



Hess Village Real Estate Corporation has applied to the City of Hamilton to convert 275 King Street West from rental to condominium ownership. You are invited to attend an information session in the Meeting Room at 275 King Street West on Wednesday September 30, 2015 at 6:30pm to discuss this process. We will have professionals in attendance 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. 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.

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 September 30, 2015.

Thank You,

TWO75 KING, Management.

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Tenant Meeting

Wednesday September 30, 2015

6:30 to 7:30 p.m.

275 King Street West Tenant Meeting Room

A G E N D A

1. Greeting and Introductions
2. What is a Condominium Conversion and what does it mean for you as a tenant?
3. What are the rights of a "standing tenant" during a Condominium Conversion under the Condominium Act and the Residential Tenancies Act (RTA)?
 - Security of Tenure
 - No Termination of Tenancy
 - Right of First Refusal
4. Outline of the Planning Process
5. Tenant Question and Clarifications
6. Adjournment

Thank You,

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275 King Street Tenant Information Meeting

Wednesday, September 30th 2015: 6:30pm – 8:00pm

Meeting Minutes

In attendance: Franz Kloibhofer (AJ Clarke), Megan Butchard (AJ Clarke), Denis Vranich (Hess Village Real Estate Corporation) – Meeting was mediated by Franz Kloibhofer.

Tenants: [REDACTED] (Katie Yuen and parents), [REDACTED] (Yohan Hamilton), [REDACTED] (Brian Davey and Kelli Harnett)

1. Greeting and introductions:

Franz Kloibhofer:

- Introduced Owner and consulting team
- Attendees were provided a paper copy of the Meeting Agenda and Tenant Information Sheet addressing frequently asked questions pertaining to Condominium Conversions.
- Attendees were advised of the purpose of meeting and that an application has been filed on behalf of the owners to permit the conversion of the existing suites to condominium units.
- Here to answer FAQ, and any questions you may have as rental tenants, as well as let you know what this condo conversion means and how it will affect you.

2. What is a Condominium Conversion and what does it mean for you as a tenant:

Franz Kloibhofer:

- A Condo Conversion is simply a change in tenure, altering a property from a rental style of ownership to a condo style of ownership.
- A Condominium Conversion will create unit boundaries within the building that will permit the conveyance or sale of each unit independent of the balance of the units.
- It has no effect on you as a rental tenant, or how you live in the building. All existing amenities and common areas will continue to be available

3. What are the rights of "Standing Tenant" at the time of registration of a Condominium Conversion?

Franz Kloibhofer:

- Take tenants through the attached "Frequently Asked Questions Regarding Condominium Conversions" hand out.

4. Outline of the Planning Process:

Franz Kloibhofer:

- Describe the Planning Process; Application Submission, Notice of Complete Application, Tenant Information Meeting, Municipal Public Meeting, Appeal Period, Draft Plan Approval and Registration.

5. Tenant Questions and Clarification:

Katie Yuen [REDACTED]:

Q: Is this a convert to condo project?

A: Yes, this building was originally a rental building. The owner wishes to convert those same units into condominiums. This gives flexibility to the developer to sell as a whole or separate units as the owner wishes.

Q: Is it a change of use?

A: No, the use is the same, it is still a residential building. It's a change in tenure, a change in how the building is owned

Q: Currently the building is owned by one company. As the units sell, the building will have additional/multiple owners in the Condo Corporation that will be created.

Q: Can they raise the rent?

A: Owner can only raise the rent at the typical board rate or as per an approved application for an aboveboard rent increase. This is no different than under your current lease agreement.

Example: Katie has a lease with the old owner, the new owner will have to honour the current lease agreement and any rent increases must be in keeping with board approved rates or be the subject of an approved application for an above board rent increase.

Yohan Hamilton [REDACTED]:

Q: Is the whole building being sold or just a few units?

A: The owner has not decided how or if he intends to convey the condominium units once created.

Q: What happens if I refuse the right of first refusal and someone else buys my units?

A: If someone buys your unit, there is no change, you continue to rent. You simply have a new landlord. Your security of tenure is protected by the Condominium Act and the Residential Tenancies Act.

Katie Yuen [REDACTED]:

Q: What will the units sell for?

A: Unknown at this time.

Yohan Hamilton [REDACTED]:

Q: The building currently has one owner, will the building now have more than one?

A: Yes, it is possible that each unit could have a separate owner.

Katie Yuen ([REDACTED]);

Q: Does the Owner plan to sell the whole building or only certain units?

A: The owner is currently unsure as to how or when he will bring these units to market.

Q: How is the value of a unit determined?

A: MPCA determines the assessed value of the unit for property tax purposes. However, the owner may sell the unit for whatever he feels the market will bear.

Q: How will parking be managed on the site?

A: Given the age of the building there are no parking spaces provided with these units nor will there be. Potential purchasers will likely be reminded of this through a noise warning clause in the purchase and sale documents. The tenant/ purchaser is responsible for making their own parking arrangements.

Yohan Hamilton ([REDACTED]);

Q: LRT in this part of town, what is going to happen with that? Is there a date?

A: You would have to speak to the City in regarding to their transit plans

Q: Is Bike storage to be provided?

A: A Bike Storage Room is already provided in the basement.

Q: How long will this conversion take?

A: Following Draft Approval which is likely to happen in November the owner has 3 years to complete and register the condominium. Registration will likely happen sooner possibly by the spring/summer 2016.

Katie Yuen ([REDACTED]);

Q: How much involvement does the city have in the valuation of the units?

A: None - MPAC assesses the property for property tax purposes.
- The owner may sell the unit for whatever price he feels the market will bear.

Q: How does MPAC determine value? Can the owner challenge MPAC's assessment?

A: We do not know precisely how MPAC determine values. The owner may appeal an assessment by MPAC.

Q: When will this process be completed?

A: Public meeting will likely be in November. Following approval owner will have 3 years to clear all conditions and register the condominium.

Yohan Hamilton ([REDACTED]);

Q: What is your role? Why are you here?

A: As was touched on at the beginning of the meeting, we are the planning consultants representing the owners and we are here to advise you of the pending application, the conversion process, and your rights and security of tenure under the Condo Conversion Process. You are always welcome to contact the City directly if you have any questions or want a more impartial opinion regarding this condominium conversion.

6. **Adjournment**



**FREQUENTLY ASKED QUESTIONS (AND ANSWERS)
CONCERNING CONVERSION OF A RENTAL UNITS
TO CONDOMINIUM OWNERSHIP**

1. **QUESTION:** Does registration of a rental apartment building as a condominium terminate or otherwise affect the rights of a tenant under the Residential Tenancies Act, 2006 (the "RTA")?

ANSWER: No.

Section 4(2) ("Rights of Tenants") of the Condominium Act states registration of an existing residential apartment building does not terminate or otherwise affect the rights under the RTA of a person who, at the time of condominium registration, is a tenant of the property. 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 with respect to a tenant who occupied a unit at the time of registration of the condominium. Therefore, such tenant has security of tenure.

3. **QUESTION:** If a tenant occupies a unit at the time the unit is converted and registered as a condominium, can a landlord terminate the tenancy under Section 48(1) of the RTA 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?

ANSWER: No.

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Section 51(1) ("Conversion to condominium, security of tenure") of the RTA prohibits the landlord from terminating a tenancy being based upon any of the grounds listed as (a) to (d) above.

4. **QUESTION:** If a residential building is to be converted to and registered as a condominium and the landlord signs an agreement of purchase and sale to sell the proposed condominium unit, can the landlord give notice to terminate to the tenant of the rental unit who was the tenant on the date the agreement of purchase and sale was signed, with such notice to terminate based upon the grounds specified in Sections 48 or 49 of the RTA?

ANSWER: No.

Section 51(2) ("Proposed units, security of tenure") of the RTA does not permit a landlord to terminate the tenancy on the basis the landlord has signed an agreement to sell the proposed condominium unit and based upon the reason that the purchaser requires the unit for the following purposes:

- (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?
5. **QUESTION:** What rights to purchase a condominium unit does a tenant have who occupied a unit at the time it was registered as a condominium?

ANSWER:

Under Section 51(5) ("Conversion to condominium, right of first refusal") of the RTA, if:

- (a) a landlord/owner of a condominium unit receives an acceptable offer to purchase the condominium unit (converted from rented residential premises) and still occupied by a tenant who was a tenant on the date of registration of the condominium; or
- (b) the landlord receives an acceptable offer to purchase a rental unit intended to be converted to a condominium unit,

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then, such tenant has a right of first refusal to purchase the unit at the price and subject to the terms and conditions in the offer to purchase.

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