

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

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

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.*

<b>Applicant's Checklist:</b>	<b>Attached or Provided</b>
◆ 10 copies of the completed application form	<input type="checkbox"/>
◆ 10 copies of the draft plan with key map	<input type="checkbox"/>
◆ 25 copies of the draft plan on 8½ × 11 paper	<input type="checkbox"/>
◆ 1 digital copy of the draft plan/mapping	<input type="checkbox"/>
◆ The required fee (A certified cheque or money order)	<input type="checkbox"/>
◆ 5 copies of the information or reports shown as required by this form	<input type="checkbox"/>
◆ Cost acknowledgment agreement and security deposit	<input type="checkbox"/>

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

**Development Application Signs**

*It is the responsibility of the applicant to pick up, install and maintain their on-site sign. The sign shall be installed within one week of being notified that the sign is available. The applicant is to install the sign at the midpoint of the frontage, in a location that is visible to the public. After installation, the applicant shall take a photo of the installed sign and forward the photo to the Planner assigned to the file. The sign may be installed using the supplied H-frame or can be posted by other means as long as it is visible to the public and the information on the sign is legible. The sign is to remain visible to the public until the file is formally closed. Once the file is closed the owner shall remove the sign.*

**FOR OFFICE USE ONLY**

File No(s). \_\_\_\_\_ Date Received: \_\_\_\_\_

<b>Fees</b>	<b>Amount</b>
Pre-Consultation Fee <sup>1</sup>	\$500.00
Advertising Fee	\$500.00
Public Notice - Sign Fee	Not included. Responsibility of applicant <sup>2</sup>
Plan of Subdivision or Condominium	\$9,000.00 + \$75.00 per lot/unit/block <sup>3</sup>
Revision or Resubmission <sup>4</sup>	\$2,000.00
Draft Approval Extension Request	\$1,683.00
Redline Revision Request	\$1,850.00
Condominium Exemption Request	\$2,400.00
Condo Conversion	\$5,000.00
Stamping Fee for Final Approval	\$1,000.00
Subdivision Agreement	\$2,917.00
Condominium Agreement	\$2,917.00
Pre-Servicing Agreement	\$2,917.00
Staff and/or Peer Reviews (if applicable)	\$1,020.00 + Peer Review Costs + HST
Legal Fees (if applicable)	At Cost + HST
Off-Site Servicing Agreement	Cost Recovery
Agreement Deposit	\$10,000.00
<b>Total Due:</b>	

1. Pre-consultation fee will be deducted from the Application Fee if an application is received within one (1) year of the Pre-Consultation meeting date.

2. Creation and posting of property signs advising of active applications, as outlined in the Planning Act, are the responsibility of the applicant. The Municipality can provide specifications for signs to meet municipal requirements.

3. Fees will be charges for residential, commercial, industrial, institutional blocks; the fee will not apply to technical blocks being used for stormwater management facilities and/or technical blocks for reserves, etc.

4. Third submission and subsequent submissions before Draft Approval and during detailed design.

**NOTE:** External agencies may also bill for their services.

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	Home Telephone No.	Business Telephone No.
Address	Postal Code	Fax No.
E-mail Address		

➤ 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)	Home Telephone No.	Business Telephone No.
Address	Postal Code	Fax No.
E-mail Address		

➤ 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	Home Telephone No.	Business Telephone No.
Address	Postal Code	Fax No.
E-mail Address		

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

➤ 3.1 Ward

Concession Number(s)	Lot Number(s)	Registered Plan No.
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.

**4. Proposed and Current Land Use**

➤ 4.1 What is the current use of the subject land?

➤ 4.2 What is the current designation and zoning of the subject land?

**Official Plan Designation**

**Zoning**

➤ 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.

➤ 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
<b>Residential</b>	Detached					(1)
	Semi Detached					(1)
	Multiple Attached					
	Apartment					
	Other (specify)					
Commercial						
Industrial						
Park, Open Space		nil			nil	nil
Institutional (Specify)						
Roads		nil			nil	nil
Other (Specify)						
<b>Totals</b>						

(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 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 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 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 type="checkbox"/> |                          |
| ➤ 4.9 | What information did you use to determine the answers to the above questions?  |                          |                          |                          |

➤ 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	No
	<input type="checkbox"/>	<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 <u>If construction is completed, indicate the date of completion.</u>  |                          |                          |
| 5.6 Is this a conversion of a building containing rental residential units?<br>If <b>Yes</b> to any of the above, please contact Planning Services to discuss prior to submitting. | <input type="checkbox"/> | <input type="checkbox"/> |

**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.

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- 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.

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- 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.

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- 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.)

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- 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 <b>check</b> the appropriate box	On Subject Lands		Within 500 Metres of Subject Lands	
Active Landfill Site				
Closed Landfill Site				
Agricultural (e.g. barn, livestock, etc.)				
Flood Plain				
Aggregate Extraction Operation				
Industrial Operation				
Rail Line Right-of-Way				
Provincial Park				
Provincially Significant Wetland on or within 40 metres of the subject lands				
Escarpments				
Area of Natural and Scientific Interest				
Designated Heritage Buildings (Part IV or V of Ontario Heritage Act)				
Unopened Road Allowances				

- 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						
Link-Semi-Detached						
Row or Townhouse						
Apartment Block						
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 <b>more than 5 lots/units</b> : 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 <b>more than 5 lots/units</b> : <u>servicing options report<sup>1</sup></u> , <u>hydrogeological report<sup>2</sup></u> , 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<sup>2</sup></u> .
c) Individual well(s)		For the development of <b>more than 5 lots/units</b> : <u>servicing options report<sup>1</sup></u> , and <u>hydrogeological report<sup>2</sup></u> . For non-residential development where water will be used for human consumption: <u>hydrogeological report<sup>2</sup></u> .
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
	<input type="checkbox"/> Attached
	<input type="checkbox"/> Attached
	<input 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
<b>Storm Drainage</b>		
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		
<b>Road Access</b>		
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.

Multiple horizontal lines for text entry.

➤ 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.

Multiple horizontal lines for text entry.

## 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 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 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 type="checkbox"/>
◆	d. The purpose for which the proposed lots are to be used;	<input type="checkbox"/>
◆	e. The existing uses of all adjoining lands;	<input type="checkbox"/>
◆	f. The approximate dimensions and layout of the proposed lots;	<input 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 type="checkbox"/>
◆	h. The availability and nature of domestic water supplies;	<input type="checkbox"/>
◆	i. The nature and porosity of the soil;	<input type="checkbox"/>
◆	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 type="checkbox"/>
◆	k. The municipal services available or to be available to the land proposed to be subdivided;	<input type="checkbox"/>
◆	l. The nature and extent of any restriction affecting the land proposed to be subdivided, including restrictive covenants or easements;	<input 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 type="checkbox"/>
	n. Surveyor's Certificate, Signed, Dated	<input type="checkbox"/>
	o. Owner's Certificate, Signed, Dated	<input type="checkbox"/>
	p. Scale	<input type="checkbox"/>
	q. Drawing Date and/or No.	<input 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 in the presence of the Commissioner of Oaths.***

I, (We), \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ in the County / Region of \_\_\_\_\_ solemnly declare that all of the statements contained in this application for a Plan of Subdivision/Condominium for (*property description*) \_\_\_\_\_ 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

\_\_\_\_\_ of \_\_\_\_\_

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

in the \_\_\_\_\_

of \_\_\_\_\_

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

this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

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

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

\_\_\_\_\_  
Commissioner of Oaths

Commissioner's Stamp

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

I, (We), \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ in the County/Region of \_\_\_\_\_ solemnly declare that \_\_\_\_\_ is authorized to submit an application for a Plan of Subdivision and/or Condominium for the lands that I/We own, located in (*property description*) \_\_\_\_\_ to act as our agent in the completion of the matters related to the processing thereof.

**DECLARED** before me at the

\_\_\_\_\_ of \_\_\_\_\_

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

in the \_\_\_\_\_

of \_\_\_\_\_

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

this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
Commissioner of Oaths

Commissioner's Stamp

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County of Prince Edward Planning and Building Services  
Location: 280 Main Street, 2<sup>nd</sup> Floor  
Mailing Address: 332 Main Street, Picton, Ontario, K0K 2T0

*Personal information on this form is collected under the Planning Act for the purpose of processing an Official Plan application. **All information on this form is considered to be part of the public record.** Questions related to the collection of this information should be referred to the Commissioner of Planning (613-476-2148).*



- (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: