SUBJECT: Application for Approval of a Draft Plan of Condominium Conversion, for Lands Located at 350 Concession Street (Hamilton) (PED07289) (Ward 7)

RECOMMENDATION:

That approval be given to Condominium Conversion Application CDM-CONV-07-03, by 350 Concession Limited (c/o Effort Trust Company), Owner, to establish a Draft Plan of Condominium for an existing 9 storey, 27-unit multiple dwelling with 27 parking space units, as red-lined revised, on lands located at 350 Concession Street (Hamilton), as shown on the attached map marked as Appendix “A” to Report PED07289, subject to the following conditions:

(a) That this approval applies to the plan, prepared by A.T. McLaren Limited and certified by S.D. McLaren, O.L.S., dated October 1, 2007, as red-lined revised, showing a total of 27 apartment units and 27 parking space units, attached as Appendix “B” to Report PED07289.

(b) That the following conditions shall apply to the Draft Plan of Condominium approval:

   Development Planning and Engineering:

   (i) That the Final Plan of Condominium complies with all of the applicable provisions of the applicable Zoning By-law.

   (ii) That the owner satisfies all conditions, financial or otherwise, of the City of Hamilton.
EXECUTIVE SUMMARY:

The purpose of this application is to convert a 9 storey, 27-unit rental apartment building into condominium ownership. The existing tenants are protected under the Tenant Protection Act.

The proposed condominium conversion has merit and can be supported as it conforms to the City of Hamilton Official Plan and the “Urban Area” policies of the Hamilton-Wentworth Official Plan, and is consistent with the Provincial Policy Statement.

BACKGROUND:

Proposal

The subject property is located on the south side of Concession Street, west of East 15th Street and contains a 9 storey apartment building with 27 dwelling units (5 – one bedroom units, 19 – two bedroom units, 3 – three bedroom units). A total of 27 parking

Bell Canada:

(v) That the Owner covenants and agrees to provide the Director of Development Engineering with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication service provider, approved by the Canadian Radio and Telecommunication Commission (CRTC), to provide adequate telecommunication service to the lands within the approved Draft Plan including 9-1-1 emergency calling service that identifies, at a minimum, the caller’s name and location information.

(iii) That the Owner shall submit a report in accordance with Section 9(4) of The Ontario Condominium Act, 1998, prepared and certified by a qualified Registered Professional Engineer or Licensed Architect, to the satisfaction of the Chief Building Official of the City of Hamilton, to confirm the structural and mechanical integrity of the building and any Owner initiated measures required to correct any deficiencies prior to the release of the final plan for registration.

(iv) That the owner pays all outstanding municipal taxes, to the satisfaction of the Corporate Services Department (Tax Administration/Banking Section).

Tim McCabe
General Manager
Planning and Economic Development Department
spaces are currently provided at grade. This proposal is for a change in tenure from rental apartments and parking spaces into condominium units, with common element internal and external circulation areas. Currently, there are four vacant dwelling units of the 27 total dwelling units.

**Location:** 350 Concession Street (Hamilton)

**Owner/Applicant:** 350 Concession Limited (c/o Effort Trust Company)

**Property Description:**
- **Lot Area:** 0.23 hectares
- **Lot Frontage:** 40.71 metres
- **Lot Depth:** 59.48 metres

**Existing Land Use and Zoning**

<table>
<thead>
<tr>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tbody>
<tr>
<td>Subject Lands</td>
<td>Multiple Dwelling</td>
</tr>
<tr>
<td></td>
<td>“E-2” (Multiple Dwellings) District</td>
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</tbody>
</table>

**Surrounding Land Uses**

<p>| | | |</p>
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<tbody>
<tr>
<td>North:</td>
<td>Parkland</td>
<td>City Wide (P3) Zone</td>
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<tr>
<td></td>
<td>(Sam Lawrence Park)</td>
<td></td>
</tr>
<tr>
<td>West:</td>
<td>Multiple Dwelling</td>
<td>“E-2” (Multiple Dwellings) District</td>
</tr>
<tr>
<td>South:</td>
<td>Single Detached Dwellings</td>
<td>“C” (Urban Protected Residential, etc.) District</td>
</tr>
<tr>
<td>East:</td>
<td>Multiple Dwelling</td>
<td>“DE-2/S-5” (Multiple Dwellings) District, Modified</td>
</tr>
</tbody>
</table>

**ANALYSIS/RATIONALE:**

1. The proposal has merit and can be supported for the following reasons:

   (i) It is consistent with the Provincial Policy Statement.

   (ii) It conforms to the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

   (iii) It is compatible with existing uses in the surrounding area.
2. The City of Hamilton Official Plan housing policies are intended to guide future growth and development, which includes fostering a healthy rental housing market within the City. A “healthy” or “balanced” rental market vacancy rate is generally considered to be between 2% or 3%. In this regard, Section C7.11 of the City of Hamilton’s Official Plan identifies three conditions that must be satisfied in order to recommend approval of condominium conversions. These conditions are as follows:

(i) The rental vacancy rate by dwelling/structure type for the City and the respective local housing market zone has been at or above 2.0% for the preceding twenty-four months.

(ii) The proposed conversion will not reduce the rental vacancy rate by dwelling/structure type to below 2.0% for the City and the respective local housing market zone.

(iii) The existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling/structure type.

In regard to the above conditions, the Housing Division has provided the following analysis:

By using specifically-ordered data from Canada Mortgage and Housing Corporation (CMHC), the Housing Division was able to provide an analysis of rental market activity in the City of Hamilton and the respective CMHC local housing market zone. The subject property is located in the Mountain Zone (Zone 6). Table 1 shows the vacancy rate and average market rent for this zone for privately initiated one, two, and three-bedroom apartment units.

Table 1: Vacancy Rate and Average Market Rent for One, Two and Three-Bedroom Apartment Units in CMHC Zone 6 – Mountain.

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<tbody>
<tr>
<td>One-Bedroom</td>
<td>4.09%</td>
<td>$618</td>
<td>3.36%</td>
<td>$614</td>
</tr>
<tr>
<td>Two-Bedroom</td>
<td>2.97%</td>
<td>$732</td>
<td>3.25%</td>
<td>$731</td>
</tr>
<tr>
<td>Three-Bedroom</td>
<td>3.46%</td>
<td>$862</td>
<td>3.71%</td>
<td>$872</td>
</tr>
</tbody>
</table>

Source: CMHC (2006)
Table 2 shows the vacancy rate and average market rent for the City of Hamilton for privately initiated one, two and three-bedroom apartment units.

Table 2: Vacancy Rate and Average Market Rent for One, Two, and Three-Bedroom Apartment Units in the City of Hamilton.

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<tbody>
<tr>
<td>One-Bedroom</td>
<td>4.98%</td>
<td>$615</td>
<td>4.33%</td>
<td>$610</td>
</tr>
<tr>
<td>Two-Bedroom</td>
<td>4.65%</td>
<td>$746</td>
<td>5.06%</td>
<td>$745</td>
</tr>
<tr>
<td>Three-Bedroom</td>
<td>3.29%</td>
<td>$885</td>
<td>3.53%</td>
<td>$903</td>
</tr>
</tbody>
</table>

Source: CMHC (2006)

Given the above tables, Condition (i) of the Official Plan is satisfied as the vacancy rate for the past 24 months has been above 2% for each type of unit in both the City of Hamilton and in the local housing market zone.

Table 3 shows the vacancy rate change upon conversion.

Table 3: Vacancy Rate Change Upon Conversion of the 27 Dwelling Units in 350 Concession Street by Unit Type.

<table>
<thead>
<tr>
<th>Unit Type</th>
<th>Vacancy Rate for CHMC Zone 6 – Mountain (2006)</th>
<th>Vacancy Rate for Zone 6 upon conversion</th>
<th>Vacancy Rate for the City of Hamilton (2006)</th>
<th>Vacancy Rate for the City upon conversion</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-Bedroom</td>
<td>3.36%</td>
<td>3.26%</td>
<td>4.33%</td>
<td>4.31%</td>
</tr>
<tr>
<td>Two-Bedroom</td>
<td>3.25%</td>
<td>3.21%</td>
<td>5.06%</td>
<td>5.06%</td>
</tr>
<tr>
<td>Three-Bedroom</td>
<td>3.71%</td>
<td>3.74%</td>
<td>3.53%</td>
<td>3.54%</td>
</tr>
</tbody>
</table>

Source: PEIL and CMHC (2006)

At the time of submission of the application in April 2007, the applicant advised that 23 out of the 27 units were occupied. Removing the 4 vacant units from the vacant stock of rental units does not result in an observable decrease to the vacancy rate.

According to Table 3, the vacancy rate does not drop below 2% for each type of unit in both the City of Hamilton and the local housing market zone. It has, therefore, been determined that the proposed conversion meets the intent of the Official Plan Policy’s Condition (ii).
Table 4 shows the current market rents for the complex compared to the average market rents for the City and the zone.

Table 4: Rent for One, Two, and Three-Bedroom Apartment Units in 350 Concession Street Compared to the Average Market Rent

<table>
<thead>
<tr>
<th>Unit Type</th>
<th>Market Rents</th>
<th>Average Rents for Zone 6 (2006)</th>
<th>Average Rent for the City of Hamilton (2006)</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-Bedroom</td>
<td>$791.00</td>
<td>$614</td>
<td>$610.00</td>
</tr>
<tr>
<td>Two-Bedroom</td>
<td>$850.00</td>
<td>$731</td>
<td>$745.00</td>
</tr>
<tr>
<td>Three-Bedroom</td>
<td>$1,031.00</td>
<td>$872</td>
<td>$903.00</td>
</tr>
</tbody>
</table>

Source: PEIL and CMHC (2006)

According to information attached with the proponent’s application, the average rents in the complex are above the average market rent for apartment units in both the local housing market Zone 6 and the City Of Hamilton.

Given the above table, Condition (iii) of the Official Plan is satisfied as the current rents are not significantly below the average market rents for each type of unit in both the City of Hamilton, and the local housing market zone.

In summary, the proposed condominium conversion conforms to the policies of the City of Hamilton Official Plan.

3. The applicant has been diligent in advising the existing tenants of their intent to convert the existing apartments into condominiums. A tenant information meeting was held on February 12, 2007. At this meeting, details of the proposal and of the tenants’ rights under the Tenant Protection Act were provided. Several tenants from the building attended the meeting with questions regarding their rights once the building is converted, and were opposed to the change in tenure. Concerns/questions raised by the tenants related to the condition of the building and any costs of any necessary improvements being passed on to the existing tenants, third party purchasing, the planning process, and how a Condominium Board functions. Appendix “C” includes the minutes of the tenants meeting, the sign-in sheet, and the questionnaires.

Another meeting was held on August 29, 2007, where the outstanding questions and concerns of the tenants were addressed. The Tenant Association Spokesman sent a letter dated September 6, 2007, declaring that the majority of residents were no longer opposed to the change in tenure as a result of this meeting (Appendix “D”).
4. In order to ensure the quality and safety of future residents, it is essential that the City receives an engineering report, that is signed by a professional engineer or architect, which will address all the requirements that are set out within the present Building Code. In addition, other conditions must be applied to the Draft Plan of Condominium approval to confirm zoning conformity, to ensure all property taxes are paid, and to ensure the availability of communication/telecommunication infrastructure for emergency services.

5. The subject property currently contains 27 parking spaces. The use conforms to the “E-2” District, but aspects of the building and the parking area (encroachment of the canopy into the required front yard and no provision of visitor parking) do not currently conform to the “E-2” District, and are legal non-conforming. The parking area, shown on the draft plan of condominium as submitted by the applicant, has been changed from the original legal non-conforming layout. As such, the attached plan has been red-line revised to reflect the original layout. As a standard condition of draft plan approval, the final plan must conform to the applicable provisions of the Zoning By-law, and the parking space layout must reflect the original legal non-conforming status.

**ALTERNATIVES FOR CONSIDERATION:**

Should the proposed condominium conversion not be approved, the existing multiple dwelling will continue as rental tenure.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**Financial:** N/A.

**Staffing:** N/A.

**Legal:** The Planning Act does not require a notice of Public Meeting for an application for Condominium Conversion. However, notice was given to all existing tenants of the Public Meeting.

**POLICIES AFFECTING PROPOSAL:**

**Niagara Escarpment Plan Area (NEPA)**

The subject lands are within the Niagara Escarpment Plan Area, but outside of the development control area. The application conforms to the Niagara Escarpment Plan.

**Provincial Policy Statement**

The application is consistent with the Provincial Policy Statement, in that the application focuses growth in settlement areas.
Hamilton-Wentworth Official Plan

The subject property is designated “Urban Area – High Density Mixed Use Corridor” in the Hamilton-Wentworth Official Plan and the proposal conforms to the Hamilton-Wentworth Official Plan. The existing multiple dwelling conforms specifically with the polices in Section 3.1.1.6 that state that a Mixed Use Corridor will have a range of residential, commercial, institutional and employment uses, have a full range of housing types, and be easily accessible to public transit.

Hamilton Official Plan

The subject lands are designated “Residential” on Schedule “A”, Land Use Concept, and “Special Policy Area 1c – Niagara Escarpment” on Schedule B” of the City of Hamilton Official Plan. The intent of this Special Policy Area is to protect and preserve the valuable attributes of the Niagara Escarpment, and to conform to the Niagara Escarpment Plan. As the application is for the conversion of an existing multiple dwelling, it conforms to these policies. It should be noted that the proposed conversion also conforms to the policies for condominium conversions, as set out under Section C.7.11 of the City of Hamilton Official Plan (see Comment 2 - Page 4).

RELEVANT CONSULTATION:

The following Departments and Agencies had no comment or objections:

- Public Works Department (Traffic Engineering and Operations Section).
- Hamilton Municipal Parking System (Parking Services).
- Corporate Services Department (Budgets Section).
- Horizon Utilities.
- Niagara Escarpment Commission.

Community Services Department (Housing Division), has provided an analysis of data from CMHC pertaining to vacancy rates and average rents and has no concerns with the proposal. This is discussed in the Analysis/Rationale Section of the report (Comment 2).

Bell Canada has requested a standard condition pertaining to the availability of communication/telecommunication infrastructure [Recommendation (b)(v)].

Public Consultation

A tenant information meeting was held on February 12, 2007. At this meeting, details of the proposal and of the tenants’ rights under the Tenant Protection Act were provided. Many tenants that attended the meeting asked questions regarding their rights after the building is converted, and were opposed to the change in tenure. Appendix “C” includes the minutes of the tenants meeting and the sign-in sheet. A subsequent meeting was
held on August 29, 2007, where the tenants concerns were adequately addressed. A copy of a letter stating that the majority of residents are no longer opposed to the change in tenure is attached (see Appendix “D”).

**CITY STRATEGIC COMMITMENT:**

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

- **Community Well-Being is enhanced.** ☑ Yes  ☐ No
  The public are involved in the definition and development of local solutions.

- **Environmental Well-Being is enhanced.** ☑ Yes  ☐ No
  Human health and safety are protected.

- **Economic Well-Being is enhanced.** ☑ Yes  ☐ No
  Infrastructure and compact, mixed use development minimize land consumption and servicing costs.

**Does the option you are recommending create value across all three bottom lines?**

☑ Yes  ☐ No

**Do the options you are recommending make Hamilton a City of choice for high performance public servants?**

☐ Yes  ☑ No

:KW
Attachs. (4)
Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: CDM-CONV-07-03
Date: October 23, 2007

Appendix "A" Scale: N.T.S.

Planner/Technician: KW/LMM

Subject Property

350 Concession Street (Hamilton)

Ward 7 Key Map N.T.S.®
Draft Plan of Condominium “350 Concession Street”
Minutes of the Tenant’s Meeting, Sign-in Sheets and Comments

PLANNING & ENGINEERING INITIATIVES LTD.

350 Concession - Condominium Conversion (350 Concession Limited)

DATE: Monday February 12, 2007
LOCATION: Seventh Day Adventist Church, Concession Street
IN ATTENDANCE: Mr. George Zajac, PEIL
               Mr. Sergio Manchia, PEIL
               Mr. David Horwood, Effort Trust
               Ms. Shannah Murray, City of Hamilton
               Mr. Scott Duvall, Councillor, City of Hamilton

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<thead>
<tr>
<th>Item</th>
<th>Description</th>
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</table>
| 1.   | Mr. Zajac opened the meeting and introduced himself and described the application process. 

Mr. Manchia explained the existing conditions and that the owners, 350 Concession Limited, were proposing to convert the existing building to a condominium. He explained that the conversion would not affect the day to day living of the tenants. 350 Concession Limited owns the building and will continue to rent its units to the existing tenants. The building is going to be converted into a condominium through the Condominium Act, this will define each individual unit.

Mr. Manchia further explained that in due time we (PEIL) will submit the application on behalf of the owners to the City of Hamilton to begin the approval process and that the Information Meeting is held to ensure we can all follow the process which defines the use of the building.

The floor was then opened up for questions. The following is a summary of the tenants’ questions and answers. |
<p>| 2.   | Mr. Rick Kobylt, Unit 903, enquired if there was a date in mind to submit the application? Mr. Manchia responded that PEIL had been working on it and hoping that within the next few weeks we can move forward with this project. |
| 3.   | Mr. Peter Terrana, Unit 601, and Councillor Duvall both enquired into repairs of the building, will it be inspected etc.? Mr. Manchia replied that the Ontario Government requires an engineer to inspect the state of repair of the building and submit a report. He would be looking into things such as balconies/stairs and electrical etc. This is an opportunity to address issues that relate to improvement of the building. The report is then submitted to the City. |</p>
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<tr>
<td>4.</td>
<td>Mrs. Mary Drain, Unit 103, asked who would pay for the report. Mr. Manchia replied that the owner of the building would pay for the report and all repairs. Mr. Drain stated that the tenant would be paying for the repairs. Mr. Manchia assured the tenants that there would be no increase in rents due to these repairs under the <em>Residential Tenancies Act</em>.</td>
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</tbody>
</table>
| 5.   | Mr. Manchia then explained how the engineer would make his inspection. He would go from unit to unit and also inspect the common areas. He would take into account the outside of the building, the stairs etc. which is quite detailed so that the Government can have a proper picture of the building. Mr. Manchia pointed out that the report would provide a picture of the overall integrity of the building or units. If there are a lot of defects in the units, the engineer has to report them otherwise the Government would not get a clear picture.  
In addition, Mr. Manchia explained that as condominium owners, there is a 10% reserve held by the Condominium Board for building repairs i.e. roof repairs/balcony repairs etc. This is a standard procedure and all condominium buildings/high rise buildings have this. |
| 6.   | Ms. Hamilton, Unit 501, asked if there are a percentage of units needed to create a corporation within a building? Mr. Manchia replied that 350 Concession Limited would own the building, but that everything would be more defined.  
It was also asked if 350 Concession Limited could sell a unit if it has a tenant in it. The answer was no. The tenant is protected, regardless how many units make up a condominium corporation.  
A general discussion followed regarding existing tenants. The tenants of the day have first right of refusal to purchase their unit. If you have been living/renting a unit in the building for 20 years no one can make you move or purchase the unit. |
| 7.   | Mr. Rick Kobylt, Unit 903, asked that if the unit was offered to him to purchase and he refused, would the owner of the building have a right to sell the unit to a third party and would the tenant still have a right to rent that unit? He had another question, if the building was sold from one developer to another and the new developer wanted vacant possession, would the tenant be asked to leave? Mr. Manchia replied that the objective is to stay the same. The legislation states that if the owner of the building (350 Concession Limited in this case) was to sell one or two units they cannot evict the existing tenant. No rent can be increased if a new purchaser took over a unit. The tenant is protected by the *Residential Tenancies Act*. Whether it be on a month to month lease or a yearly lease it makes no difference. The tenant will not be evicted. There is no hidden agenda, there is no intention to increase rents or to have you move. There is an opportunity for you to either stay in your unit as you are now, or you can purchase it. You now have options. It is highly unlikely that a third party relationship would be encouraged. |
### Minutes of the Tenant's Meeting, Sign-in Sheets and Comments

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<th>Item</th>
<th>Description</th>
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<tr>
<td>8.</td>
<td>Ms. McNeil, Unit 802, asked if you purchase a unit, do you purchase it &quot;as is&quot;? Mr. Manchia replied that there would probably be upgrade packages you can purchase for the kitchen i.e. floor/tiling/air conditioning, or you could purchase &quot;as is&quot;. However, the unit could not be purchased if the engineering report does not deem the apartment safe.</td>
</tr>
<tr>
<td>9.</td>
<td>Mr. Rick Koby, 903, enquired that once the conversion was completed and sold &quot;as is&quot; or upgraded, would there be any warranties? Mr. Manchia replied no and stated that warranties only cover new buildings. He further stated that granted that the present owner may sell the building to a new owner with certain warranties, but he has never heard of a problem with warranties.</td>
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<tr>
<td>10.</td>
<td>Mr. Zajac then gave a definition of the submission to City Hall. He stated that the submission must include a planning justification report that discusses the vacancy rates as supplied by the Canada Mortgage Housing Corporation. The City begins their review process and will hold a further Public Meeting at City Hall with the Ward Councillor and City staff. This process could take a few months.</td>
</tr>
<tr>
<td>11.</td>
<td>Mr. Rick Koby, Unit 903, enquired with all the work being done right now - how is it determined with tenants regarding fairness to buyers versus tenants? Mr. Manchia replied that the building would be valued at a certain amount. This figure is the base for the 10% condominium reserve. If a unit is sold the buyer pays, for arguments sake $50.00, to the condominium corporation. 350 Concession Limited would make the rest of the revenue up to compensate for the tenants renting. Some rent monies would be directed to the reserve also. Tenants were concerned that the cost of the repairs would be passed onto the tenants. Mr. Horwood responded that the costs would not be passed on to the tenant. The two vacant units would be possibly upgraded with no cost to the tenants. The only costs to be passed onto the tenant would be the costs of repairing the common areas. Any upgrades to the units would be paid by the new owner. No renovation expenses for the units would be passed on to tenants.</td>
</tr>
<tr>
<td>12.</td>
<td>Ms. Hamilton, Unit 501, asked if the owner could ever ask a tenant to vacate a unit if there were upgrades to take place within it? Mr. Horwood replied he didn't know of any type of renovation to take place right now. However he advised that the owner would ensure that all building codes would be met while renovations are being made. Tenants may have to change certain things, but he is not aware of anyone being asked to vacate. He further stated that the owners of the building are very open minded about the whole process. Ms. Hamilton also asked that if the building received condominium approval would it be possible that the owners would not go through with the conversion? Mr. Horwood replied that, yes it is. He further stated that many buildings have gone through this process, and many tenants remained. You wouldn't know what buildings are condominiums or private. The rental market is probably at its highest - vacancy rate up to 4.9%. The City of Hamilton has a policy to allow condominium conversions if the vacancy rate is higher than 2%.</td>
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<td>Item</td>
<td>Description</td>
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<tr>
<td>13.</td>
<td>Councillor Duvall asked if all went through, can a tenant purchase right away? Mr. Horwood responded that it would be determined if the unit was for sale. The tenant could then take advantage of a sales package regarding mortgages etc. There would be a process in place i.e. agreement of sale. Traditionally the owner of the building would go to existing tenants regarding options to purchase the units. The owner would probably have a bank with mortgage packages to offer making it easy for the tenants. He further stated to keep in mind that under the new Act there is no eviction if you do not want to proceed to purchase your unit.</td>
</tr>
<tr>
<td>14.</td>
<td>A couple of general questions were asked from tenants one regarding third party purchase. If in fact the owner offered his unit for sale and somebody purchased it and they wanted to upgrade the unit, what would happen? Mr. Horwood responded that, yes the unit could be sold with the tenant residing in it, but no upgrades could be carried out until such time as the tenant left the unit. He further stated that security of tenure safeguards this from happening. The second question was in regards to time frame of approval process. Mr. Manchia explained that there were a lot of approvals to be met. Conditions are put in place and all have to be met. Once legal conversion has been met we would estimate 180/200 days, possibly even 6 months before you could purchase a unit. An Ontario Land Surveyor would define exactly the unit size within the building. They would also define any parking area, laundry room and any other common area within the building. These measurements would form part of the Condominium Declaration package for future purchases. If someone purchases a unit, it is determined by the periphery only and common areas. Lockers would be included in purchase price, however, parking would be an extra.</td>
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<tr>
<td>15.</td>
<td>Mr. Rick Kobylt, Unit 903, asked if units are to be sold would everyone be given information as to how much the unit would cost? Would we be given information as to what is included/restrictions? It was stated that Condominium Declaration specific to the individuals unit and overall building would have to be reviewed by the tenant. It was also stated that a further meeting could be arranged to discuss the cost of units, packages, etc.</td>
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<tr>
<td>16.</td>
<td>A further question was raised regarding the Board of Directors. How many are there? Mr. Horwood replied that there is a minimum, but no maximum. 10% is required to ensure the condominium building operates efficiently. Dilapidated buildings can only improve because of a conversion.</td>
</tr>
<tr>
<td>17.</td>
<td>Councillor Duvall asked since the owner has control, does the person who owns the most units have more control? Mr. Horwood responded that if there are 27 units, each unit does not automatically come with a Board seat. Even if 350 Concession Limited owned all the units, they would still have to report to the tenants, there are specific rules to include minority owners on to the Board. Each unit owner is entitled to a vote.</td>
</tr>
<tr>
<td>18.</td>
<td>Mr. Rick Kobylt, enquired that once unit owners have been approached and become owners, how is maintenance performed on a day to day basis? For example if a cleaner wasn’t making the grade. Mr. Manchia responded that the Board meets on a regular basis and would have the right to hire and fire cleaners etc. The Board would hear complaints from the owners/tenants regarding services. A property manager would be hired who would liaise between the Board and the owners. A property manager can only manage a building for a term of 1 year. The Board elects the property managers.</td>
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Minutes of the Tenant’s Meeting, Sign-in Sheets and Comments

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>19.</td>
<td>Mr. Brian Rises, Unit 901, asked if it was the intent of the owners to convert? Mr. Horwood responded that yes they are going ahead and a variety of factors come into play. It is their intention to offer units to existing tenants to purchase. Selling a unit to a third party happens very rarely and in general, units are sold to people wanting to occupy the unit themselves. He stated that he doesn’t see third party ownership as the way to go. Empty units would be made available for purchase. The owners want to keep a good mix of people. A Condominium Board can control unit owners and have greater controls overall. The building has a good tenant mix that’s why it would be a good building for ownership as the tenants care. He further stated that one can often see a condominium building versus a rental building i.e. tin foil and blankets up at windows in a rental building. A Condominium Board can define window coverings. You can elect how much money is spent on certain items and it is hoped you give your opinions.</td>
</tr>
<tr>
<td>20.</td>
<td>The meeting came to a close, and the Councillor said he can be reached if anyone had any questions. But Mr. Manchia/Mr. Zajac and Mr. Horwood would be the first line of questioning. Pertinent numbers as follows:</td>
</tr>
</tbody>
</table>

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Manchia</td>
<td>905-546-1010</td>
</tr>
<tr>
<td>Mr. Zajac</td>
<td>905-546-1010</td>
</tr>
<tr>
<td>Mr. Horwood</td>
<td>905-528-8600</td>
</tr>
<tr>
<td>Clr. Duvall</td>
<td>905-546-2706</td>
</tr>
</tbody>
</table>

These Minutes were prepared by Karen Buckingham and George Zajac.
Minutes of the Tenant’s Meeting, Sign-in Sheets and Comments

<table>
<thead>
<tr>
<th>Name</th>
<th>Address/Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elizabeth Miller</td>
<td>Unit 702</td>
</tr>
<tr>
<td>Susan Bailey</td>
<td>Unit 201</td>
</tr>
<tr>
<td>Robert Miller</td>
<td>Unit 702</td>
</tr>
<tr>
<td>Bob Miller</td>
<td>Unit 903</td>
</tr>
<tr>
<td>H. Hamilton</td>
<td>Unit 501</td>
</tr>
<tr>
<td>Peter Ternard</td>
<td>Unit 601</td>
</tr>
<tr>
<td>Tom Wilson</td>
<td>Unit 801</td>
</tr>
<tr>
<td>Earl &amp; Cathy Allenberg</td>
<td>Unit 603</td>
</tr>
<tr>
<td>Scott Russell</td>
<td>Concourse Ward 7</td>
</tr>
<tr>
<td>Mary McNeil</td>
<td>Unit 802</td>
</tr>
<tr>
<td>Mary Jones</td>
<td>Unit 103</td>
</tr>
<tr>
<td>Ed. Orton</td>
<td>Unit 103</td>
</tr>
</tbody>
</table>
### Tenant Information Meeting

**350 Concession Street**

**Tenant Information Meeting**

**Monday, February 12th, 2007**

<table>
<thead>
<tr>
<th>Name</th>
<th>Address/Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan M. Mckeecher</td>
<td>350 Concession St #803</td>
</tr>
<tr>
<td>D. Keith Mckeecher</td>
<td></td>
</tr>
<tr>
<td>Jim Tolos</td>
<td>902</td>
</tr>
<tr>
<td>Starker Lonsberg</td>
<td>902</td>
</tr>
<tr>
<td>Emily Brooks</td>
<td>603</td>
</tr>
<tr>
<td>Lorette Selon</td>
<td>802</td>
</tr>
<tr>
<td>John Selon</td>
<td>502</td>
</tr>
</tbody>
</table>
### Tenant Information Meeting

**Monday, February 12th, 2007**

<table>
<thead>
<tr>
<th>Name</th>
<th>Address/Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Don Collect</td>
<td>350 Concession St</td>
</tr>
<tr>
<td>Mr. Hannon</td>
<td>Apt 5-401</td>
</tr>
<tr>
<td>B. Harris</td>
<td>Unit 901</td>
</tr>
</tbody>
</table>
February 5, 2007

Notice to Residents – 350 Concession Street

Dear Residents:

RE: Conversion to Condominium Status – Application Process

As part of the application process with the City of Hamilton we are required to obtain confirmation from each tenant acknowledging that they have been informed of our application and have a clear understanding of how the Ontario Residential Tenancies Act specifically provides tenants with “Security of Tenure”. Attached is a copy of our Notice of Meeting that was circulated, plus the excerpts from the Residential Tenancies Act, outlining your specific rights under the Act.

Please answer the following questions and retain one (1) copy for your records:

- We were notified of the condominium conversion application  Yes/No
- We are aware of “Security of Tenure” rights under the Residential Tenancies Act  Yes/No
- We support the condominium conversion application  Yes/No
- We have attached additional comments with respect to this application  Yes/No

Unit No. 403  Name Edward Draw
Date 02/14/07  Signature
Phone No. 519-7671
Phone No. not provided
Do not wish to be contacted by the City

Thank you for your co-operation in providing this information.

Yours very truly,

Sergio Manfredi, MCIP, RPP
Principal, Senior Planner
SMGZ, attach.

George T. Zajac, BA, CPT
Planer
February 5, 2007

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- We were notified of the condominium conversion application  
  Yes  No
- We are aware of "Security of Tenure" rights under the Residential Tenancies Act  Yes  No
- We support the condominium conversion application  Yes  No
- N/A
- We have attached additional comments with respect to this application  Yes  No

Unit No. 601
Name: PETER TERRAN
Date: FEB 6/07
Signature: PETER TERRAN
Phone No. 905-389-6257
Phone No. not provided
Do not wish to be contacted by the City

Thank you for your co-operation in providing this information.

Yours very truly,

PLANNING & ENGINEERING INITIATIVES LTD.

Sergio Mancioni, MCIP, RPP
Principal, Senior Planner

SMGZ

360 James St. N.
Suite 200, East Wing
Hamilton, Ontario
L1I 1H5
Bus.: (905) 546-1010
Fax: (905) 546-1011

E-mail: info@peil.net
Toll Free: 1-877-622-3798

www.peil.net
February 5, 2007

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Please answer the following questions and retain one (1) copy for your records:

- We were notified of the condominium conversion application
  Yes ___ No ___

- We are aware of “Security of Tenure” rights under the Residential Tenancies Act
  Yes ___ No ___ N/A ___

- We support the condominium conversion application
  Yes ___ No ___

- We have attached additional comments with respect to this application
  Yes ___ No ___

Unit No. 92
Name: HEATHER RANSBURY
Date: 2/1/2009
Signature: JIM TO KOS
Phone No.: 905 575 5745
Phone No. not provided: Do not wish to be contacted by the City

Thank you for your co-operation in providing this information.

Yours very truly,

PLANNING & ENGINEERING INITIATIVES LTD.

Sergio Maniehia, MCIP, RPP
Principal, Senior Planner

George T. Zajac, BA, CPT
Planner

Hamilton
360 James St. N.
Suite 200, East Wing
Hamilton, Ontario
1L1 1H5
Bus.: (905) 546-1010
Fax: (905) 546-1011

E-mail: info@pel.net
Tel/Fax: 1-477-472-7796

www.pel.net

KITCHENER - HAMILTON - MISSISSAUGA - BRANTFORD - WALKERTON
PLANNING & ENGINEERING INITIATIVES LTD.
February 5, 2007

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- We were notified of the condominium conversion application [Yes ☐ No ☐]
- We are aware of “Security of Tenure” rights under the Residential Tenancies Act [Yes ☐ No ☐]
- We support the condominium conversion application [Yes ☐ No ☐]
- We have attached additional comments with respect to this application [Yes ☐ No ☐]

Unit No: 509
Name: J. Lorette Seda

Date: Feb. 12/07
Signature: ________________________

Phone No: 905-388-5732
Phone No. not provided
Do not wish to be contacted by the City ______

Thank you for your co-operation in providing this information.

Yours very truly,

Sergio Margaria, M.C.I.P., R.P.P.
Principal, Senior Planner

Hamilton
360 James St. N.
Suite 200, East Wing
Hamilton, Ontario
Toll Free: 1-877-827-3798
Fax: (905) 546-1011

E-mail: info@peil.net

www.peil.net

KITCHENER - HAMILTON - MISSISSAUGA - BRANTFORD - WALKERTON
Minutes of the Tenant’s Meeting, Sign-in Sheets and Comments

February 5, 2007

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Please answer the following questions and retain one (1) copy for your records:

- We were notified of the condominium conversion application [Yes] [No]
- We are aware of “Security of Tenure” rights under the Residential Tenancies Act [Yes] [No]
- We support the condominium conversion application [Yes] [No] [N/A]
- We have attached additional comments with respect to this application [Yes] [No]

Unit No.: 903

Date: Feb 12, 07

Phone No.: 383-1899

Name: RICK KOBYLT

Signature: [Signature]

Phone No. not provided

Do not wish to be contacted by the City

Thank you for your co-operation in providing this information.

Yours very truly,

PLANNING & ENGINEERING INITIATIVES LTD.

Sergio Marzaria, MCIP, RPP

Principal, Senior Planner

George T. Zajac, BA, CPT

Planner

Hamilton
360 James St., N.
Suite 200, East Wing
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L8L 1H5
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Please answer the following questions and retain one (1) copy for your records:

- We were notified of the condominium conversion application
- We are aware of “Security of Tenure” rights under the Residential Tenancies Act
- We support the condominium conversion application
- We have attached additional comments with respect to this application

Unit No: 201

Name: [Signature]

Phone No: 389-9220

Thank you for your co-operation in providing this information.

Yours very truly,

PLANNING & ENGINEERING INITIATIVES LTD.

Sergio Mandia, MCIP, RPP
Principal, Senior Planner

George T. Zajac, BA, CPT
Planner

SM/GZ
attach.
Thursday September 6, 2007

TO: Kristen West, Planner
   Development and Planning Department

FROM: Rick Kobylt
       Tenant Association Spokesman

RE: File: 25CDM-CON-07-03 (350 Concession St., Hamilton)

Following a meeting in the lobby of 350 Concession St., on Wednesday August 29, 2007, it was agreed that all tenants currently residing at said residential building would state their position as to whether they are “NOT OPPOSED” or “OPPOSED” to the application for approval of a Condominium Conversion. Said poll is attached.

The majority of tenants, after listening to Ms. Kristen West, Planner for the City of Hamilton, Mr. Scott Duvall, Alderman and myself Rick Kobylt, Association spokesman, and having had the opportunity to be present and ask questions, are now of the opinion that they are no longer opposed to the plans of the current owners to convert 350 Concession St. from a rental building into one for condominium use.

The tenants therefore ask, that our previous letter dated August 13, 2007 voicing our opposition to this conversion be withdrawn. No one here shall be attending any of the meetings planned by the City of Hamilton regarding this conversion process.

We all would like to thank you both, for all of your time and efforts in giving everyone here at 350 Concession St the answers that they were looking for. Much appreciated.

Sincerely,

Rick Kobylt
Tenant Association Spokesman
POLL

Please sign below acknowledging your position on the application to convert 350 Concession St. into condominium. Any unit # without a signature will be deemed to be “not opposed” to the application for conversion.

<table>
<thead>
<tr>
<th>UNIT #</th>
<th>NAME</th>
<th>NOT OPPOSED</th>
<th>OPPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>101</td>
<td>Vacant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>102</td>
<td>Vacant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>103</td>
<td>E. &amp; M. Drain</td>
<td>Ed. Drain</td>
<td></td>
</tr>
<tr>
<td>201</td>
<td>S. Bailey</td>
<td>SUPERINTENDENT</td>
<td></td>
</tr>
<tr>
<td>201</td>
<td>D. Collett</td>
<td>Don Collett</td>
<td></td>
</tr>
<tr>
<td>202</td>
<td>A. Wright</td>
<td>Andrew Wright</td>
<td></td>
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<tr>
<td>301</td>
<td>D. Wilson</td>
<td></td>
<td>Liz</td>
</tr>
<tr>
<td>302</td>
<td>R. Eslami</td>
<td></td>
<td>Eslami</td>
</tr>
<tr>
<td>303</td>
<td>Vacant</td>
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<tr>
<td>401</td>
<td>K. Kennedy</td>
<td>K. Kennedy</td>
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<tr>
<td>402</td>
<td>V. Peck</td>
<td>V. Peck</td>
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<tr>
<td>403</td>
<td>Vacant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>501</td>
<td>M. Hamilton</td>
<td></td>
<td>M. Hamilton</td>
</tr>
</tbody>
</table>
Letter Received From the Tenant Association of 350 Concession Street

<table>
<thead>
<tr>
<th></th>
<th>NOT OPPOSED</th>
<th>OPPOSED</th>
</tr>
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<tbody>
<tr>
<td>502</td>
<td>J.&amp; L. Sedan</td>
<td>John Sedan</td>
</tr>
<tr>
<td>503</td>
<td>M. Furlong</td>
<td></td>
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<tr>
<td>601</td>
<td>P. Terrana</td>
<td>Peter Terrana</td>
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<tr>
<td>602</td>
<td>C. Altenburg</td>
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</tr>
<tr>
<td>603</td>
<td>E. &amp; S. Brooks</td>
<td>Emma Brooks</td>
</tr>
<tr>
<td>701</td>
<td>R. Harper</td>
<td>R. Harper</td>
</tr>
<tr>
<td>702</td>
<td>B. &amp; B. Millar</td>
<td>B. &amp; B. Millar</td>
</tr>
<tr>
<td>703</td>
<td>E. Merz</td>
<td>E. Merz</td>
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<tr>
<td>801</td>
<td>A. Charavalle</td>
<td>A. Charavalle</td>
</tr>
<tr>
<td>802</td>
<td>P. &amp; M. McNeil</td>
<td>P. &amp; M. McNeil</td>
</tr>
<tr>
<td>803</td>
<td>K. &amp; J. McKerracher</td>
<td>K. &amp; J. McKerracher</td>
</tr>
<tr>
<td>901</td>
<td>R. Reiss</td>
<td></td>
</tr>
<tr>
<td>902</td>
<td>H. Ransbury &amp; J. Tokas</td>
<td>H. Ransbury &amp; J. Tokas</td>
</tr>
<tr>
<td>903</td>
<td>R. Kobytl &amp; L. Sedan</td>
<td>R. Kobytl &amp; L. Sedan</td>
</tr>
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</table>