

# Minutes

## Planning Advisory and Hearing Committee

**Meeting ID:** 2014-04  
**Meeting Date:** Mon June 16, 2014 07:00 PM  
**Location:** City Hall Council Chambers, 360 Pitt Street, Cornwall, Ontario, K6J 3P9  
**Chair:** CN=Glen G Grant/OU=CITYHALL/O=CityCornwall  
**Prepared By:** Ely Daniels, Administrative Assistant

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### **Attendance Committee Members:**

André Rivette, Councillor  
Bernadette Clément, Councillor  
Glen Grant, Councillor  
Syd Gardiner, Councillor  
David Murphy, Councillor  
Denis Carr, Councillor  
Denis Thibault, Councillor  
Elaine MacDonald, Councillor  
Maurice Dupelle, Councillor  
Gerald E. Samson, Councillor

### **Attendance Staff:**

Dana McLean, Programs Coordinator Planning Division  
Debora M. Daigle, Manager, Social and Housing Services  
Karl Doyle, Zoning and Site Plan Coordinator  
Ken Bedford, Supervisor, Planning Division  
Stephen Alexander, General Manager, Planning, Parks and Recreation  
Mary Joyce-Smith, Senior Planner  
Terry Guay, Temporary Recording Secretary

### **Regrets:**

Bob Kilger, Mayor

Attendance Media:

Ed Allard, Cogeco

Others:

Maurice Gatien, Lawyer for

J.C. Godard, Tri-Star

John Huza, Lawyer for

J.C. Godard, Tri-Star

Attendance Public:

No public was in attendance.

### **WELCOME AND CALL MEETING TO ORDER BY CHAIRMAN:**

Chairman Glen Grant called the meeting to order at 7:00 p.m.

## **ADOPTION OF THE AGENDA - ADDITIONS AND DELETIONS:**

That the Agenda be approved with an amendment that Item 1 - Tri-Star (JC Godard) - Review of an Application for a Condominium Conversion at 1146 Montreal Road, containing 40 units on Part of Lot 4, Concession 1, as shown on Part 3, Plan 52-R7028, City of Cornwall, File number 04-CD-2014-01 and Condominium File number 228, be moved to Other/New Business.

Moved By: Syd Gardiner, Councillor  
Seconded By: Denis Thibault, Councillor

**MOTION APPROVED**

That the Agenda be approved as amended.

Moved By: André Rivette, Councillor  
Seconded By: Denis Carr, Councillor

**MOTION APPROVED**

## **ADOPTION OF THE MINUTES:**

### **1 May 20, 2014 Planning Advisory and Hearing Committee Meeting**

Click for detail --> 

That the Minutes of the Planning Advisory Committee Meeting (No. 2014-03) dated Tuesday, May 20, 2014 be approved as presented.

Moved By: André Rivette, Councillor  
Seconded By: Denis Carr, Councillor

**MOTION APPROVED**

## **DECLARATION OF CONFLICT OF INTEREST:**

None

## **BUSINESS ARISING FROM THE MINUTES:**

None

## **PRESENTATION(S):**

None

## **REVIEW OF PUBLIC NOTICE REQUIREMENTS BY PAC SECRETARY:**

PAC Secretary Ken Bedford explained that a Notice for Information for the Tri-Star matter, and not for Public Meeting, was advertised twice in the Standard Freeholder on Saturday, April 26, 2014 and Saturday, June 14, 2014.

## **PUBLIC MEETING ITEM(S) - PUBLIC HEARING:**

None

## **PAC DISCUSSION OF PUBLIC MEETING ITEM(S):**

None

## **OTHER / NEW BUSINESS:**

**i) Tri-Star (JC Godard)- Review of an Application for a Condominium Conversion at 1146 Montreal Road, containing 40 units on Part of Lot 4, Concession 1, as shown on Part 3, Plan 52R-7028, City of Cornwall (File number 04-CD-2014-01 and Condominium File number 288).**

Click for detail --> 

PAC Secretary Ken Bedford advised that Mary Joyce-Smith would be presenting the report and a PowerPoint presentation on this matter. He also advised that the Legal Counsel for the owner was present to answer questions or concerns.

Mary Joyce-Smith advised that the Applicant is requesting an **exemption** to Section 51 of the Planning Act, for a condominium conversion application. She added that this is a new building, and typically condominium conversion applications are seen on older buildings. A building audit would therefore typically have to be requested. She advised she had spoken to the Chief Building Official with respect to this property however, and he advised that the subject site is under a building permit review process, and would not require a building audit nor a draft plan condition. She explained that if the **exemption** is approved, it will facilitate registration so that the developer can go directly to condominium registration. She also had discussions with the City Solicitor who suggested that a meeting with the existing tenants be held. The recently held meeting took place between the project owner/legal counsel and the tenants to inform existing tenants of their rights and their protection under the Residential Tenancy Act. A sample copy of the lease the tenants received was distributed, and the clause on conversion was highlighted. Mary Joyce-Smith concluded that

the solicitor and owner also provided affidavits to the tenants informing them of the owner's intent and their protection under the Residential Tenancy Act and that copies of the affidavits were delivered to each tenant.

PAC Chair Glen Grant asked whether there were any questions or comments from PAC.

Councillor Elaine MacDonald commented that the highlighted area of the lease regarding conversion indicated the words "that in the event" the building is converted, she questioned if this meant it was definitive.

Mary Joyce-Smith replied that the owner's solicitor advised that there always was an understanding the building would be converted, and that it was only a matter of time, and for that reason the clause was put in.

Councillor Gerald Samson asked whether all the tenants were in agreement.

Mary Joyce-Smith replied that Mr. Gatién would speak to that matter. She advised that she had not received any calls from any of the tenants after the meeting was held. She stated that 80% of the tenants attended the meeting and those 20% that didn't, received a copy of the affidavits signed by the owner.

Councillor Gerald Samson asked whether out of the 20% of tenants that did not attend, there were any that were against the conversion.

Mary Joyce-Smith replied that she was not aware of any, but that the solicitor could better answer that question. She reiterated that because the building is being converted it had to be reviewed under the policies of the Official Plan. The other key matter relates to the vacancy rate of the City. The chart shown on the PowerPoint presentation indicates an average 4.5% vacancy rate. The Official Plan states that if it is below 3% then caution should be taken with respect to reviewing applications for conversion. She added that the Residential Tenancy Act secures the tenancy of those tenants that are presently leasing. The tenants will not be evicted because the building is being converted. She then proceeded to review the PowerPoint presentation on this matter where she explained the application has been reviewed through policies and the Official Plan, and that Planning staff believe it is appropriate. The owner is requesting exemption from Sections 51 and 51.1 of the Planning Act as they are going through the building permit process and a complete site plan review has been signed off, therefore, Planning staff is supportive of this application.

Solicitor, Maurice Gatién advised he met with the tenants to answer questions/concerns and provide written information. He added the Residential Tenancy Act is in place to protect them. This was more or less an affirmative

statement that was given by the owner to advise tenants that even if the Act is amended, they would still be protected. The owner is committed to preserving the situation for them if they wish to stay. Maurice Gatien further explained that they are not reducing or deducting the number of available apartments. All the apartments will remain for those wanting to rent. He explained that the main reason for this application is for financing purposes which is a challenge due to the fact the City is not considered as a large centre. By structuring it this way, the owner can get better rates by converting to condominiums. They are also able to keep rents at a much more reasonable level. Rents are fixed on the financing the owner was able to obtain at the time. The primary reason for converting to condominium was to make the project viable. He further advised that the owners went above and beyond what the Residential Tenancy Act requires. He further commented that since there are no tenants present at PAC is an indication that they have been reassured that their tenancy will not be affected.

Councillor Gerald Samson asked Mr. Gatien whether he was a lawyer for both the tenants and owner?

Solicitor Maurice Gatien replied he was there on behalf of the building owner. He advised that the existing tenants are affluent, and would have the means to hire a lawyer either individually or collectively. He added he believed some of the tenants spoke to a lawyer when signing their lease. He stated that regarding timing of the conversion, all tenancies were secured before the building was built due to the owner not being able to get financing if he did not have any tenants. At the time of the signing of the lease, a few lawyers did approach him regarding the tenants' protection. They were made clearly aware of what were the tenants' rights, and left satisfied that their concerns had been met.

Councillor Gerald Samson asked whether there would be any rent increases, and if the conversion to condominium would make their unit more valuable.

Solicitor Maurice Gatien replied the units may become more valuable over time, but the Residential Tenancy Act will still continue to apply, therefore, rents will increase according to the Act. The undertaking stipulates that the owner is obligated to have any buyer of a unit(s) sign a similar acknowledgment and undertaking which will continue that obligation. The whole process was to make sure the existing tenants felt and, are in fact, secure.

Councillor André Rivette asked if tenants signed a one, two or three year lease, would they still be guaranteed that their unit will not be sold after the first year lease.

Solicitor Maurice Gatien replied that the condominiums could be sold at any time, but they are protected forever. If tenants continue their tenancy whether it be renewing their lease or even staying on as a month to month, they cannot be evicted as long as they continue to pay their rent and rent increases.

Councillor André Rivette asked for clarification with regards to if someone buys the unit, the tenant cannot be evicted from that unit, even if the new owner wants to move in.

Solicitor Maurice Gatien replied that this was correct. Even if the new owner wanted to change their mind, they are precluded by the Act. What the owner did is ensure that even if the Act would change, the present tenant would still be protected.

Councillor Denis Carr stated that the City had gone through a similar application before with the Glengarry Apartment buildings, and there had been much misinformation given which scared some tenants. He asked how many of the existing residents would become condominium owners?

Solicitor Maurice Gatien replied that presently none of them since at this time there is no intention to sell on the part of the building owner. If units are sold at a later date, it would be logical to first offer them to the existing tenants. It was acknowledged that the question of ownership interest has not been put to the tenants.

Councillor Bernadette Clément asked whether this was a new trend in how developers will be funding new construction developments and what was the present financial advantage to the developer?

Solicitor Maurice Gatien replied that the lenders they are working with are excellent about investing large sums of money in the City to allow projects to move forward. Their preference is to structure it in a way to get a better rate. Currently it makes financial sense to initially construct apartments so as to ensure cash flow is there, then typically developers convert to condos to give more flexibility for resell. Since the City is not considered to be on the "A" list of lenders in Toronto for residential projects, it is important to accommodate what

the lenders want.

Councillor Bernadette Clément stated she appreciated the chart presented in the PowerPoint as it showed Cornwall in relation to other municipalities and understood that the 4.5% vacancy rate is a fairly healthy number as compared to other municipalities. She stated there is a market for condominiums but there is also a market for previous homeowners who no longer want to own. She asked whether those people have sufficient choices, and if we would see people remain and stay as tenants, if that is what they want; i.e. renting instead of owning a condominium.

Mary Joyce-Smith suggested despite the lack of data on choice, renting remains a very viable option versus full ownership.

Solicitor Maurice Gatien replied if the vacancy rate is too high, it becomes difficult for developers to get financing. If the vacancy rate is too low, it works against the tenants as the rents will be used by landlords to get tenants out and raise rents. The rate of 5% is ideal as developers can expand and get financing. He added the project did lease up rapidly due to people choosing to rent instead of own. The average age of those people choosing to rent are between 55 to 70, who wish to continue to live in a nice place, but no longer want the responsibility of owning.

Bernadette Clément stated there was a reference made earlier to a condominium conversion at the Glengarry Apartments. She stated it was not misinformation that was provided as the existing tenants were of a different dynamic. She stated it was a good move to have an information session with the tenants prior to this meeting. The Glengarry situation was not handled the same way.

Councillor Sydney Gardiner asked if the Condominium Conversion would provide any additional revenues as far as taxes were concerned.

Mary Joyce-Smith read the comments made by the Municipal Assessor which was included in the report.

Solicitor Maurice Gatien replied he didn't see more tax revenues for the City, as this was being done purely for financing purposes. It would be up to the Assessment Department to set the rate.

PAC Secretary Ken Bedford stated that there are essentially three recommendations under Section A of the report, and read each one as follows;

That the application dated April 1<sup>st</sup>, 2014 from Tri-Star Development for this Condominium Conversion on Part of Lot 4, Concession 1 as shown on Part 3, Plan 52R-7028 Municipally located on the north side of Montreal Road, as indicated on Draft Plan by K. Adams, Ontario Land Surveyor, dated April 1, 2014 be approved and that the process be exempted from Section (51) and Section (51.1) of the Planning Act, and;

That PAC recommends Council approval of the attached Resolution and Exemption Bylaw, and;

That upon final condominium drawings being prepared by an Ontario Land Surveyor, and being reviewed and confirmed, that the final approval be granted to the Plan of Condominium.

There was a motion to recommend the approval of the three recommendations under Section A of this report and send it to Council for endorsement.

Moved By: Denis Carr, Councillor  
Seconded By: Denis Thibault, Councillor

### **MOTION APPROVED**

Chair Glen Grant thanked Maurice Gatien and Mary Joyce-Smith for their presentation.

Dana McLean reviewed her PowerPoint presentation on four HOTC applications, and one Brownfield application.

#### **1 CPPEC Recommendation June 5, 2014 HOTC#2014-05 317 Pitt St. (former LCBO Building)**

Click for detail --> 

Dana McLean advised this was an application by Baird-Payette Holdings Inc. at 317 Pitt Street for HOTC funding assistance in an amount up to \$7,500 which will assist with the interior renovations for a new family oriented restaurant. The proponents are impressed by the new vibrancy of the Downtown.

That HOTC#2014-05 funding request by Baird-Payette Holdings Inc. at 317 Pitt Street, be approved as follows:



Program 3: Project Design Grant - \$7,500  
Program 5: Municipal Planning/Development Fees Grant - actual  
Program 6: Discretionary Municipal Tipping Fees Grant - actual

Moved By: David Murphy, Councillor  
Seconded By: André Rivette, Councillor

### **MOTION APPROVED**

#### **2 CPPEC Recommendation June 5, 2014 HOTC#2014-06 139-141 Pitt St. (Kid's Corner)**

Click for detail --> 

Dana McLean advised this was an application by Kevin & Leslie Ouderkirk at 139-141 Pitt Street for HOTC funding assistance in an amount up to \$14,200 which will assist with the renovations to the exterior and sign. Note that the owners are also expressing an interest in establishing a 2nd floor apartment in the future.

That HOTC#2014-06 funding request by Kevin & Leslie Ouderkirk at 139-141 Pitt St, be approved as follows:

Program 2: Building Restoration & Improvement Program-\$3,200  
Program 3: Project Design Grant - \$1,000  
Program 4: Facade Improvement and Sign Grant-\$10,000  
Program 5: Municipal Planning/Development Fees Grant - actual  
Program 6: Discretionary Municipal Tipping Fees Grant - actual

Moved By: David Murphy, Councillor  
Seconded By: André Rivette, Councillor

### **MOTION APPROVED**

#### **3 CPPEC Recommendation June 5, 2014 BR#2014-02 407 Pitt St. (Sub Place)**

Click for detail --> 

Dana McLean advised this was an application by Serangie Holdings Limited at 407 Pitt Street for Brownfield funding assistance in an amount up to \$15,000 which will assist with a Phase II Environmental Site Assessment using 2011 MOE Standards.

That BR#2014-02 funding request by Serangie Holdings Limited at 407 Pitt Street, be approved as follows:

Program 2: Environmental Site Assessment Grant - \$15,000

Moved By: David Murphy, Councillor  
Seconded By: André Rivette, Councillor

**MOTION APPROVED**

**4 CPPEC Recommendation June 5, 2014 HOTC#2014-02 Addendum 110 Pitt St**

Click for detail --> 

Dana McLean advised this was an addendum application by Tammy Davidson at 110 Pitt Street for HOTC funding assistance in an amount up to \$8,750 which will assist with the roof renovations for the building.

That HOTC#2014-02 Addendum funding request by Tammy Davidson at 110 Pitt Street, be approved as follows:

Program 2: Building Restoration & Improvement Program-\$8,750  
Program 5: Municipal Planning/Development Fees Grant - actual  
Program 6: Discretionary Municipal Tipping Fees Grant - actual

Moved By: David Murphy, Councillor  
Seconded By: André Rivette, Councillor

**MOTION APPROVED**

**5 CPPEC Recommendation June 5, 2014 HOTC#2014-01 Addendum 2 503 Pitt St**

Click for detail --> 

Dana McLean advised this was an Addendum application by Rachelle Landriault at 503 Pitt Street for HOTC funding assistance in an amount up to \$3,150 which will assist with the interior renovations for electrical, awning and signage.

That HOTC#2014-01 addendum funding request by Rachelle Landriault at 503 Pitt St., be approved as follows:

Program 2: Building Restoration & Improvement Program-\$900  
Program 4: Facade Improvement and Sign Grant-\$2,250  
Program 5: Municipal Planning/Development Fees Grant - actual  
Program 6: Discretionary Municipal Tipping Fees Grant - actual

Moved By: David Murphy, Councillor

Seconded By: André Rivette, Councillor

**MOTION APPROVED**

**NOTE:**

As part of the discussion about the applications, Councillor André Rivette enquired if the information regarding what owners needed to go ahead with their project can be provided to them ahead of time and be very clear and maybe provide it in writing in order to avoid any conflicts later on.

Dana McLean indicated that at preliminary meetings the owners give their intent and some items might be flagged by Staff and then it is up to their consultants to provide required information. We advise them to contact the Chief Building Official and the Site Plan Coordinator so they can get answers if they have specific questions. She reiterated that the Staff always try to give them all the information they require and their Consultant (i.e. Qualified designer under Bill 124) are to ensure that the application meets all the Building Code requirements.

**INFORMATION:**

None

**NEXT SCHEDULED MEETING:**

PAC Secretary Ken Bedford advised that the next scheduled meeting will be held on Monday, August 18, 2014. Staff will verify to ensure this date does not conflict with AMO. If it does, an alternate date will be chosen.

**ADJOURNMENT:**

That the meeting be adjourned at 7:40 p.m.

Moved By: Denis Thibault, Councillor  
Seconded By: André Rivette, Councillor

**MOTION APPROVED**

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**PAC Chair, Glen Grant**

That the Minutes of the Planning Advisory and Hearing Committee Meeting (No. 2014-04) dated June 16, 2014 be approved as presented.

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

**MOTION APPROVED**