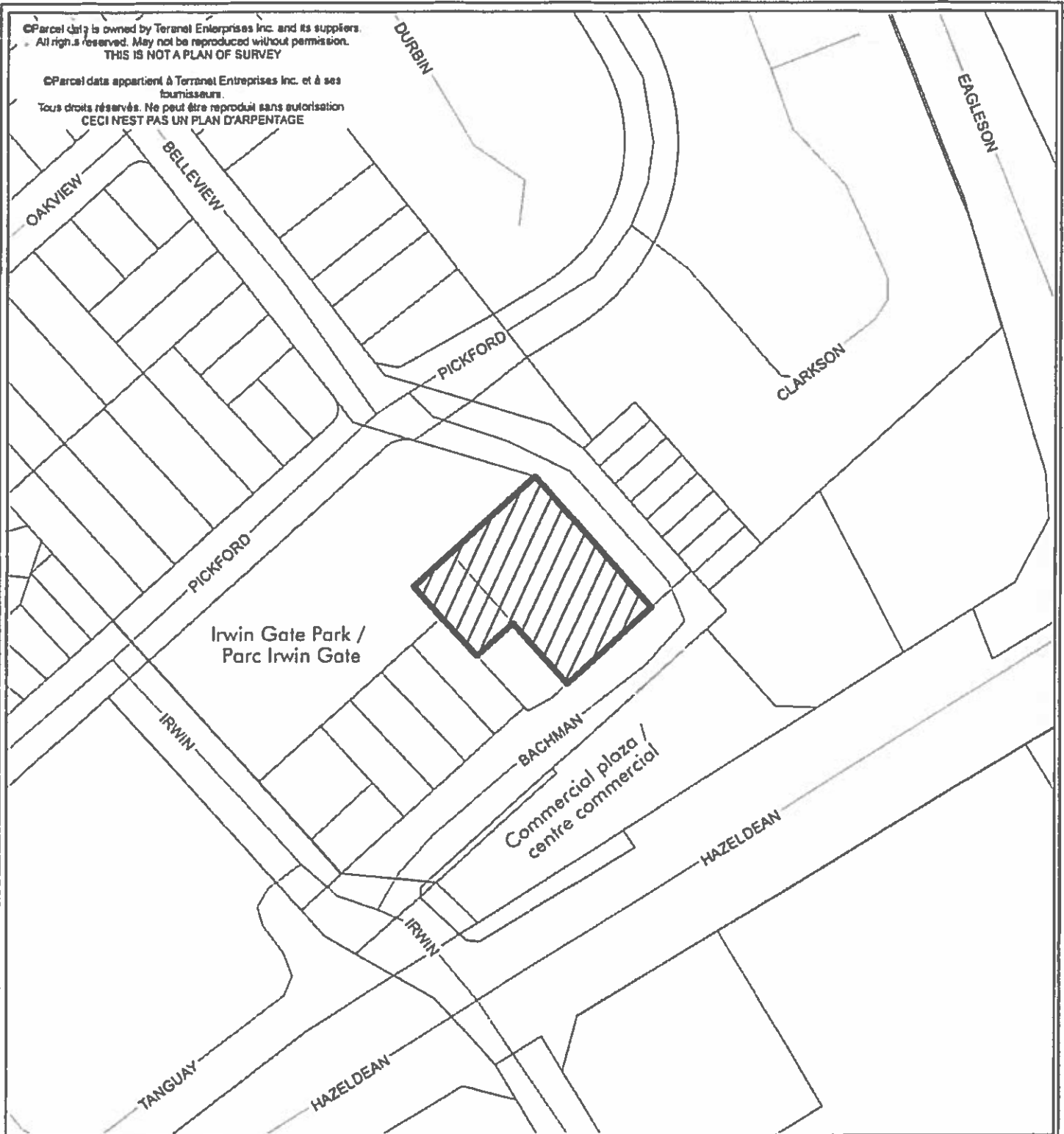
ENACTED AND PASSED this XX day of XXXX, 2015.

CITY CLERK

MAYOR

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2014 / 05 / 01

REVISION DATE DE RÉVISION



Location Map / Plan de révision
Zoning Key Plan / Schema de zonage
Site Plan / Plan de emplacement
19, 23 tsse. Bachman Terrace

044930005 Denotes Teranel-Polaris Parcel Identification Number

Échelle
 N.T.S.
 Mètres



Scale
 N.T.S.
 Metres

ATTACHMENT 2

4 13

Part of 19 and 23 Bachman Terrace Site Plan Conditions

1. **Development Agreement**
The applicant shall enter into a standard site development agreement consisting of the following conditions. In the event the Owner fails to enter into such agreement within one year, this approval shall lapse.
2. **Permits**
The Owner shall obtain such permits as may be required from Municipal or Provincial authorities and shall file copies thereof with the General Manager, Planning and Growth Management Department.
3. **Designated Substance Survey**
Prior to demolition of the existing building on the subject lands, the Owner shall submit the findings and recommendations for the proper handling and disposal of waste as identified in a designated substances survey, to the City. Such survey shall be to the satisfaction of the General Manager, Planning and Growth Management Department and be in accordance with best management practices. The survey shall address but not be limited to:
 - (a) *Asbestos on Construction Projects. (O.Reg 278/05);*
 - (b) *Lead on Construction Projects (ISBN 0-7794-6774-4) made under the Occupational Health and Safety Act, R.S.O. 1990, c.O.1, as amended;*
 - (c) *Registration Guidance Manual for Generators of Liquid Industrial and Hazardous Waste. (O.Reg 347);*
 - (d) *Proposed Regulation Respecting Lead on Construction Projects made under the Occupational Health and Safety Act, R.S.O. 1990, c.01.1, as amended; and*
 - (e) *Waste Management – PCBs. (O.Reg 362)*
4. **Waste Reduction Workplan Summary**
The Owner acknowledges and agrees, prior to the issuance of a building permit to prepare a waste reduction workplan summary for the construction project, as required by O.Reg 102/94, being "Waste Audits and Waste Reduction Work Plans" made under the *Environmental Protection Act, RSO 1990, c E.19, as amended* and provide a copy of said summary to the General Manager, Planning and Growth Management Department.
5. **Curbs**
The Owner agrees that the private land shall have mountable curbs and shall be constructed in accordance with a design professional and

such drawing to be approved by the General Manager, Planning and Growth Management Department.

6. **Water Supply for Fire Fighting**

The Owner shall provide adequate water supply for fire fighting for every building. Water supplies may be a public water works system, automatic fire pumps and pressure tanks or gravity tanks.

7. **Joint Use and Maintenance Agreement**

The Owner acknowledges and agrees that the Owners of all of the units shall enter into a Joint Use and Maintenance Agreement which shall be binding upon the owners and all subsequent purchasers to deal with the joint use, maintenance and liability of the common elements, including but not limited to the private roadway; common grass areas; common party walls, exterior walls; common structural elements such as the roof, foundations; common parking areas; and watermains for the mutual benefit and joint use of the owners; private snow clearing and removal and any other elements located in the common property; and the private Agreement shall be filed with the General Manager, Planning and Growth Management Department.

The Owner shall file with the General Manager, Planning and Growth Management Department, an opinion from a solicitor authorized to practice law in the Province of Ontario that the private Agreement is binding upon the owners of the land and all subsequent purchasers to deal with the matters referred to in Paragraph (a).

The Joint Use, Maintenance and Liability Private Agreement shall be registered on the Owner's land at no cost to the City, and a copy shall be provided to the City.

8. **Snow**

Any portion of the subject property which is intended to be used for snow storage shall be as shown on the approved site plan or as otherwise approved by the General Manager, Planning and Growth Management Department and shall not interfere with approved grading and drainage patterns or servicing. Snow storage areas shall be setback from property lines, foundations, fencing or landscaping a minimum of 1.5 metres. Snow storage areas shall not occupy driveways, aisles, required parking spaces or any portion of a road allowance.

9. **Reinstatement of City Property**

The Owner shall reinstate at its expense, to the satisfaction of the General Manager, Planning and Growth Management Department, any property of the City, including, but not limited to, sidewalks and

	curbs, boulevards, parklands that are damaged as a result of the subject development.
10.	<p><u>Construction Fencing</u> The Owner shall be required to install construction fencing at its expense, in such a location as may be determined by the General Manager, Planning and Growth Management Department.</p>
11.	<p><u>Maintenance and Liability Agreement</u> The Owner shall be required to enter into a maintenance and liability agreement for all plant and landscaping material placed in the City right-of-way and the Owner shall assume all maintenance and replacement responsibilities in perpetuity.</p>
12.	<p><u>Completion of Works</u> The Owner Acknowledges and Agrees that no building will be occupied on the lands, nor will the Owner convey title to any building until all requirements with respect to completion of the Works as identified in this Agreement have been carried out and received Approval by the General Manager, Planning and Growth Management Department, including the installation of municipal numbering provided in a permanent location visible during both day and night and the installation of any street name sign on relevant streets. Provided that notwithstanding the non-completion of the foregoing Works, conveyance and/or occupancy of a lot or structure may otherwise be permitted, if in the sole opinion of the General Manager, Planning and Growth Management Department, the aforesaid Works are proceeding satisfactorily toward completion. The consent of the General Manager, Planning and Growth Management Department for such conveyance and/or occupancy shall be obtained in writing by the Owner.</p>
13.	<p><u>CIL Parkland</u> Prior to the execution of the Site Plan Agreement, the Owner acknowledges and agrees to pay to the City a cash-in-lieu of parkland contribution and a fee for appraisal services in accordance with the Parkland Dedication By-law of the City of Ottawa, as it applies to the Site.</p>
A. Special Conditions for Site Plan Approval	
1.	<p><u>Sight Triangles</u> The Owner(s) shall convey, at no cost to the City, a 5m x 5 m corner sight triangle. The exact triangle area must be determined by legal survey. The Owner shall provide an electronic copy of the Deed and a copy of the Deposited Reference Plan indicating the triangle, prior to execution of the agreement by the City. Such reference plan must be</p>

tied to the Horizontal Control Network in accordance with the municipal requirements and guidelines for referencing legal surveys and will have been submitted to the City Surveyor for review prior to its deposit in the Registry Office. The City will not register the Deed for the triangle conveyance until after the City has issued the related building permit.

2. **Permanent Features**

No permanent features will be permitted above and below-grade within the widened right-of-way or corner triangle, including commercial signage.

3. **Permanent Encroachment Agreement**

The Owner(s) shall enter into a Permanent Encroachment Agreement to permit (description of existing encroachment) to remain within the City's road allowance. The costs of preparation and registration of the encroachment agreement will be borne by the Owner(s).

4. **Noise Impact**

The Owner(s) must prepare and implement a noise attenuation study in compliance with the City of Ottawa Environmental Noise Control Guidelines to the satisfaction of the General Manager, Planning & Growth Management Department. The Owner(s) shall implement the noise control attenuation measures recommended in the approved noise study.

5. **Noise and Vibration**

The Owner acknowledges and agrees that upon completion of the project, the Owner shall retain a professional engineer with expertise in the subject of acoustics related to land use planning to visit the site, inspect the installed noise control measures and satisfy himself that the installed work conforms to the noise study recommendations as approved by the City and/or the approval agencies and authorities (Ministry of Environment) or noise thresholds identified in the City of Ottawa Environmental Noise Control Guidelines. The professional engineer shall prepare a letter to the Construction Services Manager of the City stating that he certifies acoustical compliance with all requirements of the applicable conditions in the development agreement, (the "Certification Letter") to the satisfaction of the General Manager, Planning and Growth Management.

The Certification Letter shall be unconditional and address all requirements as well as all relevant information relating to the project including project name, lot numbers, building identification, drawing numbers, noise study report number, dates of relevant documents and in particular reference to the documents used for building permits and site

grading applications. The Certification Letter(s) shall bear the certification stamp of a professional engineer and be signed by the professional engineer.

The Certification Letter(s) shall then be submitted to the City, with a request to release the relevant parts of the Letter of Credit. The Letter of Credit may be reduced or completely released by the City, at the discretion of the General Manager, Planning and Growth Management based on the following matters:

- (a) Actual site visits, inspection, testing and, actual sound level readings at the receptors;
- (b) Previously approved Detailed Noise Control Studies, Site Plan and relevant approved Certification Letters (C of A) or Noise thresholds of City of Ottawa environmental Noise Control Guidelines; and
- (c) Non-conditional final approval for release for occupancy;

All matters shall be to the satisfaction of the General Manger, Planning and Growth Management.

6. Re-grading Shoulders of Ditch

The Owner(s) must:

- (a) Re grade the shoulders of the ditch found on the road allowance abutting the site to be developed;
- (b) Obtain all utility clearances prior to the re-grading of ditches;
- (c) Obtain the approval of the Transportation, Utilities and Public Works Department if the grade of the ditch bottoms are to change; and
- (d) Maintain a grass cover as required by the By law Regulating the Use and Care of Streets (By law Number 165 73, as amended).

7. Asphalt Overlay

The Owner(s) shall install an asphalt overlay over the total area of the public driving surface, to the satisfaction of the General Manager, Planning & Growth Management Department, due of the number of road cuts required to service this development. All cost(s) are to be borne by the Owner(s).

8. Geotechnical Report

The Owner's Geotechnical Engineer shall ensure that the recommendations of the Geotechnical Report, File No. 13-042, prepared by Houle Chevrier Engineering Ltd. is fully implemented and provide certificates of compliance, with respect to all recommendations and provisions of the report, prior to construction of the foundation and at the completion of the works, to the satisfaction of the General Manager, Planning and Growth Management Department.

9. **Waste Collection on Private Streets**

All prospective purchases shall be informed through a clause in the Agreements of Purchase and sale, that individual curbside waste collection and/or recycling collection for properties fronting onto the private street will not be provided by the City, and that waste collection and/or recycling collection will be provided by a private company as arranged by the Owner(s).

10. **Soil Management**

That the Owners Environmental Consultant identifies areas on the site where excess soils, fill and/or debris will be removed. If through further testing any of these materials are found to be contaminated, they must be disposed, treated or recycled at a waste disposal site or landfill licensed for that purpose by the Ministry of Environment.

11. **Reports**

The owner shall revise the Servicing Brief, Stormwater Management Report, Geotechnical Investigation Report and Noise Assessment report based on the comments provided to the owner on June 04, 2014, to the satisfaction of the General Manager, Planning and Growth Management.

12. **Drawings**

The owner shall revise the above listed drawings based on the comments provided to the owner on June 04, 2014 as well as any subsequent comments based on the revised drawings, to the satisfaction of the General Manager, Planning and Growth Management.

13. **Chain Link Fence**

The Owner acknowledges and agrees to construct a 1.5m chain link, commercial grade fence on private property, at their sole cost, along the northern edge of the property adjacent to Irwin Gate Park to the satisfaction of the General Manager, Planning and Growth Management. The fence shall be constructed on top of the retaining wall as per the approved plans.

14. **Privacy Fence**

The Owner acknowledges and agrees to construct a 1.5m board on board wooden privacy fence on private property, at their sole cost, along the western perimeter adjacent to the park and the rear yard of the property at 15 Bachman Terrace and along the southern perimeter of the development site along the property line to the rear of the property at 19 Bachman Terrace to the satisfaction of the General Manager, Planning and Growth Management. The fence shall be constructed on top of the retaining wall as per the approved plans.

15.	<p><u>Trees</u> The Owner acknowledges and agrees to plant additional trees and landscaping within the park and/or on private property to soften the appearance of the fence. These plantings shall be at the sole expense of the Owner and will be to the satisfaction of the General Manager, Planning and Growth Management Department.</p>
16.	<p><u>Construction of Sidewalks</u> The Owner acknowledges and agrees to pave a portion of the shoulder of Bachman Terrace along the curve in the road, as per the approved plans, at the sole expense of the Owner, to the satisfaction of the General Manager, Planning and Growth Management Department.</p>
17.	<p><u>Irwin Gate Parklands</u> The Owner acknowledges and agrees to enter into a "Consent to Enter/Licence of Occupation" with Real Estate Services should the construction of any part of the development require use of Irwin Gate Park lands.</p>
18.	<p><u>Frontage Charges</u> The Owner acknowledges and agrees to pay frontage charges of \$190/metre to the satisfaction of the General Manger, Planning and Growth Management Department.</p>
19.	<p><u>Canada Post</u> The Owner(s) acknowledges and agrees to consult with Canada Post regarding mail delivery locations and specifications. The final location of the mailbox shall be to the satisfaction of the General Manger, Planning and Growth Management Department.</p>

Bell Canada

1. The Owner(s) acknowledges and agrees, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.
2. The Owner(s) acknowledges and agrees that Bell Canada requires one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunication facilities are located to the street line.
3. The Owner(s) acknowledges and agrees that a blanket easement is required.

OCDSB

1. The Owner(s) acknowledges and agrees to place the following clause in all agreements of purchase and sale:

- a. "School Accommodation pressures exist in the Ottawa-Carleton District School Board schools designated to serve this development which are currently being addressed by the utilization of portable classrooms and/or by directing students to schools outside their community".

Enbridge Gas

1. The Owner(s) acknowledges and agrees to contact Enbridge Gas Distribution's Customer Connections department for service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and /or soil trenches) and/or asphalt paving.
2. The Owner(s) acknowledges and agrees that If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phase construction, all costs are the responsibility of the applicant.
3. The Owner(s) acknowledges and agrees that easement(s) are required to service this development and any future adjacent developments. The applicant will provide all easement(s) to Enbridge Gas Distribution at no cost. The inhibiting order will not be lifted until the application has met all of Enbridge Gas Distribution's requirements.

List of Approved Drawing(s):

1. **Site Grading Plan, Tega Developments, 19 & 23 Bachman Terrace**, Drawing No. GP-1, prepared by Stantec Consulting Ltd., Stantec Project No. 160401069 dated April 11, 2014, revision 2 dated June 03, 2015.
2. **Site Servicing Plan, Tega Developments, 19 & 23 Bachman Terrace**, Drawing No. SSP-1, prepared by Stantec Consulting Ltd., Stantec Project No. 160401069 dated April 11, 2014, revision 2 dated June 03, 2015.
3. **Erosion Control Plan, Tega Developments, 19 & 23 Bachman Terrace**, Drawing No. EC-1, prepared by Stantec Consulting Ltd., Stantec Project No. 160401069 dated April 11, 2014, revision 2 dated June 03, 2015.
4. **Storm Drainage Plan, Tega Developments, 19 & 23 Bachman Terrace**, Drawing No. SD-1, prepared by Stantec Consulting Ltd., Stantec Project No. 160401069 dated April 11, 2014, revision 2 dated June 03, 2015.
5. **Sanitary Drainage Plan, Tega Developments, 19 & 23 Bachman Terrace**, Drawing No. GP-1, prepared by Stantec Consulting Ltd., Stantec Project No. 160401069 dated April 11, 2014, revision 2 dated June 03, 2015.
6. **Tree Inventory/Preservation Plan, Tega Developments, 19 & 23 Bachman Terrace**, Drawing No. L101, prepared by Stantec Consulting Ltd., dated March 6, 2014, revision
7. **Landscape Plan, Tega Developments, 19 & 23 Bachman Terrace**, Drawing No. L102, prepared by Stantec Consulting Ltd., dated March 6, 2014, revision

8. **Landscape Details, Tega Developments, 19 & 23 Bachmang Terrace,** Drawing No. L103, prepared by Stantec Consulting Ltd., dated March 6, 2014, revision
9. **Site Plan, Tega Developments, 23 Bachman Terrace,** Drawing No. SP-1, prepared by Stantec Consulting Ltd., dated July 2014, revision
10. **Elevations, Tega Developments, 23 Bachman Terrace,** Drawing No. Blocks 1&2, prepared by Stantec Consulting Ltd., dated August 2014, Revision

List of Approved Report(s):

1. **Servicing Brief – Bachman Terrace Residential Development,** prepared by Stantec Consulting Ltd., Stantec Project No. 160401069 dated April 15, 2014, revision 1 dated June 2, 2015.
2. **Stormwater Management Report –Bachman Terrace Residential Development,** prepared by Stantec Consulting Ltd., Stantec Project No. 160401069 dated April 14, 2014, revision 1 dated June 3, 2015.
3. **Geotechnical Investigation Report,** prepared by House Chevrier Engineering Ltd., Houle Chevrier File No. 13-042 dated February 12, 2014, revision 1 dated June 25, 2014.
4. **Phase 1 Environmental Site Assessment,** prepared by Stantec Consulting Ltd., Stantec Project No. 160401069 dated April 15, 2014, revised n/a.
5. **Noise Assessment Report ,** prepared by Stantec Consulting Ltd., Stantec Project No. 160401069 dated March 24, 2014, revision 1, dated June 5, 2015.