

220 DUNDURN

Dear Tenants;

Meeting Invitation

220 Dundurn Street Inc. has applied to the City of Hamilton to convert 220 Dundurn Street South from rental to condominium ownership. You are invited to attend an information session in the Party Room at 220 Dundurn Street South on Wednesday, August 1st, 2018 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, August 1st, 2018.

Thank You,

Deni Jankovic

Director of Construction

220 Dundurn Street Inc.

Ph (416) 671-4384

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A. J. Clarke and Associates Ltd.
SURVEYORS • PLANNERS • ENGINEERS

File No.178161

August 8th, 2018

The City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design
71 Main Street West, 5th Floor
Hamilton, Ontario L8P 4Y5

Attn: Mr. Daniel Barnett
Planner II – Development Planning, Heritage & Design (Urban Team)

Re: **220 Dundurn Street South – 25CDM-CONV-18-01**
Tenant Meeting – Summary Report

Dear Sir,

Further to the tenant meeting held on August 1st, 2018, the following is a summary of discussion items and comments received at the tenant meeting. The Meeting Sign-in sheet, Meeting Agenda and Frequently Asked Questions sheet is attached hereto as Appendix A. We received no emails or phone calls from residents prior to the meeting, and no additional comments post-meeting have been received to date.

A tenant meeting was held on August 1st, 2018 between the hours of 6:30 PM and 7:30 PM in the Party Room at 220 Dundurn Street South. Franz Kloibhofer, Senior Planner at A. J. Clarke and Associates Ltd., provided a brief presentation to the attendees and then opened the floor to a Q & A session. The following summarizes the general discussion from the meeting:

1. Greeting and Introductions

- Franz introduced himself, the Owner, and consulting team.
- Attendees were provided with a copy of the Meeting Agenda and Frequently Asked Questions (FAQ) sheet addressing condominium conversions.
- Franz explained the purpose of the meeting, to address any questions current tenants may have about the condominium conversion and how it affects them, and the current status of the condominium conversion application.

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

- A condominium conversion is a change in tenure, it is simply changing the existing property from a rental tenure to condominium ownership.
- The condominium conversion will create and define separate unit boundaries for each unit within the building, which will allow for conveyance or sale of each unit independently of the other units. It changes the units from an apartment to a condominium.
- All existing amenities will remain, it has no effect on how you use or live in the building, and no changes to the physical building are proposed.



3. What are the rights of a “standing tenant” during a Condominium Conversion under the Condominium Act and the Residential Tenancies Act (RTA)?

- Franz reviewed the attached FAQ sheet (Appendix A) with the attendees, and explained their rights as standing tenants.

4. Outline of the Planning Process

- Franz described the Planning Process: application for condominium conversion was submitted on April 27th. The City then reviews the application to ensure all required plans and studies are included. The application was deemed complete by the City of Hamilton on May 16th, 2018.
- The owner then holds a tenant meeting to advise the tenants of the condominium conversion application – which we are doing tonight.
- The City of Hamilton’s Planning Committee holds a Public Meeting to hear any concerns and to issue a decision on the application. You will be circulated once the date for this Meeting is confirmed, and are welcome to attend the meeting if you would like.
- If the application is approved, the owner then has 3 years to clear the conditions of approval and register the condominium. It is upon registration that the condominium conversion will be complete. Anticipated timeline to complete the process is Spring 2019.

5. Tenant Questions and Clarifications

- Ron Boers

Q: Can someone change the terms of the lease (ie. increase the rent) if it is a new owner?

A: The new owner would still be required to follow the Residential Tenancies Act. Rent increases are regulated by the Residential Tenancies Act.

- Jillian Lawry

Q: Will the units be inspected by the City?

A: No, however, there may be a Technical Audit, which would require a cursory inspection of each unit and the units would have to be surveyed. The Owner will provide 48 hours notice prior to inspection.

Q: How can the units shown on the plan be sold if the condo is not registered?

A: There can be a signed purchase and sale agreement, however, a real estate transaction for a unit cannot be closed until the condominium is registered.

Q: Can you be evicted?

A: If someone else buys your unit, they can’t evict you because you are a standing tenant. Your existing lease agreement will prevail.



- Aliya Ramjaeen

Q: What are the condo fees?

A: The fees are established and governed by the future Condo board, we aren't sure what they will be right now. The benefit of being in a newer building is that there aren't as many repairs required as compared to an older building.

- Brianne Kay

Q: Do you have to pay condo fees if you continue to rent?

A: Condo fees are the responsibility of the Owner.

- Nishaan Brar

Q: What is the timeline for condo conversion?

A: We are aiming to be registered in Winter 2019.

- Patrick Chalkley

Q: What is the price per unit?

A: We do not know at this point, you are welcome to speak with the owner if you are interested in purchasing a unit at this time.

- Ron Boers

Q: How are condo fees established?

A: The future condo board will set the fees. The condo fees can change based on the majority vote of the board.

- Patrick Chalkley

Q: Do you have to retroactively pay the condo fees if the condo board is not established as soon as the condo is registered?

A: No.

- Jillian Lawry

Q: Will DIV continue to be property managers?

A: DIV currently owns all 124 units. Once the condo is registered, deals will close on the individual units that have agreements of purchase and sale in place. DIV will then continue to own whatever units haven't been sold. DIV will operate the building until the condo corporation is established, and then after that, the members of the condo board will meet to decide who they wish to hire to act as property managers.

6. Adjournment – at 7:30 PM



City of Hamilton, attn: Mr. Daniel Barnett
Re: 220 Dundurn Street South – Tenant Meeting Summary

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Please feel free to suggest any comments or feedback you may have noted that are not captured above. Please do not hesitate to contact me if you have any questions or require clarification regarding the above.

Sincerely,

A handwritten signature in blue ink, appearing to read 'F. Kloibhofer', written over a light blue horizontal line.

Franz Kloibhofer, MCIP, RPP
A. J. Clarke and Associates Ltd.

Encl.

Copy: Mr. Denis Vranich (220 Dundurn St. Inc.)
Mr. Deni Jankovic (220 Dundurn St. Inc.)



City of Hamilton, attn: Mr. Daniel Barnett
Re: 220 Dundurn Street South – Tenant Meeting Summary

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Appendix A Meeting Sign-In Sheet, Agenda, and Frequently Asked Questions Sheet

220 DUNDURN

Tenant Meeting

Wednesday, August 1st, 2018

6:30 to 7:30 p.m.

220 Dundurn Street South – Party Room

AGENDA

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,

220 Dundurn Street Inc., Management.

220 Dundurn Street Inc.
3-35 Stone Church Road, Suite 375
Ancaster, ON L9K 1S4
P: (416) 671 4384
F: (905) 546 1890

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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,



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.