



CITY OF HAMILTON

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division**

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 8
COMMITTEE DATE: December 3, 2013	
SUBJECT/REPORT NO: Application for a Condominium Conversion for Lands Known as 54 Mohawk Road West (Hamilton) (PED13184) (Ward 8)	
SUBMITTED BY: Joe-Anne Priel Acting General Manager Planning and Economic Development Department	PREPARED BY: Delia McPhail (905) 546-2424 Ext. 6663
SIGNATURE:	

RECOMMENDATION

That approval be given to **Condominium Conversion Application CDM-CONV-12-01, by 54 Mohawk Road West (Hamilton) Limited, Owner**, to establish a Draft Plan of Condominium for the existing apartment building, consisting of 47 dwelling units, located at 54 Mohawk Road West (Hamilton), as shown on the attached map marked as Appendix "A" to Report PED13184, subject to the following:

- (a) That this approval apply to the plan, prepared by A.T. McLaren Limited and certified by S.D. McLaren, O.L.S., dated July 27, 2012, and as red-lined revised, showing a total of 47 residential apartment units, 40 resident vehicular parking spaces, and 6 visitor vehicular parking spaces, attached as Appendix "B" to Report PED13184;
- (b) That the following conditions shall apply to the Draft Plan of Condominium approval:

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- (i) That the Final Plan of Condominium comply with all applicable provisions of Hamilton Zoning By-law No. 6593;
- (ii) That the owner satisfies all conditions, financial or otherwise, of the City of Hamilton;
- (iii) That the owner shall submit a report, in accordance with Section 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 telecommunication services provider, approved by the Canadian Radio and Telecommunication 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 47 existing residential apartment units located at 54 Mohawk Road West (Hamilton). The condominium conversion will 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, Places to Grow Plan, and conforms to the “Urban Area” policies of the Hamilton-Wentworth

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Official Plan, the “Residential” and “Housing” policies of the Urban Hamilton Official Plan, and the City of Hamilton Official Plan.

Alternatives for Consideration - See Page 12.

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

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 residents.

HISTORICAL BACKGROUND

Proposal:

The applicant seeks approval of a Draft Plan of Condominium to allow a change in tenure from the rental of the existing 47 apartment units, located within the existing building at 54 Mohawk Road West, to condominium units. The eight storey building was constructed between 1963 and 1964, and it contains a total of thirty-one one-bedroom, and sixteen two-bedroom dwelling units. The individual dwelling units and forty resident parking spaces would form the exclusive use areas, while the remainder of the property, including six visitor parking spaces, the landscaped areas, framed shed, stairways and hallways, would form the common element areas (see Appendix “B”).

The subject property is approximately 0.30 ha in size, and is located between Upper James Street and West 5th Street within the Bonnington Neighbourhood, on the north side of Mohawk Road West. Uses that surround the subject property include single detached residential dwellings to the north, west, and south, a Place of Worship to the south, multiple dwellings to the east, as well as commercial uses along Upper James Street.

Chronology:

January 21, 2013: Application is deemed complete.

February 15, 2013: Housing staff provides comments, concluding that the proposal generally meets the conversion policies of the Urban Hamilton Official Plan.

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June 24, 2013: Building Services staff provides comments, confirming Zoning By-law deficiencies.

Location: 54 Mohawk Road West (Hamilton)
Owner/Applicant: 54 Mohawk Road West (Hamilton) Limited
Agent: IBI Group (George Zajac)

Property Description: Lot Area: 0.305 ha
Lot Frontage: 35.356m
Lot Depth: 50.597m

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Rental Apartments	“E-2” (Multiple Dwellings) District and “C” (Urban Protected Residential) District
<u>Surrounding Land Uses:</u>		
North	Single Detached Dwellings	“C” (Urban Protected Residential) District
South	Single Detached Dwellings Church	“C” (Urban Protected Residential) District and Neighbourhood Institutional (I1) Zone
East	Rental Apartments	“E-2” (Multiple Dwellings) District
West	Single Detached Dwellings	“C” (Urban Protected Residential) District

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff notes that the subject application is consistent with the policies that focus growth in Settlement Areas within Policy 1.1.3.1, including opportunities for redevelopment (Policy 1.1.2) and those that encourage the provision of a variety of

housing types to meet the needs of current and future residents (Policies 1.1.1, 1.4.3). However, Policy 1.7.1(e) requires that major facilities (such as transportation corridors) and sensitive land uses are appropriately designed, buffered, and separated from each other to prevent adverse effects from odour, noise, and other contaminants. As the subject lands are adjacent to Mohawk Road West, a warning clause shall be included in all Development Agreements and Offers of Purchase and Sale or Lease/Rental Agreements. This requirement is recommended as a condition of Condominium approval (see Recommendation (b)(vi)).

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 recognize the diversity of communities in the Greater Golden Horseshoe. In addition, Policy 2.2.2.1 (h) encourages cities and towns to develop as complete communities with a diverse mix of land uses, a range of housing types, and easy access to local stores and services. As a result, the proposal conforms to the Places to Grow Plan.

Urban Hamilton Official Plan:

The subject lands are designated “Neighbourhoods” on Schedule E-1 of the Urban Hamilton Official Plan and the existing use is permitted.

Housing policies, as found in Chapter B, Section 3.2, of the Urban Hamilton Official Plan, support the proposed conversion of the existing rental townhouse units to a condominium tenure, as housing needs to change and evolve due to the changes in demographic and economic conditions, and that there must be a sufficient supply of housing with a range of affordability types. Section 3.2.1 identifies urban housing goals, which include the following:

- “3.2.1.1 Provide for a range of housing types, forms, and densities to meet the social, health, and well-being requirements of all current and future residents.
- 3.2.1.3 Increase Hamilton’s stock of affordable housing of all types, particularly in areas of the City with low levels of affordable housing.
- 3.2.1.5 Maintain a balance of primary rental and ownership housing stock, as outlined in the Affordable Housing Strategy.”

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The Official Plan sets policies to guide future growth and development of a community which includes fostering a healthy rental housing market. A “healthy” or “balanced” rental market vacancy rate is generally considered to be between 2% to 3%. Chapter B, Section 3.2.5.1 (a) of the Urban Hamilton Official Plan identifies three conditions that must be satisfied in order to recommend condominium conversion.

“3.2.5.1 (a) All of the following criteria are 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.”

The first two of the above criteria have been met in full and, as discussed in greater detail within in the Analysis/Rationale section of this Report, the application may be considered to be generally in compliance with Criterion (iii).

Based on the foregoing, and the fact that the proposal provides homeownership opportunities for existing tenants and residents in the community, the proposal conforms to the Urban Hamilton Official Plan.

RELEVANT CONSULTATION

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

- Corridor Management West (Traffic), Public Works Department.
- Hydro One.

Development Engineering (Growth Management Division):

The owner is advised that a master water meter is required for the entire building; however, the owner may enter into an agreement with the City, should satellite meters be preferred for each unit.

Parking Services (Hamilton Municipal Parking System):

Staff is concerned that parking requirements of the Zoning By-law are not being met in terms of minimum number of parking spaces, as well as the dimensions of parking spaces and aisles. These deficiencies have been confirmed through staff review of the application and have been evaluated in the Analysis/Rational section of this Report.

Housing Division (Community Services Department):

Staff in the Housing Division reaffirmed the importance of maintaining and increasing the number of affordable rental units within the City, and affirmed that current trends indicate new privately-initiated rental construction is unlikely to keep up with demand. Therefore, it is not known when new rental construction would replace the units proposed to be converted to condominium tenure if the subject application is approved.

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

1. 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; and,
2. 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.

Staff noted that two of the 47 units (or 4.2%) have rents significantly below the average market rent for both Zone 6 and the former City of Hamilton; therefore, the application is not in full compliance with the third test, namely:

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.

However, Housing staff has determined that given that 96% of the units do meet the above requirement, the application is generally in keeping with this criterion.

As the submission package did not include an estimated selling price, staff is unable to comment on the comparative affordability of the proposed condominium units and whether the units could be considered affordable homeownership housing.

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 Urban 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 existing 8-storey building, containing 31 one-bedroom and 16 two-bedroom dwelling units, is zoned “E2” (Multiple Dwellings) District. According to Building Services records, the 47-unit apartment building is legal non-conforming in that there are 47 parking spaces with no visitor parking spaces. Therefore, the submitted Draft Plan of Condominium, depicting a total of 46 parking spaces, of which 6 are reserved for visitor parking, does not conform, and therefore the legal non-conforming status of the parking may have been lost. In addition, the Draft Plan of Condominium shows different parking stall dimensions for both 90 degree and parallel parking stalls provided, all of which are less than the minimum dimensions required by the Zoning By-law No. 6593. Also, a loading space is not required as it was not required at the date of issuance of the Building Permit, being April 1, 1964. This is a legal non-conforming situation. The Zoning By-law requirements, relating to building location and size, gross floor area, planting strip, visual barrier, dimensions of visitor parking spaces, and other parking requirements found within Section 18A, could not be determined, as details have not been provided by the applicant.

The Final Plan of Condominium must comply with the zoning requirements of Hamilton Zoning By-law No. 6593, as included as a condition of Draft Plan of Condominium approval (see Recommendation (b) (i)). This may be achieved either through the demonstration by the applicant that the Draft Plan of Condominium is in conformity with the by-law, or through a successful application to the Committee of Adjustment for minor variances, to address the reduction to the number of parking spaces, reduced parking space dimensions, and associated manoeuvring space provided on-site.

As the parking area has continued to be utilized with the reduced parking stall dimensions and associated manoeuvring space since the building was constructed in the mid-1960s, and since the subject property is located along a Secondary Corridor (Mohawk Road West) and within walking distance of a Primary Corridor (Upper James Street), Development Planning staff would be supportive of a minor variance application, if deemed necessary.

3. The subject application was received prior to the Urban Hamilton Official Plan coming into force and effect; therefore, the housing policies of the Hamilton Official Plan apply. This condominium conversion application would allow the rehabilitation of the existing residential stock on the subject land. Section C.7.3. (v) of the Hamilton Official Plan supports new 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.

The same policies that provide guidance in assessing the merits of proposed condominium conversions contained within Section B, 3.2.5.1 (a) of the Urban Hamilton Official Plan, were found under Section C.7.11 of the City of Hamilton Official Plan, and have been addressed in the proceeding analysis.

Chapter B, Section 3.2.5.1 (a) of the Urban Hamilton Official Plan, identifies three conditions that must be satisfied in order to recommend the conversion of rental stock to condominium ownership:

- (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.

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).

The first table (Table 1) depicts the vacancy rate and average market rent for the local housing market zone (i.e. Zone 6) for privately initiated one-bedroom and two-bedroom apartment units.

Table 1: Vacancy Rate and Average Market Rent by Unit Type in Zone 6 (Mountain)

Unit Type	Vacancy Rate (2011)	Average Rent (2011)	Vacancy Rate (2012)	Average Rent (2012)
One-Bedroom	3.3%	\$679	3.0%	\$704
Two-Bedroom	4.0%	\$789	3.1%	\$838

Source: CMHC (2011, 2012)

The following table shows the vacancy rate and average market rent for the former City of Hamilton for privately initiated one-bedroom and two-bedroom apartment units.

Table 2: Vacancy Rate and Average Market Rents by Unit Type in the Former City of Hamilton Zones 1-6

Unit Type	Vacancy Rate (2011)	Average Rent (2011)	Vacancy Rate (2012)	Average Rent (2012)
One-Bedroom	3.8%	\$663	4.0%	\$691
Two-Bedroom	4.2%	\$781	4.3%	\$814

Source: CMHC (2011, 2012)

Tables 1 and 2 indicate that the vacancy rates for all unit types in both the local housing market zone and the former City of Hamilton, have been above 2% for the past two years. Therefore, the first two criterion of condominium conversion of the Official Plan have been met.

Staff confirms that the conversion of the rental units to condominium tenure does not negatively impact vacancy rates such that rates would fall below 2% for either the one-bedroom or two-bedroom unit type in Zone 6 and for the former City of Hamilton.

Based on rent rolls provided by the proponent (see Appendix “C” – Rent Roll Information), 2 of the 47 units (or 4.2%) have rents that are significantly (approximately 10%) below the average market rent for Zone 6 in 2012; whereas the Urban Hamilton Official Plan requires that the rental rates of units to be converted to condominium tenure, not be more than 10% below the existing market rents for both the City and the respective local housing market zone. In this case, the lowest rental rates for two one-bedroom units are \$630.00 and \$626.00, which are calculated to be 10.5% and 11% less than the average market rent for Zone 6, respectively. As such, technically, the application is not in full compliance with criterion 3 of the Urban Hamilton Official Plan policies; however, the City of Hamilton Official Plan policy concerning rents didn’t specify a percentage in association with the term ‘significantly’. However, given that 96% of the units have rents that are not significantly below the average market rent for Zone 6 and the former City of Hamilton, the application is generally in compliance with this criterion.

Based on the above, the proposed development would conform to the policies of the Hamilton Official Plan. [It should be noted that the majority of the Hamilton Official Plan is no longer in effect, but as the proposed condominium conversion application was submitted prior to the Ontario Municipal Board decision on the Urban Hamilton Official Plan, the proposed development was evaluated against the former Hamilton Official Plan policies.]

4. An “Information Meeting” was held by the applicant on December 10, 2012, and all tenants, staff, and the local Ward Councillor were invited. A total of 17 residents were in attendance. At the meeting, the applicant advised the tenants 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, the tenant’s rights under the Residential Tenancies Act, and provided opportunity for the tenants to ask questions. An information sheet was circulated to all tenants outlining the application process and the existing tenants’ rights under the Residential Tenancies Act, including confirmation that existing residents not committing to purchase their units will be allowed to continue to rent (see Appendix “D” - Minutes of Meeting).

A total of 15 questionnaires were received from residents who attended the meeting, the results of which conclude that 5 residents do not support the Condominium Conversion application, 5 residents are in support, and 5 residents have no opinion on the application.

5. In accordance with Section 9(4) of the Condominium Act, when an application is made to convert a residential building from rental to condominium tenure, the municipality shall require the owner/applicant to retain a qualified professional to inspect the property, and report to the municipality all matters that it considers may

be of concern. This has been addressed in Recommendation (b)(iii). The owner of the subject lands is proposing to offer homeownership to existing tenants. Despite their decision, existing tenants at the time of conversion will continue to have the benefit of security of tenure, which allows them to remain in the units without the ability of a new landlord to force displacement. The applicants did not provide information concerning estimated selling prices for the proposed condominium units.

6. The subject lands are serviced by existing municipal services, and there are no grading or drainage concerns. In addition, there are no future right-of-way widenings along the frontage of the subject lands along Mohawk Road West.

ALTERNATIVES FOR CONSIDERATION

Should the proposed condominium conversion not be approved, the applicant may consult further with the existing tenants, in order to determine whether at least 60% support the conversion to condominium, as provided in Chapter B, Section 3.2.5.1 (b) of the Urban Hamilton Official Plan.

Should the proposed condominium conversion not be approved, the existing units will remain as rental tenure.

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:

- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

APPENDICES / SCHEDULES

- Appendix "A": Location Map
- Appendix "B": Draft Plan of Condominium
- Appendix "C": Rent Roll Information provided by Applicant
- Appendix "D": Notice and Minutes of Tenant "Information Meeting" on December 10, 2012, and Resident Questionnaires

:DM


Attachs. (4)



● Site of the Application



Ward 8 Key Map

N.T.S. 

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
25CDM-CONV-12-01

Date:
January 11, 2013

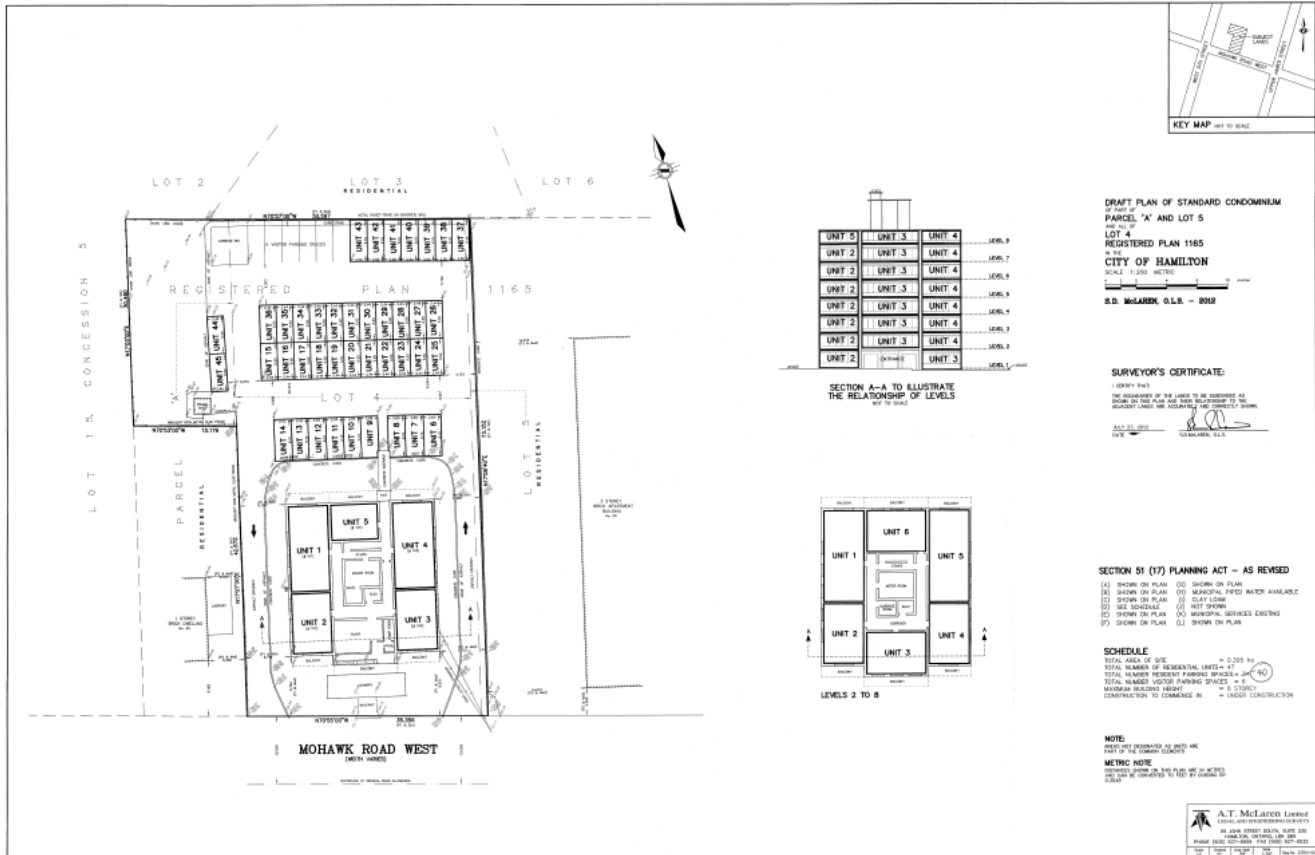
Appendix "A"

Scale:
N.T.S.

Planner/Technician:
KM/AL

Subject Property

 54 Mohawk Road West



DRAFT PLAN OF STANDARD CONDOMINIUM
OF PART OF
PARCEL 'X' AND LOT 5
AND LOT 4
REGISTERED PLAN 1165
IN THE
CITY OF HAMILTON
SCALE 1:200 METRIC
S.D. McLEAREN O.L.S. - 2022

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THE INFORMATION ON THIS PLAN IS AS REPRESENTED AND THAT I AM A REGISTERED PROFESSIONAL ENGINEER AND ARCHITECT AND AM QUALIFIED TO SIGN THIS PLAN AND TO ISSUE THIS CERTIFICATE.

AUG 10 2022
S.D. McLEAREN O.L.S.

UNIT 5	UNIT 3	UNIT 4	1046.9
UNIT 2	UNIT 3	UNIT 4	1046.7
UNIT 2	UNIT 3	UNIT 4	1046.9
UNIT 2	UNIT 3	UNIT 4	1046.9
UNIT 2	UNIT 3	UNIT 4	1046.9
UNIT 2	UNIT 3	UNIT 4	1046.9
UNIT 2	UNIT 3	UNIT 4	1046.9
UNIT 2	UNIT 3	UNIT 4	1046.9

SECTION A-A TO ILLUSTRATE THE RELATIONSHIP OF LEVELS



LEVELS 2 TO 8

SECTION 51 (17) PLANNING ACT - AS REVISED

- (1) SHOWN ON PLAN (2) SHOWN ON PLAN
- (3) SHOWN ON PLAN (4) MUNICIPAL PAVED WATER AVAILABLE
- (5) SHOWN ON PLAN (6) ELEVATION
- (7) SEE SCHEDULE (8) NOT SHOWN
- (9) SHOWN ON PLAN (10) MUNICIPAL SERVICES EXISTING
- (11) SHOWN ON PLAN (12) SHOWN ON PLAN

SCHEDULE

TOTAL AREA OF SITE	= 0.355 ha
TOTAL NUMBER OF RESIDENTIAL UNITS	= 31
TOTAL NUMBER RESIDENT PARKING SPACES	= 40
TOTAL NUMBER MOTOR PARKING SPACES	= 8
MAXIMUM RESIDENT HEIGHT	= 5 STOREYS
CONSTRUCTION TO COMMENCE IN	= UNDER CONSTRUCTION

NOTE:
THIS PLAN IS PROVIDED AS IS AND THE PART OF THE CONDOMINIUM IS NOT TO BE CONSIDERED AS PART OF THE CONDOMINIUM.

METRIC NOTE:
DIMENSIONS ARE GIVEN IN METERS UNLESS OTHERWISE NOTED IN METERS.

A.T. McLaren Limited
ARCHITECTURAL AND ENGINEERING SERVICES
100 KING STREET WEST, SUITE 200
TORONTO, ONTARIO M5X 1C4
TEL: 416-593-1111 FAX: 416-593-1112
WWW.ATMCLAREN.COM

Rent Roll

Elite Apartments (elite)

As Of = 09/01/2012

Month Year = 09/2012

Unit	Unit Type	Resident	Name	Rent
	a2			812
	a1			684
	a1			0
	a2			0
	a1			630
	a2			812
	a1			705
	a1			705
	a1			715
	a2			787
	a1			689
	a2			789
	a1			684
	a1			728
	a1			689
	a2			810
	a1			626
	a2			820
	a1			696
	a1			736
	a1			685
	a2			0
	a1			705
	a2			789
	a1			723
	a1			705
	a1			703



Rent Roll

Elite Apartments (elite)

As Of = 09/01/2012

Month Year = 09/2012

Unit	Unit Type	Resident	Name	Rent
	a2			805
	a1			706
	a2			828
	a1			684
	a1			684
	a1			736
	a2			825
	a1			746
	a2			810
	a1			694
	a1			687
	a1			715
	a2			812
	a1			732
	a2			827
	a1			681
	a1			699
	a1			715
	a2			793
	a1			685

31 1 BR suites

16 2 BR suites

Built: approx 1964

54 Mohawk Road West (Hamilton) Limited

**TENANT INFORMATION MEETING
SUMMARY REPORT
54 MOHAWK ROAD WEST CONDOMINIUM CONVERSION**

SUMMARY REPORT

DECEMBER, 2012



1. INTRODUCTION

IBI Group was retained by 54 Mohawk Road West Hamilton Limited to undertake the condominium conversion process for the Elite Apartments located at 54 Mohawk Road West in Hamilton. As part of the application process, the existing tenants must be notified of the condominium conversion and what it entails. A Tenant Information Meeting was held to inform existing tenants of the process and provide them with an opportunity to ask questions. This meeting was the first stage of the process which will take approximately two to three years. City of Hamilton staff and the Ward Councillor were also invited to the meeting.

2. NOTICE OF CONDOMINIUM CONVERSION

An information package was hand delivered by the superintendent to all existing tenants at 54 Mohawk Road West. The information package included the following and is available under *Appendix A*:

- Notice of Condominium Conversion
- Effort Trust Memorandum to tenants
- Tenant Questionnaire
- Frequently Asked Questions and Answers

Fifteen (15) tenant questionnaires were submitted at the meeting.

Table 2-1 below summarizes responses generated from completed tenant questionnaires.

Table 2-1: Tenant Questionnaire Summary

	Yes	No	N/A
We were notified of the condominium conversion application	15	0	0
We are aware of "Security of Tenure" rights under the Residential Tenancies Act	15	0	0
We support the condominium conversion application	5	5	5
We have attached additional comments with respect to this application	0	0	15

3. TENANT INFORMATION MEETING

The Tenant Information Meeting was held as a question and answer session where project representatives were available to answer questions and address concerns. The session was held as follows:

Date: Monday, December 10th, 2012
Time: 5:00 PM – 6:30 PM
Location: Immanuel Christian Reformed Church
61 Mohawk Road West, Hamilton

Eighteen (18) individuals signed the attendance register (*Appendix B*) and were present at the meeting. The following project representatives were present at the meeting:

Mr. David Horwood, Effort Trust Company
Mr. George T. Zajac, MCIP, RPP, IBI Group
Mr. Kevin Cianciolo, CPT, IBI Group

4. INFORMATION PRESENTED

The exhibits listed in Table 4-1 were on display at the meeting and can be viewed in full under *Appendix D*.

Table 4-1: Display Boards

- | |
|---|
| <ul style="list-style-type: none">i. Welcome Boardii. Purpose of the Meeting and Rights of the Existing Tenantiii. Aerial View of the Subject Propertyiv. Draft Plan of Condominium (sample) |
|---|

5. COMMENTS AND QUESTIONS

The meeting began at 5:00 p.m. George Zajac from the IBI Group and David Horwood opened the meeting with an explanation of condominium ownership. The building will be divided into separate units, however, stairwells, hallways and the laundry room will remain as common areas. This meeting, informing the tenants, is the first stage of the application process and the process will take approximately two to three years.

Discussion Details	
	Answer
<ul style="list-style-type: none"> What is the reason for this condominium conversion? 	<ol style="list-style-type: none"> To change legal classification from Multi-Residential to Condominium Now is a good opportunity, not sure when laws may change More flexibility in the future Possibility of property tax savings (Good Investment)
	Answer
<ul style="list-style-type: none"> The '72 Hour' rule is scary. 	<ol style="list-style-type: none"> You will <u>not</u> be asked to move out within 72 Hours You will be given the option to buy your unit. You have 72 Hours to decide (Right of First Refusal) If you choose not to buy it, you can remain renting as long as you want to (Lifetime Tenancy)
	Answer
<ul style="list-style-type: none"> If improvements are made as part of the Condominium conversion will the rent go up? Will improvements as part of the condominium conversion cost the renter? 	<ol style="list-style-type: none"> Improvements cannot be passed on to the existing tenants through rent increases. Rent increases are set by the province and regulated No, again, the responsibility is to the owner of the building or unit, not the renter
	Answer
<ul style="list-style-type: none"> Will the renter be responsible to cover condo fee costs? 	<ol style="list-style-type: none"> No, the owner is responsible for the condo fees
	Answer
<ul style="list-style-type: none"> Can Condominium Owners the rent condominium unit to whoever they want? What if it turns out to be a bad tenant? 	<ol style="list-style-type: none"> Yes, they can. But if they own the property they should take precaution as to who they rent to There are rules in place to remove poor tenants. The initial tenant review does have limitations on background information to request from renters

	Answer
<ul style="list-style-type: none"> Communication with past renovations has been poor. Are there any plans for more renovations? 	<ol style="list-style-type: none"> 1) My apologies for the poor communication on the renovations, thank you for enduring the retro-fit to the elevators and the roof repair 2) Future renovations planned are more cosmetic. Renovate lobby, exterior finishes etc.
	Answer
<ul style="list-style-type: none"> How long is the condominium conversion process? 	<ol style="list-style-type: none"> 1) The entire process takes approximately 2 -3 years
	Answer
<ul style="list-style-type: none"> Why buy a unit if they cannot live in it? 	<ol style="list-style-type: none"> 1) They may buy as an investment 2) You will have the right of first refusal 3) Lifetime tenancy if you so chose 4) Units mostly sold when vacant
	Answer
<ul style="list-style-type: none"> How much would it cost per unit? 	<ol style="list-style-type: none"> 1) Based on market value 2) It would make sense for us to sell to an existing tenant (good relationship/reputation)
	Answer
<ul style="list-style-type: none"> Who will be in control of building repairs/renovations when units owned by individuals? Who pays the bills? 	<ol style="list-style-type: none"> 1) Condo Board consisting of condominium unit owners (anyone of you could be involved) 2) A reserve fund has to be established to pay for condominium improvements and maintenance. (i.e. Condo fees will be paid by the owner(s) not the tenant)
	Answer
<ul style="list-style-type: none"> Will the condo units have washers and dryers added? 	<ol style="list-style-type: none"> 1) Not a candidate for en suite laundry 2) The plumbing for laundry is not available 3) There are many condominiums that do not have on site dishwashers or laundry facilities.

IBI GROUP SUMMARY REPORT

54 Mohawk Road West (Hamilton) Limited
TENANT INFORMATION MEETING
SUMMARY REPORT
54 MOHAWK ROAD WEST CONDOMINIUM CONVERSION

	Answer
• Will the units be heated individually?	1) The existing common heating will remain in place. 2) Each condo owner will pay their share (condo fee) 3) Renters are not responsible for this expense.

These Minutes were prepared by Kevin Cianciolo, IBI Group.

IBI Group

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Hamilton ON L8L 1H5 Canada
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fax 905 546 1011

November 30th, 2012

VIA HAND DELIVERED

Dear Neighbour:

**54 MOHAWK ROAD WEST, HAMILTON
CONDOMINIUM CONVERSION**

We act on behalf of the owner's of the subject building. We would like to invite you to an Information Meeting to be held on **Monday, December 10th, 2012 at 5:00 p.m. to 6:30 p.m.** to discuss the proposed conversion of the building to condominium. The meeting will be held at **The Immanuel Christian Reformed Church** located at **61 Mohawk Road West, Hamilton** in their meeting room.

Further to this conversion, we would like to ensure that you know your rights as an existing tenant:

Quick Facts

- You cannot be forced to buy your unit or move out only by reason of the proposed condominium conversion. This is known as "security of tenure"; and,
- You will have a "right of first refusal" to purchase your unit in the event that the owner wishes to sell your unit after condominium conversion. Even if you do not wish to purchase your unit, and the owner sells it after the proposed condominium conversion, your rights to remain in the unit as tenant will not be affected.

Our firm and a representative of the owners will be available at this time to answer any questions or concerns you may have regarding the proposal. As mentioned, the rights of existing tenants as of the date of its conversion to condominium, including security of tenure, are protected pursuant to the provisions of the *Residential Tenancies Act*. We have also invited the ward Councillor and City staff to attend the meeting to address any enquiries which you may have for them.

We look forward to seeing you there. As part of the Notice process, it would be greatly appreciated, if you could please complete the attached questionnaire and return it to me after the aforementioned meeting or submit to your Superintendent if you do not plan on attending. Also, for your convenience, we have attached answers to frequently asked questions regarding condominium conversions.

Yours truly,
IBI GROUP

George T. Zajac, MCIP, RPP

GZ/attach.

cc: Councillor Terry Whitehead, with attachments, via e-mail
Mr. Edward John, City of Hamilton, with attachments, via e-mail
Mr. David Horwood, with attachments, via e-mail

SIGN-IN SHEET

54 Mohawk Road West, Hamilton
Monday, December 10th, 2012



NAME(S)	ADDRESS	PHONE
Jeff ten Brinke	74 Mohawks	605
Wendy Baker	54 Mohawks	786
Wendy Baker	54 Mohawks	800
Evelyn MacDonnell	"	506
Evelyn Ten Brinke		605
Paul David		001
June David		201
Wendy Spoolstra		704
RAFAEL YACOB	54 Mohawk Rd W	501
Evelyn Fares	606	606
Barbara Sangam		305
Manfred Pott	305	
Paul Galt	54 Mohawk Rd W	105
Pam Walker	4 4 4	302
John Parker	Ac 11 2	507
9 mo farvil	4-02	

SIGN-IN SHEET

54 Mohawk Road West, Hamilton
Monday, December 10th, 2012



NAME(S)	ADDRESS	PHONE
Leigh Tomasiak	54 Mohawk Rd W #202	[REDACTED]
David Horwood	242 Main St. E. Hamilton	