

**Applicant:** EIE Corporation  
**File No:** Z-10-15 SUB; 14T-150001  
**Municipality:** Town of Cobourg  
**Location:** 589 King Street West (Cedar Shores Estates)

**Date of Decision:** July 18, 2016  
**Date of Notice:** July 22, 2016  
**Last Date of Appeal:** August 11, 2016

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## **NOTICE OF DECISION**

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

Draft Approval of a Plan of Subdivision to the application in respect of the subject lands noted above has been given by the Council of the Corporation of the Town of Cobourg. A copy of the Draft Plan conditions is attached.

*Note: Cobourg Municipal Council considered a submission from an area landowner regarding pedestrian pathway alignment for the public waterfront park, which was taken into account within the Draft Plan of Subdivision Conditions. A statement of objection to the subdivision proposal was submitted by a landowner in the vicinity of the subject lands however the statement of objection did not elaborate on any particular reasons in support of the position and, therefore, based on all information available Cobourg Municipal Council granted Draft Approval of the Plan of Subdivision with the conditions attached.*

### **When and How to File an Appeal**

Notice to appeal the decision to the Ontario Municipal Board must be filed with the Clerk of the Corporation of the Town of Cobourg 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 Clerk, at the address shown below and it must;

- 1) set out the reasons for the appeal; and
- 2) be accompanied by the prescribed fee under the Ontario Municipal Board Act in the amount of \$300.00, payable by certified cheque to the Minister of Finance, Province of Ontario.

### **Who can File an Appeal**

Only individuals, corporations or public bodies may appeal the decision in respect of a proposed plan of subdivision of the Town of Cobourg to the Ontario Municipal Board. An appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf. No person or public body shall be added as a party to the hearing of an appeal of the decision of the Town of Cobourg, including the lapsing provisions or the conditions, or changes to the conditions, unless the person or public body, before the decision of the Town of Cobourg, made oral submissions at a public meeting or written submissions to the Town of Cobourg Municipal Council or, in the Ontario Municipal Board's opinion, there are reasonable grounds to do so.

### **Right of Applicant or Public Body to Appeal Conditions**

The applicant, the Minister of Municipal Affairs and Housing, or a public body that, before Cobourg Municipal Council made its decision, made oral submissions at a public meeting or written submissions to the Town of Cobourg, may at any time before the final plan of subdivision/condominium is approved appeal any of the conditions imposed by the Town to the Ontario Municipal Board by filing with the Clerk of the Town of Cobourg a notice of appeal.

### **How to Receive Notice of Changed Conditions**

The conditions of the approval of a 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 draft approval of a plan of subdivision if you have:

- 1) made a written request to be notified of changes to the conditions of approval of the draft plan of subdivision.

**Other Related Application for an amendment to the Zoning By-law**

File number Z-10-15

**Getting Additional Information**

Additional information about the application is available for public inspection during regular office hours at the Town of Cobourg Planning Department, Victoria Hall, 55 King Street West, Cobourg, (905) 372-1005.

**Mailing Address for Filing a Notice of Appeal**

The Corporation of the Town of Cobourg

55 King Street West

Cobourg ON K9A 2M2

Attention: Lorraine V. Brace, Municipal Clerk

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Subsection 51(37) of the Planning Act

Notice of Decision Sent to:

Director  
Ministry of Municipal Affairs and Housing  
Rockwood House  
Postal Bag 2500  
8 Estate Lane  
Kingston, ON K7M 9A8

Brooke Gillispie  
County of Northumberland  
Corridor Management Department  
860 William Street  
Cobourg ON K9A 3A9

Greg Wells, Watershed Planner  
Ganaraska Region Con. Authority  
P.O. Box 328  
Port Hope ON L1A 3W4

Hydro One Networks Inc.  
Land Use Planning Section  
P.O. Box 4300  
Markham, ON L3R 5Z5

Norman J. Breitner, MCIP, RPP  
Kawartha Pine Ridge District School Board  
1994 Fisher Drive, P.O. Box 719  
Peterborough ON K9J 7A1

Conseil scolaire de district catholique Centre-Sud  
Attn: Richard Nsengimana, Planning Department  
110 Drewry Avenue  
Toronto, ON M2M 1C8  
Tel.: 416 397-6564 ext: 73625

Kevin Wood  
Cogeco  
1111 Goodfellow Road  
Peterborough, ON K9J 7X1

P.V.N.C.Catholic District School Board  
1355 Lansdowne Street West  
Peterborough, ON K9J 7M3

Union Gas  
Lands Department  
36 Charles Street East  
PO Box 3040  
North Bay, ON P1B 8K7

Canada Post/Postes Canada  
Attn: Stephen McGraw  
Delivery Service Officer / Agent de Service a la Livraison  
P.O Box 8037 Ottawa T CSC  
Ottawa, ON K1G 3H6

Dereck Paul, President  
Lakefront Utility Services Inc/Lakefront Utilities Inc.  
207 Division Street  
Cobourg ON K9A 4L3

Josie Tomei  
Canadian Pacific Railway  
40 University Avenue  
Toronto, Ontario M5J 1T1

Raymond Beshro  
Engineering & Environmental Services  
Canadian National Railway  
1 Administration Road  
Concord ON L4K 1B9

Bell Canada  
Attn: Circulations Intake, Planning & Design  
MMM Group Limited  
100 Commerce Valley Drive West  
Thornhill, ON L3T 0A1

Joan & Ron McKelvey  
215 Maher Street  
Cobourg ON K9A 4S9

Kaye Jackson & Dave Secord  
578 Monk's Cove Road  
Cobourg ON K9A 4T4

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1. This approval applies to the Draft Plan of Subdivision, as shown in red on the Plan, prepared by RFA Planning Consultants Ltd., dated October 1, 2015 (attached hereto as **Figure 1**), and consisting of:

- 15 residential lots;
- 1 public park/open space block;
- 2 road widening and daylighting blocks;
- 1 one foot reserve block;
- 2 temporary turning bulb blocks;
- 1 water lot block;
- Streets A and B.

The Town of Cobourg Municipal Council has allocated sewage treatment capacity for the draft plan to a maximum of **15** units on the condition that the owner enters into an allocation agreement with, and on terms satisfactory and at no cost to, the Town. The foregoing agreement shall be incorporated into the subdivision agreement.

2. The owner shall agree in writing to satisfy the requirements of the Town of Cobourg and any other municipality and/or approval authority that has jurisdiction, and subsequently enter into a subdivision agreement with the Town of Cobourg pursuant to the Planning Act, RSO 1990 c.P 13, as amended, which shall be registered on title to the subject lands once the plan of subdivision has been registered. Without limiting the generality of the foregoing, the owner shall agree in writing to satisfy all the requirements, financial and otherwise, of the Town and any other municipality and/or authority that has jurisdiction concerning matters internal and external to the draft plan, including but not limited to:

- the provision, installation and staging of roads, services, drainage, and grading;
- urban built form, landscape and streetscape design measures;
- waterfront park design, landscaping and other improvements;
- noise impact and mitigation;
- cultural heritage resource conservation and integration of sympathetic architectural designs;
- tree protection, removals, edge management/buffering and landscaping;
- habitat and nest protection, where applicable;
- stormwater management and wastewater allocation, collection and treatment, including low-impact development stormwater systems and related soil documentation;
- road infrastructure improvements and timing thereof;
- pedestrian and bicycle circulation (trails and sidewalks);
- emergency access.

All costs incurred by the Town and any other municipality and/or approval authority that has jurisdiction which are associated with the planning, design, peer review and inspection of said works shall be borne by the owner.

3. The owner shall agree in writing to satisfy the Town of Cobourg's urban design objectives of the Official Plan, including, but not limited to:
  - the creation of high quality, pedestrian-friendly streetscapes and landscapes;
  - the provision of attractive building designs and dwelling forms which are sympathetic to the historic building known as the "Cedars", enhance the character of the neighbourhood, and reflect the quality image of the community;
  - the careful design and placement of dwellings in relation to existing natural heritage resources; and,
  - the careful design and placement of dwellings in relation to the street to enhance the sense of place and minimize the impact of garages.

The development will be subject to architectural controls, and the Town will require the preparation of architectural plans, guidelines and details which demonstrate that the aforementioned objectives will be achieved upon the implementation of the subdivision.

4. That prior to final approval of the draft plan, the Ganaraska Region Conservation Authority (GRCA) and/or Ministry of Natural Resources & Forestry (MNR) shall be satisfied that appropriate conditions and/or clauses are inserted into the Subdivision Agreement in accordance with the recommendations of the Environmental Impact Study, dated November 2015, prepared by Golder Associates, and any Addenda thereto that may be required as part of the detailed subdivision review process of the Town.
5. The owner shall convey the land on the plan identified for park purposes to the Town of Cobourg in accordance with Section 51.1(1) of The Planning Act, R.S.O. 1990, c.P. 13.
6. That prior to final approval of the draft plan, Canadian National (CN) Railway and Canadian Pacific Railways (CPR) shall be satisfied that appropriate conditions and/or warning clauses are inserted into the Subdivision Agreement in accordance with the recommendations contained within the Feasibility Noise and Vibration Report, dated November 2015, prepared by Golder Associates, and any Addenda thereto that may be required as part of the detailed subdivision review process of the Town, and in accordance with Provincial Guidelines and railway requirements.
7. Prior to the final approval of the draft plan, the Town shall be satisfied that satisfactory arrangements, financial and otherwise, have been made with the appropriate utility authority for any utility facilities serving this draft plan of subdivision which are required by the appropriate utility authority to be installed underground. Any such easements as may be required for utility or drainage purposes shall be granted to the appropriate utility authority.
8. Temporary turning circles shall be required at any dead-ends of road allowances to the satisfaction of the Town of Cobourg.
9. The road allowances included in this draft plan shall be shown and dedicated as public highways.
10. The streets shall be named to the satisfaction of the Town of Cobourg.

11. Prior to the final approval of the draft plan, the appropriate zoning shall be in place to the satisfaction of the Town of Cobourg.
12. Any necessary daylighting triangles, road widening, and walkway blocks shall be shown on the final plan and be dedicated to the appropriate authority; and that any dead ends and open sides of any road allowances created by this draft plan shall be terminated in 0.3 m reserves to be conveyed to, and held in trust, by the Town of Cobourg.
13. Prior to the final approval of the draft plan, Bell Canada shall confirm to the Town that satisfactory arrangements, financial and otherwise, have been made with Bell Canada for any Bell facilities serving this draft plan of subdivision which are required by the Town of Cobourg to be installed underground. The owner shall agree in the subdivision agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services and/or Fibre Optic digital switching equipment sites.
14. Prior to the final approval of the draft plan, Canada Post shall confirm to the Town that satisfactory arrangements, financial and otherwise, have been made with Canada Post for any postal facilities servicing this draft plan of subdivision which are required to be installed.
15. Prior to the final approval of the draft plan, the County of Northumberland shall confirm to the Town that satisfactory arrangements, financial and otherwise, have been made with the County of Northumberland regarding the following matters:
  - i) That the pavement structure for the public roadways within the plan of subdivision shall be designed to accommodate highway vehicle loading for waste collection vehicles.
  - ii) That the owner acknowledges and agrees that waste collection services within the subdivision shall not be provided until such time as the public roads are assumed for maintenance by the local municipality and shall advise all purchasers within the subdivision with an appropriate statement in all Offers and Agreements of Purchase and Sale of this requirement.
16. Prior to the commencement of any grading, construction on site, or final registration of the plan, whichever occurs first, the owner shall submit to the Ganaraska Region Conservation Authority (GRCA) reports, plans and/or other documentation which describes and confirms the following to the satisfaction of the GRCA:
  - (i) a detailed Stormwater Management Implementation Report supporting the detailed design which includes the following to the satisfaction of the GRCA:
    - a detailed hydraulic analysis of the proposed outlet structures from the stormwater management (SWM);
    - revised hydrologic analysis including all design flow events, 2 to 100 year inclusive, routed through the SWM facilities;
    - a hydraulic gradeline analysis for the 5 year event and sewers oversized to ensure that flows are contained below the obvert of the pipe;

- a 100 year hydraulic gradeline analysis to confirm that basement elevations are not surcharged, and an overland flow analysis that identifies sags, any sewer oversizing required, and confirmation that flows can be conveyed safely to the SWM facilities within the municipal rights-of-way;
  - confirmation that all flows from the proposed development will be treated by the SWM facilities;
- (ii) an Erosion and Siltation Control Report and Plan detailing the means by which erosion and sedimentation and their effects will be minimized and contained on the site during and after construction in accordance with Provincial Guidelines. The report will need to outline:
- the protection measures required;
  - the timing of the removal of devices tied to areas that have been stabilized;
  - details for temporary outlet structures, decommissioning and sediment removal/disposal protocols following MOE-EPA Guidelines; and,
  - all actions to be taken to prevent an increase in the concentration of solids in any water body as a result of on-site, or other related works, to comply with the Canada Fisheries Act;
- iii) Any other studies and/or drawings that the GRCA considers necessary to ensure the appropriate development of the subdivision lands in accordance with Provincial and GRCA policies and regulations.
17. That the owner agrees to pay all GRCA detailed technical review fees in accordance with the current GRCA Fee Schedule on a per phase basis, and further agree to obtain all necessary GRCA permits required under Ontario Regulation 168/06.
18. Prior to the final approval of the draft plan, the GRCA is to be satisfied that appropriate clauses are contained within the subdivision agreement which require the owner to implement or cause to be implemented the recommendations and measures contained within the reports, and any addenda thereto, as required and approved by the GRCA;
19. Prior to the final approval of the draft plan, the GRCA is to be satisfied that appropriate clauses are contained within the subdivision agreement which require the owner to maintain all erosion and siltation control devices in good repair prior to and during the construction period in a manner satisfactory to the GRCA.
20. That prior to final approval of the draft plan, the owner shall carry out a detailed archaeological resource assessment of the draft plan lands and mitigate, through avoidance or documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, filling, or any form of soil disturbances, shall take place on the draft plan lands prior to the issuance of a letter from the Ministry of

Culture to the Town indicating that all archaeological resource concerns have met licensing and resource conservation requirements.

21. Prior to the final approval of the draft plan, Lakefront Utility Services Inc. (LUSI) and Lakefront Utilities Inc. (LUI) shall confirm to the Town that satisfactory arrangements, financial and otherwise, have been made with LUSI and LUI for any facilities serving this draft plan of subdivision which are required to be installed. The owner shall agree in the subdivision agreement, in words satisfactory to LUSI and LUI, to implement the requirements of LUSI and LUI and to grant to LUSI and LUI any easements that may be required for electrical and/or water services.
22. That prior to final approval of the draft plan, the Town of Cobourg is to be advised in writing by Bell Canada how Condition #13 has been satisfied.
23. That prior to final approval of the draft plan, the Town of Cobourg is to be advised in writing by Canada Post how Condition #14 has been satisfied.
24. That prior to final approval of the draft plan, the Town of Cobourg is to be advised in writing by the County of Northumberland how Condition # 15 has been satisfied.
25. That prior to final approval of the draft plan, the Town of Cobourg is to be advised in writing by the Ganaraska Conservation Authority how Condition #'s 4, 16, 17, 18, 19 and 20 have been satisfied.
26. That prior to final approval of the draft plan, the Town of Cobourg is to be advised in writing by the Ministry of Tourism, Culture and Sport how Condition #20 has been satisfied.
27. That prior to final approval of the draft plan, the Town of Cobourg is to be satisfied in writing by the Lakefront Utility Services Inc. and Lakefront Utilities Inc. how Condition #21 has been satisfied.
28. That prior to final approval of the draft plan, the Town of Cobourg is to be satisfied in writing by Canadian Pacific Railway and Canadian National Railway how Condition #6 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 Municipality, quoting the '14T' File Number.
2. We suggest that the Applicant make yourself familiar with Section 144 of the Land Titles Act and Subsection 78(10) of the Registry Act.

Subsection 144(1) of the Land Titles Act requires that a plan of subdivision of land that is located in a land titles division be registered under the Land Titles Act. Exceptions to this provision are set out in Subsection 144(2).

Subsection 78(10) of the Registry Act requires that a plan of subdivision of land that is located only in a registry division cannot be registered under the Registry Act unless that title of the Owner of the land has been certified under the Certification of Titles Act. Exceptions to this provision are set out in clauses {b} and {c} of subsection 78(10).

3. The Subdivision Agreement should be registered under Subsection 51(26) of the Planning Act, R.S.O. 1990, c.P.13 against the land to which it applies as notice to prospective purchasers.
4. A permit will be required under the Ganaraska Region Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ont. Reg. 168/06) prior to any development or site alteration on the subject property.
5. The Ganaraska Region Conservation Authority notes that temporary sediment control ponds must be capable of accommodating 125 cubic metres per hectare of contributing drainage area for a period of not less than 12 hours, or removing particle sizes down to 40 microns.
6. Clearances are required from the following agencies:

Mr. Greg Wells, Watershed Planner  
Ganaraska Region Conservation Authority  
P.O. Box 328  
Port Hope ON L1A 3W4

B. Gillispie  
County of Northumberland  
Public Works Department  
860 William Street  
Cobourg ON K9A 3A9

Janice Young, Manager  
Bell Canada  
Network Property Services  
F 13-100 Borough Drive  
Toronto ON M1P 4W2

Canada Post/Postes Canada  
Attn: Stephen McGraw  
Delivery Service Officer / Agent de Service a la Livraison  
P.O Box 8037 Ottawa T CSC  
Ottawa, ON K1G 3H6

D. Paul, President  
Lakefront Utility Services Inc/Lakefront Utilities Inc.  
207 Division Street  
Cobourg, Ontario  
K9A 4L3

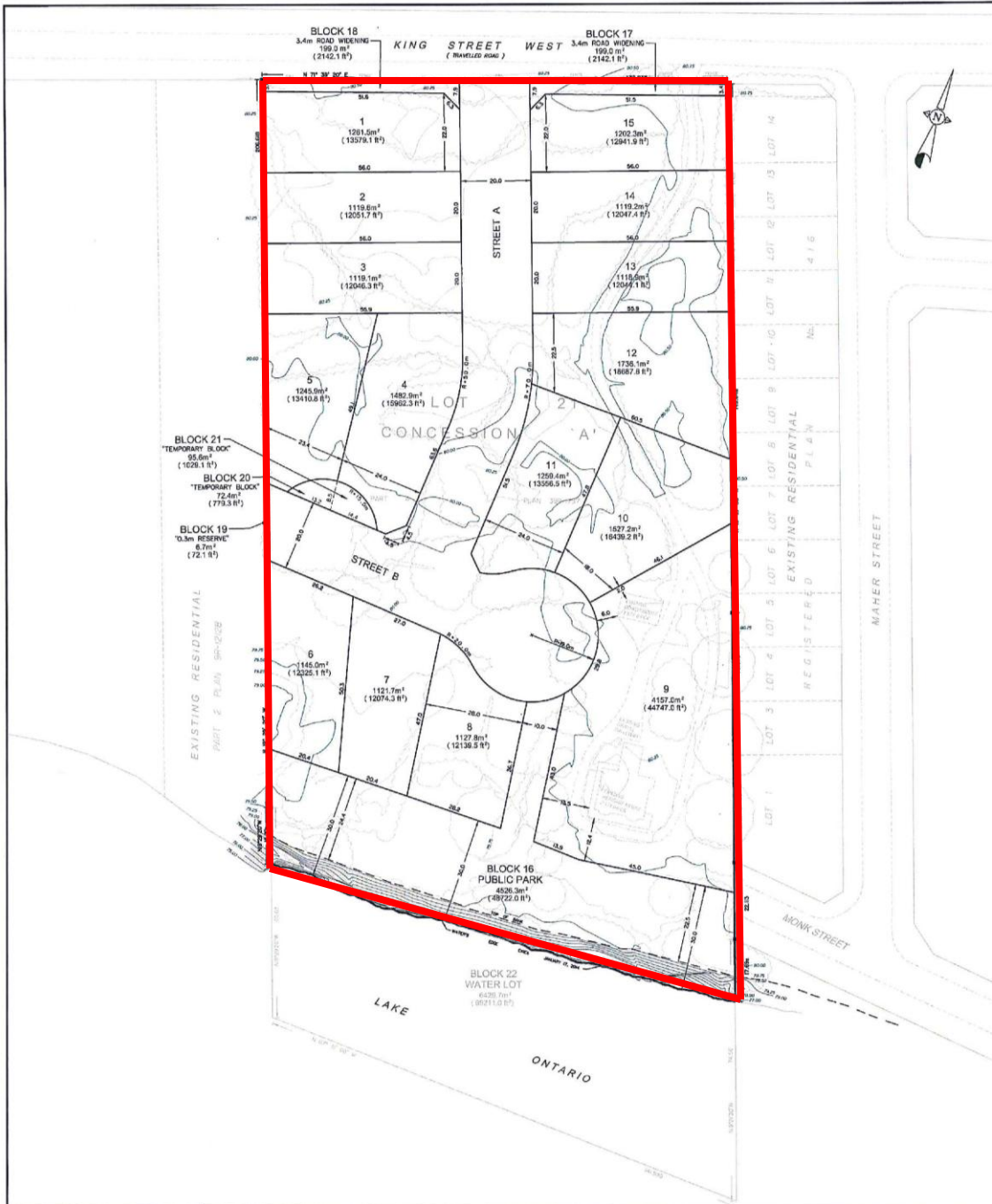
Josie Tomei  
Canadian Pacific Railway  
40 University Avenue  
Toronto, Ontario M5J 1T1

Raymond Beshro  
Engineering & Environmental Services  
Canadian National Railway  
1 Administration Road  
Concord ON L4K 1B9

Ministry of Tourism, Culture and Sport - Archaeology  
Hearst Block, 9th Floor  
900 Bay Street  
Toronto, ON M7A 2E1

7. All measurements in subdivision plans and condominium final plans must be presented in metric units.
8. The final plan approved by the Town must be registered within 30 days or the Municipality may withdraw its approval under Subsection 51(59) of the Planning Act, R.S.O. c.P.13, 1990.
9. This draft approval shall be in force and effect until **July 18, 2019**.

**Figure 1**



<p><b>DRAFT PLAN OF SUBDIVISION</b>  <b>"CEDAR SHORE ESTATES"</b>  <b>588 KING STREET WEST</b>          PLAN 39R-13179, PART 1,          PART OF LOT 21, CONCESSION 'A'          AND          PART OF A WATER LOT IN LAKE          ONTARIO LYING IN FRONT OF          LOT 21, CONCESSION 'A'          GEOGRAPHIC TOWNSHIP OF HAMILTON          TOWN OF COBOURG          COUNTY OF NORTHUMBERLAND</p> <p>SCALE 1:500</p> <p>DESIGNED BY: J.B. CHECKED BY: R.J.A. DATE: 10/09/15</p>	<p><b>KEYMAP</b></p> <p>LAKE ONTARIO</p>	<p><b>LAND USE SCHEDULE</b></p> <table border="1"> <thead> <tr> <th>LAND USE</th> <th>AREA (m<sup>2</sup>)</th> <th>AREAS (L/MS)</th> <th>UNITS</th> </tr> </thead> <tbody> <tr> <td>BLOCK 18-19 SINGLE DETACHED RESIDENTIAL</td> <td>20743.4</td> <td>68.0</td> <td>15</td> </tr> <tr> <td>BLOCK 16 PUBLIC PARK/OPEN SPACE TO BE CONVEYED TO TOWN OF COBOURG</td> <td>4526.3</td> <td>14.7</td> <td>1</td> </tr> <tr> <td>BLOCK 17 &amp; 20 3.4m ROAD WORKING &amp; BULK LIGHTING</td> <td>339.0</td> <td>1.2</td> <td></td> </tr> <tr> <td>BLOCK 18 0.3m RESERVE</td> <td>6.7</td> <td>0.0</td> <td></td> </tr> <tr> <td>BLOCKS 20 &amp; 21 TEMPORARY TRADING D.I.B.</td> <td>168.0</td> <td>0.5</td> <td></td> </tr> <tr> <td>STREETS A &amp; B (S.D.R.) 217.50m SUCH AS MAJOR ROAD ALLOWANCE</td> <td>616.8</td> <td>16.2</td> <td></td> </tr> <tr> <td><b>SITE TOTAL</b></td> <td><b>30004.4</b></td> <td><b>100.0</b></td> <td><b>15</b></td> </tr> <tr> <td>BLOCK 22 - WATER LOT TO BE CONVEYED TO TOWN OF COBOURG</td> <td>6429.7</td> <td></td> <td></td> </tr> </tbody> </table>	LAND USE	AREA (m <sup>2</sup> )	AREAS (L/MS)	UNITS	BLOCK 18-19 SINGLE DETACHED RESIDENTIAL	20743.4	68.0	15	BLOCK 16 PUBLIC PARK/OPEN SPACE TO BE CONVEYED TO TOWN OF COBOURG	4526.3	14.7	1	BLOCK 17 & 20 3.4m ROAD WORKING & BULK LIGHTING	339.0	1.2		BLOCK 18 0.3m RESERVE	6.7	0.0		BLOCKS 20 & 21 TEMPORARY TRADING D.I.B.	168.0	0.5		STREETS A & B (S.D.R.) 217.50m SUCH AS MAJOR ROAD ALLOWANCE	616.8	16.2		<b>SITE TOTAL</b>	<b>30004.4</b>	<b>100.0</b>	<b>15</b>	BLOCK 22 - WATER LOT TO BE CONVEYED TO TOWN OF COBOURG	6429.7			<p><b>ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51 (17) OF THE PLANNING ACT.</b></p> <ul style="list-style-type: none"> <li>(1) SEE SURVEYOR CERTIFICATE.</li> <li>(2) SEE SHOWN ON DRAFT PLAN.</li> <li>(3) SEE SHOWN ON DRAFT PLAN.</li> <li>(4) SEE LAND USE SUMMARY.</li> <li>(5) SEE DRAFT PLAN.</li> <li>(6) SEE SHOWN ON DRAFT PLAN.</li> <li>(7) SEE SHOWN ON DRAFT PLAN.</li> <li>(8) SEE SHOWN ON DRAFT PLAN.</li> <li>(9) SEE SHOWN ON DRAFT PLAN.</li> <li>(10) SEE SHOWN ON DRAFT PLAN.</li> <li>(11) SEE SHOWN ON DRAFT PLAN.</li> <li>(12) SEE SHOWN ON DRAFT PLAN.</li> <li>(13) SEE SHOWN ON DRAFT PLAN.</li> <li>(14) SEE SHOWN ON DRAFT PLAN.</li> </ul> <p><b>METRIC NOTE:</b>          DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.</p> <p><b>CONTOURS NOTE:</b>          CONTOURS AND EXISTING FEATURES PREPARED USING INFORMATION PROVIDED BY C.M.A.</p>	<p><b>SURVEYOR'S CERTIFICATE</b>          I CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED ARE CORRECTLY SHOWN.</p> <p><i>[Signature]</i> <b>Oct 1, 2015</b>          DATE</p> <p><b>FRANK PETERSON</b>          ONTARIO LAND SURVEYOR</p> <p><b>SYLVESTER &amp; BROWN</b>          ENGINEERING &amp; LAND SURVEYING          191 TORONTO ROAD, FORT HOPE, ONTARIO, L1A 3V5          (905) 895-2260</p> <p>395-OP</p>
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