



IBI Group
200 East Wing-360 James Street North
Hamilton ON L8L 1H5 Canada

tel 905 546 1010
fax 905 546 1011

November 30th, 2012

VIA HAND DELIVERED

Dear Neighbour:

**155 CHARLTON AVENUE EAST, 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 **Tuesday, December 11th, 2012 at 7:00 p.m. to 8:30 p.m.** to discuss the proposed conversion of the building to condominium. The meeting will be held at **The Church of the Ascension** located at **64 Forest Avenue, Hamilton** (at the corner of Forest Avenue and John Street South) 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 Jason Farr, with attachments, via e-mail
Mr. Edward John, City of Hamilton, with attachments, via e-mail
Mr. David Horwood, with attachments, via e-mail



Memorandum

From: David Horwood

To: Residents of Char-Wal Apartments

Date: November 30th 2012

Re: Upcoming Meeting

To all residents of Char-Wal Apartments,

I am pleased to invite you to a meeting scheduled for early December.

The purpose of the meeting is to present to all residents our application to the city to change the legal status of the building from "apartment" to "condominium."

Many buildings similar to Char-Wal Apartments are already condos, even though they are run as rental buildings and are filled with renters, just like the Char-Wal.

There are no "condo fees" that you will be responsible for paying, and no one can force you to leave your unit. As a renter, you are protected by the provincial tenancy law even after we become a condo.

In the future, if we decide to start selling the suites as condo suites, you are welcome to buy your suite or stay as a renter. Again, there will be no change in the way your rental agreement is handled, and you do not need to be on a long term lease. Month to month tenancies are treated the same.

So, although we are starting the application, I wanted to reassure you that if approved, we expect it to be "business as usual" at the Char-Wal.

Your happiness means the world to us. As our customers, we are eager to provide you with well-managed suites now, and in the future.

Sincerely,

David Horwood
A.V.P. & Officer



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November 30th, 2012

Notice to Residents – 155 Charlton Avenue East

Dear Neighbour:

RE: Conversion to Condominium Status – Application Process

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

Please answer the following questions and kindly submit this sheet at the information meeting or to your Superintendent if you do not plan on attending. Please retain a copy for your records:

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

Unit No. _____ Name _____

Date _____ Signature _____

Phone No. _____ Phone No. not provided _____
Do not wish to be contacted by the City ___

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

Yours very truly,
IBI Group

George T. Zajac, MCIP, RPP

GZ/

**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 the *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 tenants. 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 of the rental building to a Condominium?

ANSWER: YES.

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.

Under Section 51(1) of the RTA, when a 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).

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: YES.

The standing tenant now has a right of first refusal.

Under Section 51(5) ("Conversion to condominium, right of first refusal") of the *Condominium Act*, the landlord must provide a 72 hour notice of right of first 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 same terms and conditions in the offer to purchase.

The standing tenant has two advantages, greater security of tenure and a right of first refusal.



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

Unit No. 804

Name Nancy Senier

Date Dec 5, 2012

Signature Nancy Senier

Phone No. _____

Phone No. not provided _____

Do not wish to be contacted by the City yes.

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

Yours very truly,
IBI Group

George T. Zajac, MCIP, RPP

GZI

155 Charlton Avenue East Condominium Conversion

Tenant Information Meeting

The Church of the Ascension

Tuesday, December 11, 2012

7:00 pm – 8:30 pm

WELCOME

Please sign in

Project team members are available to discuss the proposal with you.

Please feel free to ask questions.



155 Charlton Avenue East Condominium Conversion

Purpose of the tenant information meeting

- Discuss the condominium conversion application process.
- Discuss the rights of the existing tenants.
- Answer any questions or concerns you may have regarding the proposal.

Rights of the Existing Tenant

- 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”.
- 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, your rights to remain in the unit as tenant will not be affected.





155 Charlton Avenue East Condominium Conversion

Subject Property - 155 Charlton Avenue East, Hamilton, Ontario





155 Charlton Avenue East Condominium Conversion

Next Step

- Proceed with the formal Draft Plan of Condominium application (sample below)

