



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 11, 2018
SUBJECT/REPORT NO:	Application for a Condominium Conversion for lands known as 115 Main Street East, Hamilton (PED18080(a)) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Daniel Barnett (905) 546-2424 Ext. 4445
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Condominium Conversion Application CDM-CONV-14-02, by Old Colony Properties Ltd. c/o David Horwood, Owner**, to establish a Draft Plan of Condominium (Condominium Conversion) for a portion of the existing multiple dwelling, consisting of 128 dwelling units, on lands located at 115 Main Street East (Hamilton), as shown on Appendix "A" to Report PED18080(a), be **APPROVED** on the following basis:

- (a) That this approval for Draft Plan of Condominium Application 25CDM-CONV-14-02 applies to the Draft Plan, prepared by A.J. Clarke and Associates certified by B.J. Clarke, O.L.S., dated July 7, 2014, showing common element areas which include stairwells, elevators, lobby areas, and hallways, a total of 128 dwelling units attached as Appendix "B" to Report PED18080(a);
- (b) That the conditions of Draft Plan of Condominium Approval attached as Appendix "C" to Report PED18080(a) be received and endorsed by City Council.

EXECUTIVE SUMMARY

The purpose of this application is for a Draft Plan of Condominium (Condominium Conversion) for 128 existing dwelling units located at 115 Main Street East (Hamilton).

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SUBJECT: Application for a Condominium Conversion for Lands Known as 115 Main Street East, Hamilton (PED18080(a)) (Ward 2) - Page 2 of 17

In accordance with the Urban Hamilton Official Plan (UHOP), the owner received over 75% of current tenants in support of the condominium conversion. Therefore, vacancy rate and affordability threshold policies of the UHOP do not apply to this proposal.

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, subject to the recommended draft plan conditions, as the proposal is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the “Housing” policies of the Urban Hamilton Official Plan (UHOP).

Alternatives for Consideration – See Page 16

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Recent condominium conversions have generally seen a doubling in property value of the lands. The property is currently taxed at the Multi-Residential tax rate. After conversion, the property will be taxed at the Residential tax rate. The Multi-Residential rate is 2.74 times higher than the Residential rate, which may represent a net loss to the City in property taxes. However, the net effect cannot be determined until the Municipal Property Assessment Corporation (MPAC) re-values the building. This is done after the condominium plan is registered.

This property is currently assessed at \$7,504,500 with annual taxes of \$228,620.16 comprised of \$215,862.51 municipal and \$12,757.65 education. If the value doubles, as in past conversions, the assessment will go to \$15,009,000.00 and taxes at the residential tax rate would be \$189,407.58 comprising \$163,892.28 municipal and \$25,515.30 education. This would be a potential loss of tax dollars to the municipality of \$51,970.23. That loss would be higher or lower, depending on the new value created by MPAC.

Staffing: N/A

Legal: The *Planning Act* does not require a notice of Public Meeting for an application for Condominium Conversion. However, as a best practice formal notice was given to all existing residents.

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HISTORICAL BACKGROUND

The applicant is seeking approval of a Draft Plan of Condominium (Condominium Conversion) to allow a change in tenure from rental to condominium for the residential dwelling units that currently exist within the building located at 115 Main Street East, Hamilton. The 16-storey building was constructed in 1968 and contains commercial and office uses on the first, second, and third floors, parking on the fourth floor, and the fifth through sixteenth floors contain a total of 128 dwelling units (34 bachelor units, 69 one bedroom units, 24 two bedroom units, and one three bedroom unit). The building is known as Effort Square.

The subject property is approximately 0.6 ha (6,300 sq m) in size, and is located at the north east corner of Main Street East and Catharine Street South within the Beasley Neighbourhood. The proposed Draft Plan of Condominium does not include the entire property and the application is only for the residential uses on the fifth through sixteenth floors (128 dwelling units). The commercial and offices uses on the first, second, and third floors along with the parking located on the fourth floor do not form part of the proposed Draft Plan of Condominium.

On 15th May 2013, a tenant information meeting was held by the applicant to inform existing tenants of the proposed Condominium Conversion and to provide tenants with an opportunity to ask questions. An information package was delivered to all existing tenants at 115 Main Street East which included a notice of Condominium Conversion, a Memorandum from Effort Trust to tenants, a tenant questionnaire, and a list of frequently asked questions and answers. Sixteen questionnaires were submitted at the meeting. Twelve individuals signed the attendance register and were present at the meeting. The notice and minutes of the tenant information meeting and copies of the questionnaires are attached as Appendix "E" to Report PED18080(a).

Information respecting vacancy rates was submitted with the application in 2014 for Condominium Conversion to demonstrate conformity with the policies of the UHOP. During the review of the application and prior to the application being heard by Planning Committee, new information became available in 2015 which demonstrated that the vacancy rates had changed and that the vacancy rate for two bedroom units no longer conformed to the policies of the UHOP respecting Condominium Conversions. As the policies of the UHOP require that vacancy rates for all unit types must be above 2% for the past two years, the Condominium Conversion application could therefore not move forward until the vacancy rate remained 2% for two consecutive years for all unit types. In addition, it was noted in 2015 that three, one bedroom units and five, two bedroom units met the affordability criteria of being more than 10% below the average market rent level for the housing type as measured at the City-Wide and / or Market Zone Level, and therefore the proposal was contrary to the UHOP.

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SUBJECT: Application for a Condominium Conversion for Lands Known as 115 Main Street East, Hamilton (PED18080(a)) (Ward 2) - Page 4 of 17

On 7th July 2017, updated information was provided by the applicant to demonstrate that:

- i) The vacancy rate for 2015 and 2016 exceeded the minimum 2% for all unit types;
- ii) The rent levels of all two bedroom units were identified as being within 10% or higher of the average market rent level in the Downtown Core local housing market zone (Zones 1 - 4); and,
- iii) The rental rate for 28 of the one bedroom units was more than 10% below the average market rent level in the Downtown Core local housing market zone (Zones 1 - 4).

The 28 one bedroom units with rental rates more than 10% below the average rental rate represents 35% of all the one bedroom units within the existing building. The policies of the UHOP require that both the vacancy rate for all unit types be above 2% and that the rental rate not be significantly below the average market rent levels for all unit types. Given that the proposal was seeking to convert 28 rental units that had a rental rate more than 10% below the average market rent level, the proposed Condominium Conversion still did not comply with the policies of the UHOP. On this basis, Report PED18080 was brought forward to the June 5, 2018 Planning Committee meeting recommending denial of the proposed Condominium Conversion. As per the Council approved process, the staff report was released approximately one week before the Planning Committee meeting, that being 29th May 2018.

On 30th May 2018, the applicant submitted letters from tenants indicating support for the conversion under UHOP Policy B.3.2.5.1 b) permitting Condominium Conversion based on support from a minimum 75% of tenants, which are attached as Appendix "D" to Report PED18080(a). A preliminary review in advance of the 5th June 2018 Planning Committee Meeting indicated that 75% of tenants supported the Condominium Conversion. Subsequently, at the 5th June 2018 Planning Committee meeting the application was tabled by Planning Committee.

On 18th June 2018, City Housing staff contacted the residents at 115 Main Street East to confirm their support for the Condominium Conversion. Based on this it was determined that support from 75% of tenants was received.

On 2nd August 2018, the applicant submitted additional letters from tenants indicating additional support for the conversion under UHOPA Policy B.3.5.1 b) permitting Condominium Conversion based on support from a minimum of 75% of tenants, which are attached as Appendix "D" to Report PED18080(a).

This revised Report for the Condominium Conversion is based on the 75% concurrence from tenants.

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SUBJECT: Application for a Condominium Conversion for Lands Known as 115 Main Street East, Hamilton (PED18080(a)) (Ward 2) - Page 5 of 17

Chronology:

- May 15, 2013: Tenant Information Meeting held.
- July 28, 2014: Application for Condominium Conversion submitted.
- August 22, 2014: Condominium Conversion Application 25CDM-CONV-14-02 deemed complete.
- March 4, 2015: Housing Services staff provided comments expressing concern with respect to existing vacancy rates being less than 2% for two bedroom units, and that a total of eight dwelling units met the criteria for affordability.
- July 7, 2017: The applicant provided staff with updated information demonstrating that vacancy rates are greater than 2% for all unit types in the preceding two years.
- September 20, 2017: Housing Services staff provided additional comments advising that based on revised information, the proposal conformed to the policies respecting vacancy rates but that 28 of the one bedroom units met the criteria for affordability.
- May 18, 2018: Formal Notice of the Condominium Conversion Application sent by the City of Hamilton to residents of 115 Main Street East.
- May 30, 2018: Documentation respecting 75% concurrence from tenants was submitted.
- June 5, 2018: Application tabled by Planning Committee.
- June 19, 2018: Housing Services staff provided comments confirming concurrence from 75% of tenants.
- August 2, 2018: Additional Documentation respecting 75% concurrence from tenants was submitted.
- November 23, 2018: Revised Formal Notice of the Condominium Conversion Application sent by the City of Hamilton to residents of 115 Main Street East.

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SUBJECT: Application for a Condominium Conversion for Lands Known as 115 Main Street East, Hamilton (PED18080(a)) (Ward 2) - Page 6 of 17

Details of Submitted Application:

Location: 115 Main Street East (Hamilton)

Owner / Applicant: Old Colony Properties Ltd. c/o David Horwood

Agent: Urban Solutions Planning and Land Development Consultants Inc. (c/o Matt Johnston)

Property Size: Lot Area: 0.6 ha (6,300 sq m)

Lot Frontage: 84.6 m

Lot Depth: 88 m Irregular

Servicing: Full Municipal Services Available

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
Subject Land:	Commercial Uses and Multiple Dwelling	Downtown Prime Retail (D2) Zone and Downtown Mixed Use (D3) Zone Downtown Central Business District (D1) Zone and Downtown Mixed Use – Pedestrian Focus (D2) Zone (Proposed in By-law 18-114)
<u>Surrounding Land:</u>		
North:	Commercial Uses	Downtown Prime Retail (D2) Zone Downtown Mixed Use – Pedestrian Focus (D2) Zone (Proposed in By-law 18-114)
East:	Commercial Uses, Multiple Dwelling and Surface Parking Lot	Downtown Prime Retail (D2) Zone and Downtown Mixed Use (D3) Zone

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		Downtown Central Business District (D1) Zone and Downtown Mixed Use – Pedestrian Focus (D2) Zone (Proposed in By-law 18-114)
South:	Commercial Uses and Multiple Dwelling	Downtown Mixed Use (D3) Zone
		Downtown Central Business District (D1) Zone (Proposed in By-law 18-114)
West:	Surface Parking Lot	Downtown Prime Retail (D2) Zone and Downtown Mixed Use (D3) Zone
		Downtown Central Business District (D1) Zone and Downtown Mixed Use – Pedestrian Focus (D2) Zone (Proposed in By-law 18-114)

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use, balanced growth, environmental protection and sensitive land uses) are reviewed and discussed in the Official Plan analysis provided below.

Noise

“1.2.6.1 *Major facilities and sensitive land uses* should be planned to ensure they are appropriately designed, buffered and / or separated from each other to prevent or mitigate *adverse effects* from odour, noise and other

contaminants, minimize risk to public health and safety, and to ensure the long-term viability of *major facilities*.”

The subject property is located along Main Street East and King Street East, both major arterial roads and potential noise sources. As the proposal is for sensitive land uses in proximity to potential noise sources, a noise study needs to be undertaken to identify the potential noise impacts and identify any required noise mitigation measures.

This has been addressed as Condition No. 7) of Appendix “C” of Report PED18080(a).

Cultural Heritage

“2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

2.6.2 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

The subject property is included on the City’s register of buildings of cultural heritage and / or historical interest. As the proposed application is for a conversion in tenure only and the existing building will be maintained, the proposal is consistent with the policies of the PPS with respect to conserving built heritage resources.

Therefore, the proposal is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe (2017):

The application has been reviewed with respect to the Growth Plan for the Greater Golden Horseshoe. The application is consistent with the guiding principles of Policies 1.2.1, 2.2.6 1) a) and 2.2.6 3) with respect to supporting a range and mix of housing options to accommodate a diverse range of household sizes and incomes (both form and tenure). Since the proposal provides an opportunity for a range of housing types in providing an opportunity for home ownership in an area that does not contain many condominium tenure buildings, the proposal conforms to the Growth Plan.

Urban Hamilton Official Plan:

The subject property is identified as “Downtown Urban Growth Centre” on Schedule “E” - Urban Structure and is designated “Downtown Mixed Use Area” on Schedule “E-1” - Urban Land Use Designations. The following policies, amongst others, apply to the application.

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Land Use

“E.4.4.4 The following uses shall be permitted on lands designated Downtown Mixed Use on Schedule E-1 – Urban Land Use Designations:

- a) commercial uses such as retail stores, auto and home centres, home improvement supply stores, offices, including major offices, personal services, live work units, artist studios, financial establishments, and restaurants;
- e) residential uses.

E.4.4.7 Permitted density and heights shall be set out in the secondary plan for the lands designated Downtown Mixed Use.”

The existing building is used for commercial and residential uses both of which are uses permitted in the “Downtown Mixed Use Area” designation. As the proposed application is only for a change to the tenure of the residential dwelling units, the existing use, density and height of the lands will be maintained and therefore the proposal complies with Policies E.4.4.4 and E.4.4.7.

Condominium Conversion of Rental Housing Units

“B.3.2.5.1 To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment or townhouse buildings or groups of buildings comprised of six or more units shall be permitted if any one of three general criteria are met, outlined as a), b) and c) below:

- a) all 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; and,
 - 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; and,

- iv) for vacant rental units, the last market rent levels charged prior to vacancy for the units proposed to be converted were not significantly (approximately 10%) below the average market rent levels at the time for the City and the respective local housing market zone for rental units of a similar dwelling unit and structure type and size; or,
- b) at least 75% of the current tenants support the conversion to condominium, as demonstrated to the satisfaction of the City; or,
- c) the subject building or group of buildings is a *protected heritage property* on the date of application."

Policy B.3.2.5.1 permits the conversion to condominium tenure if the proposed Condominium Conversion meets one of the three options under Policy B.3.2.5.1.

Condominium Conversion allows for rental housing to be converted to condominium tenure and can result in the creation of affordable home ownership. The intent of Policy B.3.2.5.1 b) is to permit the conversion to condominium dwelling units if a minimum of 75% of tenants support the Condominium Conversion. The proposal complies with this Policy.

As discussed in greater detail in the Analysis and Rationale for Recommendation Section of this Report, the proposal meets Policy B.3.2.5.1 b) and therefore the criteria for Condominium Conversion under the UHOP have been met. Therefore, the application complies with the policies of the UHOP.

Downtown Hamilton Secondary Plan (In Force and Effect, 2013 UHOP)

The subject property is designated "Central Business District" on Map B.6.1-1, Land Use Plan for the Downtown Hamilton Secondary Plan (DHSP).

"B.6.1.8.3 The Central Business District

The Central Business District shall accommodate the highest densities of commercial development within the Downtown. It is the office, cultural and government centre for the entire City and an important retail area for the Downtown and adjacent residential areas. The Central Business District incorporates three distinct commercial areas: the Jackson Square Complex, the Civic Cultural Area and the Main Street Corridor as shown on Map B.6.1-2 - Downtown Hamilton – Downtown Commercial Areas.

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- a) The Central Business District shall be the primary location for new office development in Downtown Hamilton. The construction of buildings whose primary use is commercial offices shall be discouraged elsewhere in the Downtown. Alternatively, mixed use buildings comprising residential and offices and commercial uses shall be encouraged and promoted.

B.6.1.8.6 Main Street Corridor

The Main Street Corridor describes the north and south sides of Main Street, east of Catharine Street and the area west of Bay Street, as shown on Map B.6.1-2 – Downtown Hamilton - Downtown Commercial Areas. It shall continue to be a mixed-use area containing office, institutional, residential and retail uses."

The existing building is used for commercial and residential uses both of which are uses permitted in the "Central Business District" designation. Also as the proposed application is only in respect to the tenure of the residential dwelling units, the existing uses, density and height of the lands will be maintained and will continue to comply.

Downtown Hamilton Secondary Plan (Council Approved, 2018)

The subject property is designated "Downtown Mixed Use" on Map B.6.1-1, Land Use Plan for the DHSP.

"B.6.1.3.3 Create Quality Residential Neighbourhoods

The Downtown Hamilton Secondary Plan supports creating new housing throughout the Downtown as well as improving the quality of the existing residential neighbourhoods. The Secondary Plan policies aim to ensure that new residential areas in the Downtown are compatible with the scale and character of nearby historical neighbourhoods. To achieve these objectives *development* shall:

- b) Create a diversified housing supply in the Downtown geared to the needs of various age groups, household size, and income levels with increased opportunities for affordable housing.

B.6.1.3.7 Diversity of Housing

Housing is fundamental to the economic, social, and physical well-being of Downtown's residents and neighbourhoods, Housing is a basic human need and is the central place from which people build their lives, nurture their families and themselves, and engage in their communities.

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Downtown's livability and prosperity is connected to the provision of housing that meets the requirements of a diverse population with varying housing needs. Downtown offers various built form housing options, including grade-related, mid-rise, and tall buildings with a variety of ownership and tenancy. Providing housing to a wide range of residents that is affordable, secure, of an appropriate size, and located to meet the needs of people throughout their life is the goal of an inclusive Downtown and essential to the creation of *complete communities*. To achieve these objectives *development* shall:

- a) 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.

B.6.1.4.10 The *development* of housing with a full range of tenure, affordability, and support services shall be provided for and promoted throughout the Downtown in a full range of built housing forms in accordance with the policies of Section B.3.2 – Housing Policies of Volume 1.

B.6.1.6 Downtown Mixed Use Designation

Downtown Hamilton shall continue to maintain its key role as the governmental, institutional, educational, cultural, and residential centre of the City. The Downtown Mixed Use policies of the Secondary Plan are intended to support intensive, urban-scale mixed use *development*.”

The application was submitted prior to the Council adoption of the new Downtown Hamilton Secondary Plan. Therefore, the policies and discussion is informative but not determinative for the purpose of assessing the application. The existing building is used for commercial and residential uses both of which are uses permitted in the “Downtown Mixed Use” designation. The policies of the DHSP seek the development of housing with a full range of tenures and affordability, as well as create a diversified housing supply geared to the needs of various income levels with increased opportunities for affordable housing. The proposed Condominium Conversion does not affect the type of housing only the tenure of existing housing units. The proposal provides an opportunity for home ownership in an area that does not contain many condominium tenure buildings. Therefore, the application complies with the policies of the DHSP.

City of Hamilton Zoning By-law No. 05-200 (in effect)

The subject property is presently zoned Downtown Prime Retail Streets (D2) Zone and Downtown Mixed Use (D3) Zone in the City of Hamilton Zoning By-law No. 05-200. The extent of the proposed Condominium Conversion is located within the portion of the

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SUBJECT: Application for a Condominium Conversion for Lands Known as 115 Main Street East, Hamilton (PED18080(a)) (Ward 2) - Page 13 of 17

property zoned Downtown Mixed Use (D3) Zone. Furthermore, office and multiple dwelling uses are both permitted within the (D2) and (D3) Zones.

City of Hamilton Zoning By-law No. 05-200 (Council Approved)

The subject property is zoned Downtown Central Business District (D1, H17, H19, H20) Zone and Downtown Mixed Use – Pedestrian Focus (D2) Zone in the Council Approved City of Hamilton Zoning By-law No. 05-200. The extent of the proposed Condominium Conversion is located within the portion of the property zoned Downtown Central Business District (D1, H17, H19, H20) Zone. Furthermore, office and multiple dwelling uses are both permitted within the (D1) and (D2) Zones.

The proposal to change the tenure from rental to condominium ownership does not change the use of the lands.

The final Plan of Condominium will be required to comply with all of the applicable provisions of the City of Hamilton Zoning By-law No. 05-200 in force and effect at the time of registration of the Draft Plan of Condominium. This requirement is being addressed as Condition No. 1) of Appendix “C” to Report PED18080(a).

RELEVANT CONSULTATION

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

- Alectra Utilities (formerly Horizon Utilities Corporation).

The following Departments and Agencies have provided comments with respect to the proposed application:

Forestry and Horticulture Section, Public Works Department advised that there are no Municipal Tree Assets located on the road allowance and therefore no Tree Management Plan is required. In addition, no new landscape strips were shown nor are any required by the Forestry and Horticulture Section.

Operations Division, Public Works Department advise that collection of garbage, recycling, organics as well as leaf and yard waste will be status quo. The property will continue to receive municipal waste collection service. However, Operations Division staff note that the frequency of collection along with the amount that is acceptable for collection may change based on the number of occupied units.

Transportation Management, Public Works Department advised that they cannot confirm if there is an existing encroachment agreement registered for the subject property with the City of Hamilton. Staff advised that if there is an existing

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encroachment agreement then it will need to be determined if the proposed Condominium Conversion will require any modifications to the agreement. This requirement is being addressed as Condition No. 10) of Appendix “C” to Report PED18080(a).

Bell Canada had not yet provided comments at the time of writing this Report, however Condition Nos. 4) and 5) of Appendix “C” to Report PED18080(a) represents standard conditions from Bell Canada and have been included.

Canadian Radio and Telecommunication Commission (CRTC) had not yet provided comments at the time of writing this Report, however Condition No. 3) of Appendix “C” to Report PED18080(a) represents a standard condition from CRTC and has been included.

Union Gas had not yet provided comments at the time of writing this Report, however Condition No. 6) of Appendix “C” to Report PED18080(a) represents a standard condition from Union Gas and has been included.

Canada Post had not yet provided comments at the time of writing this Report, however Condition No. 9) of Appendix “C” to Report PED18080(a) represents standard conditions from Canada Post and have been included.

Housing Services Division, Community and Emergency Services Department

On May 30, 2018, the applicant provided letters of support from the existing tenants of the building in order to demonstrate that 75% of existing tenants supported the proposed Condominium Conversion. Housing Services Division staff reviewed the letters of support and confirmed that support has been provided from the tenants of 96 of the 128 dwelling units representing 75% of the dwelling units. In addition on June 18, 2018 Housing Services Division staff contacted residents of 40 of the units within the building and based on those discussions are satisfied that tenants were aware of what they signed respecting the Condominium Conversion and that they supported the conversion.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Condominium Conversion Application can be supported for the following reasons:
 - (i) That the proposed Draft Plan of Condominium is consistent with the PPS and conforms to the Growth Plan; and,
 - (ii) It complies with Residential Condominium Conversion Policy B.3.2.5.1 b) of the UHOP.

SUBJECT: Application for a Condominium Conversion for Lands Known as 115 Main Street East, Hamilton (PED18080(a)) (Ward 2) - Page 15 of 17

2. Prior to submission of the application an information package respecting Condominium Conversion was delivered to all existing residents of the building and a tenant information meeting was held on May 15, 2013, which was attended by 12 individuals who signed the attendance register and were present at the meeting, attached as Appendix "E" to Report PED18080(a). A copy of the information provided to the tenants was provided to City staff and deemed acceptable.
3. On May 30, 2018, the applicant provided staff with 98 letters of support from tenants in respect to securing support from tenants of 75% of the units within the building for the proposed Condominium Conversion. In addition, there were 11 letters from tenants against the Condominium Conversion and there was no response from 19 units. One additional letter of support for the proposed Condominium Conversion was submitted on June 4, 2018. On August 2, 2018, the applicant provided staff with 11 additional letters of support from tenants for the Condominium Conversion and two additional letters from tenants against the Condominium Conversion. Of the 110 letters of support from tenants, three of the letters represented a second letter for the same unit and two represented a second and third letter for the same unit. As support from the tenants of 75% of the units is required, the total number of units supporting the Condominium Conversion would need to be 96. The 105 letters of support out of 128 dwelling units represents 82% support for the Condominium Conversion.

Based on support from 82% of the 128 units, the proposed Condominium Conversion complies with Policy B.3.2.5.1 b) of the UHOP and therefore the proposed Condominium Conversion conforms to one of the three options for Condominium Conversion in the UHOP. As such, the application can be supported.

4. 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 related to structural and mechanical integrity. This requirement is being addressed as Condition No. 2) of Appendix "C" to Report PED18080(a).
5. No parking spaces are included in the proposed Draft Plan of Condominium. In order to ensure that prospective purchasers and tenants are made aware of the limitation in respect to parking for the subject lands, staff require that a warning clause be included in all Development Agreements. This requirement is being addressed as Condition No. 8) of Appendix "C" to Report PED18080(a).
6. The draft approval for the proposed condominium must be given final approval within three years, unless a written request to extend the draft approval is received

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

before the draft approval lapses. In order to ensure that the Owner is made aware of this, a note has been included to the list of Conditions of Draft Plan of (Standard) Condominium in Appendix “C” to Report PED18080(a).

ALTERNATIVES FOR CONSIDERATION

Should the proposed Condominium Conversion not be approved, the existing units will remain as rental tenure.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

Appendix “B” – Concept Plan

Appendix “C” – Draft Plan of Condominium Conditions

Appendix “D” – Petition of Support by the Tenants

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**SUBJECT: Application for a Condominium Conversion for Lands Known as 115
Main Street East, Hamilton (PED18080(a)) (Ward 2) - Page 17 of 17**

Appendix "E" – Notice and Minutes of Tenant "Information Meeting" on May 15, 2013,
and Resident Questionnaires

DB:mo