

SCHEDULE "E"

PURCHASERS COVENANTS

"Riverview Subdivision Phase A" (Plan no. 13M-107)

City of Kingston File Number D12-021-2015

Each Owner and subsequent owner of any lot, block or part thereof against the title of which this Agreement has been registered is hereby given notice that the following clauses in the Agreement to which this Schedule forms a part may contain provisions and impose obligations that may affect the individual's ownership and use of such lot, block or part thereof.

DRAINAGE:

(1) All grading and landscaping of lots must be carried out strictly in accordance with the Lot Grading and Drainage Plans. Purchasers are advised that no obstruction of any kind is permitted so as to block or divert drainage within any designated swale or drainage route as shown on the approved Lot Grading Plan forming part of Schedule "D" to this Agreement. Purchasers are further advised that standing water may be experienced on the lot from time to time during significant storm events.

(2) All contracts of sale by the Owner of any lot within the Subdivision shall contain the following provision, which shall be incorporated in all deeds from the Owner so that it shall be a covenant running with the land for the benefit of the remaining land in the Subdivision:

"The Transferees, for themselves, their heirs, executors, administrators, successors and assigns, covenant and agree that they will not alter the slope of the lands described herein nor interfere with any drains established on the lands, except in accordance with the approved Lot Grading and Drainage Plans, without the written consent of the Municipality and further that the Transferee will maintain any such alterations approved by the Municipality. It is recognized that notwithstanding compliance with the approved Lot Grading Plans or works authorized by the Municipal Engineer, standing water may be experienced from time to time during significant storm events. This covenant is for the benefit of all other lands in the Subdivision and shall run with the title to these lands."

(3) Every Agreement of Purchase and Sale for any of the Lots or Blocks described in Schedule "A" shall contain the following Warning Clause to the prospective purchasers:

"Purchasers are advised that the proposed finished lot and/or block grading may not meet City of Kingston lot grading criteria in certain areas to facilitate preservation of existing vegetation and to maintain existing adjacent topographical conditions."

(4) No owner of any part of the said Lands shall alter or interfere with the grading and drainage levels and patterns as approved by the City with respect to the said Lands and, without limiting the generality of the foregoing, no owner of any part of the said Lands shall alter, fill, fence, stop up or allow to become clogged or fall into a state of disrepair, any rear or side yard drainage depression or swale, catchbasin or other drainage channel, facility or installation, as such alteration or other action as stated above may cause a failure of the drainage system in the area which will result in

Seller's Initial	Buyer's Initial
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civil liability. The Owner hereby agrees to indemnify and save the City harmless from all actions, causes of action, suits, claims and demands whatsoever which may arise directly or indirectly, by reason of such alteration or other action as stated above.

DRIVEWAYS:

The Owner covenants and agrees to include the following clauses in all Agreements of Purchase and Sale and/or Lease for all lots with a single car garage:

- (1) Purchasers/tenants are advised that the City's zoning by-law establishes a maximum driveway width. There is a builders plan for this subdivision which is approved by the municipality and shows all driveway locations for each lot in accordance with municipal zoning by-laws. Any relocation of driveways or widening of driveways requires written authorization from the municipality and must comply with all applicable by-laws.
- (2) Purchasers/tenants are advised that the city's zoning by-law restricts driveway widths, which may not allow two cars to park side by side.
- (3) No owner of any part of the said Lands shall construct, widen, remove or alter any entrance/driveway from any lot onto the Municipal road allowance, or cause any such work to be done except with the approval of the Municipality. In addition, no owner shall obstruct or encumber any highway in the City of Kingston. Obstructions and encumbrances shall include, but not be limited to the construction, placement or maintenance of posts, fences, trees, hedges, landscaping, and wooden or concrete driveway 'curbs'. All obstructions or encumbrances shall be removed by the owner upon receipt of notification from the City of Kingston. If the request for removal is not complied within the specified time, the Commissioner of Public Works may cause the same to be removed, and the owner shall be liable to the City for all costs incurred in the removal of the obstruction. The City may recover all expenses on the tax roll in the same manner as municipal taxes.

COMMUNITY MAILBOX:

- (1) All Lots

Every Agreement of Purchase and Sale for any of the Lots or Blocks described in Schedule "A" shall contain the following Notice to Purchaser:

"Purchasers are advised that mail delivery will be from a designated community mailbox, the location of which will be identified by the Owner prior to any home closings."

- (2) Lots 37 and 58

Every Agreement of Purchase and Sale for Lots 37 and 58 shall contain the following Notice to Purchaser:

"Purchasers are advised that a community mail box has been approved for installation within the municipally owned road allowance adjacent to this lot."

ROADWAYS:

Every Agreement of Purchase and Sale for any of the Lots or Blocks described in Schedule "A" shall contain the following Notice to Purchaser:

- (1) "Purchasers and/or tenants are advised that traffic calming measures may be incorporated in the road design for the neighbourhood."

(2) “Purchasers of lots on cul-de-sacs and bulbed corners (lots with extended road widths to increase frontages) within this Subdivision are advised that the design of cul-de-sacs and bulbed corners presents challenges to the Municipality’s clearing and snow removal operations. The Municipality will make every effort to keep the street clear of snow and to plow to the curb line. However, some property owners may experience higher volumes of snow at the end of their driveways or may have to remove snow from a portion of the roadway where it is not possible for the snow plow to reach the curb. Purchasers are further advised that it may be necessary for the Municipality to pile snow in the middle of the cul-de-sac or bulbed corners during or after significant storm events. The Municipality will only remove the snow piled in the middle of the cul-de-sac when ongoing snow clearing operations or normal vehicular access may be compromised.”

WALKWAYS:

All purchase and sale agreements for Lots 5, 6, 23, 24, 43 and 44 shall contain the following:

“Purchasers are advised that their lot(s) abut a walkway, which will be used for access through the neighbourhood.”

BUS ROUTES:

Every Agreement of Purchase and Sale for any of the Lots or Blocks described in Schedule “A” shall contain the following Notice to Purchaser:

“Purchasers are advised that Highway #15 is a transit route, and that there may be future bus routes located on roadways within this subdivision”

ONTARIO REGULATION 148/06:

Every Agreement of Purchase and Sale for Lots 1 to 5 inclusive shall contain the following Notice to Purchaser:

“Purchasers are advised that Lots 1 to 5 inclusive is subject to Ontario Regulation 148/06, Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. Development and site alteration (including but not limited to the erection of buildings and structures, filling, and grading) may require a permit under Ontario Regulation 148/06 from the Cataraqui Region Conservation Authority.”

LAND OWNER INFORMATION PACKAGE:

Every Agreement of Purchase and Sale for any of the Lots or Blocks described in Schedule “A” shall contain the following Notice to Purchaser:

“Purchasers are advised of the existence of the Land Owner Information Package, entitled Riverview Subdivision Homeowners Handbook, dated September 2015. The Land Owner Information Package shall be distributed to all prospective purchasers and shall be appended to the Agreements of Purchase and Sale or Lease. The Landowner Information Package has been prepared to help inform the purchaser about environmental best practices on their property; the proximity of the lots within this subdivision to an Environmental Protection Area; maximum driveway widths and other general information.”

FENCING:

Every Agreement of Purchase and Sale for any of the Lots or Blocks described in Schedule “A” shall contain the following Notice to Purchaser:

- (1) “Purchasers are advised that any fencing installed inside the property line of the lot shall be maintained by the homeowner at the homeowner’s expense.”
- (2) “Purchasers are advised that, where a fence has been installed by the Developer, the fence is to be maintained by the homeowner.”

STREET TREE PLANTING:

Every Agreement of Purchase and Sale for any of the Lots or Blocks described in Schedule “A” shall contain the following Notice to Purchaser:

- (1) “Purchasers are advised that, to the effect that the Owner has, under the direction of the City of Kingston Public Works Department, planted a street tree in the front yard of this lot, which tree shall not be relocated anywhere else on the lot. The intent of the street tree planting in this location is to provide for a green canopy along the street for the benefit of the neighbourhood. If the property owner is of the opinion that the tree, because of disease or decline needs to be removed, prior to removal the property owner shall contact the City of Kingston Public Works Department to confirm with a City Arborist the need for removal of the tree. If the tree is still under guarantee by the Owner it shall be replaced by the Owner as part of his obligation under the terms of the Subdivision Agreement.”
- (2) “Purchasers are advised that the planting of trees on Municipality boulevards in front of residential units is a requirement of the Municipality and a conceptual location Plan is included in the Subdivision Agreement. While every attempt will be made to plant trees as shown, the Municipality reserves the right to relocate or delete any boulevard tree without further notice.”

GRAVITY FEED:

Every Agreement of Purchase and Sale shall indicate that the dwelling will be designed to ensure that gravity feed is obtained from the bottom of footings to the main for the service laterals, unless otherwise noted on the approved drawings.

SOIL CONDITIONS:

Every Agreement of Purchase and Sale for any of the lands described in Schedule “A” shall contain the following Notice to Purchaser with respect to special requirements associated with the issuance of building permits:

“Notice to Purchaser:

Purchasers are advised of the existence of a Phase 1 Environmental Site Assessment for Riverview Subdivision prepared by Paterson Group Inc. dated January 14, 2013 (separate update dated April 29, 2013); along with a Phase 2 Environmental Site Assessment dated January 21, 2013 (separate update dated May 1, 2013). The Reports indicate the historic activities of the property do not pose an environmental concern to the property, the surrounding properties are not considered to pose any environmental concern to the site and that no waste management issues

were identified. Purchasers are urged to consult the Phase 1 and Phase 2 Environmental Site Assessments for Riverview Subdivision and the associated plans and recommendations, copies of which are available for review during normal working hours at the office of the Municipal Engineer.”

STORMWATER POND:

Every Agreement of Purchase and Sale for any of the Lots or Blocks described in Schedule “A” shall contain the following Notice to Purchaser:

“Notice to Purchaser:

Purchasers are advised that the stormwater management pond is not safe for recreational activities and shall not be used for such. Any activity on the stormwater management pond will require the approval from the Manager of Engineering and without it will be treated as trespass.”

ENVIRONMENTAL PROTECTION AREA:

Every Agreement of Purchase and Sale for any of the Lots or Blocks described in Schedule “A” shall contain the following Notice to Purchaser:

“Notice to Purchaser:

Purchasers are advised that the Environmental Protection Area (Shown as Block 337 on General Plan GEN dated Jan 2015, Revision dated Jan 12, 2016) is public land which is intended to remain in a naturalized condition, for the purpose of providing fish and wildlife habitat and opportunities for passive recreation. Portions of this land may be subject to flooding and erosion from time to time. Risk management practices only will be done on the land. No regular or periodic maintenance will be done on the environmental protection area lands.

Riverview Subdivision

HOMEOWNERS' HANDBOOK

September, 2015

Riverview Homeowners' Handbook

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This HOMEOWNERS' HANDBOOK is intended to provide the residents and landowners of the Riverview Subdivision with the tools necessary to understand and protect important and sensitive natural environmental features in proximity to their new homes. It also highlights certain municipal requirements that could be useful to residents.

INTRODUCTION

The Riverview subdivision was designed taking into account existing natural and cultural heritage features that abut the residential lands. The Great Cataraqui River is associated with a provincially significant wetland, floodplain, slopes and woodlands. It is also part of the Rideau Canal National Historic Site, Canadian Heritage River and UNESCO World Heritage Site. Residents are encouraged to enjoy these features but also to respect the fragile ecosystem and heritage character of this area.

The objectives of this Handbook are to provide advice as to how neighbouring property owners or others enjoying the natural area can be good stewards of the environment, so as to ensure the important natural features of the area remain healthy for years to come; to describe certain municipal requirements that residents should be aware of; and, to provide contact and reference information to learn more. Please keep this document for reference and provide it to any future landowners at the time of sale.



WHAT IS THE NATURAL AND CULTURAL HERITAGE AREA?

The Riverview subdivision is located on the upland area on the east side of The Great Cataraqui River. The river system and its associated wetlands and wooded shorelines are recognized by the provincial government as well as the City of Kingston as ecologically important. The environmentally significant areas fall on the west side of the lands sloping down towards the river. The river and shoreline areas provide habitat for a variety of species. The wooded lands sloping to the river also provide habitat but the most important environmental feature of the forested area is providing slope stability and a buffer for the river.

The Great Cataraqui River is the southern-most section of the Rideau Canal. The Rideau Canal is administered by Parks Canada to preserve the cultural, natural and scenic values so that all Canadians can enjoy this legacy into the future. All parties have a responsibility to ensure the stewardship and conservation of this internationally recognized waterway.

The Cataraqui sector, south of Kingston Mills and towards Lake Ontario, is one of the few areas along the canal system that was not altered by the canal builders: it is one of the best surviving examples of a 'least modified' canal landscape in the entire waterway. Furthermore as a World Heritage Site, the Statement of Outstanding Universal Value (OUV) states in part that the Rideau Canal is a large strategic canal constructed for military purposes. Every effort must be made to maintain and enhance the Rideau Canal's Outstanding Universal Value, and the integrity and the authenticity of the Inscribed Property.

In addition to the objective of protecting the natural features of the area ie the Rideau Canal and its shorelands, it is also important to protect the scenic values of this waterway. Both the Commemorative Integrity Statement for the National Historic Site, and the Statement of Outstanding Universal Value for the World Heritage Site note the importance of the scenic and visual values of this waterway. At the time of the world heritage site inscription, the World Heritage Committee recommended that consideration be given to strengthening the visual protection outside the buffer zone, in order to ensure that the visual values of the setting are protected.

The river system is recognized by all levels of government - federal, provincial and municipal, including Parks Canada, Department of Fisheries and Oceans and Environment Canada. It is also internationally recognized through UNESCO and International Joint Council.

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HAVING A POSITIVE IMPACT

Because urban development is located close to the natural areas, what is done in neighbouring yards is critical to the long term health of the natural area. The following ideas will help home owners ensure that their activities do not impact natural areas in a negative way, while also enhancing their yards.

Do not dump yard and garden waste in a natural area. Dumped material smothers natural vegetation, may contain harmful chemicals and often has plant seeds not normally found in the wild. The invasion of non-native plants is a constant threat that can affect native plants and the wildlife that depend on them.

The best solution for yard and garden waste is to compost leaves, grass clippings, weeds and other materials on your property. For other options on how to dispose of organic waste, be aware of the City of Kingston's green bin waste collection program and brush and leaf collection schedules. More information can be found at www.cityofkingston.ca/residents/waste.

Do not encroach into natural areas. The western portion of this subdivision has been set aside for environmental protection and public ownership. The environmental protection area is an area with wetlands, flood plain and an Area of Natural and Scientific Interest that reaches from the river to the rear boundaries of properties backing onto the wooded area. It is intended that this area remain in a natural state.

Intrusions into the environmental protection area would reduce the wildlife habitat available and accelerate the spread of non-native vegetation into the park and environmental protection areas. Natural deadfall (found within the tree preservation area as fallen trees and their branches) should be left to decay and provide wildlife habitat and soil nourishment. Cutting or pruning of trees, shrubs or plant material in the environmental protection area is not permitted. Mowing a lawn past property boundaries into natural areas must not occur as the diverse, natural habitat becomes replaced with manicured lawn. Please do not actively drain pool water into the environmental protection area. The cumulative impact of these practices threatens the integrity of the natural area. Dumping and other encroachment activities into the environmental protection areas are considered trespassing. Fence gates and other forms of access from private properties to the environmental protection area are not permitted.

Adopt an environmentally friendly approach to yard maintenance. The City of Kingston encourages its residents to embrace natural lawn and garden care methods. For more information on the Province of Ontario's Pesticide Act and tips on keeping your lawn pesticide-free, visit www.cityofkingston.ca/residents/environment/lawncare.

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Be careful what you grow in your garden. Plants can easily spread from gardens to natural areas. Non-native plants often do not have natural predators and are extremely invasive. Invasive plants can choke wetlands and out-compete native plants.

Follow City animal and pet control by-laws. The City of Kingston has an Animal Control Bylaw. According to this by-law, cats in the urban area are not allowed to trespass on another person's property. The City of Kingston receives a number of complaints each year about cats doing damage to property and digging up and defecating in gardens and children's play areas. Under the bylaw, the property owner would have the right to take the trespassing cat to the Humane Society. Dogs must be kept on a leash at all times, except when they are on your property or on the property of someone who has given permission for your dog to go unleashed. For more information, visit <http://www.cityofkingston.ca/residents/licences/pets/index.asp>

Help planted trees to become established. To help planted trees to become established, the root ball should be placed in a big enough hole, and the exposed surface soil covered with 5-10 centimetre depth of mulch around the base of the tree. This will keep the soil moist and at a stable temperature as well as limit damage from mowers and other power equipment. Compost from leaves and grass clippings can be used to mulch trees. Trees should be inspected once a year for damage. Rodent guards provide winter protection, and stakes support the tree until roots are established. Trees should be properly pruned when required.

Enjoy the natural areas without causing damage. The features that make natural areas precious are also those that could easily be damaged by thoughtless actions. Follow these guidelines when visiting the natural areas:

- Use only the official access points and trails. Do not create or use trails that originate in backyards.
- Avoid walking on trails when they are muddy, such as in the early spring or after a heavy rainfall.
- Keep the area litter free.
- Keep dogs on a leash and pick up after your dog.
- Do not disturb wildlife or pick or transplant flowers.

Do not pour any potentially harmful substances such as detergents, solvents, oil or gasoline into catch basins. The proximity of wetlands means there is a responsibility to be extra careful about such contaminants entering the wetlands. Contaminants are typically picked up during the first few minutes of a rainstorm or in the spring. This is known as the "first flush" phenomenon.

To provide maximum protection for the wetlands and river, consider ways to keep pollution-laden runoff from entering the stormwater system. Aquatic resources can be protected by sweeping driveways and other hard surfaces to minimize grit and other fine material that might enter the stormwater system. Consider using permeable surface materials for patios and walkways that

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allow rain water to seep into the ground quickly. This will also promote infiltration, and assist in the amount of inflow to the Great Cataraqui River wetland system.

THE WETLANDS OF THE GREAT CATARAQUI RIVER

Wetlands are the most productive and biologically diverse habitats in Ontario. By taking care of our wetlands, we contribute to the protection of plant and animal species, and also to the protection of surface water and ground water resources. Wetlands are areas that are seasonally or permanently covered by shallow water because the water table is close to the surface. Wetlands provide habitat for native plants and animals including fish and other aquatic species. They maintain genetic diversity, provide important resting and feeding areas for migrating birds, have an inherent natural enjoyment value including wildlife viewing and outdoor recreation. Wetlands provide valuable hydrologic benefits as they regulate water levels by absorbing excess water, prevent erosion by slowing the flow of water, and maintain water quality.

The wetlands along The Great Cataraqui River act like living sponges that soak up environmentally harmful elements and contaminants and regulate the circle of life. The vegetation and microbial organisms work to clean polluted water by removing impure nutrients and chemicals.

The Great Cataraqui River contains a Provincially Significant Wetland and an Area of Natural and Scientific Interest. The Province of Ontario has also designated this sector as a Great Lakes Coastal Wetland.

DRIVEWAY WIDTHS

Maximum driveway widths at the street line are controlled through the zoning by-law to ensure there is sufficient space at the curb for on street parking and for snow storage during the winter months. Driveways must not be widened beyond that provided by the home builder, without the approval of the City of Kingston.

Please contact the Planning Division and Engineering Department at 613-546-4291 prior to making any changes to your driveway.

SNOW STORAGE

The City of Kingston is responsible for the removal of snow from the city streets. Snow plows clear streets from the centre of the street to the curb. On residential streets, this results in snow being left across private driveways. Every effort is taken to minimize the amount of snow deposited in front of driveways, however the turning motion of the snow plow on curves in the street and at corners and bends can result in significant buildup of snow being deposited, particularly in major snow storms.

When clearing your driveway do not shovel, plow or blow snow onto the street.

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Please educate your children about the dangers of building snow forts along the road side or sliding onto the street.

ZONING BY-LAW

The Riverview subdivision has been zoned with residential and open space categories. The zoning by-law controls the use of land by stating how land may be used, where buildings and other structures can be located, the types of buildings that are permitted and lot sizes and dimensions, parking requirements and setbacks from the street.

The specific requirements of the zoning by-law are legally enforceable. The City of Kingston's Building Services should be consulted prior to changes being contemplated on your property. Information on when a building permit is required can be found at:

<http://www.cityofkingston.ca/business/licences/buildingpermit.asp>

The lands adjacent to The Great Cataraqui River have been zoned to protect significant environmental areas, including the Great Cataraqui River and adjacent wetlands and woodlands while also providing public space to fulfill residents' recreational and leisure needs.

General zoning information can be found at:

<http://www.cityofkingston.ca/business/planning-and-development/zoning>

CONTACTS

Contact information has been provided throughout this manual. Should you have any questions about the use of your land or rules pertaining to the erection of buildings or structures, you should contact the City of Kingston. Two departments of particular use to residents are Building Services and Planning Services. Both are located at:

1211 John Counter Blvd
Telephone: 613-546-4291
www.cityofkingston.ca

For useful information regarding the natural areas and their protection, contact the Cataraqui Region Conservation Authority:

P.O. Box 160, Glenburnie, Ontario, Canada K0H 1S0
Telephone: (613) 546-4228
Toll-free Telephone (613 area code): 1-877-956-CRCA (2722)
E-mail: info@crca.ca
www.crca.ca

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For information regarding the Rideau Canal, contact Parks Canada:

Rideau Canal Office / Canal-Rideau
34 Beckwith St. S. / 34, rue Beckwith Sud
Smiths Falls, ON K7A 2A8
Telephone / Téléphone 613-283-7199

For general land use planning information, contact the Ontario Ministry of Municipal Affairs and Housing:

Rockwood House, 8 Estate Lane, Kingston, Ontario
Telephone: (613)545-2100
www.mah.gov.on.ca