

Minutes

Planning Advisory and Hearing Committee

Meeting ID: 2018-01
Meeting Date: Mon January 15, 2018 07:00 PM
Location: City Hall Council Chambers, 360 Pitt Street, Cornwall, Ontario, K6J 3P9
Chair: Maurice Dupelle, Councillor
Prepared By: Ely Daniels, Administrative Assistant

Attendance Committee Members:

Leslie O'Shaughnessy, Mayor
Bernadette Clément, Councillor
David Murphy, Councillor
Elaine MacDonald, Councillor
Maurice Dupelle, Councillor
Carilyne Hébert, Councillor
Claude E. McIntosh, Councillor
Justin Towndale, Councillor
Mark A. MacDonald, Councillor
Denis Carr, Councillor
Jack Lindsay, Lay Member
Ron Symington, Lay Member

Attendance Staff:

Dana McLean, Development Coordinator
Ely Daniels, Administrative Assistant
Karl Doyle, Senior Planner
Mark A. Boileau, General Manager, Planning,
Development and Recreation
Mary Joyce-Smith, Division Manager, Planning
Nick Sutherland, Planner

Regrets:

André Rivette, Councillor

Attendance Media:

None

Attendance Public:

Seven (7) gallery members were present.

Welcome and Call Meeting to Order by Chairman:

Chair Maurice Dupelle called the meeting to order at 7:00 p.m.

Roll Call:

Roll call was conducted by Recording Secretary, Ely Daniels.

Adoption of the Agenda - Additions and Deletions:

Motion to adopt the Agenda as presented.

Moved By: Leslie O'Shaughnessy, Mayor
Seconded By: Ron Symington, Lay Member

Motion Carried

Adoption of the Minutes:

Motion to endorse the following Minutes with an amendment that the two Lay Members' names; Jack Lindsay and Ron Symington be reflected in the attendance list.

Moved By: Elaine MacDonald, Councillor
Seconded By: Bernadette Clément, Councillor

1 November 20, 2017 Planning Advisory and Hearing Committee Meeting

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Motion Carried

DECLARATION OF CONFLICT OF INTEREST:

There were no disclosures of interest declared.

BUSINESS ARISING FROM THE MINUTES:

There was no business arising from the Minutes.

PRESENTATION(S):

None.

Review of Public Notice Requirements by PAC Secretary:

PAC Secretary Mary Joyce-Smith advised that a Notice of Public Meeting was advertised in the Standard-Freeholder on Saturday, December 16th, 2017 with respect to a review of an application for a Condominium Conversion of two existing rental apartment buildings at 1430 and 1450 First Street East, (Lorneville Apartments). The file numbers for this development are CD-2018-01 and Condominium Folder 298. Also, this Public Meeting was subsequently posted (English and French versions) on the City of Cornwall Website.

Public Meeting Item(s) - Public Hearing:

1 Condominium Conversion - Application for a Draft Plan of Condominium (Conversion) - PAC File CD-2018-01, located at 1430 and 1450 First Street East, (Lorneville Apartments), legally described as Part of Lot 3, Concession 1, as shown on Reference Plan 52R-762.

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Karl Doyle reviewed his power point presentation and advised that an application had been received on June 13th, 2017 from Realstar Management to convert 2 apartment buildings into condominiums located at 1430 - 1450 First Street East commonly known as the 'Lorneville Apartments' originally built as rental units in 1975. This application is to review the conversion of the 248 rental units in the two apartment buildings and, if granted, arrive at a set of conditions to be met prior to final condominium approval. He advised that the owner has no intentions in selling any units to residents or third parties and that over the past decade, they had completed 10 condominium conversions and had not sold a single unit. The owner has also expressed that this conversion is strictly for administrative, legal and financial reasons. He added that the subject property is appropriate for Condominium Conversion as set out in the proposed Plan of Condominium, however, development is subject to the stipulated Draft Conditions listed in the Appendix 'A' of this report. He emphasized that the applicant must agree to meet each of these conditions prior to approval, and that Planning staff remain supportive of this application. He concluded that the request conforms to the Official Plan policies on Condominium Conversion.

Chair Maurice Dupelle asked three times if there were any questions/comments from the audience and, hearing none, subsequently closed the public meeting portion of the session.

PAC Discussion of Public Meeting Item(s):

Councillor Elaine MacDonald asked for clarification with respect to the "Right of First Refusal" Section 51(5) of the Residential Tenancies Act and said if someone is interested in buying a unit, the tenant of that unit gets first refusal,

however, if the tenant refuses to buy does he/she still have the right 20 years later to let the unit be sold to someone else, and continue to rent it until he/she no longer needs it.

Senior Planner Karl Doyle replied that Section 51(1) Security of Tenure would apply which states that after a property is converted to condominium, the landlord cannot terminate a tenancy for personal use of the unit by the landlord or for personal use of the unit by the purchaser of a unit, if the tenant was the tenant at the time of conversion.

Lay Member Jack Lindsay stated he would not support this condo conversion as he had gone through two similar experiences in the past where a conversion was granted, promises had been made and the owners were still able to get around the laws put in place. He added that the two clauses in Section 51 of the Residential Tenancies Act did not work for those particular tenants. He added that this will also be a tax evasion for the City, if approved.

Councillor Claude McIntosh stated he appreciated the sentiments expressed by Mr. Lindsay, and asked whether there had been any issues with other conversions the City had granted in the past.

Division Manager, Mary Joyce-Smith replied that no issues arose from previous conversions and that it was important to understand that the City has to rely on the Official Plan, Section 51 under the Planning Act. Planning staff is reviewing this request under the appropriateness of the application through the Official Plan who's concerns are; the condition of the building and the vacancy rate. From a Planning perspective, staff is trying to make sure that the city has a healthy vacancy rate and that the buildings are in good condition. As well, there are Draft Plan Conditions in place and a request to have the city's Chief Building Official and Fire Chief review and approve the safety of the buildings.

Councillor Denis Carr asked what more can the City do to protect the tenants of these buildings.

Division Manager, Mary Joyce-Smith replied that from previous consultations with city solicitors, the Residential Tenancies Act is very strong and would offer protection to the tenants.

Mayor Leslie O'Shaughnessy clarified that the city's responsibility is to ensure that those clauses under Sections 51(1) and 51(5) of the Residential Tenancies Act are incorporated into the condominium agreement, and that's the limit of the liability of the City of Cornwall. Anything after that would become a civil matter and the responsibility of the tenant to exercise.

Lay Member Ron Symington asked if a new engineer's report would be conducted to determine the state of the buildings, and strongly recommended that PAC ask for an updated report as the one provided is 5 years old.

Division Manager, Mary Joyce-Smith replied that the report was done by a professional engineer and that the Fire Chief as well as the Chief Building Official are both aware of that audit and have provided commentary on that.

Mayor Leslie O'Shaughnessy asked whether Planning staff can determine whether the 248 units had been subtracted off the variance rate to come up with the 3%.

Councillor Bernadette Clement added that apart from knowing how the vacancy rate is affected by removing the 248 units off the variance rate, she asked why the availability of apartments in 2016 had declined by 0.9%. She questioned whether a trend was beginning. She stated that Mr. Lindsay points are well taken and asked whether PAC can feel confident and fully rely on the assessment report provided as it is dated.

Division Manager, Mary Joyce-Smith replied that the Official Plan policies and the Planning Act are tools the city has to adhere to and use to review this application's appropriateness. She added that the Official Plan policy calls for a vacancy rate of not less than 3% and what Planning staff is trying to do is impose appropriate Draft Plan Conditions that will be attached to the Registered Agreement in order to protect all tenants involved and keep everyone informed.

At this point Planner with Fotenn, Jennifer Garrah advised she is working with the owner to obtain this approval and confirmed there is a growing trend on condominium conversions. She reiterated that in the past 10 to 15 years, the owner has not sold any units and their intention is to maintain the buildings in the long term. She added that this is strictly an administrative exercise, and in addition to the financial benefits this conversion would provide in terms of savings on property taxes, there are also other financial benefits such as the owner would now be able to leverage certain units within one building to release funds for other projects. This would provide the owner with more flexibility in managing the properties. She acknowledged that the assessment is dated and stated that there is a 5 year capital asset planned. She added they are prepared to review the engineer's report in order to address any current issues, if any, hold consultations with the Building and Fire Departments, as well as look at the vacancy rate. From a Planning perspective, she advised that this conversion is appropriate and in-line with the City of Cornwall's vision.

Following a brief discussion, it was moved

That PAC defer the application until it receives updated information on the submitted building audit as well as further information on the impact this conversion may have on the vacancy rate number.

**Moved By: Bernadette Clément, Councillor
Seconded By: Ron Symington, Lay Member**

Motion Carried

Councillor Justin Towndale asked if some information could also be provided on the tax change.

Councillor Elaine MacDonald also stated she would like to see some information with respect to the sub units of the Cornwall Area Housing Corporation.

Division Manager, Mary Joyce-Smith replied that although no sub units of the Cornwall Area Housing Corporation were declared in the application, a verification would be conducted.

Senior Planner, Karl Doyle confirmed that no commentary was received from the Social Housing Department.

OTHER / NEW BUSINESS:

1 Subdivision Draft Plan Amendment - Minor change to the MC Laframboise Holdings Inc. - Subdivision (formerly Brownsdale Holdings Inc.) on Part of the East ½ of Lot 12, Concession 3, PAC File 04T-94502 Draft Plan Conditions dated March 23rd, 2015. The owner has made a request to remove the March 2018 lapse date from the Draft Plan Conditions. This is not a public meeting item as per Section 50 (47) of the Ontario Planning Act. (File: 301 - 04T-2017-01)

Click for detail --> 

Karl Doyle reviewed his power point presentation and advised that MC Laframboise Holdings Inc. acquired the subject lands from Newell Brown Development Limited. The subdivision was reviewed and approved by PAC in the winter of 2012 and subsequently in 2015 when the new Developer requested that an extension be given to the original Draft Plan approval. They are now requesting an amendment to the March 23rd, 2015 Draft Plan Conditions, specifically line 22, March 23rd, 2018 completion date, to allow for some time to review the plan, lot fabric, continue to negotiate and review servicing options, and move forward with Registration once all issues are resolved. This request is technical in nature and will not affect either the draft approved lot fabric or road layout, which is supported by the city. He concluded that Planning staff is

supportive of the removal of line 22 from the 2015 Draft Plan Conditions in order to allocate funds to move forward with final registration of the Draft Plan of Subdivision in the coming years which is consistent with other Plan of Subdivision amendment requests made in recent years.

Following a brief discussion, it was moved

That the request to amend and remove the March 23rd, 2018 completion date from the March 23rd, 2015 Draft Plan Approval Conditions for Brownsdale Holdings Ltd., (MC Laframboise Holdings Inc.) be approved.

Moved By: Leslie O'Shaughnessy, Mayor
Seconded By: Elaine MacDonald, Councillor

Motion Carried

2 CPPEG Recommendation December 7, 2017 HOTC#2010-05 519-537 Pitt St

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Development Coordinator, Dana McLean advised this was an application by 519 Pitt Street Inc. at 519 - 537 Pitt Street for HOTC funding assistance in an amount up to \$13,500 to assist with funds for a new roof for 4 sections of the building.

Following a review by CPPEG, it was moved to recommend to PAC:

That HOTC#2010-05 funding request by 519 Pitt Street Inc. at 519 - 537 Pitt Street, be accepted as follows:

Program 2 - Building Restoration & Improvement Program - \$13,500

Program 5 - Municipal Planning/Development Fees Grant- Actuals

Program 6 - Discretionary Municipal Tipping Fees Grant - Actuals

Conditional to the review of new estimates and completion of the facade as per the designs submitted in September 2013.

Following a brief discussion,

There was a motion that PAC approve the CPPEG recommendation as presented, and recommend same to Council.

Moved By: David Murphy, Councillor
Seconded By: Denis Carr, Councillor

Carried

INFORMATION:

None

NEXT SCHEDULED MEETING:

Chair Maurice Dupelle advised that the next scheduled PAC meeting will be held on Tuesday, February 20th, 2018.

ADJOURNMENT:

Motion to adjourn the Public Meeting of PAC at 8:30 p.m.

Moved By: Leslie O'Shaughnessy, Mayor
Seconded By: Ron Symington, Lay Member

Motion Carried

Councillor Maurice Dupelle, Chair