

## Application for a Condominium Conversion (CDM-CONV-14-02) for lands known as 115 Main Street East, Hamilton (PED18080 (a))

---

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

UrbanSolutions Planning & Land Development Consultants Inc., Matt Johnston

# Chronology

- May 15, 2013 – Tenant Information Meeting held.
- July 28, 2014 – Application for Condominium Conversion submitted to the City.
- March 24, 2015 – Concerns raised with respect to City’s existing rental vacancy rates being less than 2% for two bedroom units.
- May 30, 2018 – UrbanSolutions provided City Staff tenant questionnaires, resulting in 76% approval for conversion of the existing building to condominium.
- June 5, 2018 – Planning Committee deferred its decision on the application until such time as 76% survey results could be considered by Planning Staff, per UHOP Policy B.3.2.5.1.b.
- June 18, 2018 – City Housing Staff surveyed the tenants to confirm findings of survey.
- July 23, 2018 – Additional Tenant Information drop in session held, with City Housing Staff in attendance.
- August 2, 2018 – UrbanSolutions provide City Staff with additional questionnaire results, bringing the tenant support for the conversion from 76% to 82.9%.
- December 11, 2018 – Planning Committee, Planning Staff recommending approval.

**December 11, 2018**

# UHOP Conformity

Response	Units	% of Units
<b>Support</b>	107	<b>83</b>
Against	13	10
No Response	9	7
Total Building Count	129	100

## 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 the three general criteria are met:

b) At least 75% of the current tenants support the conversion to condominium, as demonstrated to the satisfaction of the City

# *Residential Tenancies Act*

- Security of Tenure
- No Termination of Tenancy
- Right of First Refusal
- All 128 dwelling units will continue to be rented

# Proposed Amending Motion

- Noise Study VS Noise Warning Clause

# Proposed Amending Motion

## 8.4 Application for a Condominium Conversion (CDM-CONV-14-02) for lands known as 115 Main Street East, Hamilton (Ward 2) (PED18080 (a))

Whereas staff recommend approval of the aforementioned condominium conversion application subject to the following Condition No. 7:

*“That the Owner shall investigate the noise levels on the site to determine potential noise impacts and to implement any noise control measures that are satisfactory to the City of Hamilton in conformity to the Ministry of the Environment, Conservation and Parks recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended noise control measures to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner / applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner”.*

That staff be directed to replace Condition No. 7 with the following:

*That the owner shall include the following warning clauses in all Development Agreements and Offers of Purchase and Sales or Lease / Rental Agreements:*

- a) 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 Environment and Climate Change’s noise criteria;*