



CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO: Mayor and Members General Issues Committee	WARD AFFECTED: Ward 5
COMMITTEE DATE: November 21, 2012	
SUBJECT/REPORT NO: Request for Extension of Building Covenants from Minh Van Nguyen (Owner) of 912 Beach Boulevard, Hamilton (PED12213) (Ward 5)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Adam Millington (905) 546-2424 Ext. 7024
SIGNATURE:	

RECOMMENDATIONS:

- (a) That a request to extend building covenants imposed by the City upon Minh Van Nguyen, owner of 912 Beach Boulevard, regarding a building lot described as Part 4 on Plan 62R-17407, being all of PIN 17568-0216 (LT) and shown on Appendix "A" attached to Report PED12213, be approved;
- (b) That the date for commencement of construction be extended from December 6, 2012 to December 6, 2013 and that the date for completion of construction be extended from December 6, 2013 to December 6, 2014;
- (c) That the Mayor and Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor.

EXECUTIVE SUMMARY:

The property at 912 Beach Boulevard was acquired from the City by Minh Van Nguyen on December 6, 2011. This conveyance is subject to certain performance covenants

including commencement of construction of a single family detached dwelling within 12 months, and completion thereof within 24 months.

Mr. Nguyen is proposing construction of a custom 2,288 square foot single detached dwelling on the property; a heritage permit application is currently under review by Community Planning and Design. As December 6, 2012 is quickly approaching, Mr. Nguyen recognizes that the site plan review process will likely extend beyond this date. Accordingly, an extension to the date(s) of commencement and completion of construction is being requested.

Alternatives for Consideration - See Page 3

FINANCIAL / STAFFING / LEGAL IMPLICATIONS:

Financial: N/A

Staffing: N/A

Legal: Staff in Legal Services will prepare a letter of confirmation for execution by the Mayor and Clerk.

HISTORICAL BACKGROUND:

The information and recommendations contained in this Report primarily affect Ward 5.

Mr. Nguyen currently resides in the City of Guelph. His property at 912 Beach Boulevard is a vacant building lot comprising an area of 704 square metres (7,577.85 square feet) on the south side of Beach Boulevard, between Third and Fourth Avenue. This property will be developed with a two storey, single family dwelling consisting of 2,288 square feet.

Although plans for construction of this residence are now complete and ready for submission, the site plan review process has yet to occur. As the date for commencement of construction (December 6, 2012) approaches, the timing to secure site plan approval and building permits is still unknown. At this time, the owner is requesting that the dates for commencement and completion of construction be extended.

POLICY IMPLICATIONS:

- Real Estate Portfolio Strategy Plan
- Growth Related Integrated Development Strategy
- Building a Strong Foundation

- Provincial Policy Statement
- Places to Grow

RELEVANT CONSULTATION:

- Development Planning Section, Planning and Economic Development Department

ANALYSIS / RATIONALE FOR RECOMMENDATION:

Mr. Nguyen is demonstrating a significant investment in the subject property. The land value, together with construction of the proposed residence, will amount to about \$344,000, the building representing \$270,000 of this investment.

ALTERNATIVES FOR CONSIDERATION:

To withhold Mr. Nguyen's request would mean that the City could invoke its right to re-purchase the lot, pursuant to the following covenant contained in the transfer:

If the Transferee fails to comply with the conditions within the time required, then the Transferor shall have the option to re-purchase the property and to receive a conveyance of it free and clear of all charges and encumbrances, liens, claims or adverse interests whatsoever, and the Transferor agrees to pay the Transferee the original purchase price for the said lands, less the deposit, less real estate commission, less arrears of realty taxes, penalty and interest (including local improvement charges), less amounts required to discharge any mortgages, liens, charges or other encumbrances against the said lands and less the costs of the Transferor incurred in entering on the land and retaking and reselling the land and without increase or compensation for any improvements, additions, alterations in, on or under the said lands.

Should the extensions not be granted, the City would be obliged to reimburse Mr. Nguyen the amount of \$73,900 for the lot, less his deposit of \$7,390 and associated expenses as provided in the foregoing covenant. Following re-purchase, the City would again place the property on the market and wait for a buyer.

Considering the time, investment and commitment to this project by Mr. Nguyen, staff recommends that the extension be granted so that he may complete his project.

CORPORATE STRATEGIC PLAN:

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Financial Sustainability

- ◆ Financially Sustainable City by 2020
- ◆ Enhancement to local property tax base
- ◆ Management of City asset in a sustainable and cost effective manner

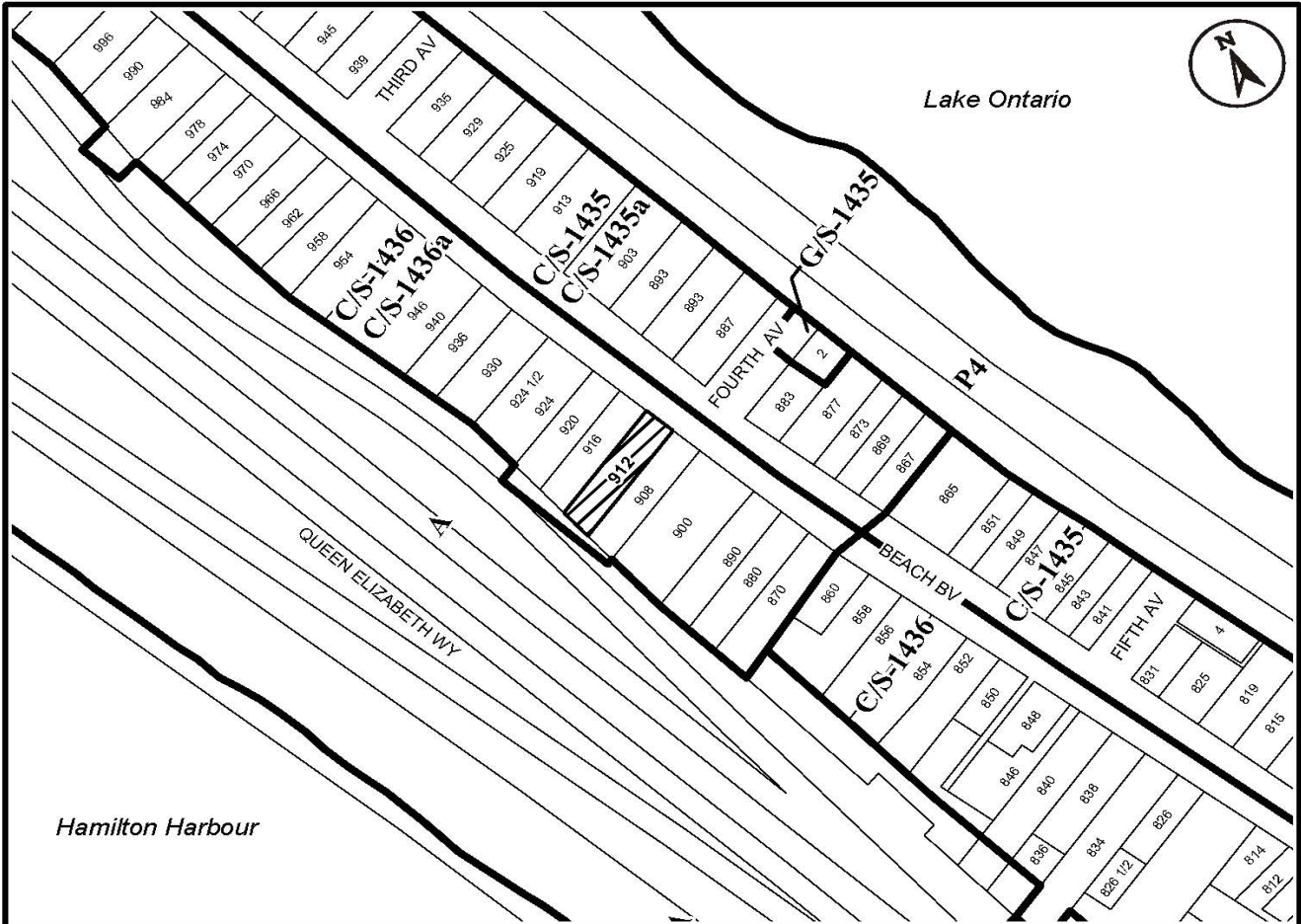
Growing Our Economy

- ◆ Investment in Hamilton is supported

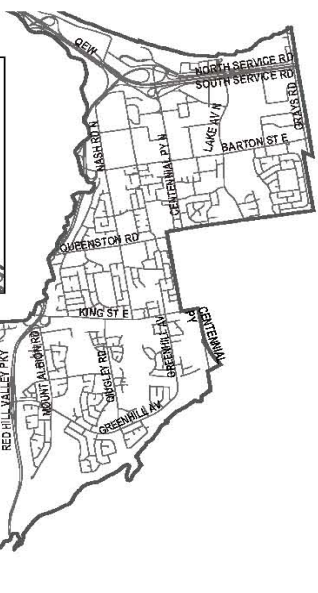
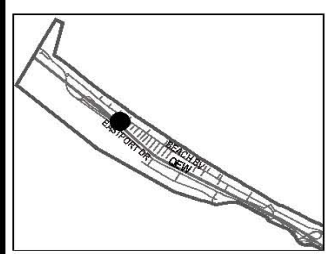
APPENDICES / SCHEDULES:

Appendix "A" to Report PED12213 - Location Map

AM/sd



● Subject Property



Ward 5 Key Map

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
912 Beach Blvd

Date:
October 12, 2012

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
AM/AL

Subject Property

912 Beach Boulevard