



Tuesday August 2, 2016

**RE: Country Hill Estates**

Councillor Darouze,

We acknowledge your apology regarding the delayed response from city staff. The following is the Country Hill Estates Association's (CHEA) reply on the items addressed in the city's response.

1. **Environmental Holds** - Thank you for identifying there will not be any further environmental issues that impact the sale of lots in our subdivision. The Country Hill Estates Board of Directors was already aware that city staff were providing inaccurate information about environmental holds as this information is publicly available.
2. **Drainage** - We understand the Environmental Services Department will be bringing the drainage plan in line with current standards by the end of 2016. We reinforce the importance of this not causing any delay of lot sales.
3. **Ditches** - our Board of Directors and community reject the city inspector's report that states the ditches and culverts are up to standards. There is a difference between an observation and an inspection. If an inspection was completed please provide a copy of the report. The inspector clearly did not correlate his/her visual observations against the specifications identified within the contract that reference the *Ontario Provincial Standards for Roads* construction guidelines. As is evidenced in the photos (*Appendix A – Country Hill Estates Ditches*), the developers did complete most ditches in Phase I, but have failed to finish the remaining ditches in all phases to the specifications outlined in the subdivision agreement.

**Section 12.00 – Landscaping:** the owner shall provide the seeding or sodding of roadside ditches in accordance with the specifications set out in *Schedule H and Schedule I*. This has not been followed.

**Schedule O (Time Schedule of Works):** the Owner is responsible for developing all roads and drainage works as per grading plans that include topsoil on all ditches. This has not been followed.

**Detail “A” Typical Road Section (diagram):** indicates “3.1m slope length with maximum 0.7m depth, with 80mm top soil and seed mulch on finished slopes” with “beddings and backfills to lateral culverts”. The contract specifications exceed the Ontario Provincial Standards for Roads construction as our community is an estate development and therefore should look like an estate development. These specifications have not been followed.

The city’s reference to the *Use and Care of Roads Bylaw* is both offensive and indefensible. It is yet another example of the city failing to provide an *upstream solution* to unfinished work but instead suggesting a *downstream solution* be cast onto the homeowners. There has never been a subdivision within the city where the homeowners were expected to do the work of the developer in finishing and maintaining roughed-in ditches containing bedrock, mixed stone, large rocks and full size trees; as is the case in Country Hill Estates. Even without the blueprints and schedules in hand, a visual comparison of the ditches between Phase I and Phase II clearly indicates that most ditches in Phase I meet the specifications but the remainder were never properly completed. In their current state, the many roughed-in ditches introduce significant safety issues due to steep grade, extreme depths and large stone. The responsibility lies solely with Cornwall Sand & Gravel to complete their work before homeowners can be held accountable to the bylaw. In the meantime, the city’s role is to enforce that the developer follows the contracts.

4. As presented by the city, this section addresses three separate items:
  - a. **Signs** - We acknowledge that city staff will be installing “No Trespassing” and “No Dumping” signs at the existing dead ends in Phase III and we thank you for taking these steps. However, this band-aid solution would not be required if our community was not in development for more than 20 years.
  - b. **Timeline for Completion of Connecting Roads (John Quinn & Adam Baker)** - the city has stated that the Iveson connections to John Quinn and Adam Baker are contingent on “36 lots being sold in the second to last phase of the subdivision”. This is incorrect. As per the site plans, there are actually only 34 lots in Phase II, so where is the city obtaining their information? To date, only 25 lots have been made available for sale and all 25 have been sold. City Legal stated at our last meeting that there was a hold on the 9 remaining lots in Phase II. At the same meeting, in direct contrast, city Real Estate stated the remaining 9 lots had to be sold before Iveson could be connected. What exactly is the timeline for completion of the connecting roads?

*Section 8c (Timing)* on the contract actually states “Cartwave shall create and maintain a minimum inventory of (8) lots serviced and available for sale within 6-12 months of the closing of lots in Phase II or Phase III.” However, the developer has not met these prescribed timelines for more than 10 years. There are lots displaying “for sale” signs that have not actually been released by the city. Furthermore, all emergency services currently use mapping software that indicates the emergency access route is from John Quinn and Iveson Drive. The lack of a planned connecting road, for the last 20 years, has resulted in documented *response time delays* with police, fire and paramedics while continuing to present health & safety hazards to the residents of Country Hill Estates.

- c. **Timeline for Completion of Phase III** - the city has stated that completion of Phase III, by Cornwall Sand and Gravel, is dependent on the sale of 36 lots in the second to last phase. Please refer to item 4B. Any and all delays are the result of (1) lack of progress on the part of the developer and (2) lack of oversight by the city. When environmental holds were lifted several years ago, work was never restarted expeditiously.

Regardless of the number of lots currently sold, as per *Schedule “O” (Time Schedule of Works)* the park and recreational pathways shall be completed in all phases. The contract states that park development set out in *Schedule “L”* shall be completed and subject to the one year guarantee period before the works are accepted by the Township. After two years from registration of the *Plan of Subdivision*, the Township may direct the Owner to carry out these works. Recreational pathways in each phase shall be constructed as set out on *DWG. No. 94-9564-DSI* within one year from which the first building permit is issued. Yet, Cornwall Sand & Gravel has not initiated any of this work.

5. **Lighting** - Thank you for energizing the street lights on Iveson Drive (Phase III) and ensuring all lighting is functional. However, our gap analysis has revealed that as per the site plan for Phase I and Phase II, additional street lamps should have also been installed on Whiteside Way (midway between Ira Morgan and Iveson) and Ira Morgan Way (midway between Iveson and Whiteside). As such, the lighting issues have not been resolved by the developer nor the city. *Schedule “O” (Time Schedule of Works)* indicates street lighting shall be installed and operational no later than one year from when the first building permit is issued within the subdivision. The first building permit was issued almost 2 decades ago. Please provide a timeline as to when all lighting will be completed as per the contracts.
6. **Covenants** - In addition, please determine which city department is responsible to follow up with homeowners regarding driveway lamps and address blade signs, as we want to ensure there is equitable application of the covenants amongst all residents. Our community also has responsibilities that we need to uphold.

7. **Additional** - There are additional items that also remain incomplete as per the subdivision agreement starting with tree planting, cable television availability and Canada Post community mailboxes with lay-bys in each phase.

The concerns of the Country Hill Estates community members have only one focus – to ensure compliance with the original subdivision agreement. We want to live in a beautiful, vibrant and complete community that aligns with the dream we were sold and the contracts we were shown when our properties were purchased.

Since our community meeting with the city over two months ago, the only tangible results we have seen is that the city has turned on two lights and changed one bulb.

The Board of Directors of Country Hill Estates will continue to follow-up with the city on the first and third Monday of every month, in order to receive progress updates that ensure our community is being completed according to the specifications of the subdivision agreements.

Sincerely,



**Sue Noël**  
Board of Directors

**Country Hill Estates Association**  
Metcalf, ON K0A 2P0  
Email: [mail@CountryHillEstates.ca](mailto:mail@CountryHillEstates.ca)  
Website: [www.CountryHillEstates.ca](http://www.CountryHillEstates.ca)  
Facebook: [www.Facebook.com/CountryHillEstates](https://www.Facebook.com/CountryHillEstates)

## APPENDIX A Country Hill Estates Ditches

**Phase I** - Completed ditches with “3.1m slope length, maximum 0.7m depth, with 80mm top soil and seed mulch on finished slopes” with “beddings and backfills to lateral culverts”, as per the subdivision agreement.





**Phase II** - Unfinished roughed-in ditches containing bedrock, mixed stone, large rocks and full size trees without “3.1m slope length, maximum 0.7m depth, with 80mm top soil and seed mulch on finished slopes” with “beddings and backfills to lateral culverts”, as per the subdivision agreement.

