



## **REPORT ADM-2015-019**

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**TO:** Mayor and Members of Council

**FROM:** Karen Landry, CAO/Clerk

**MEETING DATE:** November 18, 2015

**SUBJECT:** Aberfoyle Meadows Limited – Vacant Land Condominium Agreement – Wellington Vacant Land Condominium Plan 147 File No. L04ABE

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### **RECOMMENDATIONS**

That Report ADM-2015-019 regarding Aberfoyle Meadows Limited – Vacant Land Condominium Agreement – Wellington Vacant Land Condominium Plan 147 – Release of Securities and Grading Deposit Refund be received; and

That Council authorize the release of securities in the amount of \$99,500 upon the outstanding administrative items outlined in Report ADM-2015-019 being completed; and

That Council authorize return of the remaining grading deposit funds in the amount of \$103,475.53.

### **DISCUSSION**

#### Purpose

Staff is seeking authorization from Council to return the grading deposits in the amount of \$103,465.53 and to release securities in the amount of \$99,500.00 (Letter of Credit).

#### Background

Aberfoyle Meadows Limited - Vacant Land Condominium Plan PCC 147 is a residential development located north of Gilmour Road and east of Brock Road as shown on Schedule "A".

#### Vacant Land Condominium Agreement

The Vacant Land Condominium Agreement was registered on April 11, 2007 as Instrument No. WC169421.

**Letter of Credit – Securities**

Securities in accordance with section 13 and Schedule D were provided to the Township in the amount of \$522,629.25.

This letter of credit is held to construct the services attributable to development summarized as follows:

**Brock Road and Gilmour Road**

<b>Site Preparation and Removals</b>	<b>\$ 8,877.50</b>
<b>Storm Sewers</b>	<b>\$134,500.00</b>
<b>Roadworks (Gilmour Road)</b>	<b>\$144,479.50</b>
<b>Roadworks (Brock Road)</b>	<b>\$ 88,367.75</b>
<b>Roadworks (Brock Road, Nestle Entrance)</b>	<b>\$ 67,961.25</b>
<b>Subtotal “A”</b>	<b>\$444,186.00</b>
<b>Engineering and Inspection (6% of “A”)</b>	<b>\$ 26,651.16</b>
<b>Contingency (5% of “A”)</b>	<b>\$ 22,209.30</b>
<b>Subtotal “B”</b>	<b>\$493,046.46</b>
<b>GST (6% of B)</b>	<b>\$ 29,582.79</b>
<b>Total Estimated Cost</b>	<b>\$522,629.25</b>

Please note the costs for the private services to be constructed within the property of the Condominium Plan were subject to provisions contained in sections 3 (a), 10 (b) and Schedule D of the “Preservicing Agreement” dated July 5, 2006.

Council at its meeting held on November 4, 2009 reduced the securities to \$99,500.00 with remaining securities being held for the Roadworks (Brock/Nestle) as shown in correspondence attached as Schedule “B”.

The County through email correspondence dated November 5, 2015 has confirmed that the said works have been completed to their satisfaction.

**Request for Release of Securities and Grading Deposit Funds**

Aberfoyle Meadows Limited on June 10, 2015 requested release of remaining securities and return of the remaining grading deposit funds.

**Letter of Credit**

The Township’s consulting Engineers and the Developer’s Engineers have conducted all necessary inspections and filed the required documents.

As a result, it is recommended that the letter of credit in the amount of \$99,500.00 be released.

### Grading Deposits

Section 24 (e) of the Vacant Land Condominium Agreement agreement states:

“The application for building permit is accompanied by a \$2,000.00 deposit which shall be refunded to the Building Permit Applicant in whole or in part after the building has been constructed and occupied, a registered Professional Engineer or Ontario Land Surveyor has certified that all lot grading has been completed in accordance with the approved Lot Grading Plan. The Township may in its absolute discretion, upon any default in completing or inspecting the lot grading, pay any expense incurred as a result of such default or inspection and review by deducting such payment from the deposit. Any expense in excess of \$2,000.00 shall be a charge against the lot or lots regraded, and payable forthwith.”

Grading certificates were submitted to the Township by Black, Shoemaker, on September 27, 2012 and reviewed by Gamsby Mannerow on October 19, 2012. The Township has placed a copy of each grading certificate in each applicable roll file.

As a result, it is recommended that grading deposit funds in the amount of \$103,475.53 be returned.

### Outstanding Items

Upon review of the agreement file it has been noted that the following administrative items are required to close the agreement file:

#### Vacant Land Condominium Agreement

1. Copy of the Homeowners' Manual – Section 24 (o)
2. Add Condominium Corporation as a party to the agreement and subsequently have it registered on title
3. Schedule “H” document reconciliation

It is recommended that upon completion of the above, that staff proceed with the release of the letter of credit.

### **FINANCIAL IMPLICATIONS**

Upon approval by Council, staff will return the original letter of credit and issue a cheque for the remaining grading deposit funds in accordance with this report.

The Finance Department together with the Building Department has reconciled the grading deposit funds against the costs incurred for the Township's Engineers.

Applicable Legislation and Requirements

Planning Act, R.S.O. 1990, as amended  
Vacant Land Condominium Agreement  
Preservicing Agreement  
Responsibility Agreement

Attachments

Schedule A - Aerial of lands  
Schedule B - Letter of Credit - \$99,500.00

Schedule A – Aerial of Lands



#6(b)  
**RECEIVED**  
**Township of Puslinch**  
**JUN 12 2009**

June 9, 2009  
File: C1865 104C

Ms. Brenda Law  
Township of Puslinch  
7404 Wellington Rd. 34, R.R. # 3  
Guelph, Ontario N1H 6H9

Dear Ms. Law:

**Re: Meadows of Aberfoyle – Brock Road and Gilmour Road**  
**County File No. 23CD-03003, Plan 61R-10342**

P1104

Please accept this letter as our formal request for Maintenance Acceptance of the following services at the above-noted project. We would respectfully request that November 15, 2007 be used as the commencement date for this acceptance.

1. Site Preparation and Removals
2. Storm Sewers – Gilmour Road (from Brock Road to 100m East of Aberfoyle Mill Crescent)  
– Brock Road (from 20m South of Gilmour Road to 100m North of Gilmour Road on East side of Gilmour Road.)
3. Roadworks – Up to and including curb and gutters and surface asphalt.  
– Gilmour Road (from Brock Road to Sta. 1+130 East of Aberfoyle Mill Crescent.  
– Brock Road (North and South bound tapers on East side of Brock Road).

Anticipating your approvals, we would also ask that the Letter of Credit be reduced to \$99,954.01 representing same.

We have enclosed a copy of our Bonding Calculations for your reference.

If you have any questions or require further information, please do not hesitate to call.

Yours truly,

**MTE CONSULTANTS INC.**



Ron R. Beatson, CET

RRB:klr  
Encl.

cc: Evan Shear, Cityview Homes  
Hans Groh, Gamsby & Mannerow Ltd.  
Dave Wilhelm, MTE Consultants Inc.  
Steve Peterson, MTE Consultants Inc.  
RRB File

**MTE Consultants Inc.**  
520 Bingemans Centre Drive  
Kitchener, Ontario N2B 3X9  
Tel: 519-743-6500 Fax: 519-743-6513

**MTE CONSULTANTS INC.**

520 Bingham Centre Drive, Kitchener, ON N2B 3X9  
 Telephone: (519) 743-6500 Fax: (519) 743-6513

Subdivision: Meadows of Aberfoyle R.P.61R-10342	MTE File: C1865 104C MTE Tender No. T-06-15 Developer: Aberfoyle Meadows Limited
Subdivision File No.	Client's Project No. Date: January 7, 2008
<b>Letter of Credit Requirements for Brock Road and Gilmour Road</b>	

	Item Descriptions	Off Maintenance	Accepted	Unaccepted	TOTAL
1	Site Preparation		\$8,877.50		\$8,877.50
2	Storm Sewers		\$134,500.00		\$134,500.00
3	Roadworks (Gilmour Road)		\$144,479.50		\$144,479.50
	Roadworks (Brock Road)		\$88,367.75		\$88,367.75
5	Roadworks (Brock/Nestle)			\$67,961.25	\$67,961.25
6	SUB TOTAL			\$67,961.25	\$444,186.00
7	Contingencies (5% OF Line 6)			\$3,398.06	\$22,209.30
8	Engineering (6% of Line 6)			\$4,077.68	\$26,651.16
9	SUB TOTAL			\$75,436.99	\$493,046.46
10	GST (6% of Line 9)			\$4,526.22	\$29,582.79
	TOTAL			\$79,963.21	\$522,629.25
	% Bonding		0%	125%	
	<b>LETTER OF CREDIT REQUIRED</b>			<b>\$99,954.01</b>	<b>\$99,954.01</b>
	Previous Letter of Credit Total				\$522,629.25
	<b>LETTER OF CREDIT REDUCTION</b>				<b>\$422,675.24</b>

Prepared by: Ron R. Beatson  
 MTE Consultants Inc.



cc Dave T

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December 8, 2009  
File: C1865 104C

RECEIVED  
Township of Puslinch  
DEC 11 2009

Mr. Hans Groh  
Gamsby & Mannerow Ltd.  
255 Woodlawn Road West, Suite 210  
Guelph, ON N1H 8J1

Dear Mr. Groh:

**Re: Meadows of Aberfoyle – Brock Road and Gilmour Road  
County File No. 23CD-03003, Plan 61R-10342**

Please be advised that we have completed all remedial works previously identified and inspected same.

We would respectfully request that you confirm your acceptance of these works and anticipating that all is in order, we would ask that our Client's Letter of Credit # 2752-9223844-05-A(\$99,500.00) be released.

Attached herewith is a copy of our Client's Statutory Declaration to support our request.

If you have any questions or require any further information, please call.

Yours very truly,

**MTE CONSULTANTS INC.**

Ron R. Beatson, CET

RRB:klr  
Attch.

cc: Brian Bacal, Cityview Homes  
Evan Shear, Cityview Homes  
Ms. Brenda Law, Township of Puslinch  
Dave Wilhelm, MTE Consultants Inc.  
Steve Peterson, MTE Consultants Inc.  
RRB File

**MTE Consultants Inc.**  
520 Bingemans Centre Drive  
Kitchener, Ontario N2B 3X9  
Tel: 519-743-6500 Fax: 519-743-6513

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Offices in Kitchener-Waterloo and Burlington



**MTE CONSULTANTS INC.**

520 Bingemans Centre Drive, Kitchener, ON N2B 3X9  
Telephone: (519) 743-6500 Fax: (519) 743-6513

<b>Letter of Credit Information</b>
Bank: Toronto Dominion Bank
Ref. No.: 2757-9223844-05-A

Subdivision: Meadows of Aberfoyle R.P.61R-10342  Subdivision File No.	MTE File: C1865 104C MTE Tender No. T-06-15 Developer: Aberfoyle Meadows Limited Client's Project No. Date: November 30, 2009
<b>Letter of Credit Requirements for Brock Road and Gilmour Road</b>	

	Item Descriptions	Off Maintenance	Accepted	Unaccepted	TOTAL
1	Site Preparation		\$8,877.50		\$8,877.50
2	Storm Sewers		\$134,500.00		\$134,500.00
3	Roadworks (Gilmour Road)		\$144,479.50		\$144,479.50
	Roadworks (Brock Road)		\$88,367.75		\$88,367.75
5	Roadworks (Brock/Nestle)		\$67,961.25		\$67,961.25
6	SUB TOTAL		\$435,308.50	\$0.00	\$444,186.00
7	Contingencies (5% OF Line 6)		\$21,765.43	\$0.00	\$22,209.30
8	Engineering (6% of Line 6)		\$26,118.51	\$0.00	\$26,651.16
9	SUB TOTAL		\$483,192.44	\$0.00	\$493,046.46
10	GST (6% of Line 9)		\$28,991.55	\$0.00	\$29,582.79
	TOTAL		\$512,183.98	\$0.00	\$522,629.25
	% Bonding		0%	125%	
	<b>LETTER OF CREDIT REQUIRED</b>		\$0.00	\$0.00	\$0.00
	Previous Letter of Credit Total				\$99,500.00
	<b>LETTER OF CREDIT REDUCTION</b>				\$99,500.00