Table of Contents

Definitions.................................................................................................................................................. 3
SERVICE BARRIE: Customer Service Contact Centre We’re here to help....................................................... 5
What are the responsibilities of the City of Barrie's Development Services Branch?.................. 6
Who is involved in building a new subdivision? ......................................................................................... 6
What is a Subdivision Agreement? .............................................................................................................. 6
What are "purchaser warning clauses"? ........................................................................................................ 7
How do I determine who is the builder, developer and/or consulting engineer? ....... 7
What is the developer’s responsibility? ......................................................................................................... 8
What is the builder’s responsibility? ............................................................................................................. 8
What is a Site Plan? ..................................................................................................................................... 8
What is a Plan of Condominium? ................................................................................................................. 9
What does "final acceptance" or "assumption" of a new subdivision mean? ........................................... 9
How do I know if my subdivision has been assumed? ............................................................................... 10
After certification, is there a warranty on grading/sod issues? ................................................................. 10
What does it mean to certify a lot for grading? .............................................................................................. 10
How do I know if my lot has been certified? ............................................................................................... 10
Can I landscape or plant trees, shrubs, flowers or place structures on City boulevards? 10
Who do I contact regarding construction nuisances? ............................................................................. 10
Who do I contact regarding drainage complaints in an unassumed subdivision? ...................... 11
Will the builder pave my driveway and if not, when should I pave it? .................................................. 11
Can I pave/landscape the area between my driveway and my neighbour's driveway? ...... 12
Can I widen my driveway? .......................................................................................................................... 12
What are catch basins? ............................................................................................................................... 12
What is an "easement"? ............................................................................................................................... 13
I have a catch basin in my back yard. What can I do with it? .......................................................... 13
What if I alter the drainage patterns on my property? .......................................................... 13
What is stormwater runoff? ........................................................................................................ 14
What is an impervious area? ........................................................................................................ 14
There is a stormwater management facility in my subdivision. What is its purpose? .......... 14
What is a sump pump and why is it used? ............................................................................... 15
What is a sump pit? ..................................................................................................................... 15
Where should the sump pump discharge? ............................................................................... 15
Who is responsible for maintaining the sump pump once installed? .................................. 15
How can I improve the drainage on my property? ................................................................. 17
Will I be getting a sidewalk on my side of the street? ............................................................. 17
Will there be a hydro box, sidewalk, community mailbox, or street light in front of my
property? ........................................................................................................................................ 17
When will the permanent mailbox location be provided? ..................................................... 17
Can the street light in front of my house be moved to a different location? ......................... 17
When can I install a fence, patio, deck, pool, or shed on my property? ............................... 18
I gave my builder a deposit when I bought my home. When do I get my money back? ...... 18
What are maintenance holes? .................................................................................................... 19
Who do I contact about my water service? ............................................................................. 19
Who do I contact about snow clearing? ............................................................................... 19
Who do I contact about public transit service? .................................................................... 19
When will garbage collection begin? ...................................................................................... 19
There is a school block designated in my subdivision; when will it be developed? .......... 19
Who do I contact about schools and busing? ......................................................................... 19
Who do I contact for deficiencies in my new home? ............................................................ 20
Tarion Ontario New Home Warranty Program ...................................................................... 20
Definitions

**Acceptance** means the date upon which the Municipality considers Works to be substantially completed, either collectively or in part, as the case may be, pending the completion of all requirements noted in the Agreement;

**Agreement** means the Subdivision/Site Plan Agreement including all schedules attached;

**Assumption** means the date when Works, collectively or in part, as the case may be, under the Agreement have been completed, and the “Guaranteed Maintenance Period” has been initiated;

**Developer** means the registered developer of the Lands against which the Agreement has been registered and the terms of the Agreement shall be binding only on the registered developer of the Lands for the purposes of enforcement of the terms of the Agreement as at the date of such enforcement unless specifically stated otherwise herein;

**Drainage Plan** means a stormwater management and drainage plan prepared by an Engineer to address stormwater management and drainage requirements set out in the Agreement for the proposed development;

**Drainage Works** means all stormwater management facilities and infrastructure including, without limitation, grading, all drainage swales, ditches and ponds internal and external to the Lands to be constructed by the developer pursuant to the Agreement, including the extension, improvement, enlargement or upgrading of existing facilities all in accordance with the Drainage Plan;

**Easement** means the legal use of another's property for a specific use such as access to underground infrastructure;

**Landscaping** means all landscaping and design features shown on the Approved Plans and includes all planting, features, fencing and hard surface treatments as illustrated thereon including the replanting and replacement of trees, shrubs and vegetation as determined in accordance with the Landscape Plan(s) and the Tree Preservation Plan(s) and;

**Municipality** means The Corporation of The City of Barrie;
**Plan of Subdivision** means the registered M plan as approved by the Municipality and/or the Ontario Municipal Board;

**Planning Act** means the Planning Act, R.S.O. 1990, c. P.13, as amended, or any successor statute;

**Site Plan Control** means a form of development control provided to municipalities by Ontario’s Planning Act;

**Works** means all services and works to be constructed by the developer pursuant to the Agreement or as are necessary to provide adequate services to the development on the Lands, including the extension, improvement, enlargement or upgrading of existing works or services. Works includes Municipal Works, Drainage Works, Landscaping, Park Works and Additional Works.
Contact Us

SERVICE BARRIE:
Customer Service Contact Centre
We’re here to help.

We are working to enhance the quality and efficiency of interactions residents have with the City by moving towards providing the public with a central place to obtain information or direction for City-related concerns, and ask questions or provide comments about City services and programs.

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<tr>
<th>Phone:</th>
<th>705-726-4242</th>
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<td>Monday–Friday, 8am–5pm</td>
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<td>After-hours, press zero for emergency assistance; appropriate on-call staff may assist you.</td>
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<tr>
<th>Counter:</th>
<th>1st Floor City Hall, 70 Collier Street</th>
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<td>Monday–Friday, 8:30am–4:30pm</td>
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| Email:          | ServiceBarrie@barrie.ca |

| FAX:            | 705-739-4237            |

| Mailing Address:| City Hall, 70 Collier Street |
|-----------------| P.O. Box 400, Barrie, ON, L4M 4T5 |
What are the responsibilities of the City of Barrie’s Development Services Branch?
All development projects within the City of Barrie are required to submit documents demonstrating minimum conditions are being achieved. The City’s Development Services branch processes submissions ensuring all conditions are met.

- Review Engineering submissions
- Provide Engineering conditions
- Review Legal agreements
- Prepare Letter of Credit calculation
- Provide Acceptance memo
- Project review

Who is involved in building a new subdivision?
Developer – The developer owns the land and enters into a Subdivision Agreement with the City to ensure that construction of the new subdivision meets the policies and standards of the City and public agencies such as the Conservation Authority.

Consulting Engineer – The consulting engineer is responsible for the design of the subdivision and infrastructure within the subdivision. They are hired by the developer.

Contractors – Contractors are hired by the developer to construct the infrastructure such as sewer and watermains.

Builders – Builders buy lots from the developer and construct homes on those lots.

Homeowners – Homeowners purchase homes within the subdivision.

City – Staff from the City inspect the works within the subdivision to ensure that it meets the requirements of the Subdivision Agreement.

Purchase and Sale Agreement – This agreement is between the builder and the homeowner and provides details of the home purchase.

What is a Subdivision Agreement?
A "Subdivision Agreement" clearly states the developer’s obligations to the municipality for the construction of roads, sewers, watermain, parks, open spaces, and other services in your subdivision. This agreement between the municipality and the
developer contains clauses that require the developer and the builder of your home to incorporate some clauses and warnings into your "Agreement of Purchase and Sale".

**What are "purchaser warning clauses"?**
All "Agreement of Purchase and Sale" include purchaser warning clauses that alert new homeowners of potential issues regarding their subdivision (noise, odour, tree preservation warning clauses, etc.). Purchasers should carefully review these clauses. When in doubt, homeowners should contact the Engineering Department – Development Services Branch for clarification.

**How do I determine who is the builder, developer and/or consulting engineer?**
The Purchase and Sale Agreement should indicate who the builder is. The builder will have information about the developer and the consulting engineer.

**What is Part-Lot Control?**
Part-lot control is used to prevent the dividing of lots or blocks within a plan of subdivision after that plan has been registered.
What is the developer's responsibility?
The developer is responsible for overall site grading (not pertaining to individual building lots) and drainage, construction of sewers, watermains, roads, curbs and sidewalks, street lighting, boulevard trees and perimeter fencing in the subdivision. Landscaping of public areas and noise reduction fencing is also included in some subdivisions. The details of the developer’s responsibilities are laid out in the Subdivision Agreement. The municipality’s field coordinators will verify that the developer has completed the subdivision and met the City Standards before releasing the developer from the obligations of the Subdivision Agreement. The City will hold financial securities provided by the developer to ensure that all works are completed as per the subdivision agreement.

Some of the subdivision works may include the following (but not limited to):
- Installation of municipal services such as watermains and sanitary sewer
- The construction of roads
- The construction of stormwater management facilities (e.g. pond)
- Landscaping of boulevards
- The construction of sidewalks

What is the builder's responsibility?
The builder is responsible for obtaining building permits, constructing your house and driveway, the grading and sodding of your individual lot. The builder must also pave the apron of the driveway from the sidewalk to the curb. The builder and the developer may be the same company or the developer may sell building lots to builders. The builder can apply for building permits once a subdivision agreement has been signed between the City and the developer and once the subdivision is registered.

The municipality requires the developer to obligate the builder to the same standards through the original Subdivision Agreement.

Homes cannot legally be sold by the builder until a subdivision is draft approved by the City. Once a subdivision is draft approved the builder is required to post a signed, coloured copy of the approved version of the Homebuyers Community Information Map in the sales office which is visible to the public. A reduced black and white version of this map must also be attached to Purchase and Sale Agreements.

What is a Site Plan?
Site Plan Control is a planning tool provided to municipalities under Section 41 of The Planning Act (RSO 1990). Its purpose is to provide municipalities with the ability to control or influence matters such as:
• the massing and conceptual design of buildings;
• the relationship of proposed buildings to their surroundings;
• vehicular and pedestrian access and walkways;
• exterior design (character, scale and appearance of buildings) and their sustainable design;
• sustainable design elements (plantings, street furniture, bicycle parking facilities, waste and recycling enclosures);
• facilities designed for accessibility;
• traffic direction signs;
• road widenings;
• loading and parking facilities and their surface treatment;
• emergency vehicle access;
• lighting;
• landscaping (trees and plantings);
• easements to the municipality for the construction, maintenance or improvement of drainage and municipal services and utilities and stormwater management.

The Planning Act provides the authority to require that a developer/owner enter into an agreement with the municipality to ensure that these matters are provided and maintained in accordance with the approved plans.

Site Plan approval is between the developer/owner and a municipality. Third parties including members of the public are generally not considered to have any authorized status in the consideration of a site plan application, although public input is considered in design matters.

What is a Plan of Condominium?
A Plan of Condominium is a way of dividing property so that an individual holds title to a portion of a building, or a "unit", as well as a share of the rest of the property that is owned in common by all the individual unit owners. A Plan of Condominium can pertain to a residential, commercial or industrial property.

What does "final acceptance" or "assumption" of a new subdivision mean?
Final acceptance and/or assumption of a subdivision occurs when the municipality assumes responsibility for the maintenance of all municipal services. This typically occurs within three to six years after the registration of the subdivision, when all obligations of the developer have been fulfilled.
How do I know if my subdivision has been assumed?
You may contact your builder or contact Service Barrie at 705-726-4242 or servicebarrie@barrie.ca. Please include your lot number and municipal address when inquiring.

After certification, is there a warranty on grading/sod issues?
The municipality does not provide or warranty grading/sod. Please contact your builder's customer service department and verify the conditions of the Agreement of Purchase and Sale.

What does it mean to certify a lot for grading?
The developer will hire a consulting professional engineer to certify that the final grading of the lot conforms to the overall drainage plan that was approved by the City. The certification can occur once the property has been graded and sodded. Once building occupancy inspection has been completed, the lot grading certification can occur, this is generally within one year of the inspection.

How do I know if my lot has been certified?
You may contact your builder and ask for written confirmation from the Building & By-law Services Department – Building Services Branch, (through Service Barrie) at 705-726-4242 or servicebarrie@barrie.ca. Please include your lot number and municipal address when inquiring.

Can I landscape or plant trees, shrubs, flowers or place structures on City boulevards?
Please review the City of Barrie Boulevard Garden Policy.
http://www.barrie.ca/Living/Environment/Beautification/Documents/BlvdGardenPolicy.pdf

Who do I contact regarding construction nuisances?
All new subdivisions have construction nuisances such as noise, truck traffic, dust, and debris. While these are an annoyance to homeowners, the municipality does require the developer/builder to reduce these nuisances and to avoid them when possible. Concerns can be directed to the Engineering Department – Development Services Branch (through Service Barrie) (705)726-4242. If the nuisance is a builder related responsibility/issue please contact Building and By-Law Services Department – By-law Services Branch (through Service Barrie) at 705-726-4242 or servicebarrie@barrie.ca.
My street was not swept. Why?

Un-assumed streets within the City of Barrie are not swept by City of Barrie forces; they are the responsibility of the developer. If your area is un-assumed, please call your developer regarding the condition of your street. Also, streets that are under guaranteed maintenance through the developer are not swept. Again, please contact the developer of your area.

Who do I contact regarding drainage complaints in an unassumed subdivision?

If a homeowner has complaints regarding drainage and water ponding prior to assumption, they may contact Engineering Department – Development Services Branch (through Service Barrie) (705)726-4242. The inspector will contact the Developers engineer who is responsible for overseeing and approving the drainage.

Will the builder pave my driveway and if not, when should I pave it?

You will need to check your Agreement of Purchase and Sale to see if paving is included with your purchase. If not, the responsibility is the homeowner’s. Since there are underground services that may settle with time, we suggest you hold off paving your driveway for at least a year or two. Where sidewalks exist, the municipality ensures the portion between the sidewalk and the curb is paved by the developer.
Can I pave/landscape the area between my driveway and my neighbour's driveway?
The small area between adjacent driveways is required to drain the backyards in many properties. If you alter this area, you may block the flow of water and cause water to flow across the driveway, which will ice in the winter and create a winter hazard. You should always maintain the existing drainage pattern on your property.

Can I widen my driveway?
Due to narrower lots there is less grassed boulevard room for things like trees, utilities and street parking. As a result the municipality does not generally permit widening of driveways beyond the approved widths. There may be exceptions made where a lot has a large frontage and sufficient boulevard remains for street utilities and on-street parking, provided that it meets the provisions of the current Zoning By-law. These are approved at the sole discretion of the municipality. If approved, the homeowner must first pay for the additional gravel and asphalt required. To gain further information and to obtain the appropriate approvals please contact both the Engineering Department (through Service Barrie) (705)726-4242 and the Planning Services Department (through Service Barrie) (705)726-4242 before making any changes.

What are catch basins?
Catch basins with grates collect rainwater, melted snow and surface water that drain directly into the nearest creek or Lake Simcoe.
What is an "easement"?
The municipality will obtain an easement on your property if a storm sewer, watermain or sanitary sewer crosses your property. The easement allows you to have the use of the property but gives the municipality the right to access, maintain or reconstruct the services within the easement. You should not build additions, garages, sheds, decks or other structures in the easement. Although you may install a fence across the easement, you should locate the fence posts outside the easement.

I have a catch basin in my back yard. What can I do with it?
The catch basin and the surrounding drainage cannot be altered as it will affect the drainage pattern within your neighbourhood. The municipality may have an easement over your property which provides the municipality access to maintain the catch basin periodically. If necessary, the municipality can request that homeowners, at their own expense, dismantle structures, sheds, etc., that cover the catch basin and outlet pipe easement.

What if I alter the drainage patterns on my property?
Modifying the drainage patterns on your own property may have a negative impact on your neighbour's property. Once you start to landscape your property, be mindful of how the drainage patterns work and try to maintain these drainage patterns that carry water away from your home and those of your neighbours.

Do not fill in ditches, move your downspouts or cause more water to run onto your neighbour’s property. Damage to neighbouring properties resulting from significant modification of drainage patterns can result in civil lawsuits between private homeowners under the Drainage Act.
What is stormwater runoff?
Stormwater is runoff water that flows across land and over hard or impervious surfaces. This water is not infiltrated which accumulates and therefore flows through ditches, gutters and storm drains. During runoff events, rainfall or snow melt gets directed to natural areas such as lakes, streams and wetlands.

What is an impervious area?

Impervious areas are hard surfaces that do not allow for the infiltration of water into the ground.

Examples of impervious surfaces include rooftops, driveways, parking lots and patios.

There is a stormwater management facility in my subdivision. What is its purpose?

Most new subdivisions include a stormwater management facility, which often appears as a landscaped pond. These naturalized ponds are designed to collect runoff after a heavy rainfall, treat it for impurities, and discharge cleaner water into rivers and creeks. Stormwater management facilities are routinely monitored and maintained by the developer until the municipality assumes the subdivision. Please note that these facilities are not intended for recreational use. Water levels and ice thickness are not monitored and will vary. The municipality assumes no liability or responsibility for unintended uses.
What is a sump pump and why is it used?
A sump pump is a pump used to remove ground water that has accumulated in a collecting basin, or sump pit, commonly found in the basement of homes. Sump pumps will pump water accumulated in the sump pit up to the ground surface and away from your home. The sump pump discharge is to outlet onto the ground surface or be directly connected (where permitted) to the municipal storm drainage system. In older homes, some sump pumps may currently discharge to the sanitary sewer service, or sewer lateral. This practice violates City By-law 2012-172 The City of Barrie does not allow foundation or sump pump or rooftop drainage connections to the sanitary sewer system. Some homeowners have inherited their sump pump configuration and do not realize that the pump discharges to the sanitary sewer. If you are unsure if your pump is discharging to the sanitary sewer then please call the City at Service Barrie (705)726-4242. Staff will book an appointment to visit your home and investigate your sanitary sewer service line for a potential sump pump discharge connection.

What is a sump pit?
A sump pit is simply a hole in your basement or crawl space designed to collect water from your foundation drainage system. Once the water in the sump pit reaches a certain height, a floatation device attached to the sump pump is lifted and the sump pump turns on automatically, pumping the water in the pit away from your house. Once the level in the pit recedes down to a certain point, the floatation device sinks and automatically shuts off the sump pump.

Where should the sump pump discharge?
The sump pump should discharge to the front or rear yard onto your lawn and away from your foundation. Do not discharge the pipe onto driveways and sidewalks as this could create a slip and fall risk in the winter months.

Who is responsible for maintaining the sump pump once installed?
The homeowner is responsible for maintaining the sump pump. The City does not own this equipment and just like your furnace or water tank, it is your responsibility. Make sure you keep the Owner's Manual when the equipment is installed. It will have instructions on how to clean and maintain the equipment. Keep the manual in a convenient spot near the equipment so you can reference it when you need to. A flashlight nearby is handy too, especially in the event of a power outage. There are many videos on YouTube that show step by step instructions on how to maintain your backwater valve and sump pump. If you prefer not to perform the maintenance and check yourself, call a plumber or knowledgeable repair person. You can also visit the
manufacturer’s website for details. Sump Pump’s should discharge the water to the home’s yard and not be hooked up to the sanitary sewer or discharge into a sink or other drain. Sump pumps may be used heavily, or sit for months without use, and it is a good idea to perform simple maintenance to keep it in good condition so it is working properly when you need it the most. You should always refer to the Owner’s Manual and hire a plumber or knowledgeable repair person if you prefer them to maintain your equipment.

Here are some key points to assist you

Recommended every 3 to 4 months or at a minimum once per year:
Examine your sump pump. First review the Owner’s Manual or check the manufacturer’s website or search by the model number of your sump pump. Check the power cord and make sure the cord is connected to power. Fill the sump pit with enough clean water to lift the floatation device and activate the pump. Run the sump pump until most of the water is removed from the pit and make sure it is working properly. Use caution: running the pump for more than a few seconds without water could cause it to burn out. Make sure the float is functioning and can lift to turn on the pipe when needed. Adjust the float if required. If you have a battery back-up pump then unplug the pump and see if the battery back-up is triggered. Make sure that it is adequately powering the equipment. Plug it back in once you are sure it is adequately powering the equipment.
Maintain your sump pump: Schedule regular cleaning. Do not wait until your house floods to discover that your sump pump is clogged! Unplug the pump before doing any maintenance to prevent electrocution. Remove the pump from the sump. To do this you want to use a screwdriver to remove the pipe below the check valve so that you can remove the sump pump and lift it out of the pit. Place the sump pump over a large bucket and clean it and inspect it. Remove any dirt, sand or debris that collects within the pump. Push up on the check valve to release the water contained within. If the check valve does not release any water, it is either jammed or broken: call a plumber. Remove the check valve completely and rinse it with warm clean running water. Be sure to remove any dirt or debris. Then reconnect the check valve to the pump. Clean out the sump pit. Scoop out all dirt from the bottom of the pit. Some pits don’t have bottoms so you may want to verify with a screwdriver that your pit has a bottom. If it does have a concrete or plastic bottom, be sure to remove as much dirt as possible. Check the Owner’s Manual to see if the pump bearings require grease or oil. Put the sump pump back in the pit and reconnect any pipes you had disconnected. Again check to make sure the float is functioning. Reconnect the pump to the electricity and the backup battery. Test the sump pump to make sure it is working properly by filling the sump pump with water. Do not postpone repairing or replacing your sump pump. Keep your sump pump in good working condition to avoid costly repairs in the future.
How can I improve the drainage on my property?
Roof drainage can add a significant amount of water to a property. It is recommended to direct all down spouts to the front yard, a sufficient distance away from the building foundation in order for the roof flows to drain out to the road way. Sump pumps, which remove foundation drainage, sometimes are pumped outside to ground level. In this case it is again recommended for them to be discharged to the front yards, a sufficient distance away from the building foundation. If you are experiencing drainage issues in relation to a neighbouring property, approach your neighbour and inform them of the problem. It may help to inform them that there is a problem that they may not know about.

Will I be getting a sidewalk on my side of the street?
If you live in a new subdivision or are a prospective purchaser simply call or visit the Engineering Department – Development Services Branch (through Service Barrie) at (705)726-4242 or servicebarrie@barrie.ca, with your street name and lot number and we will be able to advise on whether or not a sidewalk is planned for your side of the street. There may also be other helpful information available when you contact us.

Will there be a hydro box, sidewalk, community mailbox, or street light in front of my property?
Information regarding the placement of hydro boxes, sidewalks, community mailboxes, lamp posts, and other utilities abutting your property, may be obtained from either the developer or builder of your subdivision. Drawings are also available for public viewing at the City Hall 6th floor, Engineering Department – Development Services Branch.

When will the permanent mailbox location be provided?
Temporary locations will be provided by Canada Post until the subdivision is substantially complete. Canada Post may send out a notification letter indicating where your permanent mailbox location will be. During the original subdivision design, the municipality coordinates the utility locations to achieve as safe a location as possible subject to the needs of Canada Post and other utilities.

Can the street light in front of my house be moved to a different location?
Streetlights are located in specific locations in order to provide appropriate lighting which has been determined through design. Therefore streetlights cannot be moved.
When can I install a fence, patio, deck, pool, or shed on my property?

When your lot grading has been certified by the developer’s consulting engineer, your builder will allow you to make changes to your property. For common fences between properties, both properties must be certified. If you install a fence or make other changes before the lot is certified, the builder may require that the changes be removed. For information about any permits that may be required, please contact Building and By-Law Services Department (through Service Barrie) at 705-726-4242 or servicebarrie@barrie.ca.

I gave my builder a deposit when I bought my home. When do I get my money back?

While the municipality does not require a deposit from homeowners, builders often collect deposits prior to closing to ensure that new homeowners do not alter the grading of their lot prior to final certification. Homeowners should check their "Agreement of Purchase and Sale" to determine when the builder is to return the deposits. The builder is legally responsible to refund the deposit to the new homeowner as per your agreement. Typically, the agreement indicates the refund upon assumption of the subdivision. Homeowners may contact the Planning and Building Services (through Service Barrie) to verify if their lot has been certified and contact Service Barrie at 705-726-4242 or servicebarrie@barrie.ca to confirm the status of subdivision assumption. Please include your lot number and municipal address when inquiring. Current Subdivision Agreements require the following warning clause be included in your Agreement of Purchase and Sale between the builder and the purchaser:

“Purchasers and/or tenants are advised that proper grading of all lots in conformity with the Subdivision Grading Plans is a requirement of this subdivision agreement. The City has taken a Letter of Credit from the owner for the security to ensure all municipal services including, but not limited to lot grading, are constructed to the satisfaction of the City. Direct cash deposit from the purchasers to the City and/or owner, for lot grading purposes, is not a requirement of this subdivision agreement.”

Accordingly, the City cannot return your lot grading deposit nor can it require the builder to return the deposit. Please review your Agreement of Purchase and Sale for details of the conditions that must be satisfied prior to the return of the deposit.
What are maintenance holes?
Maintenance holes are used at designated intervals in a sewer line as a means of access for inspection or cleaning. The maintenance hole lid provides access to the sewer system.

Who do I contact about my water service?
The developer is responsible for the construction and maintenance of water service until the subdivision is assumed. After the subdivision has been assumed you can contact the Water Operations Department (through Service Barrie) at (705)726-4242 or servicebarrie@barrie.ca

Who do I contact about snow clearing?
Contact Service Barrie @ 705-726-4242 or servicebarrie@barrie.ca.

Who do I contact about public transit service?
Contact the Transit Department through Service Barrie at 705-726-4242 or servicebarrie@barrie.ca or Discover Barrie website.

When will garbage collection begin?
Contact the Environmental Department through Service Barrie at 705-726-4242 or servicebarrie@barrie.ca or Discover Barrie website.

There is a school block designated in my subdivision; when will it be developed?
The City of Barrie cannot confirm that a school will be ultimately constructed on the designated block within the plan of subdivision. Check your purchase and sale agreement, as typically the noted school board will include in all offers of purchase and sale, a statement that advises the prospective purchaser that the schools on designated sites in the community are not guaranteed. Attendance at schools in the area yet to be constructed is also not guaranteed. Students may be accommodated in temporary facilities and/or be directed to schools outside the area.

Who do I contact about schools and busing?
Contact the appropriate school board.
Who do I contact for deficiencies in my new home?

First contact your builder. If the builder does not correct the problem then contact Tarion. They can be reached at 1-877-982-7466 from 8am to 5pm or customerservice@tarion.com.

**Tarion Ontario New Home Warranty Program**

New home purchasers can download a copy of Tarion’s Construction Performance Guidelines from the Tarion website, www.tarion.com. This document outlines standards that construction must be completed to and that are covered by the warranty program.

All communication with your Builder should be documented. A copy of any documentation should also be forwarded to Tarion where they will place a copy into your file.

Be sure to review and become familiar with the following forms:

Statutory Warranty Forms – 30 Day Form,
Year End Form,
Second Year Form and
Major Structural Defect Form