



CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT Planning Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: CITY WIDE
COMMITTEE DATE: December 3, 2013	
SUBJECT/REPORT NO: Follow-Up Report - Municipal Services and Property Taxation on Condominium Properties (PED13206) (City Wide) (Outstanding Business List Item)	
SUBMITTED BY: Joe-Anne Priel Acting General Manager Planning and Economic Development Department	PREPARED BY: Scott Baldry (905) 546-2424 Ext. 1324
SIGNATURE:	

RECOMMENDATION

- (a) That Report PED13206, "Follow-up Report - Municipal Services and Property Taxation on Condominium Properties", be received for information;
- (b) That the current Site Plan Guidelines and best practice of requiring warning clauses be retained in their current condition, and updates be completed, as required;
- (c) That the subject matter be identified as completed and removed from the Outstanding Business List.

EXECUTIVE SUMMARY

The Canadian Condominium Institute, Golden Horseshoe Chapter, expressed concerns regarding the City of Hamilton's policies affecting condominium projects. The issue of the types of services that are provided by the City of Hamilton to various condominium developments was reviewed by staff in the context of the concerns expressed.

The Planning and Economic Development Department reviewed the Planning Act processes that have regard to the development of condominium developments, such as townhouses and apartments. The Site Plan Control process is utilized to review these types of developments with respect to municipal standards and regulations. This process involves a detailed review of the layout and services provided and required.

City of Hamilton staff review and monitor on an on-going basis the guidelines, and update the guidelines based on new regulations and legislation. The guidelines are amended and altered to ensure that the most relevant and current regulations and requirements are provided to developers going through the process.

One area of review was in regard to on-site garbage collection for townhouse developments. The guidelines provide details on what a development must contain to have municipal garbage collection. The Public Works Department has provided the regulations required to accommodate garbage vehicle access and manoeuvring to accommodate municipal garbage collection. The regulations provide for the safe operation of equipment to collect the garbage on site and maintain compliance with the Health and Safety requirements for waste collection staff.

The requirement for truck access was reduced in the past as part of a staff initiative to mitigate the impact that the regulations have on development size and layout. The reduction was implemented, and is currently contained within the Site Plan Control Guidelines.

The City of Hamilton has reduced requirements to meet past concerns expressed by developers regarding developments in the City. Developers may elect not to have municipal garbage collection because this may require a redesign of the site, affecting the number of units. Historically there are nuisance related issues with a centralized on-site garbage room. The elimination of on-site municipal garbage collection at the development stage requires that the condominium provide for its own waste collection through private contractors. Warning clauses are required to be included in all offers of purchase and sale, and are registered on title to alert prospective purchasers of this.

Prior to 2003, the condominium corporations may not be aware that the developer has opted out of municipal garbage collection and assume that the municipality is responsible for this oversight.

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Condominium development have private arrangements for the maintenance of private roads. Snow removal and sanding of these private roads are also performed through private contracts, with the municipalities having no involvement.

Municipalities provide the normal services to these developments as they would to single detached dwellings. Water and sewers are provided to the property line. Roads leading to the property are maintained by the municipality. Municipalities do not provide the same services to condominium developments as they do to single family dwellings. Municipalities have never provided maintenance to any property for fire services or property lighting. Provision of onsite fire hydrants and other similar services are installed to ensure that the development meets the minimum requirements of Fire and Building Code regulations, ensuring the safety of the occupants. Lighting is provided, again for the safety of the occupants, and provides no municipal benefit.

The reduction in taxation for developments that choose to provide private services instead of meeting the requirements for public services is in the realm of the Provincial Government. Only the Province can change the legislation that affects how properties are taxed, and at what rates. The municipality only collects taxes based on the regulations and requirements that the Province implements.

Alternatives for Consideration - See Page 5.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: N/A.

Staffing: N/A.

Legal: N/A.

HISTORICAL BACKGROUND (Chronology of events)

On March 8, 2010, representatives from the Canadian Condominium Institute (CCI), Golden Horseshoe Chapter, advised Committee of the Whole (now known as General Issues Committee) of their concerns with respect to the City of Hamilton's policies on condominium properties. In response, the following direction was approved by City of Hamilton Council:

“Staff were directed to meet with CCI to investigate and report back with a plan for attempting to mitigate the costs of services provided to condominium residences including:

Garbage and Recycling collection

*Storm sewer annual cleaning
Parking/signage on roads
Other related services*

Staff were also to include in their report back information available from AMO and MPAC.”

In response to the above direction, Senior City staff met with representatives from the Canadian Condominium Institute (CCI) on several occasions. The “Analysis/Rationale for Recommendation” section of this Report highlights the outcome of these meetings.

Information Reports were submitted to Council, through the Audit, Finance and Administration Committee, in 2012, with an update from Departments with respect to their areas of expertise.

Planning Division staff consulted with staff of the Public Works Department regarding the concerns expressed with regard to site plan approvals for condominium projects. Staff reviewed the current guidelines for developments in regard to municipal garbage collection. The requirements regarding municipal garbage collection were reduced or slackened to ease the strain placed on development in the past.

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

No recommendation is proposed to alter or change any existing City policies.

RELEVANT CONSULTATION

Consultation of the concerns was completed with staff from the Public Works Department.

Public Works Department staff provided the requirements that must be adhered to in order to qualify for municipal garbage collection. All developments are able to have municipal garbage collection when the criterion is met and design complies with the regulations.

The requirements were reduced in the past to assist developers and developments to attain municipal garbage collection. The further reduction in these requirements would create a situation where the Occupational Health and Safety Act may be contravened. The Act requires that waste collection vehicles maintain a forward motion and minimize any reversing. The reversing of the vehicles creates a situation where safety is compromised for staff, as well as area residents.

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The current reduced requirements have been designed to meet the Provincial requirements for Occupational Health and Safety, as well as good design criteria. Municipal Works Department staff have indicated that no further reduction in the requirements is possible without having the municipality assume an unwarranted risk.

Past Reports (FCS12020/PW12011, FCS12020(a), and PW12011(a)), provided insight with respect to consultation with other municipalities that have similar requests for reductions.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

Planning and Economic Development staff were directed to review how condominium developments are reviewed with respect to the provision of municipal services. The review was restricted to the Site Plan Control process, as this process has most relevance to development review. The review of the expressed concerns indicated that the municipality has provided reduced requirements to assist developers and developments in having municipal garbage collection.

Developments of this type differ in many ways from each other. Due to the size and/or the shape of sites, some sites do not lend themselves to forward movement, nor proper, safe circulation of garbage collection vehicles. The requirements are flexible to provide design options that balance municipal objectives and criteria through the site plan review process, of which municipal requirements for garbage collection, etc. are just one consideration. Developers make a cognitive choice to increase the density of the site and maximize the number of units by the elimination of municipal garbage collection. The present method of dealing with these types of development does not differ from the majority of other municipalities.

The City's current practice of updating the Site Plan Control Guidelines ensures that the regulations and requirements are maintained to ensure fair treatment of developments.

ALTERNATIVES FOR CONSIDERATION

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

An alternative to consider would be to require developers and developments to make accommodation for municipal garbage collection. This requirement would require that all developments provide for accommodations for municipal garbage collection with no option to provide private waste collection.

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This alternative may not be received well by the development community who would have to ensure that sites are designed to permit municipal garbage collection. This may result in a reduction of the number of units.

A reduction in densities could result with impacts on other developments in the area resulting. The Provincial Places to Grow Act requires that certain densities be provided in development areas that are covered by the Act. The City of Hamilton is covered under this Act, and the repercussions would not be known until developments under the new requirements were submitted.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

Strategic Priority #1:

A Prosperous and Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective:

- 1.2 Continue to prioritize capital infrastructure projects to support managed growth and optimize community benefit.
- 1.7 Maintain private infrastructure in the private sector reducing the cost to the taxpayer.

Strategic Priority #2:

Valued and Sustainable Services

WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.

Strategic Objective:

- 2.1 Implement processes to improve services, leverage technology and validate cost effectiveness and efficiencies across the Corporation.
- 2.4 Maintain the current approach whereas private services are retained in the private sector.

Strategic Priority #3:

Leadership and Governance

WE work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in.

Strategic Objective:

- 3.1 Engage in a range of inter-governmental relations (IGR) work that will advance partnerships and projects that benefit the City of Hamilton.

- 3.3 The contents of the report is the result of consultation with the Public Works Department.

APPENDICES / SCHEDULES

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