TO: Chair and Members Planning Committee  
WARD(S) AFFECTED: WARD 2

COMMITTEE DATE: November 22, 2011

SUBJECT/REPORT NO:
Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 118 St. Joseph's Drive (Hamilton) (PED11189) (Ward 2)

SUBMITTED BY:  
Tim McCabe  
General Manager  
Planning and Economic Development Department

PREPARED BY:  
Timothy Lee  
(905) 546-2424, Ext. 1249

SIGNATURE:

RECOMMENDATION

That approval be given to Condominium Conversion Application CDM-CONV-10-03, by Centurion Property Associates Inc., Owner, to establish a Draft Plan of Condominium for 30 apartment units, located at 118 St. Joseph’s Drive (Hamilton), as shown on the attached map marked as Appendix “A” to Report PED11189, subject to the following:

(a) That this approval apply to the plan, prepared by Schaeffer Dzaldov Bennett Limited, and certified by Ophir Dzaldov, O.L.S., dated October 7, 2010, showing a total of 30 residential apartment dwellings and 16 vehicular parking spaces, attached as Appendix “B” to Report PED11189.

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

(i) That the Final Plan of Condominium shall comply with all of the applicable provisions of the applicable Zoning By-law, to the satisfaction of the Manager of Development Planning.
(ii) That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

(iii) That the owner shall submit a report in accordance with 9(4) of the 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 shall include the following warning clause in all Development Agreements and Offers of Purchase and Sale or Lease/Rental Agreements:

“Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality’s and the Ministry of the Environment’s noise criteria.”

(v) That the owner shall provide the Manager of Design and Construction with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunications service provider, approved by the Canadian Radio and Telecommunications Commission (CRTC), that adequate telecommunication service will be provided to the condominium, including 9-1-1 emergency calling service that identifies, at a minimum, the caller’s name and location information.

**EXECUTIVE SUMMARY**

The purpose of this application is to create a Plan of Condominium for 30 existing apartment units within a 4-storey building, and 16 vehicular parking spaces, located at 118 St. Joseph’s Drive (Hamilton) (see Appendix “A”) to allow for the tenure of the units to change from rental to condominium ownership. The existing tenants are protected under the Residential Tenancies Act.

The proposed Condominium Conversion has merit and can be supported, with conditions, as the proposal is consistent with the Provincial Policy Statement, and conforms to the Places to Grow Plan, the “Urban Area” policies of the Hamilton-Wentworth Official Plan and to the Hamilton Official Plan.

*Alternatives for Consideration - See Page 15.*
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, formal notice was given to all existing tenants.

HISTORICAL BACKGROUND

Proposal

The subject property is a through lot with access on St. Joseph’s Drive, is approximately 0.15 hectares in size, and is located on the north side of Arkledun Avenue, the south side of St. Joseph’s Drive, and east of John Street South (see Appendix “A”). The 4-storey building was constructed in the 1960’s, and consists of surface parking, a common element lobby area, storage rooms on the ground floor, and residential units on the remaining floors. There are 17 bachelor, 9 one-bedroom, and 4 two-bedroom units, for a total of 30 units. There are 16 vehicular parking spaces, including 1 barrier-free parking space.

Uses surrounding the subject property are predominantly residential of various densities, including single detached, semi detached, low rise, and high rise multiple dwellings. The purpose of the Condominium Conversion application is to allow a change in tenure from rental to condominium for 30 apartment dwelling units within the existing building (see Appendix “B”).

Chronology:

November 17, 2010: Application is deemed complete.

December 9, 2010: Date of Tenant Information Meeting.

October 5, 2011: Date of Second Tenant Information Meeting.

November 4, 2011: Circulation of Notice of Public Meeting to all residents of the subject building.
Details of Submitted Application

Location: 118 St. Joseph’s Drive (Hamilton)

Owner/Applicant: Centurion Property Associates Inc.

Agent: Ridge Planning Group Inc. (Franz Kloibhofer)

Property Description:
- Lot Area: 0.15 hectares
- Lot Frontage (St. Joseph’s Drive): 25.6 metres
- Lot Depth: 60.5 metres

EXISTING LAND USES AND ZONING:

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<th>Location</th>
<th>Existing Land Use</th>
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<td>Apartment Building</td>
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<td>South</td>
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<td>“C/S-154a” (Urban Protected Residential, etc.) District, Modified</td>
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Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
POLICY IMPLICATIONS

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with Policy 1.1.3.1. that focuses growth in Settlement Areas. In addition, Policy 1.4.3(a) outlines establishing and implementing minimum targets for the provision of housing, which is affordable to low and moderate income households. Finally, Policy 1.4.3(b) permits and facilitates all forms of housing required to meet the social, health, and well-being requirements of current and future residents. These policies are consistent in addressing the Provincial Interest in Section 2(j) of the Planning Act with respect to providing adequate housing types.

Policy 1.7.1(e) outlines that sensitive land uses are to be appropriately designed, buffered, and/or separated from major transportation corridors to prevent adverse effects from odour, noise, and other contaminants. A condition to Draft Plan of Condominium Conversion approval has been included requiring that a noise warning clause be added to all Development Agreements and Offers of Purchase and Sales or Lease/Rental Agreements (see Recommendation (b)(iv)). Based on the foregoing, the proposal is consistent with the policies of the Provincial Policy Statement.

Places to Grow

The application has been reviewed with respect to the Places to Grow Plan. The application is consistent with the guiding principles of Policy 1.2.2 with respect to building compact, vibrant, and complete communities, and providing for different approaches to managing growth that recognizes the diversity of communities in the Greater Golden Horseshoe. In addition, Policy 2.2.2.1h) encourages cities and towns to develop as complete communities with a diverse mix of land uses, and a range of housing types and easy access to local stores and services. These policies are also consistent in addressing the Provincial Interest in Section 2(j) of the Planning Act with respect to providing adequate provisions in housing types. As a result, the proposal conforms to the Places to Grow Plan.

Hamilton-Wentworth Official Plan

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020. In Part A, Section II, policies are in place to identify the division of responsibilities. In particular, the City has interests in providing for housing which meets the needs of the diversity of households throughout the City. In addition, Part
B, Section 3, the City has a responsibility in ensuring the availability of a full range of adequate and affordable housing.

As the nature of the application is for the conversion of the existing rental apartment units into a plan of condominium, the proposal conforms to the Hamilton-Wentworth Official Plan.

**The City of Hamilton Official Plan**

The subject lands are designated “Residential” on Schedule “A”, Land Use Concept of the City of Hamilton Official Plan, which permits the existing residential use. Section C.7.3.v) supports residential development that provides tenure options and a range of prices for new dwellings that will be affordable to Hamilton residents. Also, Section C.7.3.ix) supports the concept of a residential community that provides a diversity of dwelling forms and housing options that are accessible to all Hamilton residents.

Section C.7.11 provides policies that protect the adequate provision of a full range of housing, in particular, existing rental apartment and/or townhouse dwellings comprising of six or more units, from conversion to condominium tenure, as follows:

“7.11  All of the following criteria have been met:

(i) The rental vacancy rate by dwelling unit and structure type for the City and the respective local housing market zone, as identified on Schedule G - Local Housing Market Zones and based on CMHC data, has been at or above 2.0% for the preceding twenty-four months;

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

(iii) The existing market rent levels for the units proposed to be converted are not significantly (approximately 10%) below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling unit, and structure type and size.”

A detailed analysis of the proposal, vis-à-vis this Policy, is found in the Analysis/Rationale for Recommendation section of this Report. Based on this analysis, staff notes that the application conforms to Sections C.7.11.i) and C.7.11.ii).
The analysis has shown that 3 of the 30 units proposed to be converted are significantly below the average market rent levels for the City and the respective local housing market zone. However, 27 of the 30 units (90% of the total units in the existing building) proposed to be converted are not considered significantly below the average market rent for the local housing market and the City of Hamilton. Based on the foregoing, the proposal generally conforms to the Hamilton Official Plan, and can be supported.

**New Urban Hamilton Official Plan (Under Appeal)**

The Urban Hamilton Official Plan received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011, and, therefore, can no longer be modified. The Plan has been appealed to the Ontario Municipal Board, and no hearings have been set. The subject property is designated “Neighbourhoods” on Schedule E-1, which permits the existing use. Section B.3.2.5 of the Urban Official Plan has identified the need to maintain a balance between rental housing stock and ownership housing stock. Condominium conversions can meet other City goals such as providing affordable home ownership. However, other goals such as providing affordable rental units will not be met if the rental units being converted to condominium tenure have rents that are lower than the average market rent for the local housing market and the City of Hamilton.

Section B.3.2.5.1 of the Plan includes Condominium Conversion policies for Rental Housing Units. Section B.3.2.5.1(a) states that to protect the adequate provision of a full range of housing, conversion to condominium rental apartment or townhouse buildings, or groups of buildings comprised of six or more units, shall be permitted if any one of the three general criteria are met, outlined as (a), (b), and (c) below:

“3.2.5.1a) All of the following criteria have been met:

(i) The rental vacancy rate by dwelling unit and structure type for the City and the respective local housing market zone, as identified on Schedule G - Local Housing Market Zones and based on CMHC data, has been at or above 2.0% for the preceding twenty-four months;

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

(iii) The existing market rent levels for the units proposed to be converted are not significantly (approximately 10%) below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling unit, and structure type and size.
iv) For vacant rental units, the last market rent levels charged prior to vacancy for the units proposed to be converted were not significantly (approximately 10%) below the average market rent levels at the time of a similar dwelling unit and structure type and size.

3.2.5.1b) At least 75% of the current tenants support the conversion to condominium, as demonstrated, to the satisfaction of the City; and,

3.2.5.1c) The subject building or group of buildings is a protected heritage property on the date of application.”

As the vacancy rate for bachelor, one-bedroom, and two-bedroom units has been above 2.0% for the City of Hamilton in 2009 and 2010, the proposal conforms to Criteria i). With respect to Criteria ii), the proposed conversion would not reduce the vacancy rate below 2% and is, therefore, compliant. However, the application does not strictly meet Criteria iii), as the existing market rent levels for 10% of the units proposed to be converted are significantly below the average market rent levels for the City and the respective local housing market zone (which is deemed to be approximately 10%). More specifically, there are three 2-bedroom units that have rents that are significantly below the average market rent where the rents range from -12% to -15% below the average market rent for the local housing market and -10% to -11.8% below the average market rent for the City of Hamilton. However, considering that 27 of the 30 units (90% of the total units) within the existing building have rents that are not significantly below the average market rent, the Condominium Conversion application conforms to the Residential Conversion Policies.

Based on the foregoing, the proposal would conform to the Urban Hamilton Official Plan.

**RELEVANT CONSULTATION**

The following Departments and Agencies had no comments or objections to the proposed conversion:

- Taxation Division, Corporate Services Department.
- Parking and By-law Services Division, Planning and Economic Development Department.
Bell Canada:

The telecommunications provider has requested that should the Condominium Conversion application be approved, that an easement may be required to provide additional servicing of the subject property. This is to ensure that all of Bell Canada’s requirements to provide adequate services are met.

Urban Forestry Section (Public Works Department):

The City’s Urban Forestry Section has advised there are no municipal asset trees located on the road allowance surrounding the subject property. Due to the impervious nature of the subject property, staff has requested that should the Condominium Conversion application be approved, a conversion of a portion of the hard surface to soft surface on the St. Joseph’s Drive frontage be recommended to accommodate planting of trees and landscaping. In addition, lands that are currently sodded along the Arkledun Avenue frontage should be enhanced with additional trees.

Housing Division (Community Services Department):

The City’s Housing Division has advised that the following Official Plan requirement for both the local housing market zone and City of Hamilton has been met:

1. Vacancy rates have been above 2% for the past two years; and,

2. The loss of stock does not negatively affect vacancy rates.

The 2009 and 2010 CMHC Rental Market Reports were used by the Housing Division as part of their comments for this application. Local housing markets, Zone 1 (Downtown) and Zone 4 (Central Hamilton), were used in their analysis. Data showed that the vacancy rate for bachelor units increased from 6.2% in 2009 to 8.4% in 2010 for the local market zone (see Comment 2 - Pages 10-13), and from 6.9% in 2009 to 7.8% in 2010 for the City of Hamilton. For one-bedroom units, the vacancy rate increased from 3.9% in 2009 to 4.1% in 2010 for the local market zone, and from 3.8% in 2009 to 4.3% in 2010 for the City of Hamilton. Finally, the vacancy rate decreased slightly for two-bedroom units from 4.9% in 2009 to 4.8% in 2010 in the local market zone, and from 4.7% in 2009 to 4.0% in 2010 in the City of Hamilton.

Based on the data presented, Criteria 1 and 2 of the Official Plan requirements have been met as the vacancy rate has been above the minimum 2% for the two past years, and the loss of stock from the proposed Condominium Conversion will not negatively affect vacancy rates.
However, the City’s Housing Division has advised that although the following Official Plan requirement for both the local housing market zone and City of Hamilton has not been met in full, the application may be considered to be generally in compliance as 27 of the 30 units (or 90%) meet the criteria.

3. 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.

The CMHC Rental Market Reports showed that the average rents for all units remained relatively stable from 2009 to 2010. For Bachelor units, the average market rent was $507 in 2009 and 2010 for the local housing market; and $507 in 2009, and $508 in 2009 for the City of Hamilton. For one-bedroom units, the average rent was $635 in 2009, and $649 in 2010 for the local housing market; and $640 in 2009, and $650 in 2010 in the City of Hamilton. Finally, the average rent for two-bedroom units was $790 in 2009, and $806 in 2010 for the local housing market; and $761 in 2009, and $775 in 2010 for the City of Hamilton.

Based on the rent rolls that were provided by the applicant, the analysis showed that 3 of the 30 units, or 10% of the total number of units in the building, have rents that are significantly below either the average market rent for Local Market Zones 1 (Downtown) and 4 (Central Hamilton), or the average market rent for the City of Hamilton.

The Housing Division has also provided information to suggest that the waitlist for social housing is mainly for 1-bedroom and 3 or more bedroom units. For example, 55% of all households are on the waitlist for 1-bedroom units, and 25% of all households are on the waitlist for 3 or more bedroom units. Therefore, the greatest demand is for smaller units (1-bedroom) and larger units (3 or more bedrooms). The rent roll information has shown that the Condominium Conversion application will continue to provide for affordable housing and homeownership that is accessible to all residents.

Based on the data provided, the application is considered to be generally in compliance to Criteria 3 of the Official Plan requirements and, as a result, staff supports the Condominium Conversion application.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

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

   (i) It is consistent with the Provincial Policy Statement, and conforms to the Places to Grow Plan and the Hamilton-Wentworth Official Plan;

   (ii) It conforms to the Residential Condominium Conversion policies of the City of Hamilton Official Plan; and,
(iii) The conversion of the units will not reduce the number of overall affordable rental units for one-bedroom and two-bedroom apartment dwelling units within the City of Hamilton.

2. The housing policies found in the City of Hamilton Official Plan are intended to guide future growth and development, which includes the protection of a full range of housing, including rental housing, throughout the City. In this regard, Section C.7.11 of the City of Hamilton’s Official Plan identifies the following three conditions that must be satisfied in order to permit the conversion of rental stock to condominium ownership:

(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; and,

(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.

The Canada Mortgage and Housing Corporation (CMHC) provides annual statistical information on the national, provincial, and local housing markets. In order to evaluate the proposal against the above noted Official Plan policies, the City uses local housing market data that is specifically-ordered from CMHC (see Tables 1 and 2).

Table 1: Vacancy Rate and Average Market Rents for Bachelor, One-Bedroom, Two-Bedroom, and Three-Bedroom Units in the City of Hamilton

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<tbody>
<tr>
<td>Bachelor</td>
<td>6.9%</td>
<td>$507</td>
<td>7.8%</td>
<td>$508</td>
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<tr>
<td>One-Bedroom</td>
<td>3.8%</td>
<td>$640</td>
<td>4.3%</td>
<td>$650</td>
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<tr>
<td>Two-Bedroom</td>
<td>4.9%</td>
<td>$761</td>
<td>4.0%</td>
<td>$775</td>
</tr>
</tbody>
</table>

Source: CMHC (2009)
The subject property is located in the Downtown (Zone 1) local market zone. For the purpose of analysis, the Central Hamilton (Zone 4) local market zone is also used. The City’s Housing Division relied on the Fall 2009 and Fall 2010 Rental Market Reports as the sources of data for the analysis of Official Plan conformity as part of their analysis and comments. As outlined in Table 1, the rental vacancy rate in the City of Hamilton for bachelor units increased from 6.9% in 2009 to 7.8% in 2010. The rental vacancy rates for one-bedroom units increased from 3.8% in 2009 to 4.3% in 2010. For two-bedroom units, the vacancy rates decreased from 4.9% in 2009 to 4.0% in 2010.

Table 2: Vacancy Rate and Average Market Rents for Bachelor, One-Bedroom, Two-Bedroom, and Three-Bedroom Units in CMHC Zone 1+4 - Downtown/Central

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<tr>
<td>Bachelor</td>
<td>6.2%</td>
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<td>8.4%</td>
<td>$507</td>
</tr>
<tr>
<td>One-Bedroom</td>
<td>3.9%</td>
<td>$635</td>
<td>4.1%</td>
<td>$649</td>
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<tr>
<td>Two-Bedroom</td>
<td>4.9%</td>
<td>$790</td>
<td>4.8%</td>
<td>$806</td>
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</table>

Source: CMHC (2009)

As outlined in Table 2, the rental vacancy rate in the local housing market zone for bachelor units increased from 6.2% in 2009 to 8.4% in 2010. For one-bedroom units, the vacancy rate increased from 3.9% in 2009 to 4.1% in 2010. For two-bedroom units, the vacancy rate decreased slightly from 4.9% in 2009 to 4.8% in 2010. The data has shown that the rental vacancy rate for all bedroom types for the City of Hamilton and the local housing market has been consistently above the minimum required 2.0% for the preceding twenty-four months for the City and the respective local housing market.

Staff reviewed the application against the Fall 2009 and Fall 2010 Rental Market Reports, which showed that the vacancy rates for bachelor, one-bedroom, and two-bedroom units for the City of Hamilton to be consistently above 2.0% for the preceding twenty-four months, where the lowest rental vacancy rate for the period was 3.8%. Similarly, the rental vacancy rate for all bedroom types for the local housing market was also consistently above 2.0% for the preceding twenty-four months, where the lowest rental vacancy rate for the period was 3.9%. The conversion of 30 apartment units will not reduce the rental vacancy rate to below 2.0%. Therefore, Section C.7.11.ii) of the Hamilton Official Plan has been met as the conversion of the 30 apartment units will not result in the rental vacancy rate to decrease to below 2.0%.
Table 3: Average Market Rents for Bachelor, One-Bedroom, and Two-Bedroom Units of the Subject Property, and Average Market Rents in the City of Hamilton and Local Market Zone

<table>
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<th>Subject Lands</th>
<th>2009 (City)</th>
<th>2010 (City)</th>
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<td>Two-Bedroom</td>
<td>$667</td>
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<td>$744</td>
<td>$683</td>
<td>$704</td>
<td>$761</td>
<td>$775</td>
</tr>
</tbody>
</table>

Source: CMHC (2009)

Table 3 shows the highest and lowest market rent and average market rent by bedroom type, based on the latest revised rent rolls for October, 2011, that were provided by the agent. The average market rents in the City of Hamilton increased from $507 in 2009 to $508 in 2010 for bachelor units, increased from $640 in 2009 to $650 in 2010 for one-bedroom units, and increased from $761 in 2009 to $775 in 2010 for two-bedroom units. Similarly, the average market rents in the local housing market zone for bachelor units remained stable at $507 in 2009 and 2010, increased from $635 in 2009 to $649 in 2010 for one-bedroom units, and increased from $790 in 2009 to $806 in 2010 for two-bedroom units.

For the City of Hamilton, rents that are charged below $456 for bachelor, $576 for one-bedroom, and $685 for two-bedroom units are considered significantly below the average market rents for 2009; and $457 for bachelor, $585 for one-bedroom, and $698 for two-bedroom units are considered significantly below the average market rents for 2010. For the local housing market, rents that are charged below $456 for bachelor, $572 for one-bedroom, and $711 for two-bedroom units are considered significantly below the average market rents for 2009; and $456 for bachelor, $584 for one-bedroom, and $725 for two-bedroom units are considered significantly below the average market rents for 2010.

For bachelor units, none of the units have rent that is considered significantly below the average market rent for the City of Hamilton or the local housing market. In addition, the average rents for these units are above the average market rents for the City of Hamilton and the local housing market zones for 2009 and 2010.
For one-bedroom units, one unit has rent that is below the average market rent, but is not considered to be significantly below the average market rent. The rent roll shows that the rent for one unit is -10.1% below the average market rent for the City of Hamilton, whereas the criteria is approximately -10.1% of the average market rent for the local housing market and the City of Hamilton.

For two bedroom units, there are three units that are considered significantly below the average market rent. For the City of Hamilton, rents that are considered significantly below range from -10.20% in 2009, and -10.32% to -11.82% in 2010. For the local housing market zone, rents that are considered significantly below range between -12.03% to -13.49% in 2009, and -13.77% to -15.21% in 2010.

Based on the data presented, the application does not conform in full to Criteria 3(c) of the Condominium Conversion policies with respect to the existing Market Rent levels. In particular, three units have rents that are significantly below the average market rents for the local housing market and the City of Hamilton. However, as 27 of the 30 units do meet Criteria 3(c) of the Condominium Conversion policies, the application in compliance.

Furthermore, The Housing Division of the Community Services Department has advised that the waitlist for social housing is greatest for 1-bedroom and 3-bedroom units. Of the total, approximately 55% of the households are on the waitlist for 1-bedroom units, approximately 25% of the households are on the waitlist for 3 or more bedroom units, and approximately 20% of the households are on the waitlist for 2-bedroom units.

The data shows that there is a diverse demand for various units by bedroom type, where the greatest needs are for smaller units (1-bedroom), and larger units (3 or more bedrooms). The Condominium Conversion application will not affect the demand of affordable housing as the existing tenants are protected under the Residential Tenancies Act. In addition, the lower demand for 2-bedroom units will not be affected by the conversion of the existing 2-bedroom units in the existing building.

Based on the foregoing, the application conforms to the Residential Conversion policies of the Hamilton Official Plan.
3. An Information Meeting was held by the applicant on December 9, 2010, who invited all tenants and the local Ward Councillor. Three tenants were in attendance from the apartment building on the subject property (see Appendix “C”). At the meeting, the applicant advised the tenant(s) that the owner intended to make an application to the City for the conversion of the subject property to ownership tenure. The applicant explained to the tenants the Condominium Conversion process, tenant’s rights under the Residential Tenancies Act, and provided an opportunity for the tenant(s) to ask questions. A further information sheet was circulated to all tenant(s) outlining the application process and the existing tenant(s’) rights under the Residential Tenancies Act, including confirmation that existing residents not committing to purchase their units will be allowed to continue to rent.

A second Tenant Information Meeting was held on October 5, 2011, and distributed identical Tenant Information brochures and a FAQ sheet as provided in the December 9, 2010, Tenant Information Meeting (see Appendix “C”). A total of 12 tenants attended the Information Meeting provided where the applicant explained to the tenants the Condominium Conversion process, tenant’s rights under the Residential Tenancies Act, and provided an opportunity for the tenant(s) to ask questions. No minutes were taken during the Information Meeting.

4. The subject lands are located adjacent to the John Street South and the Claremont Access. Due to the close proximity to these transportation corridors, the following condition should be included as a condition of Draft Plan of Condominium Conversion approval, if the application is approved:

   “Purchasers/tenants are advised that sound levels due to increasing rail and road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality’s and the Ministry of the Environment’s noise criteria.”

5. There are existing services adjacent to the subject lands that service this site directly. The City of Hamilton has acquired sufficient road widenings to the subject lands on St. Joseph’s Drive and Arkledun Avenue. No further road widenings are required.

**ALTERNATIVES FOR CONSIDERATION**

Should the proposed Condominium Conversion be denied, the existing apartment dwelling units will remain as rental tenure.
CORPORATE STRATEGIC PLAN


Social Development
• Everyone has a home they can afford that is well maintained and safe.

Healthy Community
• Plan and manage the built environment.
• Adequate access to food, water, shelter and income, safety, work, recreation and support for all (Human Services).

APPENDICES / SCHEDULES

• Appendix “A”: Location Map
• Appendix “B”: Draft Plan of Condominium
• Appendix “C”: Tenant Information Meeting Package held on December 9, 2010, and October 5, 2011

:TL
Attachs. (3)
You are invited to attend a Tenant Appreciation and Information Session at The Church of the Ascension, 64 Forest Avenue at John Street South on Wednesday October 5, 2011, 7:00 pm. Submarine Sandwiches and refreshment will be provided and attendance entitles your unit to be included in a draw for a free 32” Toshiba Flat Screen Television.

Centurion Property Associates has applied to the City of Hamilton to convert 118 St Joseph’s Drive from rental to condominium ownership. A number of upgrades to the building have been completed and additional improvements are being considered. Professionals will be in attendance at the session on October the 5th, to answer any questions you may have.

It is important to note that your current lease will remain in effect and that your rights under the Residential Tenancies Act will remain in full force through this process. You will also have the opportunity to purchase a unit should you so choose or you may continue to rent the same unit for as long as you wish.

**Under no circumstance can you be required to leave your unit as the result of a condominium conversion.**

The attached information sheet outlines frequently asked questions with regard to condominium conversions. We will be available to answer any further questions at the aforementioned information session. We look forward to your attendance on Wednesday October 5, 2011.
FREQUENTLY ASKED QUESTIONS (AND ANSWERS)  
CONCERNING CONVERSION OF RENTAL UNITS  
TO CONDOMINIUM OWNERSHIP  

The following only applies to tenants who are tenants of the residential rental building at the time the residential rental property is converted to a condominium (these tenants are called “standing tenants”). Only standing tenants will enjoy the benefits described below.

1. **QUESTION:** Does registration of a rental apartment building to a condominium allow a landlord to terminate my lease under Residential Tenancies Act, 2006 (the “RTA”)?

   **ANSWER:** No.

   Section 4(2), (“Rights of Tenants”) of the Condominium Act, states that the registration of a Condominium shall not terminate or otherwise affect the rights of a standing tenant under the RTA. Therefore, any such person has security of tenure as a tenant.

2. **QUESTION:** When a building is converted to condominium and a residential apartment unit becomes a “condominium unit”, does the landlord/owner of such condominium unit have the right to terminate the residential tenancy of the occupant of the unit?

   **ANSWER:** No.

   Section 4(3) (“No Termination of Tenancy”) of the Condominium Act states that registration of a condominium does not constitute grounds for a landlord to give notice of termination under Part V of the RTA to standing tenant. Therefore, such tenant has security of tenure.

3. **QUESTION:** Is it true that a standing tenant obtains greater protection against termination of his/her lease on conversion the rental building to a Condominium?

   **ANSWER:** Yes

   **A.**

   Under the RTA, a landlord can terminate the tenancy under Section 48(1) on the basis that the landlord requires the unit for residential occupation by:

   (a) the landlord;

   (b) the landlord’s spouse;

   (c) a child or parent of the landlord or the landlord’s spouse; or

   (d) a person who provides or will provide care services to the landlord, the landlord’s spouse, or a child or parent of the landlord or the landlord’s spouse, if the person receiving the care services resides or will reside in the building.
Appendix “C” to Report PED11189 (Page 3 of 4)

Under Section 51(1) of the RTA when a rental building is converted to a Condominium, a landlord may not give notice to a standing tenant under any of the grounds in Section 48(1).

B.

Under the RTA, where a landlord signs an agreement of purchase and sale to sell the proposed condominium unit, the landlord can terminate the tenancy under Section 49(2) of the RTA on the basis that the landlord requires the unit for residential occupation by:

(a) the Purchaser;
(b) the purchaser’s spouse;
(c) a child or parent of the purchaser or the purchaser’s spouse; or
(d) a person who provides or will provide care services to the purchaser, the purchaser’s spouse, or a child or parent of the purchaser or the purchaser’s, if the person receiving the care services resides or will reside in the building, related group of buildings,..., in which the rental unit is located.

Under Section 51(1) of the RTA when a rental building is converted to a Condominium, a landlord may not give notice to a standing tenant under any of the grounds in Section 49(2).

Therefore, as a standing tenant (a tenant of the rental building at the time of conversion), you have greater rights to protect your tenancy.

4. QUESTION: Does the conversion process give the standing tenant an opportunity to purchase a unit when the conversion is completed?

ANSWER: The standing tenant now has a first right of refusal.

Under Section 51(5) (“Conversion to condominium, right of first refusal”) of the RTA, the landlord must provide a 72 hour notice of first right of refusal to the standing tenant where:

(a) a landlord/owner of a condominium unit receives an acceptable offer to purchase the converted condominium unit which is still occupied by a standing tenant; or
(b) where the landlord receives an acceptable offer to purchase a rental unit intended to be converted to a condominium unit,

at the price and subject to the terms and conditions in the offer to purchase.

The standing tenant therefore, has two advantages upon a successful conversion of his residential building to a condominium; firstly, greater security of tenure; and secondly, a first right of refusal.
## Attendance Sign In For Condo Conversion Information Session 2011-10-05
118 St. Joseph's Drive, Hamilton, Ontario

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