



CITY OF HAMILTON

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division**

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 5
COMMITTEE DATE: July 9, 2013	
SUBJECT/REPORT NO: Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 85 Barlake Avenue (Hamilton) (Ward 5) (PED13091)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Alvin Chan 905-546-2424 Ext 1334
SIGNATURE:	

RECOMMENDATION

That approval be given to **Condominium Conversion Application CDM-CONV-12-05, by 85-95 Barlake Avenue Holdings, Owner**, to establish a Draft Plan of Condominium for 118 existing apartment units and 182 parking space units, located at 85 Barlake Avenue (Hamilton), as shown on Appendix "A" to Report PED13091, subject to the following conditions:

- (a) That this approval apply to the plan prepared by A.T. McLaren Limited, and certified by S. D. McLaren, O.L.S., dated March 19, 2013, showing a total of 118 residential dwelling units and 182 parking space units, attached as Appendix "B" to Report PED13091;
- (b) That the Final Plan of Condominium complies with all of the applicable provisions of Zoning By-law No. 6593;

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- (c) That the owner satisfies all conditions, financial or otherwise, of the City of Hamilton;
- (d) That the owner shall submit a report, in accordance with Section 9(4) of the Ontario Condominium Act, 1998, prepared and certified by a qualified Registered Professional Engineer or Licensed Architect, to the satisfaction of the Chief Building Official of the City of Hamilton, to confirm the structural and mechanical integrity of the building and any owner initiated measures required to correct any deficiencies, prior to the release of the final plan for registration;
- (e) That the owner/applicant shall include the following warning clause in all Development Agreements and all Offers of Purchase and Sale or Lease/Rental Agreements:

“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 the Environment’s noise criteria.”

EXECUTIVE SUMMARY

This application seeks approval of a Draft Plan of Condominium to allow a change in tenure of the existing 118 two-bedroom apartment units and 182 parking space units, along with common element(s), for lands located within the existing building at 85 Barlake Avenue (Hamilton) to condominium apartment units under a Standard Form Plan of Condominium.

The proposal has merit and can be supported since the application is for a change in tenure and is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe, the Hamilton-Wentworth Official Plan, and the City of Hamilton Official Plan.

Alternatives for Consideration - See Page 12.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: N/A.

Staffing: N/A.

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Legal: The Planning Act does not require a Public Meeting for an application for Condominium Conversion. However, notice was given to the existing residents, via a hand delivered mailing, on May 21, 2013, by the owner/agent.

HISTORICAL BACKGROUND (Chronology of events)

Proposal:

This application seeks approval of a Draft Plan of Condominium (Standard Form) to allow for a change in tenure of the existing 118 two-bedroom apartment units located within the existing building at 85 Barlake Avenue (Hamilton) from rental to condominium.

The proposed Draft Plan of Condominium Conversion will create individual apartment units, including balconies, unit parking spaces (total of 182 spaces), and exclusive use areas, while the remainder of the building (including hallways, laundry rooms, lobby, and storage rooms) and the remainder of the site (including landscaped areas, access areas, amenity space, visitors parking area (total of 30 spaces) would form the common use areas (see Appendix "B").

Chronology:

December 10, 2012: Applicant/owner sponsored tenant Information Meeting.

December 24, 2012: Application submitted for a Draft Plan of Condominium Conversion 25CDM-CONV-12-05 by IBI Group (Agent), on behalf of 85-95 Barlake Avenue Holdings (Owner).

January 23, 2013: Application 25CDM-CONV-12-05 is deemed complete.

April 10, 2013: Revised Draft Plan of Condominium to address parking comments received.

June 21, 2013: Notice of Planning Committee Meeting to all tenants of 85 Barlake Avenue hand-delivered by owner/agent.

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Details of Submitted Application:

Location: 85 Barlake Avenue (Hamilton) (See Appendix “A”)

Owner/Applicant: 85-95 Barlake Avenue Holdings (c/o David Horwood)

Agent: IBI Group (c/o George Zajac)

Property Description:

<u>Lot Frontage:</u>	57.205m
<u>Lot Depth:</u>	100.584m
<u>Lot Area:</u>	5,753.9 sq. m
<u>Servicing:</u>	Existing Municipal Services

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	118 unit Multiple Dwelling	“E/S-43” and “E/S-43a” (Multiple Dwellings, Lodges, Clubs, Etc.) District
<u>Surrounding Land Uses:</u>		
North	Multiple Dwelling	“E/S-43” and “E/S-43a” (Multiple Dwellings, Lodges, Clubs, Etc.) District
South	St. Charles Adult Education Centre	Neighbourhood Institutional (I1) Zone
East	Multiple Dwelling	“E/S-43” and “E/S-43a” (Multiple Dwellings, Lodges, Clubs, Etc.) District
West	Multiple Dwelling	“E/S-43” and “E/S-43a” (Multiple Dwellings, Lodges, Clubs, Etc.) District

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

Provincial Policy Statement:

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the application is consistent with the Provincial Policy Statement, as the application simply seeks to establish a Condominium form of tenure through the approval of a Draft Plan of Condominium Conversion.

Growth Plan for the Greater Golden Horseshoe (Places to Grow):

As the proposal is to establish a Condominium form of tenure through the approval of a Draft Plan of Condominium Conversion, the subject application conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow).

Hamilton-Wentworth Official Plan:

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Official Plan. As the proposal is to establish a Condominium form of tenure through the approval of a Draft Plan of Condominium Conversion for the existing multiple dwelling located within the Urban Area, and on full municipal services, the application conforms to the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan:

The subject property is designated as “Residential” on Schedule “A” - General Land Use Plan. As the application is for the conversion of tenure for the existing, 118 two-bedroom unit apartment building and 182 parking space units to a Standard Form Draft Plan of Condominium, the proposal conforms to the “Residential” policies of the City of Hamilton Official Plan.

In this regard, Policy C.7.11 provides specific criteria for conversion to a condominium from rental apartment and/or townhouse units comprised of six or more units in order to protect the adequate provision of a full range of housing. In particular:

- “i) The rental vacancy rate by dwelling/structure type for the City and the respective local housing market zone has been at or above 2.0% for the preceding twenty-four (24) months;
- ii) The proposed conversion will not reduce the rental vacancy rate by dwelling/structure type to below 2.0% for the City and the respective local housing market zone; and,

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- iii) The existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling/structure type.”

In order to properly assess the above, Policy C.7.13 requires that for the purposes of Policies C.7.11 and C.7.12, the statistical data used for vacancy rates, rent charges, and dwelling/structure types be determined by the Canada Mortgage and Housing Corporation (CMHC). Accordingly, the City applied local housing market data that is specifically ordered from CMHC, being Tables 1 and 2 below.

Table 1 shows the vacancy rate and average market rent for the local housing market zone (i.e. Zone 3) for privately initiated two-bedroom apartment units.

Table 1: Vacancy Rate and Average Market Rent by Unit Type in Zone 3 (East End)

Unit Type	Vacancy Rate (2011)	Average Rent (2011)	Vacancy Rate (2012)	Average Rent (2012)
Two-Bedroom	4.1%	\$730	4.2%	\$729

Source: CMHC (2011, 2012)

Table 2 shows the vacancy rate and average market rent for the former City of Hamilton for privately initiated bachelor, one-bedroom, and two-bedroom apartment units.

Table 2: Vacancy Rate and Average Market Rents by Unit Type in the Former City of Hamilton Zones 1-6

Unit Type	Vacancy Rate (2011)	Average Rent (2011)	Vacancy Rate (2012)	Average Rent (2012)
Two-Bedroom	4.2%	\$781	4.3%	\$814

Source: CMHC (2011, 2012)

The subject property is located in Hamilton East End (Zone 3). As outlined in the above tables, the vacancy rate for the City of Hamilton, and for all unit types, has been above 2% for the preceding 24 months. In addition, the conversion of the subject rental units to condominium does not negatively impact vacancy rates such that rates would fall below 2% for any unit type in Zone 3, nor for the former City of Hamilton. Therefore, the proposed conversion meets Conditions C.7.11 (i) and (ii) of the City of Hamilton Official Plan.

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With respect to Sub-Policy (iii), and based on rent rolls provided by the proponent, the rental rates range from \$725.00 to \$896.00 per month. As such, none of the units have rents significantly (i.e. \$650.00 or 10%) below the average market rent for Zone 3.

It appears that 6 occupied units (5.1%) and 3 vacant units (2.5%) of the 118 units have rents significantly (i.e. \$733.00 or 10%) below the average market rent for the former City of Hamilton. The rents for these units range from \$704.00 to \$725.00 per month, or 11-14% below the 2012 average rent. As such, technically, the application is not in full compliance with criterion 3 of the City of Hamilton Official Plan.

However, given that 109 of the 118 units, or 92.4% of the units, have rents that are not significantly below the average market rent for the former City of Hamilton, and as all of the units have rents that are not significantly below the average market rent for Zone 3, the application is, in principle, in conformity with this criterion.

Lastly, the application does not provide an estimated selling price and, therefore, staff is unable to comment on the comparative affordability of the proposed condominium units, and whether the units could be considered affordable homeownership housing, as per the General Housing policies of Policy Section C-7. In summary, the proposed condominium conversion conforms to the policies of the City of Hamilton Official Plan.

Riverdale West Neighbourhood Plan:

The subject lands are identified as “Medium Density Apartments” in the Riverdale West Neighbourhood Plan. As the proposal is for a change in tenure to the existing, 118 two-bedroom unit apartment building, it conforms to the “Residential” policies and, as per the implementation policies of Section D of this plan, are deemed to also conform to the “Medium Density Apartments” designation of the Riverdale West Neighbourhood Plan.

New Urban Hamilton Official Plan:

The Urban Hamilton Official Plan received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011, and, therefore, can no longer be modified. The final decision on the Urban Hamilton Official Plan has been appealed.

The subject lands are designated as “Neighbourhoods” on Schedule “E” - Urban Structure and Schedule “E-1” - Land Use Designations. Similar to the City of Hamilton Official Plan, any proposed Condominium Conversion is subject to conversion criteria, as established through Policy Section B.3.2.5.1. In particular, conversion to condominium of rental apartment shall be permitted if any one of three general criteria of Policy B.3.2.5.1 is met.

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In review, and similar to the City of Hamilton Official Plan policies, Policy B.3.2.5.1(a) provides rental vacancy rate and market rent level criteria for Condominium Conversions of Rental Housing Units. As documented above, the proposal conforms to these requirements. In particular, Sub-Policy (a) states that all the following criteria are to be 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;*
- 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;*
- 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.”*

As mentioned above, the proposal conforms to Sub-Policies (a)(i) and (ii). With respect to Sub-Policy (a)(iii), notwithstanding the rents for these units range from \$704.00 to \$725.00 per month, or 11-14% below the 2012 average rent, as 109 of the 118 units, or 92.4% of the units, have rents that are not significantly below the average market rent for the former City of Hamilton and, as all of the units have rents that are not significantly below the average market rent for Zone 3, the above criterion is satisfied, in principle.

With respect to the new requirement specific to vacant rental units, Sub-Policy (a)(iv), there are 8 units that are currently vacant within the existing apartment building. Upon review of the last market rent levels charged prior to vacancy for these units (i.e. \$718.00 - \$772.00), 3 of the vacant units were significantly below the average market rent levels at the time for the City, but were not below the average market rent level for the respective local housing market zone for similar dwelling units, structure, and types and, therefore, conforms to this criterion.

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Based on the foregoing, as the proposal is for a change in tenure for the existing 118 two-bedroom unit apartment building located at 85 Barlake Avenue, with no proposed physical changes to the existing building and/or site, the proposal would conform to the New Urban Hamilton Official Plan.

RELEVANT CONSULTATION

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

- Operations and Waste Management Division, Public Works Department.
- Taxation Division, Corporate Services Department.
- Traffic Engineering Section, Public Works Department.

Hamilton Municipal Parking System has identified that the submitted Draft Plan of Condominium Conversion has demonstrated ample residential parking; however, it appears insufficient visitor parking has been allocated. In review, 148 parking spaces are required, based on the standard of 1.25 spaces per dwelling unit.

Staff notes there are currently 212 spaces on site. Accordingly, a revised Draft Plan of Condominium, showing 182 unitized (private) parking spaces, along with 30 common element visitor parking spaces, was submitted, and is satisfactory in addressing the above concerns.

Notwithstanding, the applicant is advised that underground parking spaces are to be suitably dimensioned in accordance with the Zoning By-law without encumbrances, including any columns, retaining walls, pillars, etc.

Based on the foregoing, and as the requisite revisions have been made to the proposed Draft Plan of Condominium Conversion (see Appendix "B"), ensuring adequate required and visitor parking areas, staff supports the subject application and has no further comments and/or concerns.

Environment and Sustainable Infrastructure Division (Public Works Department) has recommended the inclusion of Transit Oriented Design and Transportation Demand Management initiatives, along with the use of a car-share program, permeable pavement, and incorporation of street trees. However, as the application is for a change in tenure through a Draft Plan of Condominium Conversion, the opportunity for such improvements would be at the discretion of the owner/applicant.

Lastly, it was requested that cash-in-lieu of parkland be paid. However, as this is an existing apartment dwelling, and the application is for a change in tenure, no parkland dedication is required. Based on the foregoing, staff has no further comments and/or concerns.

PUBLIC CONSULTATION

The tenants in the building were provided with an information package, and notice of a future Tenant Information Meeting was hand delivered by the consultants to 110 tenants on November 30, 2012 (see Appendix “C”). Details of the proposal and the tenants’ rights under the Residential Tenancies Act were provided.

Fifteen tenants were in attendance at the Tenant Information Meeting on December 10, 2012, and an additional 30 written questionnaire responses (10 in support, 10 in opposition, and 10 not applicable) were submitted (see Appendix “D”).

There is no statutory requirement for notice of the Planning Committee Meeting regarding the proposed Condominium Conversion; however, the owner and/or agent have provided notice to the respective tenants via a hand delivered mailing on June 21, 2013.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement and conforms with the Growth Plan for the Greater Golden Horseshoe.
 - (ii) It conforms to the policies of the Hamilton-Wentworth Official Plan.
 - (iii) It conforms to the Condominium Conversion policies of the City of Hamilton Official Plan.
 - (iv) It conforms to the Condominium Conversion policies of the new Urban Hamilton Official Plan.
 - (v) The proposal seeks to establish a new form of tenure for the existing 118 two-bedroom units and 182 parking spaces within the existing multiple dwelling located at 85 Barlake Avenue.

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In particular, a Standard Form Condominium will be established with individual apartment units, including balconies, unit parking spaces (total of 182 spaces), and exclusive use areas, while the remainder of the building (including hallways, laundry rooms, lobby, and storage rooms) and the remainder of the site (including landscaped areas, access areas, amenity space, and visitor parking area (total of 30 spaces) would form the common use areas (see Appendix "B"). As the proposal conforms to the conversion policies of the City of Hamilton Official Plan, staff supports the subject application.

2. Engineering Approvals (Development Engineering) has advised there are no concerns respecting the subject application. Information provided identified that there are full municipal services fronting the subject lands on Barlake Avenue, and no road widenings are required, as Barlake Avenue is 20.12m.
3. In accordance with Section 9(4) of the Condominium Act, 1998, 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 Registered Professional Engineer or Licensed Architect, to prepare, certify, and confirm the structural and mechanical integrity of the building, and any owner initiated measures required to correct any deficiencies, prior to the release of the final plan for registration, to the satisfaction of the Chief Building Official of the City of Hamilton.

Accordingly, staff has included Condition (d) to address this requirement.

In addition, due to the proximity of the subject lands to Barton Street East and Lake Avenue North, staff has requested that a noise warning clause be applied to any Purchase and Sale or Lease/Rental Agreements advising all future purchasers/tenants of the following:

"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 the Environment's noise criteria."

Accordingly, staff has included Condition (e) to address this requirement.

ALTERNATIVES FOR CONSIDERATION

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

If the application is denied, the applicant would be able to retain the existing, 118 two-bedroom unit multiple dwelling as a rental apartment building, as it currently operates.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

Strategic Priority #1:

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective:

1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

APPENDICES / SCHEDULES

- Appendix "A": Location Map
- Appendix "B": Draft Plan of Condominium Conversion
- Appendix "C": Notice of Tenant Information Meeting, Dated November 30, 2012
- Appendix "D": Questionnaire Responses from the December 10, 2012 Tenant Information Meeting

:AC

Attachs. (4)



● Site of the Application



Ward 5 Key Map

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
25CDM-CONV-12-05

Date:
January 21, 2013

Appendix "A"

Scale:
N.T.S.

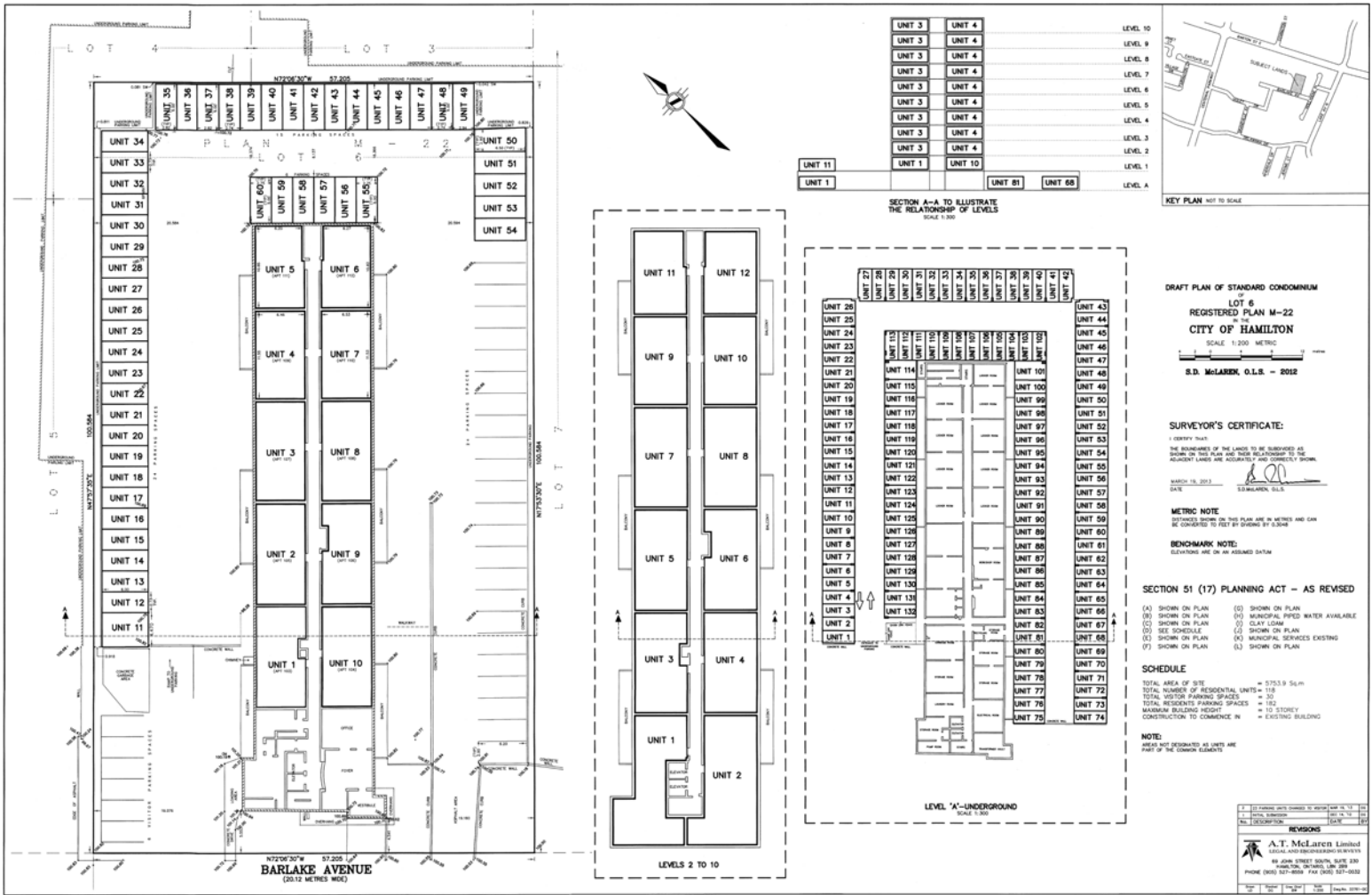
Planner/Technician:
AC/KA

Subject Property

85 Barlake Avenue



Lands Subject to Application for
Condominium Conversion.





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:

**85 BARLAKE AVENUE, 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 **Monday, December 10th, 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 **St. Gregory the Great Church Slovenian Church** located at **125 Centennial Parkway North, Hamilton** 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 Chad Collins, with attachments, via e-mail
Mr. Peter De Iulio, City of Hamilton, with attachments, via e-mail
Mr. David Horwood, with attachments, via e-mail



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

Notice to Residents – 85 Barlake Avenue

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.



Memorandum

From: David Horwood

To: Residents of Wedgewood Apartments

Date: November 30th 2012

Re: Upcoming Meeting

To all residents of Wedgewood 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 Wedgewood Apartments are already condos, even though they are run as rental buildings and are filled with renters, just like the Wedgewood.

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 Wedgewood.

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

SIGN-IN SHEET

85 Barlake Avenue, Hamilton
Monday, December 10th, 2012



NAME(S)	SUITE NUMBER	PHONE
James McMahon, Rebecca Adamson	911	905-973-5088
EVA MURPHY, Jim Sizer	201	905-573-3297
DAV: CRYSTAL HOLDEN	602	905-393-4997
BILL LABELLO	103	905-573-1239
ENGUN FIDAN	1007	647- 573 4 500 54 67
MURRAY FIDAN	307	905 578 2858
BHIRIH SWDANI	201	905 578 5382
ANNE DEB FALKINGHAM	409	905-593-4824
David Horvath	E.T.	905 667-4880
Cheryl Young	401	416-712-6318
Mike Bohace + Sharon (rebal)	510	N/A
MARK NIELSEN	902	205-865-5174
INAM UL HAQUE	210	905-296-0930
Ashish Sharma	808	905- 5 41-1507
YANNA AL MHAKEY	606	905-573-7071
PETER DE IULIO	CITY	(905) 546-2424, EXT. 1345



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

tel 905 548 1010
fax 905 548 1011

November 30th, 2012

Notice to Residents – 85 Barlake Avenue

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*.

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- 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. 903
12
Date 3.2.12

Name R. LAVALLEE
Signature R. Lavallee

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/



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- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 506 Name EVA Burkholder
 Date 12/3/2012 Signature Eva Burkholder
 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/



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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 Not sure
- We have attached additional comments with respect to this application Yes No

Unit No. 807

Name Tom Hystop

Date Dec 2/12

Signature [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/



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- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 91010

Name Carmelina Corsini

Date 01/16/12

Signature Carmelina Corsini

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/



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

Unit No. 705

Name HAROLD LAMBIER

Date DEC-8-2012

Signature Harold Lambier

Phone No

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

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

Yours very truly,
IBI Group

George T. Zajac, MCIP, RPP

GZ/



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- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 207

Name Isabel & John Chapman

Date Dec 3/12

Signature [Handwritten 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/



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- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 1012
Date 1/12/12
Phone No. _____

Name RAJENDR . R
Signature [Signature]
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/



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- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 905

Name Patricia Taylor

Date Dec 3 2012

Signature Patricia Taylor

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/



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- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 107

Name Joyce Thiel

Date Dec 1, 2012

Signature Kim Strong P/A

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/



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- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 203

Name Ludy & Steven Bardura

Date Dec 2-2012

Signature Ludy Bardura

Phone No. _____

Phone No. not provided 905-962-8767
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/



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- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 308

Name Keoman Vong Keomaneel

Date 2012, 12, 01

Signature Keoman Vong

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/



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- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 1002

Name WADE Titterton

Date Dec. 1, 12

Signature [Handwritten 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/



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- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 811

Name Karrie Michaluk

Date Dec 1st 12

Signature K. Michaluk

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/



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- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 711

Name ABDUL QURESHI

Date DEC 3rd 2012

Signature [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/



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- We have attached additional comments with respect to this application Yes No

Unit No. 603

Name DONNA + KEVIN WALLIS

Date Dec 3, 2012

Signature Donna Wallis Kai Wallis

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/



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- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 311

Name SUKHDEV VIRPI

Date Dec 02, 2012

Signature [Handwritten 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/



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- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 210

Name INAM UL HAQUE

Date Dec-4-2012

Signature [Handwritten 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/



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- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 412

Name Heather Gallant

Date 12/03/12

Signature [Handwritten 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/



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- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 809 Name Juanita Tyre
 Date Dec 10/2012 Signature [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/



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- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 812

Name Robert Mills

Date Dec 10 / 2012

Signature [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/



IBI Group
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- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 601

Name DAVID KEIGAN

Date DEC 6, 2012

Signature David Keigan

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/



IBI Group
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fax 905 548 1011

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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. 1003

Name J Simpkis

Date 4 DEC 2012

Signature J Simpkis

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/

Dec 04 2012

As per your notification, dated Nov 30th 2012, for meeting for city to change the legal status of 85 Barlake Ave. (Wedgewood Apts.)

I am totally against the change as I am aware that the change will cause:

- ① RENT INCREASE'S

- ② There will BE FAILURE to deal with problem TENANTS and neglected apartments.

- ③ IT will not improve safety standards or any other standards that buildings must already maintain and that as of now they do not:

- ④ Also repairs to apartments will worsen, as they don't attempt to do these requests now.

- ⑤ AS OF NOW seniors do not have a break with rent and the outcome would be no benefit to us:

Yours,
J Simpkins



IBI Group
200 East Wing-360 James Street North
Hamilton ON L8L 1H5 Canada
tel 905 548 1010
fax 905 548 1011

November 30th, 2012

Notice to Residents – 85 Barlake Avenue

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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 NOT SURE yet
- We have attached additional comments with respect to this application Yes No

Unit No. 401

Name Cheryl Young

Date Dec 10/12

Signature CA Young

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/



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November 30th, 2012

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- We support the condominium conversion application Yes No NA
- We have attached additional comments with respect to this application Yes No

Unit No. 902

Name MARK NIELSEN

Date Dec 11/12

Signature [Handwritten 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/



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November 30th, 2012

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- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 510

Name M. BATUSIC

Date 10 DEC

Signature [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/



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200 East Wing-380 James Street North
Hamilton ON L8L 1H5 Canada
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November 30th, 2012

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- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 301

Name BHIRHU SUDANI

Date DEC 10 / 2012

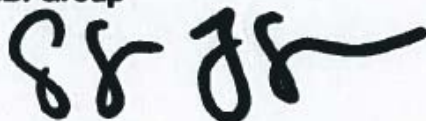
Signature 

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/



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November 30th, 2012

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- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 1007

Name ENGIN FIDAN

Date Dec/10/2012

Signature [Handwritten 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/



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- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 307

Name NURAN FIDAN

Date DEC-10-12

Signature [Handwritten Signature]

Phone No. [REDACTED]

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/



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- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 409
Date DEC 10 / 2012
Phone No. _____

Name DEB FALKENBERG
Signature [Handwritten Signature]
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/



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- We support the condominium conversion application Yes No N/A
- We have attached additional comments with respect to this application Yes No

Unit No. 201

Name EVA Murphy - Jim Sizer

Date Dec. 10/12

Signature Eva Murphy

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/