

REPORT TO COUNTY COUNCIL

Application for Draft Plan of Condominium CD 23-02-8 – Reid

To: Warden and Members of County Council

From: Director of Community Planning

RECOMMENDATION

1. That Oxford County Council approve Application CD 23-02-8, submitted by Graham, Brian and Robert Louis Reid (File No. CD 23-02-8), prepared by Callon Dietz Inc. Ontario Land Surveyors for lands described as Lot 42, Plan 579, in the City of Woodstock, subject to the following conditions of draft plan approval:
 - a. This approval applies to the draft plan of condominium, submitted by Graham, Brian and Robert Louis Reid (File CD 23-02-8) comprising land described as Lot 42, Plan 579, City of Woodstock, showing 9 residential units;
 - b. The recommendations of the Building Condition Report be implemented to the satisfaction of the City Building Department;
 - c. That the owner provides a reserve fund study, completed to the satisfaction of the City of Woodstock Building Department; and
 - d. Prior to signing the final plan for registration, the County of Oxford shall be advised by the City of Woodstock that Conditions 2 and 3 have been addressed, to the satisfaction of the City of Woodstock. The clearance letter shall include a brief statement for each condition detailing how each condition has been satisfied.

REPORT HIGHLIGHTS

- The purpose of this report is to consider the conversion of an existing townhouse development from rental units to condominium ownership and draft plan approval of a plan of condominium.
- The proposal is consistent with the relevant policies of the Provincial Policy Statement, maintains the general intent of the County Official Plan, and complies with the provisions of the City's Zoning By-law.

IMPLEMENTATION POINTS

This application will be implemented in accordance with the relevant objectives, strategic initiatives and policies contained in the Official Plan.

Financial Impact

The approval of this application will have no financial impact beyond what has been approved in the current year’s budget.

Communications




Notice of complete application and notice of public meeting respecting this application was provided in accordance with the Planning Act on January 12, 2024, January 29, 2024, April 1, 2024 and June 3, 2024. Concerns were received from tenants of the townhouse units on the subject property and are included as attachments to this report.

2023-2026 STRATEGIC PLAN

Oxford County Council approved the **2023-2026 Strategic Plan** on September 13, 2023. The Plan outlines 39 goals across three strategic pillars that advance Council’s vision of “Working together for a healthy, vibrant, and sustainable future.” These pillars are: (1) *Promoting community vitality*, (2) *Enhancing environmental sustainability*, and (3) *Fostering progressive government*.

The recommendations in this report supports the following strategic goals.

Strategic Plan Pillars and Goals

PILLAR 1	PILLAR 2	PILLAR 3
		
Promoting community vitality	Enhancing environmental sustainability	Fostering progressive government
<p>Goal 1.1 – 100% Housed</p> <p>Goal 1.2 – Sustainable infrastructure and development</p> <p>Goal 1.3 – Community health, safety and well-being</p>		

See: [Oxford County 2023-2026 Strategic Plan](#)

DISCUSSION

Background

Owners: Graham, Brian and Robert Louis Reid
1195 St. Anthony Road, London ON N6H 2R3

Agent: Dave Hannam / Zelinka Priamo Limited
318 Wellington Road, London ON N6C 4P4

Location:

The subject property is described as Lot 42, Plan 579 in the City of Woodstock. The property is located on the southeast corner of Brant Street and Northdale Drive, and is municipally known as 655 Northdale Drive.

County of Oxford Official Plan:

Existing:

Schedule "W-1" City of Woodstock Land Use Plan Residential

Schedule "W-3" City of Woodstock Residential Density Plan Medium Density Residential

City of Woodstock Zoning By-Law 8626-10:

Existing Zoning: Residential Zone 3 (R3)

Proposal:

An application has been received for approval of a plan of condominium in the City of Woodstock. The applicants propose to convert the tenure of the 9 townhouse units from rental to condominium ownership.

As indicated by the applicant, each townhouse unit and associated balcony will be for the exclusive use of individual owners. All areas outside of the individual units including the parking area, and communal open space will be held in common ownership. A condominium development differs from a plan of subdivision in that the roads, parks, water and sanitary sewers, as well as other 'common' features within the plan, are typically owned privately by the condominium corporation.

In support of the application, the applicant has provided a Building Condition Assessment Report, prepared by a Consulting Engineer and a reserve fund study and spreadsheet, outlining the estimated budget and funds required to maintain the building and infrastructure onsite.

This application was originally scheduled for a February 12, 2024 public meeting however concerns were raised by tenants of the building respecting the condition of the foundation and the infiltration of water into some of the units. The Consulting Engineer inspected the foundation and included suggested repairs in a revised Building Condition Assessment Report. City Council deferred the application at their April 18, 2024 meeting to allow for additional consultation between the owner and the tenants of the units. The consultation material is included as an attachment to this report.

The application was re-scheduled for the June 17, 2024 City Public Meeting and June 20, 2024 City Council meeting for consideration.

The subject lands comprise approximately 1478 m² (0.37 ac) and include a 9 unit townhouse development with driveway access to Brant Street and Northdale Avenue and parking area for the tenants of the existing units. Surrounding land uses include low density residential development to the south, north and east, a school to the northwest, and medium density residential development to the west.

Plate 1, Location Map with Existing Zoning, provides the location of the subject property and the existing zoning in the immediate vicinity.

Plate 2, Aerial Photo (2021), provides an aerial view of the subject property and surrounding area.

Plate 3, Proposed Draft Plan of Condominium, shows the location of the dwelling units and the common elements.

Comments

Provincial Policy Statement

Section 1.1.1 of the PPS directs that healthy, liveable, and safe communities are sustained, in part, by accommodating an appropriate range and mix of residential (including additional units, affordable housing, and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, parks and open space, and other uses to meet long-term needs.

According to Section 1.1.3.1 (Settlement Areas), settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. Further, land use patterns within settlement areas shall be based on densities and a mix of land uses, which efficiently use land and resources, and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, as well as a range of uses and opportunities for intensification and redevelopment.

The policies of Section 1.1.3.6 state that new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

Further, Section 1.4 (Housing) directs that planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- Establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households;
- Permitting and facilitating all forms of housing required to meet the social, health, and well-being requirements of current and future residents;
- Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and,
- Establishing development standards for residential intensification, redevelopment, and new residential development which minimize the cost of housing and facilitate compact form while maintaining appropriate levels of public health and safety.

Official Plan

The subject property is located within the 'Medium Density Residential' designation according to the City of Woodstock Residential Density Plan, as contained in the Official Plan. Medium Density Residential Districts are those lands that are primarily developed or planned for low profile municipal unit development that exceed densities established for Low Density Residential Districts. Residential uses within Medium Density Residential Districts include townhouses, cluster houses, converted dwellings, and apartment buildings. In these Districts it is intended that there will be a mixing and integration of different forms of housing to achieve an overall medium density.

Section 7.2.2.2 of the Official Plan contains policies where City Council can encourage the creation of housing opportunities within the City that may result in a mix of tenure forms, such as ownership, rental and cooperative units. Further to this, the policies also contain criteria as a guide when considering applications to convert from rental to ownership tenure as follows:

- the vacancy rate for similar unit types which are available at a similar level of rent, as determined using CMHC information, is 3% or greater;
- whether the proposal will add to the affordable housing stock and the proportion of similarly priced ownership housing in the housing market;
- minimize hardship for existing tenants and the potential for displacement;
- the proposal complies with all residential development standards, the maintenance and occupancy by-law and design standards;
- the proposal complies with the Ontario Building and Fire Codes or is proposed to be upgraded in accordance with such standards or requirements.

Zoning By-Law

The subject property is presently zoned 'Residential Zone 3 (R3)', which permits a street row dwelling house, horizontally-attached dwelling house, and multiple-attached dwelling house.

The existing development provides 12 parking spaces, less than the 14 spaces required by the City's Zoning By-Law. However, this deficiency is considered to be legal non-complying as it has existed for many years since the development was constructed.

Agency Comments

The City of Woodstock Building Department provided the following comment:

1. In respect to providing parking spaces, the original parking layout is considered legal non-conforming for current parking requirements. The original plan shows ten (10) parallel parking spaces along the existing driveway 6 m in length. No concerns.
2. The building report recommends the installation of sump pumps in two of the units. A condition of approval should include the supply and installation of the two sump pumps.
3. In respect to the reserve fund, first year costs are indicated for the sump pumps, patio slab and masonry repairs at a cost of \$10K. Where is the money coming from to pay for this?

The City of Woodstock Parks Department provided the following comment:

Parks has no concerns or objections with the application for condominium at 655 Northdale Avenue.

The owner should be aware that the majority of the trees on the property along Brant St. and Northdale Avenue are owned by the City. For any maintenance or concerns regarding these trees please contact the City of Woodstock Parks and Forestry department.

The reserve fund sheet has identified that the rear parking and driveway will most likely need to be replaced within 5 years. There are a number of mature trees along the east property line that border the existing driveway. These trees appear to be privately owned by the neighbor to the east. Although these trees are not currently protected under the City's Tree By-laws they are a valuable part of our urban canopy and we recommend tree protection when the replacement of the driveway is undertaken to ensure they can be retained.

City of Woodstock Council

City Council recommended support of the proposed condominium approval at the City's regular meeting of Council on June 20, 2024.

Planning Analysis

The approval of an application for draft plan of condominium generally involves a process similar to subdivision approval where, after appropriate circulation of the proposal, an applicant receives 'draft' approval which is contingent on the applicant satisfying a number of conditions prior to final approval and registration.

It is Planning staff's opinion that the application is in conformity with the policies of the PPS in that the application provides for a different tenure of housing to meet the long term social needs of the current and future residents.

In terms of Official Plan policy, the average vacancy rate in the latest survey for a one-bedroom apartment units in Woodstock is 1.3%, and 0.3% for a two-bedroom units according to the Canada Mortgage and Housing Rental Market Report for the fall of 2023. Although the average private apartment vacancy rate in Woodstock as determined by CMHC in fall 2023 is less than the 3%

'base' as set out in the Official Plan policies, Planning staff note an additional number of criteria are to be considered when assessing conversion applications.

The applicant has provided information regarding the availability of the existing apartment units should the development be converted to condominium ownership. In this instance it is expected that the purchase price of the units is likely to remain relatively affordable due to the type and age of the units. The condominium ownership would allow for the individual sale of the townhouse units.

With respect to the potential impact of conversion on tenants and the potential for displacement, the Residential Tenancies Act includes a number of provisions intended to prohibit displacement and hardship to existing tenants resulting from the conversion of rental units to condominium ownership.

Specifically, the Act provides the following protections for existing tenants where conversion has occurred:

- *A landlord is prohibited from evicting an existing tenant to give vacant possession to a prospective purchaser of the condominium unit and is prohibited from termination based on possession by the landlord for the purpose of personal occupation by the landlord or member of the immediate family. Any purchaser of the condominium unit will not be able to obtain vacant possession while the tenant remains in the unit.*
- *Tenants of a converted residential unit are guaranteed the right of 'first refusal' to purchase the condominium unit.*

With respect to the City's Zoning By-law, the subject property is zoned R3 and appears to meet the relevant zone provisions, with the exception of the noted deficiencies which are considered legal non-complying. Additionally, considering the long standing use of the property in its present form (approximately 40 years) this Office is satisfied that the existing use of the lands is adequately served with respect to building location, unit sizes, and parking and that the operation of the site will not be affected by the applicant's proposal to convert the apartment units to condominium ownership.

The applicant has submitted a Building Condition Assessment Report and a review of the existing structure relative to the Ontario Building Code. The remedial work identified in the assessment report will be required to be completed prior to final approval of the condominium application. Similarly, the preparation of the required reserve fund study was submitted detailing the expected contributions required to the condominium reserve fund for the maintenance of the common elements. The review and approval of these documents, including a reserve fund study, have been incorporated as conditions of approval.

CONCLUSIONS

Based on the forgoing, Planning staff are of the opinion that the proposed condominium conversion is consistent with the PPS, generally conforms with the relevant Official Plan policies, and can be given favourable consideration.

SIGNATURES

Report author:

Original Signed By _____

Eric Gilbert, RPP, MCIP
Manager of Development Planning

Departmental approval

Original Signed By _____

Paul Michiels
Director of Community Planning

Approved for submission:

Original Signed By _____

Benjamin R. Addley
Chief Administrative Officer

ATTACHMENTS

- Attachment 1 - Plate 1, Location Map with Existing Zoning
- Attachment 2 - Plate 2, Aerial Photo (2021)
- Attachment 3 - Plate 3, Proposed Draft Plan of Condominium
- Attachment 4 – Consultation Summary
- Attachment 5 – Public Comments