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Planning Rationale



Official Plan Amendment & Zoning By-law Amendment

162 Mackenzie Street, Sudbury ON
Minewise Technology Ltd.

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1.0 **INTRODUCTION**

1.1 **Executive Summary**

J.L. Richards & Associates Limited (JLR) has been retained by Minewise Technology Ltd. (Minewise) to prepare a Planning Rationale in support of an Official Plan Amendment application and a Zoning By-law Amendment application to be submitted to the City of Greater Sudbury (City) for the subject property located at 162 Mackenzie Street.

The subject property contains an existing heritage building located in the Downtown designation of the City's Official Plan and is zoned Office Commercial (C4(16)). Minewise is proposing to convert and revitalize the existing building and create usable space inside for its current business, consisting of light industrial manufacturing and office space.

The Official Plan Amendment application is required to address the Downtown policies for permitted uses to include light industrial, specific to the subject property. The Zoning By-law Amendment application is required to permit the addition of light industrial uses in the existing C4(16) Zone.

1.2 **Purpose**

This Planning Rationale is in support of the Official Plan Amendment and the Zoning By-law Amendment applications submitted to permit a light industrial use in the existing building located at 162 Mackenzie Street. As part of the SPART consultation with the City, a Planning Rationale is required as part of the application submission and aims to assist the City in their review.

The purpose of the applications are to support the existing business practices of Minewise Technologies Ltd. that consist of offices and light industrial manufacturing including small to medium size electronics and electronic testing. We will provide an analysis of the surrounding land uses and existing conditions on the subject lands in order to demonstrate how the applications comply with the Planning Act, the Provincial Planning Statement, the Growth Plan for Northern Ontario, the City's Official Plan and Downtown Master Plan, and the City's Zoning By-law and represent good planning.

2.0 **SITE CONTEXT**

This section will provide an overview of the subject property, a site description and surrounding land context. This will provide the basis for the applicable policies to demonstrate how the proposed OPA and ZBLA applications support the proposed additional use on the subject property.

2.1 **Subject Property Description**

The subject property is located at 162 Mackenzie Street in the City of Greater Sudbury (see Figure 1). It is legally described as LTS 308-322 PLAN 1SC; LOWE ST & PT A LANE PLAN 1SC, AS IN S5129; PT LOT5, CON 4, AS IN S55853; EXCEPTING PART 1 ON 53R-16310 AS

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IN LT874281 AND EXCEPTING PARTS 2,3 AND 4 53R20995; S/T EASEMENT OVER PART 1 ON 53R17102 AS IN LT926815. CITY OF GREATER SUDBURY shown approximately in Figure 1 below.

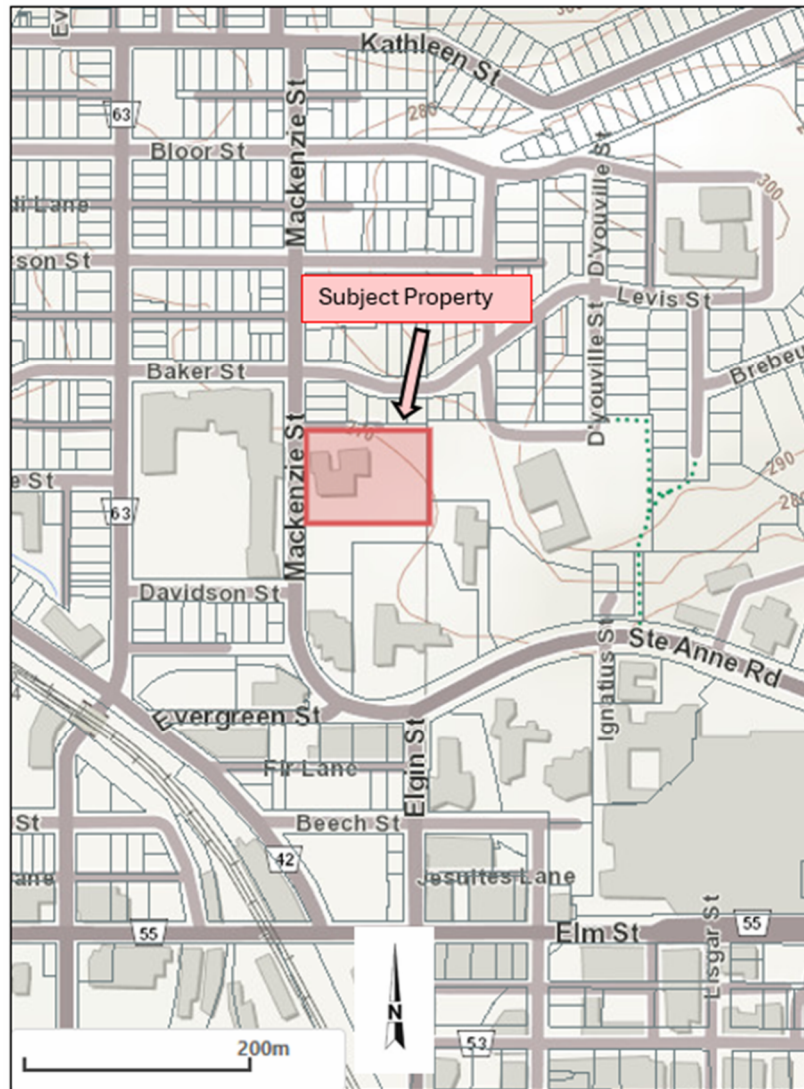


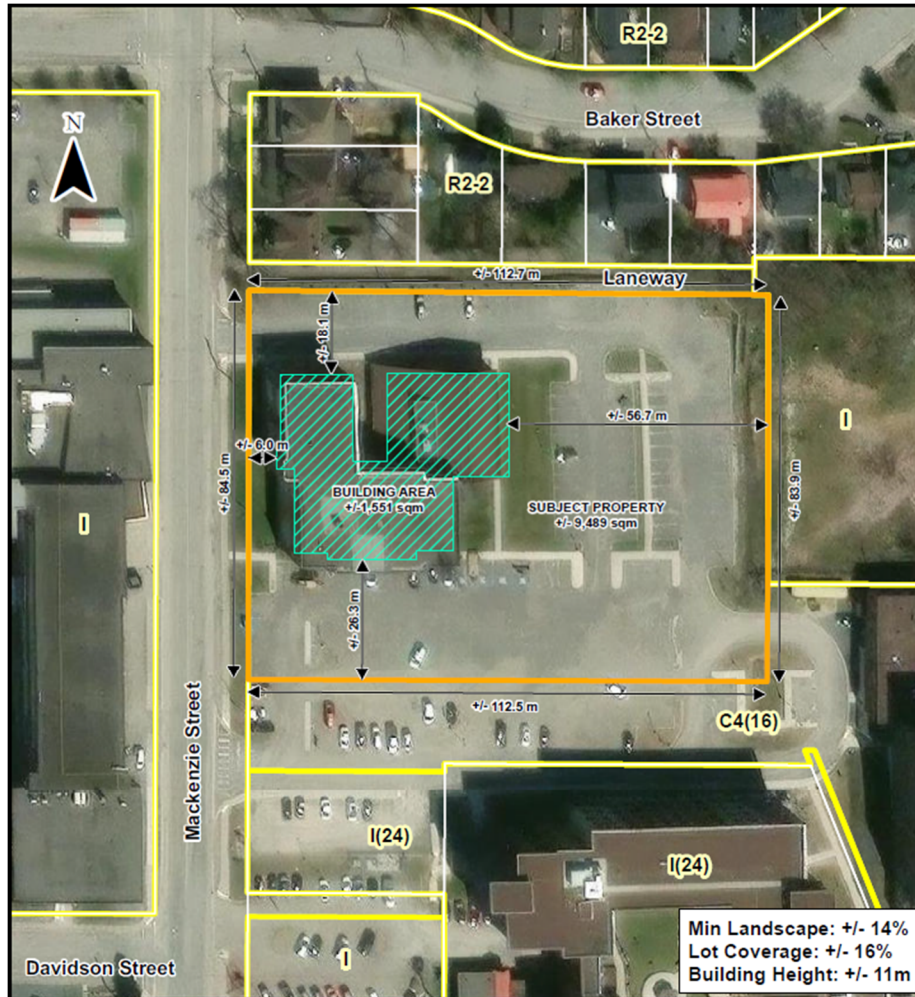
Figure 1 – Subject Property location (source – City’s website [Zone Map](#))

The property is designated Downtown on Schedule 1a – Land Use Overview in the City’s Official Plan. The property is zoned C4(16) on the City’s interactive Zoning Map ([Zone Map](#)).

The property is approximately 0.95 ha in area with frontage on Mackenzie Street of approximately 84 m (see Figure 2). There is an existing building on the property which is designated under the *Ontario Heritage Act*, 1990 and subject to the City’s By-law 2020-183 specific to 162 Mackenzie Street. There are no proposed changes to the building that would affect the attributes of its heritage status. The property is subject to a Site Plan Control Agreement with the City dated 4-OCT-2019 and amended 20-MAY-2021. The agreement captures development that occurred to the property and considered parking requirements, stormwater management, a heritage

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assessment, landscaping, outdoor garbage storage, onsite lighting and water and sewer connections. The City has a copy of the agreement on file.



2.2 Surrounding Lands Context

The subject property is adjacent to:

- residential use to the north
 - Living Area 1 designation on the Official Plan Land Use Schedule
 - R2-2 Zone on the Zoning By-law mapping (Figure 2)
- Institutional designation and Zone to the west known as Marymount Academy of the Sudbury Catholic District School Board
- Institutional designation and Zone across Mackenzie Street to the east known as Sudbury Secondary School
- Properties to the south are:
 - Downtown designation
 - I Zone (Institutional) and I(24) Zone (Special Institutional Zone 24) (Figure 2)

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3.0 PROPOSED DEVELOPMENT

The applicant proposes to reinvest in upgrades to the inside of the existing building to accommodate their business (office space and light industrial manufacturing) and renovate the rest of the building internally (Figure 3 – Site Plan).

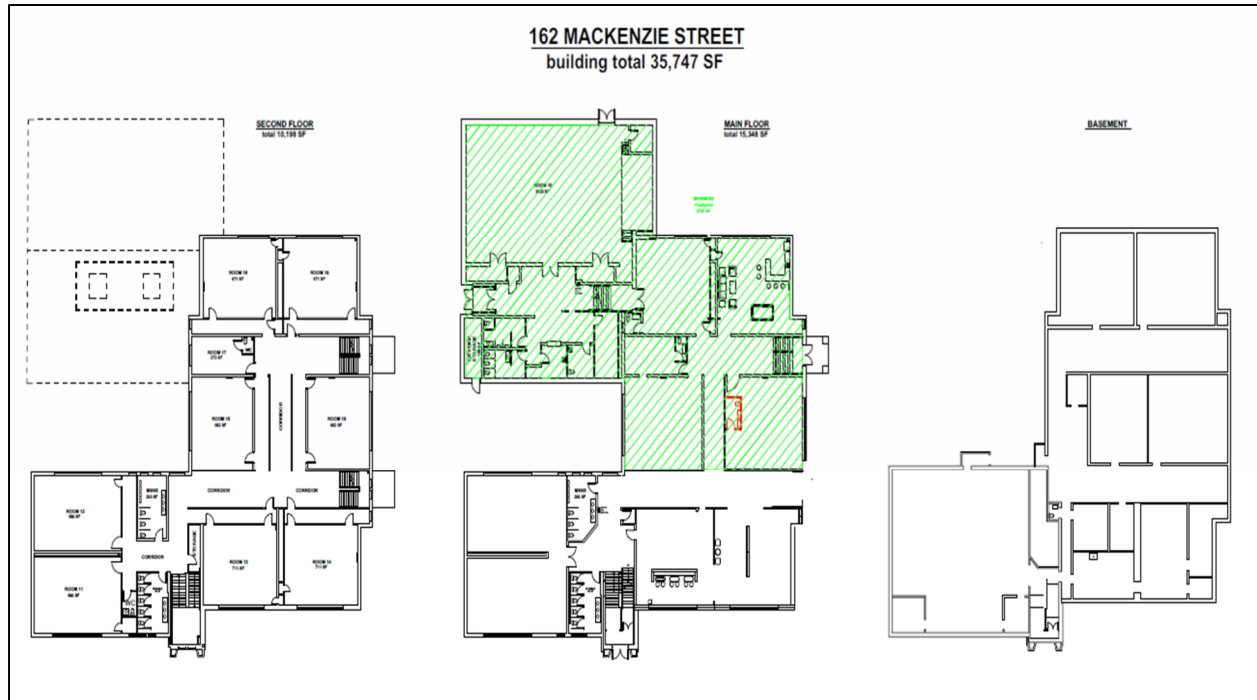


Figure 3 – Proposed Site Plan (internal renovations – applicant supplied)

Minewise specializes in the designing, manufacturing and servicing of industrial control and radio frequency systems for the mining, forestry, agricultural and construction industries. This includes inspection tools that provide 3D scans and video for clients (Figure 4). Their location at 162 Mackenzie Street will require a 'light industrial' use be added to the C4(16) Zone to permit the manufacturing of these systems.

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Figure 4 – Examples of radio frequency systems proposed to be assembled
(Source = Minewise website <https://www.minewise.com/>)

Presently, there are three office staff located in the building with the intention of accommodating up to ten staff. The business hours are Monday to Friday, 9am to 5pm. Within the working hours, all operations are to be contained inside the building with no noticeable noise, dust, odours or vibration being generated. Parking on-site is sufficient for the existing and planned staff, rare client visits, daily deliveries (e.g. Purolator) and larger shipments occurring once every six months. There will be no outside storage required, and no additional outdoor lighting planned.

At the pre-consultation stage, the City described the necessary reports and plans to be submitted with the applications for consideration including:

- Applications submitted through Pronto
- Planning Justification Report
- Public Consultation Strategy
- Concept Plan
- Land Use Compatibility Opinion (part of the Planning Justification Report)
- Sewer/Water Capacity Analysis

4.0 POLICY FRAMEWORK

The applications for an Official Plan Amendment and a Zoning By-law Amendment require that they be assessed against current provincial policies to ensure they conform and/or do not conflict with these policies. Below, we will review the *Planning Act*, the Provincial Planning Statement, the City's Official Plan and Zoning By-law as they relate to the request to include light industrial as a permitted use on the subject property.

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4.1 Planning Act, R.S.O. 1990

The *Planning Act* sets the ground rules for land use planning in Ontario. Its purpose is to provide guidelines for planning processes, promote sustainable economic development in a healthy natural environment, lead land use planning through policy, and integrate matters of provincial interest into provincial and municipal planning decisions by requiring that all decisions be consistent with the Provincial Planning Statement and conform/not conflict with provincial plans. The Act details application procedures, notice requirements and public participation requirements, among other matters. These applications are in accordance and in compliance with the requirements of Sections 16 and 34 of the Act for development of this nature.

Section 2 of the Act requires a municipality of council in carrying out their responsibilities under the Act, to have regard to matters of provincial interest such as:

- c) *the conservation and management of natural resources and the mineral resource base;*
 - There are no natural resource features or mineral resources base identified on the subject property, so there are no potential conflicts.
- d) *the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;*
 - The subject property is designated under the *Ontario Heritage Act*, 1990. As per By-law 2020-183 (Attachment A), the property is prohibited from being altered in any way that would affect the property's heritage attributes. The applications do not propose any changes to the property or it's building that would alter the Heritage status of the property.
- e) *the supply, efficient use and conservation of energy and water;*
 - The subject property is serviced by existing infrastructure with no new infrastructure being proposed.
- f) *the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*
 - The subject property is serviced by municipal services and there were no reported concerns noted by City staff through pre-consultation.
- g) *the minimization of waste;*
 - The proposed development will reuse an existing building by renovating internally to repair and modify the existing structure.
- h) *the orderly development of safe and healthy communities;*
 - The proposed change of use is within an existing building within the Downtown core and identified as a transition zone between the traditional Downtown and the more residential area to the north. This aims to support a mix of uses

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including residential, retail, commercial, institutional and light industrial. In addition, a desktop analysis using the Province's D6 Compatibility between Industrial Facilities Guide. Based on the analysis, there are no anticipated impacts on the sensitive land uses within 70 metres of the building, and there are no sensitive land uses within the Province's recommended 20 metre setback from a Class I industrial facility and a sensitive land use.

(h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;

- Design considerations and internal renovations will be required to meet AODA requirements.

i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;

- The applications to include 'light industrial' as a permitted use will include the interior renovation of the existing building to accommodate the use, and potential space for community use or compatible business rental spaces.

k) the adequate provision of employment opportunities;

- The applications are proposed to increase employment opportunities in the existing building and neighbourhood by relocating a light manufacturing use associated with an existing office use, and by creating useable space within the existing building for other business rental or lease opportunities.

l) the protection of the financial and economic well-being of the Province and its municipalities;

- The applications propose to add an additional use to an existing building that will increase the economic potential of the existing business and create opportunities for other compatible businesses to locate within the renovated building.

o) the protection of public health and safety;

- The applications are compatible with surrounding land uses as confirmed by D-Series desktop review. There are no concerns for public health and safety with the proposed change of use on the subject property.

p) the appropriate location of growth and development;

- The proposed applications are requesting a change of use to an existing property located in the Downtown designation of the City that is currently zoned as C4(16) – Office Commercial Special to expand the use to include 'light industrial' which would permit additional growth and development of the economic potential of the area.

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- q) *the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- The applications to include an additional use to the existing zoning will provide for sustainable business development of the existing property. The subject property has access to public transit and is located in a designated pedestrian friendly area as Mackenzie Drive is a collector road with sidewalks for pedestrians.
- (r) *the promotion of built form that,*
- (i) *is well-designed,*
 - (ii) *encourages a sense of place, and*
 - (iii) *provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*
- The applications propose to keep the existing Heritage designation intact and conduct interior renovations and upgrades to the existing building. This in turn, is to support the current business operations and include an expanded use to be situated all in one location. The Heritage building will remain as a community reminder of the past uses and history of the site – supporting a sense of place in the neighbourhood. With interior renovations to the building, there will be future opportunities for other businesses and potentially community organizations to also use a dedicated space inside.
- (s) *the mitigation of greenhouse gas emissions and adaptation to a changing climate.*
- The proposed change of use will enable an existing business to consolidate its operations within one location – reducing their travel, processing and shipping requirements. Providing space in the existing building for other businesses in the community to rent or lease will enable consolidation of uses in a compact form to reduce climate impacts.

4.2 Provincial Planning Statement, 2024

The Provincial Planning Statement 2024 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act, which includes the PPS. The PPS describes the importance of a prosperous Province that includes building more homes for all Ontarians. It includes support for a strong and competitive economy that is prioritized by a compact and transit-supportive design to optimize infrastructure and public service facilities.

Section 2.4 sets out general policies for Strategic Growth Areas in communities that will be the focus of growth and development. To achieve complete communities, planning authorities are

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encouraged to support employment growth that permits development and intensification, and redevelopment for underutilized lands.

Policy 2.8.1 describes employment policies and that planning authorities shall promote development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional and broader mixed uses to meet long-term needs
- b) providing for a diversified economic base of suitable employment sites to support a wide range of economic activities and ancillary uses
- c) identifying strategic sites for investment including market-ready sites
- d) encouraging intensification of employment uses in compatible, compact, mixed-use development
- e) addressing land use compatibility adjacent to employment areas

Policy 2.8.1.2 states that industrial, manufacturing and small-scale warehousing areas that could be located adjacent to sensitive land uses without adverse effects are encouraged in strategic growth areas and other mixed-use areas where frequent transit service is available.

Section 2.9 directs planning authorities to reduce greenhouse gas emissions through supporting compact, transit-supportive and complete communities.

Section 3.5 describes land use compatibility between sensitive land uses and the potential adverse effects from odour, noise and other contaminants relating to industrial, manufacturing or other major facilities while ensuring the long-term operational and economic viability of major facilities. Mitigation of potential impacts are to be minimized in accordance with provincial guidelines, standards and procedures.

Section 4.6 describes, in part, the importance of cultural heritage, and that protected heritage property shall be conserved.

The Official Plan Amendment and Zoning By-law Amendment applications are consistent with the policies of the PPS as they are proposing to add a 'light industrial' use to an existing building located in the Downtown area of the City. The addition of this use will direct growth and development to a strategic growth area that aims to provide a mix of employment opportunities while providing an opportunity for redevelopment and intensification of the existing building. The applications consider land use compatibility with the surrounding neighbourhood, including residential use to the north, and will minimize any potential impacts identified through provincial guidelines. The heritage designation of the existing building will remain unchanged as upgrades to the building will be internal to preserve the cultural importance of the exterior design.

4.3 Growth Plan for Northern Ontario, 2011

The Growth Plan for Northern Ontario (GPNO) was developed under the *Places to Grow Act, 2005*, to establish a strategic framework to guide decision-making for investments in economic growth. It contains general policies relating to the promotion of economic prosperity, environmental stewardship, and promoting strong, sustainable communities in the north.

Section 2.2 describes the economic action plan and details that the province will focus economic development within the advanced manufacturing sector as an area of distinct competitive

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advantage. This includes attracting investment, strengthening networks and collaboration, growing and retaining existing competitive businesses, including export development activities and diversification into value-added business opportunities. The advanced manufacturing sector should be supporting innovation, research and commercialization of value-added products and services, and working with prospective investors to identify Northern Ontario opportunities.

Section 3.4 describes the importance of municipalities supporting a healthy population by providing for a diverse mix of land uses, a range and mix of employment and housing types, high-quality open spaces, and ease access to local stores and services.

Section 4 refers to communities in the north, and that they be well-planned and thoughtfully designed to attract investment and support economic development. The City of Greater Sudbury is considered one of the economic hubs in the north that has developed strategies to achieve economic, social and environmental sustainability. The City contains strategic core areas – which should be developed with consideration to a revitalization strategy that includes intensification and investment opportunities. Downtown Sudbury is one of the City’s strategic core areas. As per Section 4.4.2 of the GPNO, planning for these areas so they function as vibrant, walkable, mixed-use districts will be a priority so they can:

- a) attract employment uses and clusters, including office and retail;*
- b) accommodate higher densities;*
- c) provide a broad range of amenities accessible to residents and visitors including vibrant streetscapes, shopping, entertainment, transportation connections, lodging, and educational, health, social, and cultural services.*

The proposed Official Plan Amendment and Zoning By-law Amendment do not conflict with the policies of the GPNO. The applications support the above listed policies and will act to encourage attracting investment, growing competitive businesses, providing for a mix of land uses and a range of employment types in a strategic core area in a major economic hub in the north.

4.4 Official Plan for the City of Greater Sudbury, 2006

The Official Plan for the City (consolidated to March 2025) contains policies to guide land use planning decisions in the municipality. It has regard to matters of provincial interest in the *Planning Act*, is consistent with the Provincial Planning Statement, and conforms to the Growth Plan for Northern Ontario.

The subject property is designated Downtown on Schedule 1a – Land Use Overview in the City’s Official Plan (Figure 5). The Downtown designation is considered a Strategic Core Area and is located within the City’s settlement area.

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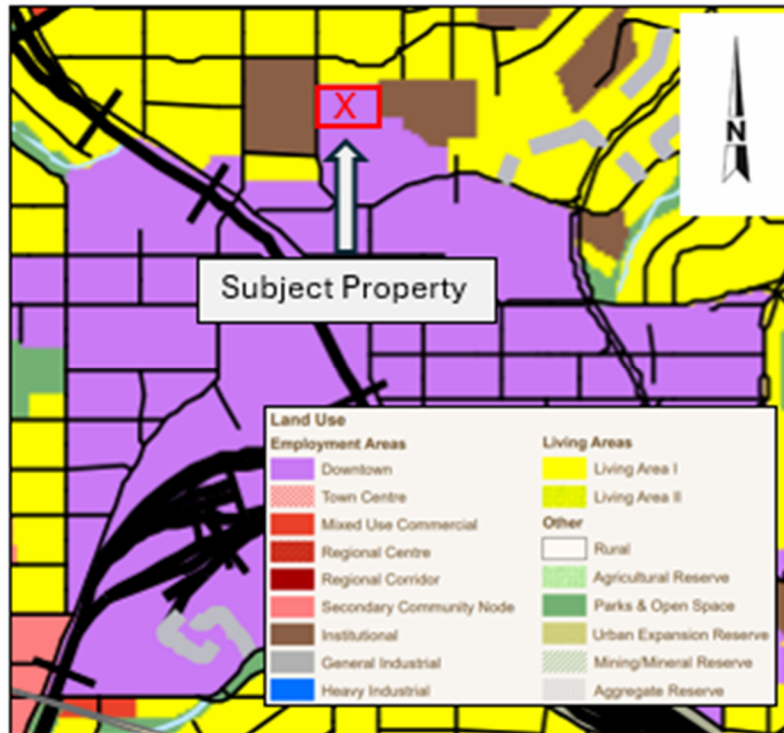


Figure 5 – Official Plan Schedule 1a excerpt (approximate location)

Urban Structure, Section 2.3.3 Reinforcing the Urban Structure describes intensification policies for the development of a property in the settlement area at a higher density than currently exists through redevelopment, development of vacant or underutilized lots or the conversion of existing buildings. Policies include encouraging intensification and development within the Built Boundary, on lands with existing infrastructure and public services, and those that are compatible with the character of an area.

Through these applications, Minewise is proposing to redevelop a building with heritage value by renovating the interior to provide consolidated business operations and offer rental or lease space for community businesses or organizations. They aim to increase the use of an underutilized building in the Downtown area where the character of the building will retain its heritage attributes which are compatible with the surrounding neighbourhood.

Employment Areas, Section 4.2.1 Downtown describes land use policies for the Downtown designated area so that the City retains its function as a local and regional centre. The Downtown Sudbury Master Plan guides development for the future in this area (described below). Policies for the Downtown designation include:

- 4.2.1 - Permitting a wide variety of uses consistent with its function as the most diversified commercial Centre in the City. Permitted uses include residential, commercial, institutional, entertainment and community facilities.
- 4.2.1.1 – Downtown Non-Residential Development is a key priority as a means of stimulating increased investment and business activity and reinforcing the City's urban structure by achieving a more efficient pattern of development. Office uses foster a strong business environment and provide a customer base for other uses.

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4.2.1.3 – Downtown Urban Environment is characterized by its distinct built form, heritage resources, street configuration, pedestrian spaces and linkages. It is policy to preserve aspects that contribute to the image, character and quality of life including natural features, landmarks, design attributes, heritage resources and other desirable elements of the build environment.

The Official Plan Amendment application is proposing to add 'light industrial' as a permitted site-specific use to an existing property. The 'light industrial' use will complement the existing offices used by Minewise and enable them to consolidate their operations. Being a designated heritage building, there are no proposed modifications to the heritage characteristics of the building, thereby maintaining the image and design attributes expected in the downtown area. Currently, 'light industrial' is a permitted use in Regional Centres and Town Centres with proper landscaping and buffering between adjacent sensitive uses.

Heritage Resources, Section 13 includes built heritage, archaeological resources, and cultural heritage landscapes. The City has a concentration of older buildings in the downtown that are underutilized and offer opportunities for rehabilitation as a symbol of revitalization. Policies for heritage buildings include:

- 13.2.4 – heritage building will be retained for their original use and in the original location. Adaptive reuse of buildings will be encouraged where the heritage attributes are not compromised. This includes methods of conservation that retain and maintain the visual attributes of the property, and retention of built heritage for viewing.
- 13.2.5 Adaptive reuse that conserves the architectural integrity of the heritage building as a means of enhancing the long-term conservation and promoting the rehabilitation of underutilized property is encouraged.

The subject property is designated under the Ontario Heritage Act. By-law #2020-183 details the heritage features and attributes along with the obligations of the owners to conserve them. The applications are not proposing any changes or alterations to the heritage features of the property.

The application to amend the Official Plan to include the site-specific use of 'light industrial' to the existing property will reinforce the downtown's role as a diverse commercial centre in the City. A light industrial use is compatible with the surrounding neighbourhood and complementary to the existing continuing use of the business (Attachment E – Draft Official Plan Amendment).

4.5 Zoning By-law 2010-100Z

The City's Zoning By-law 2010-100Z (consolidated to November 2025) shows the subject property as **C4(16) Zone (Office Commercial Special)** on the interactive zoning map from the City's website (Figure 6 - [Zone Map](#)). It is noted that "164 MacKenzie Street" as shown on Figure 6 is no longer there and appears to have been removed or torn down.

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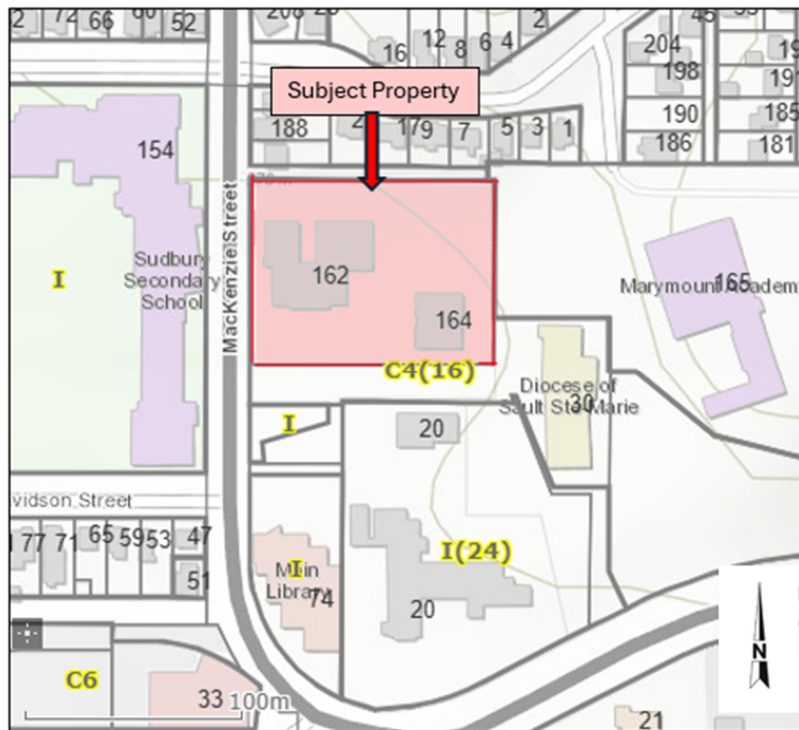


Figure 6 - Zoning By-law online interactive map excerpt
(Approximate location. Source [Zone Map](#))

The C4 Zone permits the following (Tables 7.3 and General Provisions in the Zoning By-law):

C4 Zone Standards	Required	Existing
Minimum Lot Area	540.0 m ²	± 9,489 m ²
Minimum Lot Frontage	18.0 m	± 84.5 m
Minimum Front Yard	6.0 m	± 6.0 m
Minimum Rear Yard	7.5 m	± 57.7 m
Minimum Interior Side Yard	3.0 m (14) and 3.0 m (14)	± 26.3 m and 18.1 m
Maximum Lot Coverage	50%	± 16%
Maximum Height	34.0 m (11)	12.0 m
Minimum Landscaped Open Space (S.4.15)	10% (17)	± 14%
Other Provisions	(10)	n/a
Parking*		
-Business office = 1/30 m ² nfa = 36	47	115
-Light industrial – 1/90 m ² nfa = 11		
Accessible Parking (S.5.2.3.5)	3	4
Parking Aisles (S.5.2.9.2)	6.0 m	6.0 m
Loading Space	1	1
Bikes (s.5.8)	14	14

* note SPART consultation shows no concerns with parking

- (10) A maximum gross floor area of 2.0 times the lot area will apply
 (11) A minimum building height of 8.0 metres applies.

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- (14) (iii) Exclusively for non-residential purposes – where the interior side lot line abuts a residential lot or Residential Zone, 3 metres plus an additional 0.6 metres for each storey in excess of three storeys, and no minimum in any other case.
- (17) Except as required by Section 4.15 of this By-law.

The C4(16) Zone states the following:

Notwithstanding any other provision hereof to the contrary, within any area designated C4(16) on the Zone Maps, all provisions of this By-law applicable to C4 Zones shall apply subject to the following modifications:

- (i) *In addition to the uses permitted in the C4 zone, the following uses shall also be permitted: Assembly hall, audio/visual studio, bake shop, commercial recreation centre, commercial school, retail store including accessory outdoor display and sales, tavern, theatre, and related accessory uses;*
- (ii) *Notwithstanding Section 7.3, Table 7.3, Special Provision (10), there shall be no limit on gross floor area;*
- (iii) *Notwithstanding Sections 5.3 and 5.5 of the Zoning By-law, the parking standards of the “C6”, Downtown Commercial zone shall apply subject to the following exceptions:*
- (a) *Day care centre: 1 per 40 m² of net floor area;*
 - (b) *Institutional uses: 1 per 40 m² of net floor area;*
 - (c) *Medical office: 1 per 30 m² of net floor area;*
 - (d) *Personal service shop: 1 per 33 m² of net floor area;*
 - (e) *Retail: 1 per 40 m² of net floor area;*
 - (f) *Place of worship: 1 per 30 m² of net floor area;*
 - (g) *All other uses including residential: applicable C6 parking standard; and,*
 - (h) *The accessible parking requirements of Section 5.2.3.5 shall apply.*

The application proposes to change the permitted non-residential uses in the C4(16) Zone to include 'light industrial' as a permitted use in the form of manufacturing/assembly of small to medium size electronics, electronic testing and supporting clerical work and office space in the existing building. The proposed operations will include:

- Currently there are three on-site staff with up to ten staff planned
- Hours of operation are Monday to Friday, 9am to 5pm
- Anticipated parking and loading space demand is sufficient to accommodate the planned number of staff and to include client visits, daily parcel deliveries and loading space for larger shipments occurring once every six months

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- There are no proposed changes to the outdoor space including no additional lighting and no outdoor storage as all operations are contained within the building.

Parking spaces for the subject property are described in an agreement with the City and are registered on title as an Open Border Cross-Over Agreement (Attachment B). The easements address open access and cross over easements, easements for parking on 162 Mackenzie (with 30 Ste. Anne Road) and discusses maintenance obligations in the existing Site Plan Control Agreement. There are no proposed changes to these easements with these applications. It is noted that current site-specific parking does not require additional parking for the proposed development. The proposed development will not require more parking spaces than are already available on site due to the limited number of staff required (up to 10) and the limited number of visitors anticipated.

The subject property is located in the northern limit of the Downtown area and should be considered for redevelopment and intensification to revitalize the neighbourhood. Compatibility of a 'light industrial' use with surrounding residential use has been considered through the D6 Series Guidelines set out by the Province to guide development. By using a 70 m area of influence for the subject property, the owner/applicant has addressed the potential impacts of a Class 1 industrial use and has addressed the potential for noise, dust, odour, vibration, outside storage and operating times (refer to Section 4.7 below). See Attachment F – Draft Zoning By-law Amendment.

4.6 Other Applicable City Policies or Studies

The City of Greater Sudbury has a Downtown Master Plan, developed in 2012 that sets out a blueprint to guide the revitalization of the City for the next decade and beyond. One of the goals is to reinforce the City's position to become the 'Capital of the North'. The subject property lands within the "Area of Influence" of the Downtown area shown in Figure 7.



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Figure 7 – Study Area for the Downtown Masterplan

The North-West District (Figure 8 below) is described in Section 5.5 as being a transition zone between the traditional Downtown and the more residential area to the north. This aims to support a mix of uses including residential, retail, commercial, institutional and **light industrial**. The area aims to incorporate multi-unit residential uses when opportunities arise for road alignment projects. While it appears on Figure 8 that the subject property is just outside of the North-West District zone, it is important to consider its location as being within the transitional area between the Downtown core and residential uses to the north.

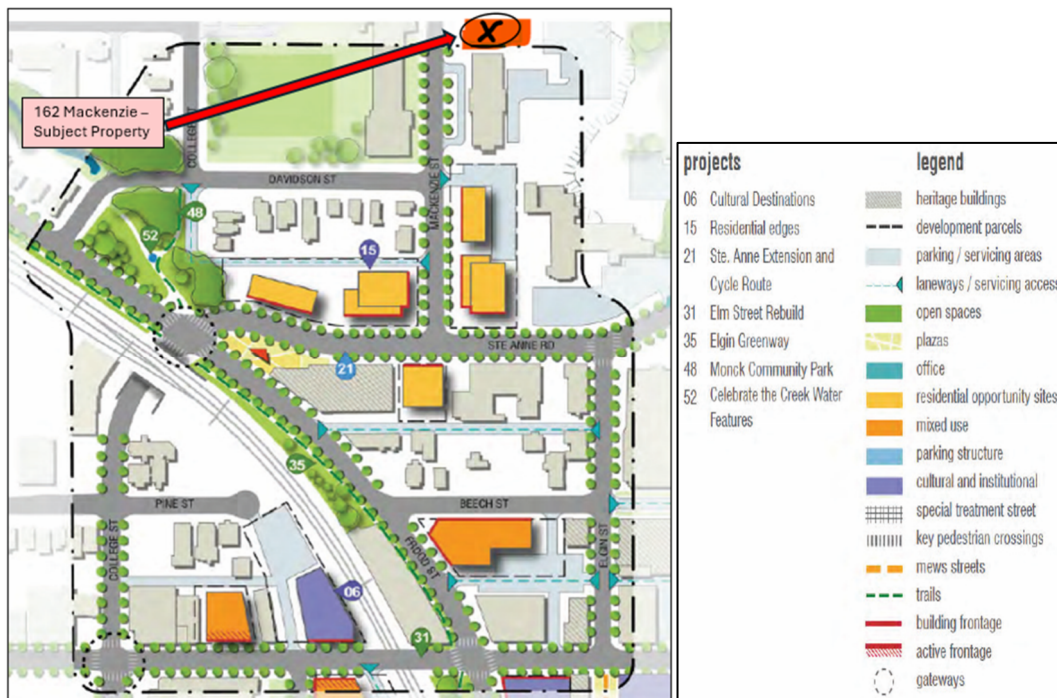


Figure 8 – Excerpt from the Downtown Masterplan “North-West District”

4.7 D-6 Compatibility Desktop Analysis

As requested by the City, a desktop analysis for land use compatibility has been completed following the Province’s D6 Compatibility between Industrial Facilities Guide.

Minewise specializes in the designing, manufacturing and servicing of industrial control and radio frequency systems for the mining, forestry, agricultural and construction industries. This includes inspection tools that provide 3D scans and video for clients (Figure 4).

Presently, there are three office staff located in the building with the intention of accommodating up to ten staff. The business hours are Monday to Friday, 9am to 5pm. Within the working hours, all operations are to be contained inside the building with no noticeable noise, dust, odours or vibration being generated. Parking on-site is sufficient for the existing and planned staff, rare client visits, daily deliveries (e.g. Purolator) and larger shipments occurring once every six months. There will be no outside storage required, and no additional outdoor lighting planned.

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Proposed details of the operation are the following:

- Proposed total employees: 10
- Business Hours: Monday to Friday, 9am to 5pm
- All operations are to be contained within the building
- No noticeable noise, dust, odours or vibration will be generated
- No outside storage is proposed
- No additional lighting is proposed

Appendix D-6-1 Industrial Categorization of the guide provides guidance on how to determine the Class of Industrial facility for the purposes of using the D6 guide. The following criteria are noted for a Class I Industrial Facility.

Outputs	Scale	Process	Operation/Intensity
<ul style="list-style-type: none">• Noise: Sound not audible off the property• Dust and/or Odour: infrequent and not intense• Vibration: No ground borne vibration on plant property	<ul style="list-style-type: none">• No outside storage• Small scale plant or scale is irrelevant in relation to all other criteria for this Class	<ul style="list-style-type: none">• Self contained plant or building which produces/stores a packaged product. Low fugitive emissions	<ul style="list-style-type: none">• Daytime operations only• Infrequent movement of products and/or heavy trucks

Based on the operational requirements for Minewise, it is our opinion that the proposed Minewise operation would fall within the Class I category using the Industrial Categorization Criteria.

The guide recommends using an influence area of 70 metres for a Class I industrial facility to determine whether there would be any adverse effect. The proposed operation will be entirely contained within the existing building, with no noise, dust, odours or vibration expected beyond the building. The hours of operation are within normal business hours, and there is limited traffic expected. Therefore, it is not anticipated that there will be an adverse impact on the sensitive land uses within the 70 metre influence area.

For Class I industrial facilities, the Province recommends a minimum setback of 20 metres from a sensitive land use. The site has been evaluated to determine whether any sensitive land uses are present within 20 metres of the existing building which will be occupied by the light industrial use (see Figure 9). As illustrated in Figure 9, the 20 metre separation distance from the existing building is contained within the existing site, Mackenzie Street to the east and a small encroachment into the laneway to the north. No sensitive land uses have been identified within the 20 metre separation distance from the existing building.

Official Plan Amendment & Zoning By-law Amendment Minewise Technology Ltd.

4.8 Water and Sewer Analysis

As part of the requirements for this application, JLR submitted a Water and Sewer Capacity Analysis to the City. The analysis was completed based on the drawings provided by the applicant with respect to proposed changes to the interior of the building. The city has provided a letter dated September 23rd, 2025 (Attachment C) confirming the following:

- The sewage mains downstream from the proposed connection is capable of conveying the additional 1.80 L/s of flow expected from the proposed development.
- A capacity analysis performed by the City's Water CAD model indicate that sufficient water capacity and pressure exist for the proposed development.
- The Fire flow available based on the model is 500+ l/s.

JLR completed calculations to estimate the required fire flow for fire fighting purposes to support the building in accordance with the 2020 edition of Water Supply for Public Fire Protection from Fire Underwriters Survey (FUS). Based on the calculations completed for the building, the available fire flow in the City's system exceeds the calculated fire flow requirement estimated for the building.

4.9 Supporting Studies/Plans

Below are studies that were reviewed and/or are included as attachments or were addressed in the report as part of the justification and background of the subject property:

- Heritage By-law 2020-183 – City of Greater Sudbury
- Open Border Cross-Over Agreement (dated 19-SEPT-2019)
- Sewer and Water Capacity Analysis – City of Greater Sudbury (dated 23-SEP-2025)
- D-6 Compatibility Desktop Analysis – JLR (Section 4.7 of this report)
- Floor Plans – Minewise Technology Ltd. (dated 29-JULY-2025, Figure 3 of this report)
- FUS Fire Flow Calculations – JLR (dated 30-SEP-2025)
- Site Plan – Minewise Technology Ltd. (dated 30-MAY-2024)

5.0 PUBLIC CONSULTATION STRATEGY

The public consultation strategy has been developed in accordance with the City of Greater Sudbury's recommendations through the SPART consultation. Public consultation is a requirement under Section 16 and Section 34 of the *Planning Act* for Official Plan Amendments and Zoning By-law Amendments. As such, the statutory requirements including a public meeting will be undertaken to offer the public an opportunity to provide feedback on the proposal. This includes a Notice of the public meeting to be sent to landowners within 120 m of the subject property and posted on site a minimum of 20 days prior to the meeting date or published in a local newspaper. The Notice will also be circulated to relevant agencies.

JLR will circulate an information letter to all landowners within 120 m of the subject site providing a description of the proposed change in land use, general operational details, and clarification on the proposed amendment.

Official Plan Amendment & Zoning By-law Amendment Minewise Technology Ltd.

JLR will also reach out to the local Councillor to provide information on the proposed application and to obtain feedback.

6.0 **CONCLUSION**

This Planning Rationale has been prepared in support of an Official Plan Amendment application and a Zoning By-law Amendment application to permit a 'light industrial' use as a permitted use in the Downtown designation and in the C4(16) Zone in the City of Greater Sudbury. The proposed additional permitted use will enable the existing owner to consolidate their business operations through revitalization of the interior of the building for office and light industrial manufacturing.

The proposed Official Plan Amendment is appropriate to permit a 'light industrial' use in the Downtown designation – as an area planned and designed for economic growth, intensification, and compatible development. The subject property is located in the northern limit of the Downtown area with residential properties abutting the northern lot line. Potential issues that may arise from this light industrial use in close proximity to sensitive residential use have been discussed using the D-6 Guidelines as set out by the Province. Consideration of the subject property being adjacent to lands described in the City's Downtown Masterplan point to 'light industrial' as an acceptable use in this area to support a mix of development.

The proposed Zoning By-law Amendment is appropriate to permit a 'light industrial' use as a site-specific use in the C4(16) Zone. The use has been evaluated for compatibility in the neighbourhood and there are no adverse impacts expected on adjacent properties.

It should be noted the heritage designation of the property is to be maintained by restricting development to areas inside the building to uphold the character of the outside of the building.

In our opinion, the proposed amendments will be appropriate for the subject lands and represent good land use planning.

J.L. RICHARDS & ASSOCIATES LIMITED

Prepared by:



Tara Michauville, MSc
Planner

TM:jb

Reviewed by:



Jamie Batchelor, RPP, MCIP
Senior Planner

Official Plan Amendment & Zoning By-law Amendment Minewise Technology Ltd.

Attachments

Attachment A - Heritage By-law 2020-183 (City of Greater Sudbury)

Attachment B - Open Border Cross-Over Agreement (19-SEPT-2019)

Attachment C – Sewer and Water Capacity Analysis (City of Greater Sudbury)

Attachment D – Site Plan draft (Minewise Technology Ltd.)

Attachment E – Official Plan Amendment DRAFT By-law

Attachment F – Zoning By-law Amendment DRAFT By-law

This report has been prepared by J.L. Richards & Associates Limited for Minewise Technology Ltd.'s exclusive use. Its discussions and conclusions are summary in nature and cannot properly be used, interpreted or extended to other purposes without a detailed understanding and discussions with the client as to its mandated purpose, scope and limitations. This report is based on information, drawings, data, or reports provided by the named client, its agents, and certain other suppliers or third parties, as applicable, and relies upon the accuracy and completeness of such information. Any inaccuracy or omissions in information provided, or changes to applications, designs, or materials may have a significant impact on the accuracy, reliability, findings, or conclusions of this report.

This report was prepared for the sole benefit and use of the named client and may not be used or relied on by any other party without the express written consent of J.L. Richards & Associates Limited, and anyone intending to rely upon this report is advised to contact J.L. Richards & Associates Limited in order to obtain permission and to ensure that the report is suitable for their purpose.

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Attachment A

Heritage By-law 2020-183

By-Law 2020-183

A By-Law of the City of Greater Sudbury to Designate the Property Municipally Known as 162 Mackenzie Street as a Property of Cultural Heritage Value or Interest Under Section 29, Part IV of the *Ontario Heritage Act*

Whereas Section 29, Part IV of the *Ontario Heritage Act* authorizes the council of a municipality to design a property within the municipality to be of cultural heritage value or interest on the terms set out therein;

And Whereas council for a municipality may only designate a property under Section 29 Part IV of the *Ontario Heritage Act*, if the property meets one or more of the criteria as prescribed under O.Reg 9/06;

And Whereas 162 MacKenzie Street was evaluated against the criteria in O.Reg 9/06, and Council for the City of Greater Sudbury determined that the property has cultural heritage value or interest;

And Whereas notice of intent to designate 162 MacKenzie Street as being of cultural heritage value or interest was published in a newspaper having general circulation in the municipality on November 14, 2020 and was also served on the owner and on the Ontario Heritage Trust, in accordance with the requirements of section 29 of the *Ontario Heritage Act*;

And Whereas no notice of the objection to the proposed designation has been served on the Clerk of the City of Greater Sudbury, and the time for filing such objections has passed;

Now therefore, Council of the City of Greater Sudbury hereby enacts as follows:

Designation

1. Pursuant to the authority granted under section 29 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 as amended, Council for the City of Greater Sudbury hereby designates, as being of cultural heritage value and interest, the property:

- (a) municipally known as 162 MacKenzie Street, Sudbury;
- (b) legally described as PIN 02138-0201(LT), Being Lots 308-322 Plan 1SC; Lowe Street and Part A Lane Plan 1SC as in S5129; Part Lot 5, Con 4, as in S55853; excepting Part 1 on Plan 53R-16310 as in LT87281 and Excepting Parts 2, 3 and

4 on Plan 53R-20995 and as shown in the aerial view attached hereto as Schedule "A";

- (c) owned by Red Oak Villa 2015 Inc.; and
- (d) further described in the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes as set out in Schedule "B" attached hereto

Schedules Incorporated

2. Schedule "A" and Schedule "B" attached hereto are incorporated into and form a part of this By-law. A copy of Schedule "A" can also be viewed at the office of the City Clerk.

Registration

3. The City Solicitor is hereby authorized and directed to register a copy of this Designating By-law to be registered on title to the property affected in the land titles office for the land registry division of Sudbury (No. 53).

Notice

4. The City Clerk is hereby authorized and directed to cause:
- (a) a copy of this By-law to be served on the owner of the land described in section 1 of this By-law, and on the Ontario Heritage Trust;
 - (b) notice of the passing of this By-law to be published in a newspaper of general circulation within the City of Greater Sudbury; and
 - (c) the property to be entered into the municipal register of property in accordance with section 27 of the *Ontario Heritage Act*.

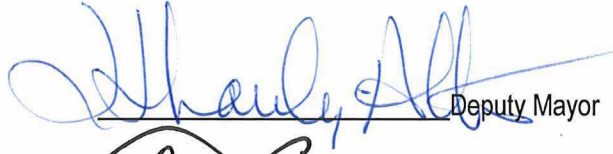
Plaque

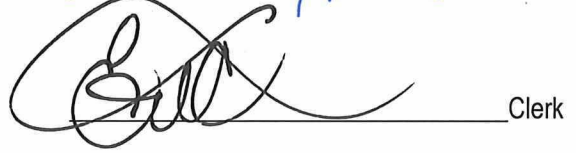
5. The General Manager, Growth and Infrastructure is authorized to install a plaque or interpretive panel reflecting the designation of the building as of cultural heritage value or interest, on the building at 162 MacKenzie Street, of a type and in a location to be determined by the General Manager, Growth and Infrastructure.

Effective Date

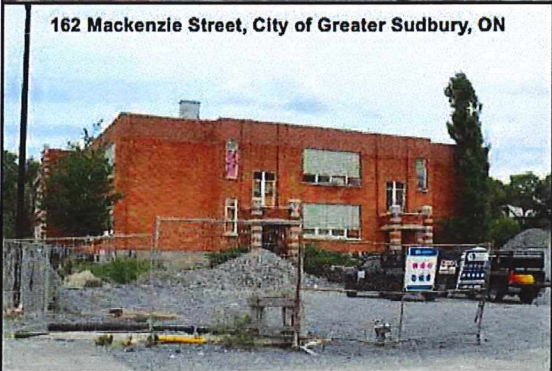
6. This By-law shall come into full force and effect upon passage.

Read and Passed in Open Council this 15th day of December, 2020

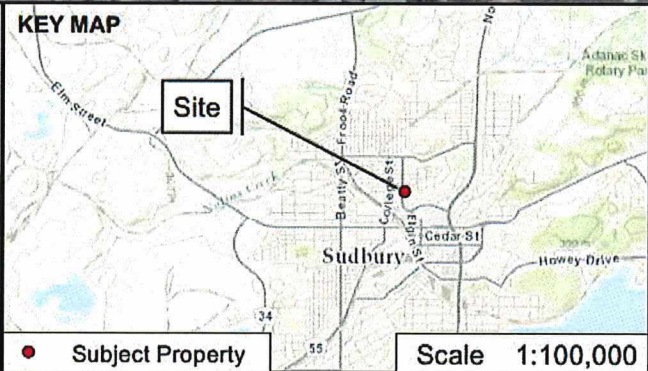

Deputy Mayor


Clerk

Schedule "A"
to By-law 2020-183 of the City of Greater Sudbury



162 Mackenzie Street, City of Greater Sudbury, ON



KEY MAP

Site

Sudbury

● **Subject Property**

Scale 1:100,000

Legend

- 162 Mackenzie Street, City of Greater Sudbury, ON**
- Area of Cultural Heritage Value or Interest**

REFERENCE(S)

1. Service Layers Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community.
 Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community.

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162 Mackenzie Street, City of Greater Sudbury, ON

YYYY-MM-DD	2020-10-15
PREPARED	LHC
DESIGNED	JG

NOTE(S)

1. All locations are approximate.



Description and Statement of Cultural Heritage Value or Interest: 162 MacKenzie Street

Civic Address: 162 MacKenzie Street, Sudbury

Legal Description: PIN 02138-0201(LT), Being Lots 308-322 Plan 1SC; Lowe Street and Part A Lane Plan 1SC as in S5129; Part Lot 5, Con 4, as in S55853; excepting Part 1 on Plan 53R-16310 as in LT87281 and Excepting Parts 2, 3 and 4 on Plan 53R-20995 and as shown on the aerial view attached as Schedule "A" to this By-law and also available for viewing in the office of the City Clerk, heritage file;

Description of Property

The Subject Property known as 162 MacKenzie Street is an "L" shaped property and approximately 12,489 square metres. The Subject Property is located on the east side of MacKenzie Street between Baker and Davidson Street. There is currently one structure located on the Subject Property, the 20th century brick former school known as St. Louis de Gonzague.

Summary of Cultural Heritage Value or Interest

The Subject Property known as 162 MacKenzie Street has cultural heritage value or interest for its physical/design values, its historical/associative values, and its contextual values.

162 MacKenzie Street has design value or physical value because it is a unique and early example of an evolved vernacular school building that exhibits the influences of various styles including Collegiate Gothic and Art Deco architecture. 162 MacKenzie Street also appears to be the third oldest surviving school building in Sudbury.

162 MacKenzie Street has historical or associative value because it has direct associations with the theme, activity, and institution of education in Sudbury – specifically, French-language education of the Sudbury Francophone community. The former school is an example of separate bilingual Catholic Francophone education and the coordinated efforts of Anglophone and Francophone School Board members to defy Regulation 17. The former school also

contributed to the repeal of Regulation 17 through the 1927 Royal Commission Inquiry which used the Sudbury Separate Board as an example of positive bilingual instruction. Operating from 1915 to its closure in 2000, 162 MacKenzie Street is directly associated with the events of Regulation 17 and the teaching of French and English language in the community.

162 MacKenzie Street has historical or associative value as it demonstrates the work of architect P.J. O’Gorman who was significant to the creation of institutional buildings, such as schools, churches, and commercial structures, in Sudbury and Northern Ontario. Many of O’Gorman’s works are still present in Sudbury and Timmins, Ontario. St. Louis de Gonzague was one of O’Gorman’s earliest institutional buildings constructed in Sudbury and appears to have been the first in a series of educational (as well as other institutional, ecclesiastic, and commercial) buildings designed over a prolific career.

162 MacKenzie Street has contextual value because it is important in defining, maintaining, and supporting the character of the area. The area, defined as the Institutional Block, has a mixture of residential, commercial, and institutional buildings. These buildings include churches, schools, and public/government buildings. Eight schools and six public/government buildings are currently within this block. A higher concentration of these structures reinforces this area as an Institutional Block. The Institutional Block, located in the centre of Sudbury, fulfilled the needs of the community by providing educational, religious, leisure, and governmental needs.

162 MacKenzie Street also has contextual value because it is physically, visually, and historically linked to the Institutional Block. The Institutional Block is defined by its multiple schools and public and government buildings, including 162 MacKenzie Street. The overall relationship of the buildings on this Block reinforces these links.

Heritage Attributes

Heritage attributes that illustrate the cultural heritage value or interest of 162 MacKenzie Street lie in the 20th century brick school building, previously known as St. Louis de Gonzague, including:

- Its location, orientation, and scale and massing (*which illustrates its physical/design and contextual values*);
- Monochromatic brickwork (*which illustrates its physical/design values*);

Schedule "B"
to By-law 2020-183 of the City of Greater Sudbury

Page 3 of 3

- Art Deco-influenced parapet (*which illustrates its physical/design values*);
- Twin entrances and porticoes located on the south elevation(*which illustrates its physical/design values*);
- Tower entrance located on the west elevation (*which illustrates its physical/design values*); and,
- The locations and configuration of large window openings (*which illustrates its physical/design values*).

Attachment B

Open Border Cross-Over
Agreement (2019)

Properties

- PIN* 02138 - 0077 LT
Description LOT 94 RCP 85S; CITY OF SUDBURY
Address 38 XAVIER STREET
SUDBURY
- PIN* 02138 - 0198 LT
Description PART OF BLOCK Z ON PLAN 1SC AND PART OF LOT 93 ON PLAN RCP85S
TOWNSHIP OF MCKIM PART 6, PLAN 53R-20995; CITY OF GREATER SUDBURY
Address 30 STE ANNE ROAD
SUDBURY
- PIN* 02138 - 0199 LT
Description LOT 93 ON PLAN RCP 85S AND PART OF BLOCK Z ON PLAN 1SC DESIGNATED AS
PARTS 1, 2 & 3 53R16526 EXCEPT PTS 2 AND 3 53R16526 EXCEPT PTS 6 AND 7
53R20995; CITY OF GREATER SUDBURY
Address 30 STE ANNE ROAD
SUDBURY
- PIN* 02138 - 0200 LT
Description PART OF LOT 319 AND LANE ON PLAN 1-SC TOWNSHIP OF MCKIM PART 2, PLAN
53R-20995; PART OF LOTS 319 TO 322 INCLUSIVE ON PLAN 1-SC AND PART OF
LOT 92, PLAN RCP 8559 TOWNSHIP OF MCKIM PART 3, PLAN 53R-20995; PART OF
LOTS 315 AND 318 AND ALL OF LOTS 316 AND 317, PLAN 1-SC, TOWNSHIP OF
MCKIM PART 4, PLAN 53R-20995; S/T EASEMENT OVER PART 2, PLAN 53R-20995
AS IN LT926815 CITY OF GREATER SUDBURY
Address 30 STE ANNE ROAD
SUDBURY
- PIN* 02138 - 0202 LT
Description PT BLK Z, PLAN 1SC, TOWNSHIP OF MCKIM PART 5, PLAN 53R-20995 CITY OF
GREATER SUDBURY
Address 30 STE ANNE ROAD
SUDBURY
- PIN* 02138 - 0201 LT
Description LTS 308-322 PLAN 1SC; LOWE ST & PT A LANE PLAN 1SC,AS IN S5129; PT LOTS,
CON 4, AS IN S55853; EXCEPTING PART 1 ON 53R-16310 AS IN LT874281 AND
EXCEPTING PARTS 2,3 AND 4 53R20995; S/T EASEMENT OVER PART 1 ON
53R17102 AS IN LT926815. CITY OF GREATER SUDBURY
Address 162 164 MACKENZIE STREET
SUDBURY
- PIN* 02138 - 0197 LT
Description PART OF LOT 93 ON PLAN RCP 85S AND PART OF BLOCK Z ON PLAN 1SC
DESIGNATED AS PARTS 7 AND 8 53R20995; CITY OF GREATER SUDBURY
Address 20 STE ANNE ROAD
SUDBURY
- PIN* 02138 - 0203 LT
Description LT 95, RCP 85S, PT 23, 53R8612; PT BLK Z, PLAN 1SC, PTS 5 TO 22, PLAN 53R8612
EXCEPT PT 5 53R20995 S/T S88858; CITY OF SUDBURY
Address 20 STE ANNE ROAD
SUDBURY

Consideration

Consideration \$0.00

Applicant(s)

The notice is based on or affects a valid and existing estate, right, interest or equity in land

Name RED OAK REAL ESTATE INC.
Address for Service SUITE 300, 30 STE. ANNE ROAD
SUDBURY, ONTARIO, P3C 5E1
I, JOE DIPIETRO, President, have the authority to bind the corporation.
This document is not authorized under Power of Attorney by this party.

Name RED OAK VILLA 2014 INC.
Address for Service SUITE 300, 30 STE. ANNE ROAD
SUDBURY, ONTARIO, P3C 5E1
I, JOE DIPIETRO, President, have the authority to bind the corporation.

Applicant(s)

The notice is based on or affects a valid and existing estate, right, interest or equity in land

This document is not authorized under Power of Attorney by this party.

Name RED OAK VILLA 2015 INC.
 Address for Service SUITE 300, 30 STE ANNE ROAD
 SUDBURY, ONTARIO, P3C 5E1
 I, JOE DIPIETRO, President, have the authority to bind the corporation.
 This document is not authorized under Power of Attorney by this party.

Party To(s) Capacity Share

Name RED OAK REAL ESTATE INC.
 Address for Service SUITE 300, 30 STE. ANNE ROAD
 SUDBURY, ONTARIO, P3C 5E1
 I, JOE DIPIETRO, President, have the authority to bind the corporation
 This document is not authorized under Power of Attorney by this party.

Name RED OAK VILLA 2014 INC.
 Address for Service SUITE 300, 30 STE. ANNE ROAD
 SUDBURY, ONTARIO, P3C 5E1
 I, JOE DIPIETRO, President, have the authority to bind the corporation
 This document is not authorized under Power of Attorney by this party.

Name RED OAK VILLA 2015 INC.
 Address for Service SUITE 300, 30 STE. ANNE ROAD
 SUDBURY, ONTARIO, P3C 5E1
 I, JOE DIPIETRO, President, have the authority to bind the corporation
 This document is not authorized under Power of Attorney by this party.

Statements

This notice is pursuant to Section 71 of the Land Titles Act.
 This notice is for an indeterminate period
 Schedule: See Schedules

Signed By

Ian MacGregor George Sinclair 214 Alder St. acting for Signed 2019 09 20
 Sudbury Applicant(s)
 P3C 4J2
 Tel 705-674-7597
 Fax 705-674-4916
 I have the authority to sign and register the document on behalf of the Applicant(s).

Submitted By

SINCLAIR & SINCLAIR 214 Alder St. 2019 09 20
 Sudbury
 P3C 4J2
 Tel 705-674-7597
 Fax 705-674-4916

Fees/Taxes/Payment

Statutory Registration Fee \$64.40
 Total Paid \$64.40

File Number

Applicant Client File Number : R-164 (R-R-1010)

APPENDIX "A"

FORM

LAND TITLES ACT

**Application to register Notice of an
Unregistered estate, right, interest or equity
Section 71 of the Act**

To: The Land Registrar for the Land Titles Division of Sudbury (No. 53)

I, IAN M.G. SINCLAIR, am the solicitor for the Applicants, RED OAK REAL ESTATE INC., RED OAK VILLA 2014 INC. and RED OAK VILLAGE 2015 INC.

I confirm that all applicants have an unregistered estate, right, interest or equity in the lands described as PIN 02138-0077 (LT), PIN 02138-0198 (LT), PIN 02138-0199 (LT), PIN 02138-0200 (LT), PIN 02138-0202 (LT), PIN 02138-0201 (LT), PIN 02138-0197 (LT) and PIN 02138-0203 (LT).

The lands described as PINs 02138-0197 (LT) and 02138-0203 (LT) are registered in the name of RED OAK REAL ESTATE INC., the lands legally described as PINs 02138-0077 (LT), 02138-0198 (LT), 02138-0199 (LT), 02138-0200 (LT) and 02138-0202 (LT) are registered in the name of RED OAK VILLA 2014 INC., and the lands described as PIN 02138-0201 (LT) are registered in the name of RED OAK VILLA 2015 INC. I hereby apply under Section 71 of The Land Titles Act for the entry of a Notice in the register for the said PINs, a copy of which is attached hereto.

This notice will be effective for an indeterminate time.

Dated: September 19, 2019


Ian M.G. Sinclair
Solicitor for the Applicant

OPEN BORDER CROSS-OVER AGREEMENT

THIS AGREEMENT made the 19th day of September, 2019

BETWEEN:

RED OAK REAL ESTATE INC.

a corporation incorporated under the laws of Ontario
(hereinafter called "Red Oak Real Estate")

OF THE FIRST PART

- and -

RED OAK VILLA 2014 INC.

a corporation incorporated under the laws of Ontario,
(hereinafter called "Red Oak 2014")

OF THE SECOND PART

- and -

RED OAK VILLA 2015 INC.

a corporation incorporated under the laws of Ontario,
(hereinafter called "Red Oak 2015")

OF THE THIRD PART

WHEREAS:

- A. Red Oak 2014, Red Oak 2015 and Red Oak Real Estate are, respectively, the registered owners of certain adjacent lands and premises located at the intersection of Mackenzie Street and Ste. Anne Road, in the City of Greater Sudbury, all as more particularly hereinafter set out and described;
- B. The parties hereto have agreed to enter into this Agreement for the purpose of governing the access between the Properties and the use, maintenance and repair of the Entrances servicing the Properties.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants, terms, conditions and agreements herein contained, the sum of One Dollar (\$1) now paid by each party to the other and for other good and valuable consideration, (the receipt and sufficiency of which is hereby acknowledged), the parties covenant as follows:

ARTICLE 1 - INTERPRETATION

1.1 Definitions

In this Agreement, the terms in quotation marks, which are set out below, shall have the following respective meanings:

- (a) **"Access Driveways"** shall mean, collectively, the Entrances, the Red Oak 2014 Access Driveway, the Red Oak 2015 Access Driveway and the Red Oak Real Estate Access Driveway;
- (b) **"Agreement"**, **"this Agreement"**, **"the Agreement"**, **"hereto"**, **"hereof"**, **"herein"**, **"hereby"**, **"hereunder"**, and similar expressions mean or refer to this Agreement as amended from time to time in writing and any indenture, instrument or instrumental supplemental or ancillary hereto or in implementation hereof, and the expressions **"Article"**, **"Section"**, and **"Schedule"** followed by a number or letter mean and refer to the specified Article, Section or Schedule of this Agreement;
- (c) **"Assigns"** shall mean the applicable Party's successors in title and/or interest, agents, servants, workmen, employees, invitees, customers, tenants, subtenants and licensees;
- (d) **"Entrances"** shall mean collectively, the the Red Oak Real Estate Entrance, the Red Oak 2014 Entrance and the Red Oak 2015 Entrance;
- (e) **"Heavy Vehicle"** shall mean any truck, automobile, tanker, bus, van, cab and/or tractor trailer, transport or other trailer (or any combination of the foregoing), or any other vehicle whatsoever, having 6 axles or more;
- (f) **"Properties"** shall mean the the Red Oak Real Estate Lands, the Red Oak 2014 Lands and the Red Oak 2015 Lands, and **"Property"** refers to any of the Red Oak Real Estate Lands, the Red Oak 2014 Lands and the Red Oak 2015 Lands;
- (g) **"Red Oak 2014 Access Driveway"** shall mean those areas of the Red Oak 2014 Lands, not occupied by buildings and structures or designated as parking from time to time, intended for vehicular use and access to allow a means of vehicular ingress and egress between Mackenzie Street and Ste. Anne Road, through the Red Oak 2014 Lands;
- (h) **"Red Oak 2014 Entrance"** means that certain parcel or tract of lands owned by Red Oak 2014 or its successors in title and situate, lying and being in the City of Greater Sudbury, in the District of Sudbury in the Province of Ontario, being Part 4 on Reference Plan 53R-20995;

- (i) **"Red Oak 2014 Lands"** shall mean that certain parcel or tract of lands and premises owned by Red Oak 2014 and being legally described in the attached Schedule "B";
- (j) **"Red Oak 2015 Access Driveway"** shall mean those areas of the Red Oak 2015 Lands, not occupied by buildings and structures or designated as parking from time to time, intended for vehicular use and access to allow a means of vehicular ingress and egress on to Mackenzie Street, through the Red Oak 2015 Lands;
- (k) **"Red Oak 2015 Entrance"** means that certain parcel or tract of lands owned by Red Oak 2015 or its successors in title and situate, lying and being in the City of Greater Sudbury, in the District of Sudbury in the Province of Ontario, and which have access on to Mackenzie Street;
- (l) **"Red Oak 2015 Lands"** shall mean that certain parcel or tract of lands and premises owned by Red Oak 2015 and being legally described in the attached Schedule "C";
- (m) **"Red Oak Real Estate Access Driveway"** shall mean those areas of the Red Oak Real Estate Lands, not occupied by buildings or structures or designated as parking from time to time, intended for vehicular use and access to allow a means of vehicular ingress and egress on to Ste. Anne Road, through the Red Oak Real Estate Lands;
- (n) **"Red Oak Real Estate Entrance"** means that certain parcel or tract of lands owned by Red Oak Real Estate or its successors in title and situate, lying and being in the City of Greater Sudbury, in the District of Sudbury in the Province of Ontario, being Part 8 on Reference Plan 53R-20995;
- (o) **"Red Oak Real Estate Lands"** shall mean that certain parcel or tract of lands and premises owned by Red Oak Real Estate and being legally described in the attached Schedule "A";
- (p) **"Registry Office"** shall mean the Land Registry Office for the Land Title Division of Sudbury (No. 53) located on the third floor at 199 Larch Street, Sudbury, Ontario;

1.2 Extended Meanings

Grammatical variations of any terms defined herein have similar meanings to such defined terms; words imparting number include the singular and the plural; and, words imparting gender include the feminine, neuter and masculine genders.

1.3 Headings

The division of this Agreement into separate Articles, Sections and Schedules and the insertion of headings are for convenience or reference only and shall not affect the construction or interpretation of this Agreement.

1.4 Severability

If any covenant, obligation or agreement contained in this Agreement, or the application thereof to any person or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this Agreement or the application of such covenant, obligation or agreement to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby. Each covenant, obligation and agreement contained in this Agreement shall be separately valid and enforceable to the fullest extent permitted by law.

1.5 Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the Province of Ontario.

ARTICLE 2 - OPEN BORDER CROSS-OVER

2.1 Open Access and Cross-Over Easements

The Parties hereto have agreed to enter into this Agreement for the purpose of governing the access between and through the Access Driveways and the maintenance and repair of the Entrances. The Parties hereby agree, at all times hereafter, to maintain free, easy and open access between and through the Access Driveways so that Red Oak 2014, Red Oak 2015 and Red Oak Real Estate, and their Assigns, and all customers doing business with the parties hereto and their tenants and subtenants, shall be able to pass freely over the Access Driveways on foot and/or with motor vehicles to, from and between the Properties. For the purposes of the foregoing:

- (a) Each of Red Oak 2014, Red Oak 2015 and Red Oak Real Estate subject to the provisions hereof, hereby grant to the other and their respective Assigns an easement in the nature of a right-of-way (in common with all others entitled thereto) for the purposes of access over, along and upon their respective Access Driveway. In addition, Red Oak 2014, Red Oak 2015 and Red Oak Real Estate agree that for those portions of the Entrances owned by Red Oak 2014 or Red Oak 2015 or Red Oak Real Estate and subsequent owners of all or part of the Red Oak 2014 Lands, the Red Oak 2015 Lands and Red Oak Real Estate Lands will not construct on the Entrances any buildings, structures, or any other impediment to vehicular access notwithstanding any other provision contained in this Agreement;
- (b) The Parties herein each covenant that at no time shall they construct, place or maintain a barrier or other obstacle or erect any building or structure within their respective Access Driveway, which as a result, prevents the continuous access route to and from the Mackenzie Street and Ste. Anne Road. Except for those portions of

the Entrances owned by them which may be redirected for repair purpose only, Red Oak 2014, Red Oak 2015 and Red Oak Real Estate reserve the right to direct, from time to time, the flow of traffic and to designate restricted access points over and upon their respective Access Driveway to insure vehicular and pedestrian safety, the orderly flow and control of traffic, and for repair purposes;

- (c) The easement rights granted in paragraph 2.1(c) above are each declared to run individually with and be appurtenant to and for the benefit of each of the Red Oak 2014 Lands, the Red Oak 2015 Lands and the Red Oak Real Estate Lands (as the case may be), as the Dominant Tenement, and are declared to each run separately and individually with and bind the Red Oak 2014 Lands, the Red Oak 2015 Lands and the Red Oak Real Estate Lands, as the Servient Tenement (individually).

2.2 No Fences, etc.

Red Oak 2014, Red Oak 2015 and Red Oak Real Estate each covenant with the other that they shall not permit any obstacles along the Access Driveways, and covenant not to in any way impede the Access Driveways. Provided that the foregoing does not apply to such temporary barricades, as may reasonably be required or necessary for safety purposes in connection with any work carried out from time to time on the Access Driveways.

2.3 Red Oak 2014, Red Oak 2015 and Red Oak Real Estate Negative Covenants

The negative covenants of each of Red Oak 2014, Red Oak 2015 and Red Oak Real Estate, set out in Sections 2.1(b), (c), (d), 2.2 and 2.7.1 are declared to run with and be appurtenant to and for the benefit of the other parties' Lands, as the Dominant Tenement, and are declared to run individually and separately with and bind each of the Red Oak 2014 Lands, the Red Oak 2015 Lands and the Red Oak Real Estate Lands, as the Servient Tenements (individually) as the case may be.

2.4 Maintenance

2.4.1 Subject to Section 2.6, each party covenant with each other that each of them shall at all times hereafter keep and maintain in good order, condition and repair, and renew, rebuild, replace and maintain promptly, if necessary and forthwith upon reasonable written request of the other, their respective Access Driveway and Entrance and every part thereof (including, without limitation, the driveways and all parking areas, sidewalks, pavement, asphalt, curbs, landscape, signs, lighting and similar improvements thereon) in good order, repair and first class condition, free of ice and snow, as would a careful and prudent owner, at their respective sole cost and expense.

2.4.2 Subject to Section 2.6, for the above purposes, each of Red Oak 2014, Red Oak 2015 and Red Oak Real Estate further covenant that all such repairs, maintenance and replacements required of each of them hereunder shall be carried out as expeditiously as possible and without unreasonable interference with the other's business on its own Property.

2.4.3 If any of the parties herein refuses or neglects within fifteen (15) days after receipt of written notice from the other parties, (no prior written notice shall be required in the event of an

emergency) to carry out any maintenance, repairs and replacements and other work properly as required pursuant to this Section 2.5 or pursuant to Section 2.6, then that party may, but shall not be obliged to, perform such construction, maintenance, repairs and replacements without being liable for any loss or damage that may result (except due to negligence during such entry) and, upon completion thereof, the defaulting party shall pay to the party completing the work on demand that party's actual costs incurred in such maintenance, repairs and replacements, together with an administrative fee of ten percent (10%) of the costs thereof and interest pursuant to Section 3.4.

2.5 Construction and Maintenance of Entrances

Forthwith following execution and delivery of this Agreement, Red Oak 2014, Red Oak 2015 and Red Oak Real Estate shall:

- (a) jointly retain a qualified engineer to prepare plans and specifications for the design and construction of the Entrances, such plans and specifications to be approved by Red Oak 2014, Red Oak 2015 and Red Oak Real Estate, each acting reasonably (the "Approved Plans");
- (b) instruct the engineer to jointly tender the construction contract for the Entrances in accordance with the Approved Plans (the "Proposed Work") to at least three contractors approved by Red Oak 2014, Red Oak 2015 and Red Oak Real Estate, each acting reasonably;
- (c) jointly retain the lowest bidder for the Proposed Work (unless otherwise unanimously agreed by Red Oak 2014, Red Oak 2015 and Red Oak Real Estate) to complete the Proposed Work in a first class good and workmanlike manner, as expeditiously as possible, in accordance with applicable laws and in accordance with a construction schedule approved by Red Oak 2014, Red Oak 2015 and Red Oak Real Estate, each acting reasonably; and
- (d) each pay one-third of the hard and soft costs of the preparation of the Approved Plans and completion of the Proposed Work in a timely manner on a monthly progress draw basis as such plans and work are completed.

2.6 Closing or Relocation of the Open Border

2.6.1 The parties each covenant with the other that they shall not permit any of the existing Access Driveways, to be closed-up, narrowed, barricaded, fenced or materially altered in any other manner, except as may be required by any relevant governmental authority having jurisdiction, subject to the reasonable consent of the then owner of the other parties' Properties, from time to time in the future, for the purpose of maintaining proper traffic control and flow to and from the Properties and the adjoining public highways.

2.6.2 Notwithstanding anything hereinbefore in Section 2.6.1 contained, it is acknowledged that each of Red Oak 2014, Red Oak 2015 and Red Oak Real Estate shall have the right, from time to time in the future, to alter and relocate the portion of the Access Driveway on their respective Property, at their own cost and expense, provided that:

- (a) Any such relocation does not materially and/or adversely affect the traffic flow to and from any other party's Property;
- (b) The revised site plan with the altered and/or relocated Access Driveways has been approved as required by each relevant governmental authority having jurisdiction; and
- (c) Each Property shall itself comply with the parking standards in the applicable City of Greater Sudbury zoning by-law.

2.7 Insurance

2.7.1 Red Oak 2014, Red Oak 2015 and Red Oak Real Estate herein shall each place, maintain and carry public liability for death of, or injury to, any person or damage to the property of any person occurring in, upon or about their Properties, respectively. The name of the other of them shall be endorsed on the policy or policies as an additional insured, together with a cross-liability endorsement. Each such policy of insurance shall cover each party in respect of its Property and its operations thereon to the extent of not less than \$5,000,000 (Five Million Dollars) with respect to any one occurrence, and each party on written request shall produce a certificate of such insurance to the other from time to time. Notwithstanding anything hereinbefore contained, any party hereto, acting reasonably, shall have the right during a period of 60 (sixty) days following the end of each five (5) year period during the term of this Agreement, to give notice to the other party requiring the amount of the coverage of the liability insurance to be increased; provided that the amount of such increase shall be in an amount commensurate with the then current standards of liability insurance coverage with respect to the operation of cross-access uses in connection with commercial operations.

2.8 Non -Liability

2.8.1 It is acknowledged that none of the parties to this Agreement shall be liable for any death or injury arising from or out of any occurrence in, upon, at or relating to the Access Driveways of the other, or damage to personal property of the other or others located on the Access Driveways of the other, nor shall they be responsible for any loss of or damage to any personal property of any other party from any cause whatsoever, unless such death, injury, loss or damage results from the negligence of Red Oak 2014, Red Oak 2015 or Red Oak Real Estate, as the case may be, or those for whom Red Oak 2014, Red Oak 2015 or Red Oak Real Estate are at law responsible.

2.9 Construction Rights and Future Development

2.9.1 Red Oak 2014, Red Oak 2015 and Red Oak Real Estate each acknowledge that this Agreement is intended to apply to the Access Driveways and that, subject only to compliance with Sections 2.2, 2.4, 2.7.1 and 2.7.2 above and with all applicable municipal or other relevant governmental by-laws and requirements in connection therewith, Red Oak 2014, Red Oak 2015 and Red Oak Real Estate each covenant and acknowledge that each of them shall have the right, at their own expense, to construct other buildings, improvements or structures, and/or to make alterations and additions to any buildings existing thereon from time to time, and to alter, reduce, redesign or relocate all or any portion of their respective improvements thereon from time to time

(including, without limitation, Access Driveways, the automobile parking areas, sidewalks, loading and service areas and other outside areas and facilities therein and thereon).

2.10 Shared Parking between Red Oak 2014 Lands, Red Oak 2015 Lands and Red Oak Real Estate Lands

Red Oak 2014, Red Oak 2015 and Red Oak Real Estate each acknowledge and agree that there will be sharing of parking over the Red Oak 2014 Lands and the Red Oak 2015 Lands. For purposes of clarification, clients of Red Oak Real Estate shall have the right to park on the Red Oak 2014 Lands and clients of Red Oak 2014 shall have the right to park on the Red Oak 2015 Lands, in places designated from time to time for parking. There are a total of 113 parking spaces which are to be shared as follows:

- (1) Red Oak 2014 will share with Red Oak Real Estate twenty-six (26) parking spaces that are part of the Red Oak 2014 Lands; and,
- (2) Red Oak 2015 will share with Red Oak 2014 eighty-seven (87) parking spaces that are part of the Red Oak 2015 Lands.

ARTICLE 3- MISCELLANEOUS PROVISIONS

3.1 Duration

This Agreement shall, subject to compliance with the *Planning Act*, commence on the date of execution hereof (the "Commencement Date"), and shall continue thereafter in full force and effect in perpetuity.

3.2 Building Scheme

It is hereby declared that the provisions of this Agreement have been entered into for the purpose of bringing into effect a building scheme, and the intention of this Agreement is that the covenants contained herein shall, during the term of this Agreement, run with and bind each of the respective Properties, and to be appurtenant to and be for the benefit of each of the other Properties.

3.3 Notice

Where this Agreement requires any notice, demand or request to be delivered by one party to the other, such notice, demand or request shall be in writing and delivered either personally, by courier, or by prepaid registered mail by the party wishing to give such notice, or by the solicitor acting for such party, to the other party, at the addresses noted below. Such notice shall be deemed to have been given, in the case of personal or courier delivery, on the date of delivery and, where given by registered mail, on the 4th (fourth) business day (which, for the purposes of this Agreement, shall be deemed to exclude Saturdays, Sundays and statutory holidays) following the posting thereof. It is understood that in the event of an actual or threatened disruption in the postal service in the

postal area through which such notice must be sent, notice must be given personally or by courier as aforesaid:

- (a) To Red Oak 2014 at: 30 Ste. Anne Road, Suite 300
Sudbury, Ontario
P3C 5E1
Attention: Joe DiPietro

- (b) To Red Oak 2015 at: 30 Ste. Anne Road, Suite 300
Sudbury, Ontario
P3C 5E1
Attention: Joe DiPietro

- (c) To Red Oak Real Estate at: 30 Ste. Anne Road, Suite 300
Sudbury, Ontario
P3C 5E1
Attention: Joe DiPietro

Any party may at any time give written notice in the manner set out in this Section 3.3 to the other of any change of address of the party giving such notice and from and after the date such notice is deemed to have been given as set out in this Section 3.3, the address herein specified shall be deemed to be the address of such party for the giving of such notices herein.

3.4 Amounts Past Due

If any party fails to pay, when the same is due and payable, any amount payable under the provisions of this Agreement such unpaid amount shall bear interest from the due date thereof to the date of payment at the lesser of: (i) an annual rate which is five percent (5%) above the prime rate of interest charged from time to time by the Bank of Nova Scotia, at its main branch in Toronto, Ontario, on commercial demand loans made in Canadian dollars to its most favored commercial borrowers, or (ii) the maximum annual rate permitted by law.

3.5 Registration

This Agreement shall be registered against the title to the Properties at the shared cost of Red Oak 2014, Red Oak 2015 and Red Oak Real Estate hereto, and each party covenants, within one hundred and twenty (120) days after the execution and delivery of this Agreement, to deliver an acknowledgement of such priority or postponement of interest from any mortgagee having an interest in its Property. Both Red Oak 2014, Red Oak 2015 and Red Oak Real Estate acknowledge and agree that this Agreement cannot be removed from title without the express written consent of the City of Greater Sudbury.

3.6 Successors and Assigns

This Agreement shall extend to and be binding upon the parties hereto and their respective successors, assigns in title and/or interest, and other permitted assigns. For these purposes, it is agreed that each party is required to assign this Agreement and that party's rights and obligations hereunder, to any successor in title to all or part of the assigning party's lands and to obtain an assumption agreement from any assignee. Upon such assignment and the execution and delivery by the assignee of an assumption agreement in respect of the assignor's obligations under this Agreement, the assignor shall be released from all obligations under this Agreement arising from and after the date of such assignment as it relates to the lands assigned to such successor in title.

3.7 Mortgage

It shall be a condition precedent to any mortgage or charge, whether by way of leasehold mortgage, assignment, sublease or otherwise (the "Mortgage") by a party (the "Mortgagor") of any of the Properties (the "Mortgaged Property") that the mortgagee or chargee (the "Mortgagee") enter into an agreement (the "Mortgagee Agreement") with the parties whose Properties are not being mortgaged or charged by the Mortgage (the "Non-Mortgaging Parties"), in a form acceptable to the Non-Mortgaging Parties, acting reasonably.

Each party to this Agreement, within ten (10) Business Days after receipt of a written request by any other party or a prospective purchaser, or mortgagee or other encumbrancee of that party's interest in the Properties (the "Requesting Party"), shall execute and make available to the Requesting Party, a certificate stating:

- (i) whether or not this Agreement has been modified and, if this Agreement has been modified, the certificate shall identify the nature of the modification;
- (ii) whether or not this Agreement has been terminated; and
- (iii) whether or not the party executing the certificate has given or received a notice of default under this Agreement and, if such notice has been either given or received, stating the nature of the default set out in the notice and whether or not the defaulting party has taken or commenced all reasonable steps necessary to cure such default, whether or not the party executing the certificate has elected to take steps to cure such default, and if so, the amount of the costs and expenses actually or anticipated to be paid or incurred by such party in curing such default.

3.8 Recitals and Schedules

The parties further agree that the recitals to this Agreement are incorporated as terms hereof, and the schedules attached hereto form part of this Agreement.

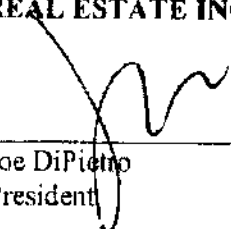
3.9 Entire Agreement

This Agreement constitutes the entire agreement among the parties hereto with respect to the subject matter hereof.

IREMAINDER OF PAGE INTENTIONALLY LEFT BLANK

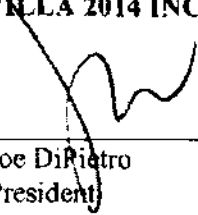
IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the date first above written.

RED OAK REAL ESTATE INC.

Per: 
Name: Joe DiPietro
Title: President

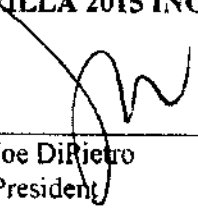
I have authority to bind the Corporation

RED OAK VILLA 2014 INC.

Per: 
Name: Joe DiPietro
Title: President

I have authority to bind the Corporation

RED OAK VILLA 2015 INC.

Per: 
Name: Joe DiPietro
Title: President

I have authority to bind the Corporation

SCHEDULE "A"

Legal Description of Red Oak Real Estate Lands

Firstly: PIN 02138-0197 (LT)
Part of Lot 93 on Plan RCP 85S and Part of Block Z on Plan 1SC
Designated as Parts 7 & 8, Plan 53R-20995
City of Greater Sudbury
District of Sudbury

Secondly: PIN 02138-0203 (LT)
Lot 95, Plan RCP 85S, Part 23, Plan 53R-8612
Part of Block Z, Plan 1SC, Parts 5 to 22, Plan 53R-8612
Except Part 5, Plan 53R-20885
Subject to Inst. No. S88858
City of Greater Sudbury
District of Sudbury

SCHEDULE "B"

Legal Description of Red Oak 2014 Lands

- Firstly:** PIN 02138-0077 (LT)
Lot 94, Plan RCP 85S
City of Greater Sudbury
District of Sudbury
- Secondly:** PIN 02138-0198 (LT)
Part of Block Z on Plan 1SC and Part of Lot 93 on Plan RCP85S
Township of McKim
Part 6, Plan 53R-20995
City of Greater Sudbury
District of Sudbury
- Thirdly:** PIN 02138-0199 (LT)
Lot 93 on Plan RCP85S and Part of Block Z on Plan 1SC
Designated as Parts 1, 2 & 3, Plan 53R-16526
Except Parts 2 & 3, Plan 53R-16526
Except Parts 6 & 7, Plan 53R-20995
City of Greater Sudbury
District of Sudbury
- Fourthly:** PIN 02138-0200 (LT)
Part of Lot 319 and lane on Plan 1-SC,
Township of McKim, Part 2, Plan 53R-20995
Part of Lots 319 to 322 inclusive on Plan 1SC
and Part of Lot 92, Plan RCP8559, Township of McKim, Part 3, Plan 53R-20995
Part of Lots 315 and 318 and all of Lots 316 and 317, Plan 1SC,
Township of McKim, Part 4, Plan 53R-20995
Subject to Easement over Part 2, Plan 53R-20995 as in Inst. No. LT926815
City of Greater Sudbury
District of Sudbury
- Fifthly:** PIN 02138-0202 (LT)
Part of Block Z, Plan 1SC
Township of McKim
Part 5, Plan 53R-20995
City of Greater Sudbury
District of Sudbury
-

SCHEDULE "C"

Legal Description of Red Oak 2015 Lands

Firstly:

PIN 02138-0201 (LT)
Lots 308 to 322 on Plan 1SC
Lowe Street & Part of A Lane, Plan 1SC, as in Inst. No. S5129
Part of Lots 5, Conc. 4 as in Inst. No. S55853
Excepting Part 1, Plan 53R-16310 as in Inst. No. LT874281
Excepting Parts 2, 3 & 4, Plan 53R-20995
Subject to Easement over Part 1, Plan 53R-17102 as in Inst. No. LT926815
City of Greater Sudbury
District of Sudbury

Attachment C

Sewer and Water Capacity Analysis
(City of Greater Sudbury)

September 23, 2025

Attention: Joseph McCabe

Re: Sewer and Water Capacity Analysis
162 Mackenzie
City of Greater Sudbury, ON

The Development Engineering Section has reviewed your request for a Sewer and Water Capacity Analysis at the above noted location and have the following to report:

A review of the sewage mains downstream from the proposed connection at MH 9-675 Mackenzie Street revealed downstream mains are capable of conveying the additional 1.80 L/s of flow expected from your development.

A capacity analysis performed by our WaterCAD model, developed the following results at the 300mm watermain in front of property 162 Mackenzie at an elevation of 267.69m.

Values Obtained from Model

Max Hour: 77 psi
Max Day: 78 psi
Fire Flow: 500+ l/s

C.G.S. Minimum Requirements

- 40 psi
- 50 psi

The results of the WaterCAD analysis indicate that sufficient water capacity and pressure exist for the proposal in question.

It should be noted that these results are derived at by using a theoretical computer model based on our best available data, and should be field verified by the Developers Engineer. In the event that these developments do not proceed within a one (1) year period, then you should make the necessary arrangements to have a current analysis carried out to take into account any changes made in our sewer or WaterCAD models and to ensure that there is sufficient Sewage, Fire Flows and/or Domestic Pressures available for your proposal(s).

Should you have any questions or concerns please contact me at 671-2489 ext 2409.

Yours truly,

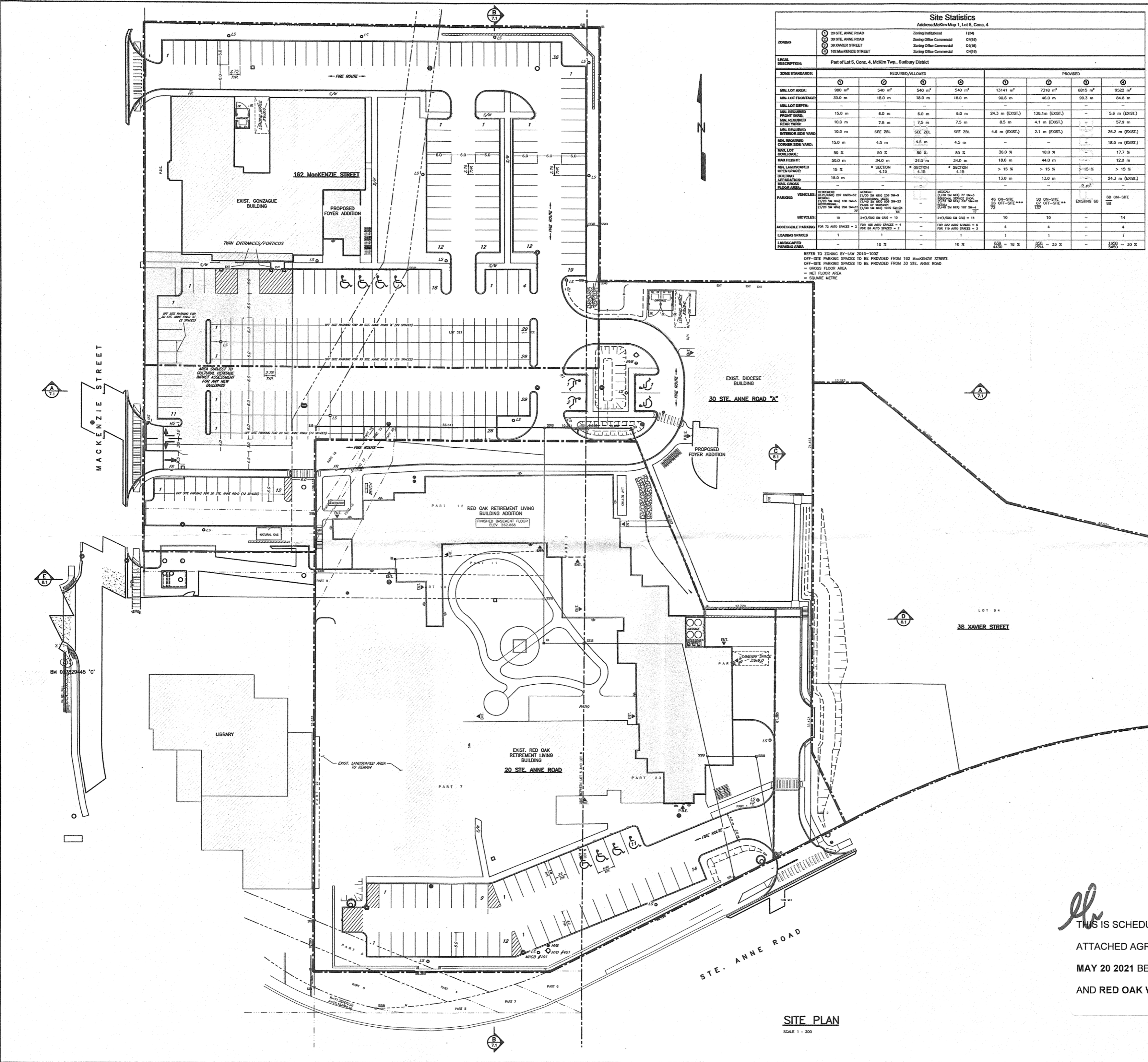


David Longarini
Development Engineering Technician

Attachment D

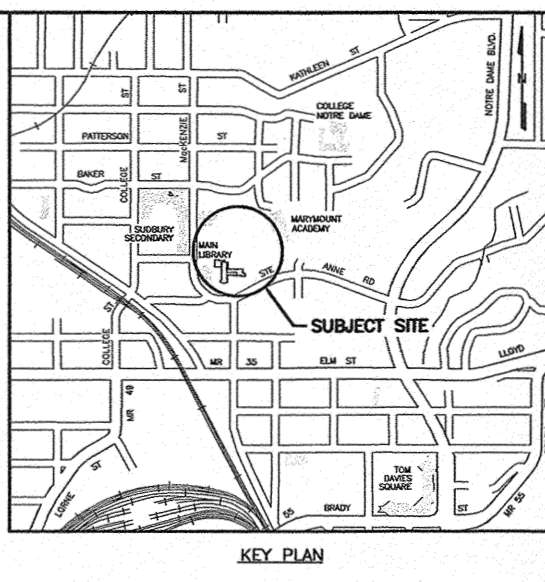
Site Plan Draft
(Site plan agreement)

DRAWING NOT TO BE SCALED. 100 mm ON ORIGINAL DRAWING.
 DRAWING NO. SPA-H
 CONTRACT NO. 2021-03-31
 DATE: MAY 31, 2021
 DRAWN BY: VS
 CHECKED BY: VS
 APPROVED BY: VS
 TULLOCH ENGINEERING
 1000 UNIVERSITY AVENUE, SUITE 100, WILLOWDALE, ONTARIO M2H 1A7
 TEL: (416) 491-1111
 WWW.TULLOCHENGINEERING.COM



Site Statistics
Address: McKim Map 1, Lot 5, Conc. 4

ZONING	REQUIRED/ALLOWED		PROVIDED	
	①	②	③	④
LEGAL DESCRIPTION: Part of Lot 5, Conc. 4, McKim Twp., Sudbury District				
MIN. LOT AREA:	900 m ²	540 m ²	540 m ²	13141 m ²
MIN. LOT FRONTAGE:	30.0 m	18.0 m	18.0 m	90.6 m
MIN. LOT DEPTH:	—	—	—	46.0 m
MIN. REQUIRED FRONT YARD:	15.0 m	6.0 m	6.0 m	24.3 m (EXIST.)
MIN. REQUIRED REAR YARD:	10.0 m	7.5 m	7.5 m	8.5 m (EXIST.)
MIN. REQUIRED INTERIOR SIDE YARD:	10.0 m	SEE ZBL	SEE ZBL	4.8 m (EXIST.)
MIN. REQUIRED CORNER SIDE YARD:	15.0 m	4.5 m	4.5 m	—
MAX. LOT COVERAGE:	50 %	50 %	50 %	36.0 %
MAX. HEIGHT:	50.0 m	34.0 m	34.0 m	18.0 m
MIN. LANDSCAPED OPEN SPACE:	15 %	SECTION 4.15	SECTION 4.15	> 15 %
BUILDING SEPARATION:	15.0 m	—	—	13.0 m
MAX. GROSS FLOOR AREA:	—	—	—	0 m ²
PARKING VEHICLES:	24 (1,700 SQ GRD) = 10	4 (1,700 SQ GRD) = 2	4 (1,700 SQ GRD) = 2	46 ON-SITE 28 OFF-SITE
BICYCLES:	10	2 (1,700 SQ GRD) = 10	2 (1,700 SQ GRD) = 10	10
ACCESSIBLE PARKING:	FOR 72 AUTO SPACES = 4	FOR 150 AUTO SPACES = 4	FOR 150 AUTO SPACES = 4	4
LOADING SPACES:	1	1	1	1
LANDSCAPED PARKING AREA:	—	10 %	10 %	830 / 4430 = 18 %



GENERAL NOTES:

- DIMENSIONS ARE IN METRES AND/OR MILLIMETRES UNLESS OTHERWISE SHOWN.
- EXISTING SITE DETAILS AND ELEVATIONS SHOWN HEREON ARE BASED ON A COMPILED SURVEY COMPLETED BY TULLOCH ENGINEERING ON FEBRUARY 13, 2017.
- ELEVATIONS ARE OF GEODETIC ORIGIN.
- LOCATIONS OF ALL EXISTING UTILITIES ARE APPROXIMATE ONLY AND MUST BE CONFIRMED IN THE FIELD.
- REFER TO DWG. SPA-S1 FOR LEGEND.

RECEIVED
 MAY 10 2021
 PLANNING SERVICES

- LIST OF DRAWINGS:**
- SPA-1.1 MASTER SITE PLAN
 - SPA-2.1 SITE SKETCHING PLAN
 - SPA-3.1 SITE GRADING PLAN
 - SPA-4.1 LIGHTING PLAN AND DETAILS
 - SPA-5.1 LANDSCAPING DETAILS
 - SPA-6.1 SILTATION CONTROL PLAN
 - SPA-7.1 SITE SECTIONS
 - SPA-8.1 MISCELLANEOUS SECTIONS & DETAILS
 - SPA-9.1 STE. ANNE ROAD RETAINING WALL

THIS IS SCHEDULE "K" TO THE
 ATTACHED AGREEMENT DATED
 MAY 20 2021 BETWEEN THE CITY
 AND RED OAK VILLA 2015 INC.

SITE PLAN
SCALE 1 : 300

REVISIONS
 BY: VS
 DATE: MAY 31, 2021
 REVISIONS: HERITAGE SCHEDULE REVISIONS

CAUTION
 ALL UTILITIES ARE NOT SHOWN ON THIS DRAWING.
 WHERE UTILITIES ARE SHOWN, THEIR LOCATION & SIZE OF ALL LOCATIONS & SIZE OF ALL UTILITIES ARE NOT GUARANTEED.

NOTES
 1. ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE INDICATED.
 2. EXISTING SITE DETAILS AND ELEVATIONS SHOWN HEREON ARE BASED ON A COMPILED SURVEY COMPLETED BY TULLOCH ENGINEERING ON FEBRUARY 13, 2017.
 3. ELEVATIONS ARE OF GEODETIC ORIGIN.
 4. LOCATIONS OF ALL EXISTING UTILITIES ARE APPROXIMATE ONLY AND MUST BE CONFIRMED IN THE FIELD.
 5. ALL SAN SEWER CONNECTIONS ARE TO BE MADE TO EXISTING SAN SEWER MAINS UNLESS OTHERWISE INDICATED.

DATE: 2021-03-31
DRAWN BY: VS
CHECKED BY: VS
APPROVED BY: VS
TULLOCH ENGINEERING
 1000 UNIVERSITY AVENUE, SUITE 100, WILLOWDALE, ONTARIO M2H 1A7
 TEL: (416) 491-1111
 WWW.TULLOCHENGINEERING.COM

SCALE: AS NOTED
CONTRACT NO.: 2021-03-31
DATE: MAY 31, 2021
PROJECT: AUTUMWOOD DEVELOPMENT ADDITION AND RENOVATIONS
CLIENT: RED OAK VILLA
PHASE NO.: SPA-H

Attachment E

DRAFT Official Plan Amendment

**AMENDMENT NO. TO THE
CITY OF GREATER SUDBURY OFFICIAL PLAN**

Prepared for:

City of Greater Sudbury

December 1st, 2025

Prepared by:

J J.L. RICHARDS & ASSOCIATES LIMITED

Engineers • Architects • Planners

314 Countryside Drive

Sudbury, Ontario

P3E 6G2

JLR 33173-000

BY-LAW NO. 2025-XX

The Council of the City of Greater Sudbury in accordance with the provisions of Section 17 of the *Planning Act*, hereby enacts as follows:

1. Amendment No. ___ to the City of Sudbury Official Plan, consisting of the attached map and text, is hereby adopted.
2. This By-law shall come into force and take effect on the day of the final passing thereof.

READ a first and second time this _ day of _____, 2025.

READ a third time and finally passed this _ day of _____, 2025.

SEAL

Paul Lefebvre
Mayor

xx
Clerk

CITY OF GREATER SUDBURY
OFFICIAL PLAN

AMENDMENT No.

This amendment was adopted by the CITY OF GREATER SUDBURY by By-law No.
in accordance with Sections 17 and 22 of the *Planning Act*, on the __ day of _____, 2025.

SEAL

Paul Lefebvre
Mayor

xx
Clerk

This is the Original of Amendment No. ___ to the City of Greater Sudbury Official Plan.

xx
Clerk

PART A - THE PREAMBLE gives an explanation of the purpose and basis for the amendment, as well as the lands affected, but does not constitute part of this Amendment.

PURPOSE

The purpose of the proposed Official Plan Amendment No. ___ is to permit 'light industrial' as a permitted use in the Downtown designation specific to 162 Mackenzie Street. The effect of the amendment is to permit a light industrial use on the subject property.

LOCATION

The Official Plan Amendment affects the property described as LTS 308-322 PLAN 1SC; LOWE ST & PT A LANE PLAN 1SC, AS IN S5129; PT LOT5, CON 4, AS IN S55853; EXCEPTING PART 1 ON 53R-16310 AS IN LT874281 AND EXCEPTING PARTS 2,3 AND 4 53R20995; S/T EASEMENT OVER PART 1 ON 53R17102 AS IN LT926815. CITY OF GREATER SUDBURY with municipal address of 162 Mackenzie Street, City of Greater Sudbury.

BASIS

The subject property is designated as "Downtown" and is located within the shoulder area that is generally characterized by mixed land uses. Non-residential development is a key priority for the Downtown to stimulate investment and business activity. The existing building has a heritage designation which will remain, as only interior updates to the building are proposed. The City's Downtown Master Plan describes supporting growth of a mix of land uses including light industrial in the area of influence in the Downtown. This would support the application to add a light industrial use to an existing building that satisfies the general intent of the Official Plan and Downtown development.

All other provisions of the Official Plan are met, and a concurrent Zoning By-law Amendment application has been proposed to add 'light industrial' as a permitted use. The proposed site development will be compliant with all other zoning requirements as set out in the City's Zoning By-law.

PART B - THE AMENDMENT consisting of the following text and Schedule 'A' to Official Plan Amendment No. ___ constitutes Amendment No. ___ to the City of Greater Sudbury Official Plan.

All of this part of the document entitled "Part B - The Amendment", consisting of the following text and attached map constitutes Amendment No. ____ to the City of Greater Sudbury Official Plan.

The Details of the Amendment

The City of Greater Sudbury Official Plan is hereby amended as follows:

1. By adding in Section 21.0 Site Specific Policies a new Policy 21.121 as follows: Notwithstanding anything to the contrary on those lands described as PIN 021380201; LTS 308-322 PLAN 1SC; LOWE ST & PT A LANE PLAN 1SC, AS IN S5129; PT LOT5, CON 4, AS IN S55853; EXCEPTING PART 1 ON 53R-16310 AS IN LT874281 AND EXCEPTING PARTS 2,3 AND 4 53R20995; S/T EASEMENT OVER PART 1 ON 53R17102 AS IN LT926815. CITY OF GREATER SUDBURY (known as 162 Mackenzie Street), light industrial shall be a permitted use. (OPA XXX)

PART C - THE APPENDICES, which are attached hereto, do not constitute a part of this amendment. These appendices include the public involvement associated with this Amendment.

The listing of public involvement (copy of public notice).

Insert Schedule "A" to amendment

Attachment F

DRAFT Zoning By-law Amendment

Proposed Draft By-law

By-law No. xx

Being a By-law to amend By-law No. 2010-100Z

WHEREAS By-law No. 2010-100Z regulates the use of land and the use and erection of buildings and structures within the City of Greater Sudbury;

AND WHEREAS the Council of the City of Greater Sudbury deems it advisable to amend By-law No. 2010-100Z as hereinafter set forth;

NOW THEREFORE the Council of the City of Greater Sudbury enacts as follows:

- 1. By-law No. 2010-100Z is hereby amended as follows:
 - a) By adding "light industrial" after "commercial school" in Part 11, Section 2, Subsection (4), Paragraph (p), Clause (i) as a permitted use in the C4(16) Zone.
- 2. This By-law shall come into full force and effect in accordance with the *Planning Act*, R.S.O. 1990.

READ a first, and second time this ____ day of _____ 2025.

Read a third time and finally passed this ____ day of _____, 2025.

Paul Lefebvre
Mayor

xx
Clerk