



**TheCounty.**  
PRINCE EDWARD COUNTY • ONTARIO

**APPLICATION FOR APPROVAL OF A PLAN OF SUBDIVISION OR  
CONDOMINIUM DESCRIPTION** Under Section 51 of the *Planning Act*

**Name of Approval Authority:**

**THE COUNTY OF PRINCE EDWARD  
PLANNING SERVICES DEPARTMENT  
280 Main Street, 2<sup>nd</sup> Floor  
Mailing Address:  
332 Main Street, Picton, Ontario K0K 2T0  
Phone: (613) 476-2148 Fax: (613) 471-2051**

**Complete Application:** The application will be deemed complete when the following has been submitted:

- Information Prescribed by the Ontario Planning Act and O. Reg. 544/06 - indicated by black arrows (➤).
- The required fee.

Additional information requested (no arrows) is necessary for efficient processing and proper planning evaluation of the application.

**Please print, complete or (✓) appropriate box(es), and attach required reports, copies of draft plan and required fees.**

**Submission Checklist** The County needs the following materials and the applicable fee. Please use as a checklist.

**Applicant's Checklist:**  
**Provided**

**Attached or**

- 10 copies of the completed application form
- 10 copies of the draft plan with key map
- 25 copies of the draft plan on 8½ × 11 paper
- 1 digital copy of the draft plan/mapping
- The required fee (A certified cheque or money order)
- 5 copies of the information or reports shown as required by this form
- Cost acknowledgment agreement and security deposit

☐  
☐  
☐  
☐  
☐  
☐  
☐

**Note:** In this form, the term "subject land" means the land that is the subject of this application.

**FOR OFFICE USE ONLY**

County File No(s). \_\_\_\_\_

	Draft Plan of Subdivision Approval up to 20 lots/units	Draft Plan of Subdivision Approval up to 50 lots/units	Draft Plan of Subdivision Approval over 50 lots/units	Subdivision Agreement
Planning	\$8,670.00	\$9,690.00	\$7,140.00 plus peer review costs	\$2,652.00
Cost Recovery Agreement Deposit	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00

Independent Peer Review by professional consultants of detailed studies or reports (i.e. hydrogeological, retail market, noise, environmental impact, etc) or legal fees in addition to any application fee already received will be additional fees plus HST.

Please Print and Complete or (✓) Appropriate Box(es)

**1. Application Type**Subdivision ☒Condominium ☐**2. Applicant/Owner Information****➤2.1 Agent/Applicant**

Name of Contact Person Kevin Bechard (Weston Consulting)	Home Telephone No.	Business Telephone No. 905-738-8080 ext. 236
Address 201 Millway Avenue, Unit 19, Vaughan	Postal Code L4K 5K8	Fax No. 905-738-6637
E-mail Address kbechard@westonconsulting.com		

**➤2.2 Name of Owner(s) (If different from the applicant). An owner's authorization is required in Section 12.1, if applicant is not the owner.**

Name of Owner(s) 1513210 Ontario Inc. c/o Frank Carbone	Home Telephone No.	Business Telephone No. 416-276-0087
Address 8 Akron Road, Toronto ON	Postal Code M8W 1T2	Fax No.
E-mail Address frankcarbone@hotmail.com		

**➤2.3 Name of the person who is to be contacted about the application, if different than the owner on the application. (This may be a person or firm acting on behalf of the applicant.)**

Name of Contact Person Jessica Damaren, Weston Consulting	Home Telephone No.	Business Telephone No. 905-738-8080 ext. 280
Address 201 Millway Avenue, Unit 19, Vaughan	Postal Code L4K 5K8	Fax No. 905-738-6637
E-mail Address indamaren@westonconsulting.com		

**3. Location of the Subject Land (complete applicable boxes in Section 3.1)****➤3.1 Ward  
1 (Picton)**

See Planning Justification Report for Legal description

Concession Number(s) 1	Lot Number(s) PT Lot 1	Registered Plan No. 24
Reference Plan No.	Part Number(s)	Name of Street/Road

**➤3.2 Are there easements or restrictive covenants affecting the subject land?**No ☒ Yes ☐ If Yes, describe the easement or covenant and its effect.Sanitary servicing, storm servicing and hydro easements

**4. Proposed and Current Land Use**

&gt;4.1 What is the current use of the subject land?

Vacant

&gt;4.2 What is the current designation and zoning of the subject land?

Official Plan Designation

Zoning

Urban Centre - OP

R1-34, R3-32, R3-33, OS, FD

Town Residential Area (Picton - Hallowell Secondary Plan)

&gt;4.3 To the best of your knowledge, has there ever been an industrial or commercial use on the subject land or adjacent land?

☒ No

Yes

If Yes, specify the uses.

&gt;4.4 Complete Table A on Proposed Land use

Table A - Proposed Land Use

Proposed Land Use		Number of Units or Dwellings	Number of Lots and/or Blocks on the Draft Plan	Area (ha.)	Density (Units/Dwellings per ha.)	Number of Parking Spaces
Residential	Detached	74	Lots 1-44, 62-91	4.237	17.5	(1)
	Semi Detached					(1)
	Multiple Attached	63	Blks 45-54, 92-93	1.862	33.8	
	Apartment	140	Blk 55	1.350	103.7	
	Other (specify)					
Commercial						
Industrial						
Park, Open Space		nil	Blks 56, 94, 95, 57	2.801	nil	nil
Institutional (Specify)						
Roads		nil			nil	nil
Other (Specify) Walkways		nil	Blks 58-59, 96	0.220	nil	nil
Totals						

(1) Complete only if for approval of condominium description.

- |       |  |                                 |                                     |                          |
|-------|--|---------------------------------|-------------------------------------|--------------------------|
|       |  | Yes                             | No                                  | Unknown                  |
| >4.5  | Has the grading of the subject land been changed by adding earth or other material?  | <input type="checkbox"/>        | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| >4.6  | Has a gas station been located on the subject land or adjacent land at any time?   | <input type="checkbox"/>        | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| >4.7  | Has there been petroleum or other fuel stored on the subject land or adjacent land?  | <input type="checkbox"/>        | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| >4.8  | Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?   | <input type="checkbox"/>        | <input checked="" type="checkbox"/> |                          |
| >4.9  | What information did you use to determine the answers to the above questions?  |                                 |                                     |                          |
|       | Discussions with landowner   |                                 |                                     |                          |
| >4.10 | If Yes, to (4.3), (4.5), (4.6), (4.7), or (4.8) a previous use inventory showing all former uses of the subject land, or if appropriate, the adjacent land, is needed. Is the previous use inventory attached? | Yes<br><input type="checkbox"/> | No<br><input type="checkbox"/>      |                          |

**5. Additional Information for Condominium Applications Only**

	Yes	No
5.1 Has a site plan for the proposed condominium been approved?	<input type="checkbox"/>	<input type="checkbox"/>
5.2 Has a site plan agreement been entered into?	<input type="checkbox"/>	<input type="checkbox"/>
5.3 Has a building permit for the proposed condominium been issued?	<input type="checkbox"/>	<input type="checkbox"/>
5.4 Has construction of the development started?	<input type="checkbox"/>	<input type="checkbox"/>
5.5 If construction is completed, indicate the date of completion.		
5.6 Is this a conversion of a building containing rental residential units?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes to any of the above, please contact Planning Services to discuss prior to submitting.		

**6. Consultation with Local Planning Authority**

- >6.1 Has the draft plan of subdivision or condominium description that is subject of this application been discussed with municipal planning staff?  
☒ Yes ☐ No
- >6.2 Have you confirmed with the municipality that the proposed development meets all the requirements of the applicable official plan?  
☒ Yes ☐ No (Official plan amendments must be submitted prior to/concurrently with this application)

**7. Status of Other Applications under the Planning Act**

- >7.1 Has the subject land ever been the subject of a previous application for approval of a plan of subdivision or a consent?  
☒ Yes ☐ No ☐ Unknown  
 If Yes and If Known, indicate the application file number and the decision made on the application.  
13-T-11-approved, 13-T-17-501-under review
- >7.2 Is the subject land also the subject of a proposed official plan amendment that has been submitted for approval?  
☒ Yes ☐ No ☐ Unknown  
 If Yes and If Known, indicate the file number and the status of the application.  
OPA-1-2011-approved OPA #49
- >7.3 Is the subject land also the subject of an application for a consent, approval of a site plan, minor variance, zoning by-law or zoning order amendment?  
☒ Yes ☐ No ☐ Unknown  
 If Yes and If Known, indicate the type of application, the file number and the status of the application.  
221-11-approved
- >7.4 If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?
- >7.5 Are the water, sewage or road works associated with the proposed development subject to the provisions of the Environmental Assessment Act?  
☐ Yes ☒ No  
 If Yes, will the notice of public meeting for this application be modified to state that the public meeting will address the requirements of both the Planning Act and the Environmental Assessment Act?  
☐ Yes ☒ No

## 8. Provincial Policy

- >8.1 Briefly explain how this proposal is consistent with the County Official Plan (including applicable Secondary Plans) and Provincial Policy Statement issued under the Planning Act. (You may wish to include a planning report, prepared by a qualified land use planner to aid in answering this question.)  
Please refer to the Planning Justification Report, prepared by Weston Consulting, attached as part of this application.

---

---

---

---

---

---

---

---

- >8.2 Table B lists land use features on lands adjacent to the subject lands. Complete Table B. If this information exists in a report or is shown on a map, please attach it and indicate the report name and/or page number on the Table. If the information is not submitted, it may not be possible to do a complete and proper planning evaluation.

TABLE B

Please check the appropriate box	On Subject Lands		Within 500 Metres of Subject Lands	
	No		No	
Active Landfill Site	No		No	
Closed Landfill Site	No		No	
Agricultural (e.g. barn, livestock, etc.)	No		Yes	
Flood Plain	No		Yes, Picton urban centre secondary plan, Scheudle D	
Aggregate Extraction Operation	No		No	
Industrial Operation	No		No	
Rail Line Right-of-Way	No		No	
Provincial Park	No		No	
Provincially Significant Wetland on or within 40 metres of the subject lands	No		No	
Escarpments	No		No	
Area of Natural and Scientific Interest	No		No	
Designated Heritage Buildings (Part IV or V of Ontario Heritage Act)	No		Yes, found on interactive mapping	
Unopened Road Allowances	No		No	

- >8.3 **Affordable Housing:** For applications that include housing, complete Table C - Affordable Housing. For each type of housing and unit size, complete the rest of the row. If lots are to be sold as vacant lots, please indicate the lot frontage. Information should be based on the best information available at the time of application. If additional space is needed, attach a separate page.

**Table C – Affordable Housing**

For example: Semi-detached - 10 units; 100 sq. m.; 2 bedroom, 75% affordable to 60th percentile, 0% affordable to 30th percentile.

Housing Type	No. of Units	Unit Size (sq. m.)	No. of Bedrooms	Lot Frontage (m)	% Affordable to the 30th Percentile	% Affordable to the 60th Percentile
Single Detached	74			Min. 12 m	0%	0%
Link-Semi-Detached						
Row or Townhouse	63			Min. 6 m	0%	0%
Apartment Block	140				0%	0%
Other Types or Multiples						

\* "Affordable" units mean units, including not-for-profit and market housing, which are affordable to households with incomes in the lowest 60 percent of the income distribution for the housing market area. For assistance, refer to the current **Information Bulletin** released by the Ministry of Housing from time to time.

- >8.4 Is there any other information which may relate to the affordability of the proposed housing, or the type of housing needs served by the proposal?  
☐ Yes ☒ No If Yes, explain in Section 10.1 or attach on a separate page.
- >8.5 Does the proposed draft plan or condominium description apply to an area affected by aboriginal land claim negotiations or an area covered by a provincial/aboriginal co-management agreement?  
☐ Yes ☒ No ☐ Unknown

## 9. Servicing

- >9.1 Indicate by placing a (✓) in the appropriate box on Table D the proposed servicing type for the subject land. Attach and provide the title of the servicing information/reports as indicated in Table D.

**Table D – Sewage Disposal and Water Supply**

Service Type	(✓)	Potential Information/Reports (Required with application)
<b>Sewage Disposal</b>		
a) Public piped sewage system	✓	No action at this time. Municipality will need to confirm that capacity is available to service this application.
b) Public or Private communal septic		For the development of more than 5 lots/units: servicing options report <sup>1</sup> , hydrogeological report <sup>2</sup> , and indicate whether the municipality is intended to own and operate the system. For the development of 5 or less than 5 lots/units and generating more than 4500 litres per day effluent: servicing options report <sup>1</sup> , hydrogeological report <sup>2</sup> . For the development of 5 or less than 5 lots/units and generating less than 4500 litres per day effluent: hydrogeological report <sup>2</sup> .
c) Individual septic system(s)		For the development of more than 5 lots/units: servicing options report <sup>1</sup> , hydrogeological report <sup>2</sup> . For the development of 5 or less lots/units and generating less than 4500 litres per day effluent: hydrogeological report <sup>2</sup> . For the development of 5 or less lots/units and generating more than 4500 litres per day effluent: servicing options report <sup>1</sup> , hydrogeological report <sup>2</sup> .

d) Other		To be described by applicant.
<b>Water Supply</b>		
a) Public piped water system	✓	No action at this time. Municipality will need to confirm that capacity is available to service this application.
b) Public or Private communal well(s)		For the development of more than 5 lots/units: <u>servicing options report</u> <sup>1</sup> , <u>hydrogeological report</u> <sup>2</sup> , and indicate whether the municipality is intended to own and operate the system. For non-residential development where water will be used for human consumption: <u>hydrogeological report</u> <sup>2</sup> .
c) Individual well(s)		For the development of more than 5 lots/units: <u>servicing options report</u> <sup>1</sup> , and <u>hydrogeological report</u> <sup>2</sup> . For non-residential development where water will be used for human consumption: <u>hydrogeological report</u> <sup>2</sup> .
d) Communal surface water		Approval of a "water taking permit" under Section 34 of the Ontario Water Resources Act is necessary for this type of servicing.
e) Individual surface water		MNR clearance should accompany the servicing options report submitted to MOEE.
f) Other		To be described by applicant.

- Notes:
1. Confirmation that the municipality concurs with the servicing options statement will facilitate the review of the proposal.
  2. Before undertaking a hydrogeological report, consult the municipality about the type of hydrogeological assessment that is required given the nature and location of the proposal.

Title of the servicing information/reports.

	<input type="checkbox"/> Attached
Stormwater management Report, D.G. Biddle & Associates	<input checked="" type="checkbox"/> Attached
Hydrogeological & Geotechnical Investigation, Tron Associates Inc.	<input checked="" type="checkbox"/> Attached
Traffic Impact Study, Read Voorhees & Associates	<input checked="" type="checkbox"/> Attached

➤9.2 Indicate by placing a (✓) in the appropriate box of Table E the proposed type of storm drainage and access for the subject land. Attach and provide the servicing information as indicated in Table E.

**Table E - Storm Drainage, Road Access and Water Access**

Service Type	(✓)	Potential Information/Reports
Storm Drainage		
a) Sewers	✓	A preliminary stormwater management report is recommended, and should be prepared concurrent with any hydrogeological reports for submission with the application. A stormwater management plan will be needed prior to final approval of a plan of subdivision or as a requirement of site plan approval.
b) Ditches or swales		
d) Other	✓	
Road Access		
a) Provincial Highway		Application for an access permit and consultation with the MTO should occur concurrent with or prior to this application. An access permit is required from MTO before any development can occur.
b) Municipal or other public road maintained all year	✓	No action at this time. Acceptance of road alignment and access will be confirmed when the application is circulated for comment.
c) Municipal road maintained seasonally		No action at this time. Subdivision or condominium development is not usually permitted on seasonally maintained roads.
d) Right of way		No action at this time. Access by rights of way on private roads are not usually permitted, except as part of condominium.
Water Access		
		Information from the owner of the docking facility on the capacity to accommodate the proposal development will assist in the review. Subdivision or condominium development is not usually permitted with water access only.

**>9.3 Is water access proposed?**☐ Yes☒ No

If Yes, attach a description of the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road.

☐ Attached**>9.4 Is the preliminary stormwater management report attached?**☒ Yes☐ No

If not attached as a separate report, in what report can it be found?

**10. Other Information****>10.1 Has prior public consultation occurred (open house)?**☐ Yes☐ No

If yes, please give date of open house and outline feedback received.

Statutory public meeting - October 18, 2017

Community meeting - November 9, 2017

Please see Community Residents comment Response matrix, prepared by Weston Consulting, attached as part of this application.

**>10.2 Is there any other information that may be useful to the County in reviewing this development proposal (e.g. efforts made to resolve outstanding objections or concerns)? If so, explain below or attach on a separate page.**

Please refer to current application for phase 1 lands 13-T-17-501

Please refer to previously approved applications:

Z21-11

OPA-1-2011

13-T-11-501



**11. The Draft Plan**

➤ 11.1

Information to be shown on the draft plan as follows:

◆ - required under Section 51(17) of the Planning Act

- |   |  |                                     |
|---|--|-------------------------------------|
| ◆ | a. The boundaries of the land proposed to be subdivided, certified by an Ontario Land Surveyor;  | <input checked="" type="checkbox"/> |
| ◆ | b. The locations and widths of the proposed roads within the proposed subdivision and of existing highways on which the proposed subdivision abuts;  | <input checked="" type="checkbox"/> |
| ◆ | c. On a small key plan, on a scale of not less than one centimeter to 100 metres, all of the land adjacent to the proposed subdivision that is owned by the applicant or in which the applicant has an interest, every subdivision adjacent to the proposed subdivision and the relationship of the boundaries of the land to be subdivided to the boundaries of the township lot or other original grant of which the land forms the whole or part; | <input checked="" type="checkbox"/> |
| ◆ | d. The purpose for which the proposed lots are to be used;   | <input checked="" type="checkbox"/> |
| ◆ | e. The existing uses of all adjoining lands;   | <input checked="" type="checkbox"/> |
| ◆ | f. The approximate dimensions and layout of the proposed lots;   | <input checked="" type="checkbox"/> |
| ◆ | g. Natural and artificial features such as, but not limited to, buildings or other structures or installations, railways, highways, watercourses, drainage ditches, wetlands and wooded areas within or adjacent to the land proposed to be subdivided;  | <input checked="" type="checkbox"/> |
| ◆ | h. The availability and nature of domestic water supplies;   | <input type="checkbox"/> N/A        |
| ◆ | i. The nature and porosity of the soil;  | <input type="checkbox"/> N/A        |
| ◆ | j. Existing contours or elevations as may be required to determine the grade of the highways and the drainage of the land proposed to be subdivided;   | <input checked="" type="checkbox"/> |
| ◆ | k. The municipal services available or to be available to the land proposed to be subdivided;  | <input checked="" type="checkbox"/> |
| ◆ | l. The nature and extent of any restriction affecting the land proposed to be subdivided, including restrictive covenants or easements;  | <input checked="" type="checkbox"/> |
|   | m. Digital Mapping Information. Where possible, one computer disk containing the digital plotting of the boundary of the proposed subdivision should be submitted with the application. This will be retained by and for the sole use of the municipality;   | <input checked="" type="checkbox"/> |
|   | n. Surveyor's Certificate, Signed, Dated   | <input checked="" type="checkbox"/> |
|   | o. Owner's Certificate, Signed, Dated  | <input checked="" type="checkbox"/> |
|   | p. Scale   | <input checked="" type="checkbox"/> |
|   | q. Drawing Date and/or No.   | <input checked="" type="checkbox"/> |

**DECLARATION**

***This must be completed by the Owner.***

***NOTE: If more than one owner is listed in item #1 of this application, then all owners must sign this application form and the affidavit section.***

I, (We), Kevin Bechard (Weston Consulting) of the Town  
of Bradford West Gwillimbury in the County / Region of Simcoe  
solemnly declare that all of the statements contained in this application for consent and/or rezoning for  
(property description) 21 Barker Street and all the supporting documents are true, and I, (we),  
make this solemn declaration conscientiously believing it to be true and complete, and knowing that it is of  
the same force and effect as if made under oath, by virtue of the *CANADA EVIDENCE ACT*. I agree to  
allow the Municipality, its employees and agents to enter upon the subject land for the purpose of  
conducting a site inspection that may be necessary to process this application.

**DECLARED before me at the**

City of Vaughan  
in the Region of York  
of \_\_\_\_\_  
this 18 day of March 2019.

12735  
\_\_\_\_\_  
Owner/Applicant

\_\_\_\_\_  
Owner/Applicant

Nina Marie Tanti, a Commissioner, etc.,  
Province of Ontario,  
for Weston Consulting Group Inc.  
Expires January 11, 2021

Nina Marie Tanti  
Commissioner of Oaths

\_\_\_\_\_  
Commissioner's Stamp

**OWNER'S AUTHORIZATION IF THE OWNER IS USING AN AGENT FOR REPRESENTATION**

I, (We) WILF GOLDLUST of the CITY of TORONTO in the County/Region of ONTARIO  
CANADA solemnly declare that Weston Consulting  
is authorized to submit an application for consent and/or rezoning for the lands that I/We own,  
located in (property description) 21 Barker Street, Picton to act as our agent in the  
completion of the matters related to the processing thereof.

DECLARED before me at the

CITY of Vaughan  
in the Region  
of York  
this 18 day of March 2019.

  
Owner/Applicant  
Owner/Applicant

Nina Marie Tanti, a Commissioner, etc.,  
Province of Ontario,  
for Weston Consulting Group Inc.  
Expires January 11, 2021



Commissioner of Oaths

Commissioner's Stamp

**Cost Acknowledgement Agreement**

**THIS AGREEMENT made in duplicate this            day of            , 20\_\_\_\_**

**BETWEEN:**

**THE CORPORATION OF THE COUNTY OF PRINCE EDWARD**

**(hereinafter called the "Municipality")**

**PARTY OF THE FIRST PART**

**-AND -**

**1513210 Ontario Inc.**

**(hereinafter called the "Owner")**

**PARTY OF THE SECOND PART**

**WHEREAS** the Owner proposes to amend the Municipality's Official Plan, amend or vary the Municipality's Zoning By-law, seek site plan approval and/or to sever and/or subdivide certain lands in the Municipality (herein referred to as "the Application(s)");

**AND WHEREAS** the Municipality may incur expenses for services or activities which are not covered by the initial fee for the basic processing of the Application(s) as described on Schedule "A" hereto;

**AND WHEREAS** the Municipality has authorized the entering into of this Agreement by By-law 2817-2011 being a by-law to establish a tariff of fees for the processing of applications made in respect of planning matters pursuant to Section 69 of the Planning Act, as amended;

**NOW THEREFORE** in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which is acknowledged by the parties hereto, the parties hereto agree as follows:

1. In consideration of the other provisions of this Agreement, the Commissioner of Engineering, Development and Works for the Municipality shall instruct such of the Municipality's staff, solicitor, planning, engineering and other consultants as the Commissioner deems necessary or advisable to:
  - (a) review on behalf of the Municipality the Application(s) and to undertake such studies, investigations, analysis, research as may be reasonably necessary to properly advise the Municipality, including, without limitation, the provision of written reports and opinions; and
  - (b) provide representation/appearances at any and all meetings and/or proceedings relating to the Application(s).
2. (a) The Owner hereby covenants and agrees to reimburse the Municipality forthwith on demand for all expenses whatsoever incurred by the Municipality relating to or arising out of the Application(s).

- (b) In this Agreement, the word "expenses" includes:
- (i) fees, costs, expenses, and disbursements incurred by or on behalf of the Municipality for services or activities related to or arising out of the Application(s) but not described in Schedule "A" hereto, including but not limited to fees, costs, expenses, and disbursements for items such as: additional public meetings, notices of public meetings, external agency fees, extensions or amendments to Application(s), plans or the conditions of approval, peer reviews, additional studies and/or evaluations, site inspections, meetings, and all attendances and preparation related to any and all appeal(s) to any tribunal and/or court, including without limitation all legal and consultant fees and disbursements.
- (c) For purposes of this Agreement, the Owner acknowledges and agrees that the "processing" of the Application(s) includes any additional public meetings, notices of public meetings, extensions or amendments to Application(s), plans or the conditions of approval, peer reviews, additional studies and/or evaluations, site inspections, meetings, and all representation, attendances and preparation related to any and all appeal(s) to any tribunal and/or court.
3. The Owner hereby agrees to deposit with the Municipality, at the time of signing this Agreement, a certified cheque in the amount of \$            payable to the Municipality as an advance on all expenses that may be incurred by the Municipality. The said sum of \$            shall hereinafter be referred to as the "Deposit". As accounts, invoices, statements, etc. are received by the Municipality, they shall be paid by the Municipality and the Municipality shall be entitled to deduct the amounts so paid from the Deposit. The Municipality shall then submit to the Owner a statement of all monies paid and the Owner shall pay to the Municipality forthwith a sufficient sum to reinstate the Deposit to the initial sum of \$            in order that the full sum of \$            is available for subsequent accounts, statements, invoices, etc. Neither the Deposit nor anything in this Agreement shall limit or be deemed to limit the obligation of the Owner to reimburse the Municipality in full for all expenses incurred by the Municipality.
4. In the event that the Owner fails to reimburse the Municipality within thirty (30) days of demand so as to fully reinstate the Deposit as contemplated by this Agreement, the Municipality's Commissioner of Engineering, Development and Works may, in his or her sole and absolute discretion, direct municipal staff, planner, solicitor, engineer and any other consultants to cease all work on or relating to the Application(s) and the Municipality shall be entitled to apply the balance of the Deposit towards all outstanding accounts.
5. The Deposit or any portion thereof shall be retained by the Municipality until all accounts, statements, invoices, etc., submitted or to be submitted to the Municipality and relating to the Owner's Application(s) have been paid in full and all matters relating to the Owner's Application(s) have been completed. Upon completion or in the event the Owner indicates that it desires to cease all work relating to the Owner's Application(s), then the balance, if any, of the Deposit shall be returned by the Municipality to the Owner after the payment of all accounts, statements, invoices, etc., submitted or to be submitted to the Municipality and relating to the Owner's Application(s) have been paid in full.

6. In the event that any matter relating to the Owner's Application(s) is appealed to the Ontario Municipal Board, other tribunal and/or Court, and the Municipality, in its sole and absolute discretion, determines it necessary or appropriate to attend at the hearing or proceeding to defend Council's decision [whether the decision is to support or refuse the Owner's Application(s)], then in such case the provisions of this Agreement shall also apply to all expenses incurred by the Municipality with respect to such hearing and/or proceeding, including without limitation, legal, planning and engineering costs and disbursements.
7. Interest and municipal administrative fees shall be payable by the Owner to the Municipality on all sums of money payable by the Owner to the Municipality which are not paid in full within thirty (30) days of demand or otherwise satisfied from the Deposit, which interest and municipal administration fees shall be calculated from the date of such demand at the rate established from time to time by the Municipality for overdue accounts. Any and all expenses that may remain unpaid to the Municipality constitute a debt of the Owner to the Municipality. The Owner agrees that the Municipality in its sole and absolute discretion shall be entitled to add such expenses to the tax roll for the property of the Owner and collect them in the same manner as municipal taxes.
8. The failure of the Municipality to insist on strict performance of any of the terms, provisions, covenants or obligations herein shall not be deemed to be a waiver of any rights or remedies that the Municipality may have, and shall not be deemed to be a waiver of any subsequent breach or default of the terms, provisions, covenants and obligations herein contained.
9. The Owner shall not call into question, directly or indirectly, in any proceedings whatsoever in law or in equity or before any administrative tribunal, the right of the Municipality to enter into this Agreement and to enforce each and every term, covenant and condition herein contained, and this clause may be pleaded as an estoppel against the Owner in any such proceedings.
10. This Agreement shall not be construed as acceptance or approval by the Municipality of the Application(s).
11. This Agreement shall ensure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors and assigns.

**IN WITNESS WHEREOF** the parties hereto have hereunto affixed their corporate seals attested to by the hands of their proper officers authorized in that behalf.

**SIGNED, SEALED AND DELIVERED**

In the presence of:

) THE CORPORATION OF THE  
 ) COUNTY OF PRINCE EDWARD  
 )  
 )  
 )  
 )  
 ) \_\_\_\_\_  
 ) PER:  
 )  
 )  
 ) NAME OF OWNER  
 )  
 )  
 ) \_\_\_\_\_  
 ) PER: