

February 19, 2025

VIA EMAIL ONLY

Anthony Abraham
16 Island Park Court
Leamington, ON N8H 5C9

Subject: Draft Plan Approval Letter
Municipality: Town of Kingsville
Location: 175 Wigle Avenue
Applicant: 1364674 Ontario Ltd. c/o Anthony Abraham
File No.: 37-T-24007

Dear Mr. Abraham,

Pursuant to Subsection 51(31) of the Planning Act the above-noted draft plan of subdivision is hereby approved. A list of conditions that must be fulfilled prior to final approval is also attached.

The approval of this draft plan will lapse on **February 19, 2028**. The approval may be extended pursuant to subsection 51(33) of the Act.

Please see the attached Notice of Decision for further information regarding this decision.

Yours truly,



REBECCA BELANGER, MCIP, RPP
Manager, Planning Services

Enclosure

cc Town of Kingsville
ERCA

Alec Mantha
GECD SB

MMAH
Canada Post

Bell Canada
WECD SB

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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) 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
2. be accompanied by the prescribed filing fee by the Tribunal

How to file an appeal:

1. Appeals are to be submitted to the County of Essex Manager, Planning Services via the Ontario Land Tribunal's (OLT) online e-file service. Go to <https://olt.gov.on.ca/e-file-service/>. If the OLT's e-file service is not working, please contact the Manager, Planning Services at the contact information listed below.
2. Sign in to your My Ontario Account on the e-file service (first-time users will need to register for a My Ontario Account).
3. Submit the appeal via the e-file service and ensure that you select the correct approval authority, which in this case is listed as "Essex (County of)".
4. Pay the fee required by the OLT. The fee schedule and methods of payment can be found on the OLT website at <https://olt.gov.on.ca/fee-chart/>.
5. Anyone filing an appeal that does not use the OLT's e-file portal may submit the required material directly to the County of Essex Manager, Planning Services at the address listed below.

Who Can File An Appeal

At any time before the approval of the final plan of subdivision, the following may appeal any of the conditions imposed by the County of Essex Manager, Planning Services, to the Tribunal by filing a notice of appeal with the County of Essex Manager, Planning Services:

1. The applicant;
2. Any public body that, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority;
3. The Minister; or
4. The Municipality in which the subject land is located.

Only individuals, corporations or public bodies may appeal decisions in respect of a proposed plan of subdivision 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.

No person or public body shall be added as a party to the hearing of the appeal of the decision of the approval authority, including the lapsing provisions or the conditions, unless the person or public body, before the decision of the approval authority, made oral submissions at a public meeting or written submissions to the council or, in the Ontario Land Tribunal's opinion, there are reasonable grounds to add the person or public body as a party

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 regarding any changes to the conditions of approval unless the person or public body, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority, or made a written request to be notified of the changes to the conditions.

Other Related Applications:

The development is subject to Zoning By-law Amendment Application ZBA 2024-16.

Getting Additional Information

Additional information about the application is available by contacting the Manager, Planning Services:

County of Essex
Attention: Rebecca Belanger, MCIP, RPP
Manager, Planning Services
360 Fairview Avenue West, Essex, ON N8M 1Y6
Email: rbelanger@countyofessex.ca
Tel: (519) 776-6441, Ext. 1325

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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

1. That this approval applies to the draft plan of subdivision prepared by Verhaegan Land Surveyors, a division of J.D. Barnes Ltd. and certified by Alec Mantha, O.L.S., dated November 8, 2024, that shows:

- Eighteen (18) lots for thirty-six (36) semi-detached dwelling units; and
- One (1) block (Block 19) for a temporary cul-de-sac bulb.

The lands comprising the draft plan of subdivision are legally described as Part of Lots 64, 65 & 69, Part of Bauslaugh Avenue, Part of Lane on Registered Plan 344 and Part of Block B on Registered Plan 424 in the Town of Kingsville, County of Essex.

2. That the Owner enters into a subdivision agreement with the Municipality wherein the Owner agrees to satisfy all the requirements, financial and otherwise, of the Municipality concerning the payment of development charges (including educational development charges), provisions of roads, installation and capacity of services, including sanitary sewage collection systems, water distribution system, private utilities and stormwater management facilities for the development of the lands within the plan.
3. That the subdivision agreement between the Owner and Municipality contain provisions requiring financial contributions be made and/or secured to the Municipality including all required letters of credit, cash securities and insurances. Securities will not be released or reduced until after final completion of all required municipal infrastructure and services and any and all deficiencies have been addressed to the satisfaction of the Municipality.
4. That the subdivision agreement between the Owner and the Municipality be registered against the title of the lands to which it applies prior to the registration of the plan of subdivision.
5. That the road allowances included in this draft plan shall be shown and dedicated as public highways, and that dead ends and open sides of road allowances created by this plan of subdivision, shall be terminated in 0.3 metre reserves to be conveyed to the Municipality.
6. That the subdivision agreement contains provisions to the satisfaction of the Municipality regarding the phasing or timing of the development.
7. That the streets shall be named to the satisfaction of the Municipality.
8. That the Owner convey to the Municipality for park or other recreational purposes up to 5% of the land included in the plan or alternatively, the Municipality may require cash-in-lieu of all or a portion of the conveyance in accordance with Section 42(6) of the Planning Act, R.S.O., 1990, c.P.13, as amended.

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9. 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 Owner shall provide easements as may be required for services, utility or drainage purposes, and where required by the Municipality, daylight corners and/or 0.3 metre reserves shall be shown on the final plan and conveyed in a form satisfactory to the Municipality and the relevant agency.
11. That the Owner provide to the municipality all servicing plans and reports for the review and final approval by the Municipality in accordance with the Development Standards Manual.
12. That the subdivision agreement between the Owner and the Municipality contain a provision that requires that requires Block 19 be transferred to the Municipality for the purposes of a temporary cul-de-sac. Further, that the subdivision agreement provides that upon approval and notification from the developer that they will proceed with the next phase of development, the Town will convey Block 19 back to the developer at no cost.
13. That the subdivision agreement between the Owner and the Municipality, contain provisions, to the satisfaction of the Municipality 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 applicable authority.
14. That the subdivision agreement between the Owner and the Municipality contain provisions, that requires, that the Owner, installs the stormwater management measures 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.
15. That the subdivision agreement between the Owner and the Municipality contain provisions that requires that the Owners implement and complete the recommendations contained within the Information Gathering Form prepared by Dan Barcza, President of Sage Earth, dated October 28, 2024. The Owners are also required to further confirm and agree that any site alteration will be completed in accordance with any authorizations or directions from the Ministry of Environment, Conservation and Parks (MECP), issued in accordance with the provisions of the *Endangered Species Act, 2007*.

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16. That the subdivision agreement between the Owner and the Municipality shall contain a provision requiring the completion of the proposed naturalization compensation area located at 412 County Road 20 in the Town of Kingsville. The compensation plan has been submitted and approved by the MECP for the entire land holdings of the property owner including the hedgerows on the eastern lot line from north to south and western lot line abutting Katie Crescent Subdivision. The compensation plan will be implemented prior to the issuance of building permits on blocks 14 to 18.
17. That prior to final approval, the Municipality shall confirm that sewage treatment conveyance and capacity and water supply conveyance and capacity is available for all lots in the proposed development.
18. That the subdivision agreement between the Owner and the Municipality shall contain the following clause:

The Owner acknowledges that an oil, gas or water well ("Well") that is improperly constructed, maintained or abandoned presents a safety risk to humans as well as a potential risk to pollute groundwater resources. The Owner represents and warrants that it has researched the Oil, Gas and Salt Resources Library and the Ministry of Environment, Conservation, and Parks Well Records (together the "Records") and has made itself aware of the presence of any Well on the lands. The Owner acknowledges that not all Wells are recorded or located accurately in the Records. The Owner further represents and warrants that it has:

- i. systematically searched the subject lands for potential Well sites; and*
- ii. taken all other necessary steps to ensure that there are no other Wells on the subject lands and that any Well found has been or will be capped in accordance with the applicable legislation, regulations, guidelines or orders, the proof of which shall be submitted to the Municipality.*

In the event that an improperly constructed, maintained or abandoned well is found upon or within any lands either conveyed to the Municipality as a requirement of the subdivision agreement or lands which become owned by and/or under the jurisdiction of the Municipality as a result of the registration of the plan of subdivision, the Owner covenants and agrees to indemnify and save harmless the Municipality for all costs incurred relating to the capping, repairing or otherwise remediating of such Well in accordance with the applicable legislation, regulations, guidelines or orders. It is the intention of the parties that this provision shall survive the closing of any transaction related to the transfer of the applicable lands.

19. That the subdivision agreement between the Owner and the Municipality contain provisions that requires that the Owner completes the recommendations contained within

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Addendum to the 175 Wgle Acoustic Report, titled "*Barrier Revision for Update Development Plan – Wgle Avenue*"; prepared by Akoustik Engineering Ltd, and dated June 25, 2024.

20. That the subdivision agreement between the Owner and the Municipality contain provisions requiring warning clauses in purchase and sale agreements regarding noise for the relevant blocks in the development, based on the recommendations contained in the Environmental Noise Report, Akoustik Engineering Ltd., dated May 19, 2023 and further clarified in correspondence dated January 28, 2025 from Colin Novak.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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

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- 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.
26. That prior to final approval by the County of Essex, the Owner shall submit for review and approval by the Municipality and County, a draft of the final 12M plan.
 27. That prior to final approval by the County of Essex, the County is advised in writing by the Town of Kingsville how Conditions 1 to 26, inclusive, have been satisfied.
 28. 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 21 and 22 have been satisfied.
 29. 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 21 and 22 have been satisfied.
 30. That prior to final approval by the County of Essex, the County is advised in writing by the Canada Post Corporation how Conditions 23 and 24 have been satisfied.
 31. That prior to final approval by the County of Essex, the County is advised in writing by Bell Canada how Condition 25 has been satisfied.
 32. That prior to final approval by the County of Essex, the County is advised in writing by Enbridge how Condition 10 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-24007**".
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 has reasonable grounds to require investigation, the owner will be required to retain a consultant to conduct the necessary investigations.

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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.
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:

Planning Services
Town of Kingsville
2021 Division Road North
Kingsville, ON N9Y 2Y9
planning@kingsville.ca

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Senior Manager
Windsor-Essex Catholic District School Board
1325 California Avenue
Windsor, ON N9B 3Y6
seniormanagerfs@wecdsb.on.ca

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

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

Analyst Land Support
Enbridge Gas Inc.
50 Keil Drive North
Chatham, ON N7M 5M1
ONTLands@enbridge.com

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. 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 **February 19, 2028**. 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 Town of Kingsville.