



**Community and Strategic Planning**

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Our File: CD10-02-6

**APPLICATION FOR CONDOMINIUM CONVERSION AND  
DRAFT PLAN OF CONDOMINIUM**

TO: The Mayor and Members of Ingersoll  
Town Council

MEETING DATE: May 3, 2010  
REPORT NO.: 2010-119

**OWNERS:**

Skyline Real Estate Holdings (III) Inc.  
70 Fountain Street East  
Guelph, ON N1H 3N6

**APPLICANT:**

Martin Castellan  
c/o Skyline Real Estate Holdings (III) Inc.  
70 Fountain Street East  
Guelph, ON N1H 3N6

**LOCATION:**

The lands are located on the west side of Thames Street North, south of North Town Line.

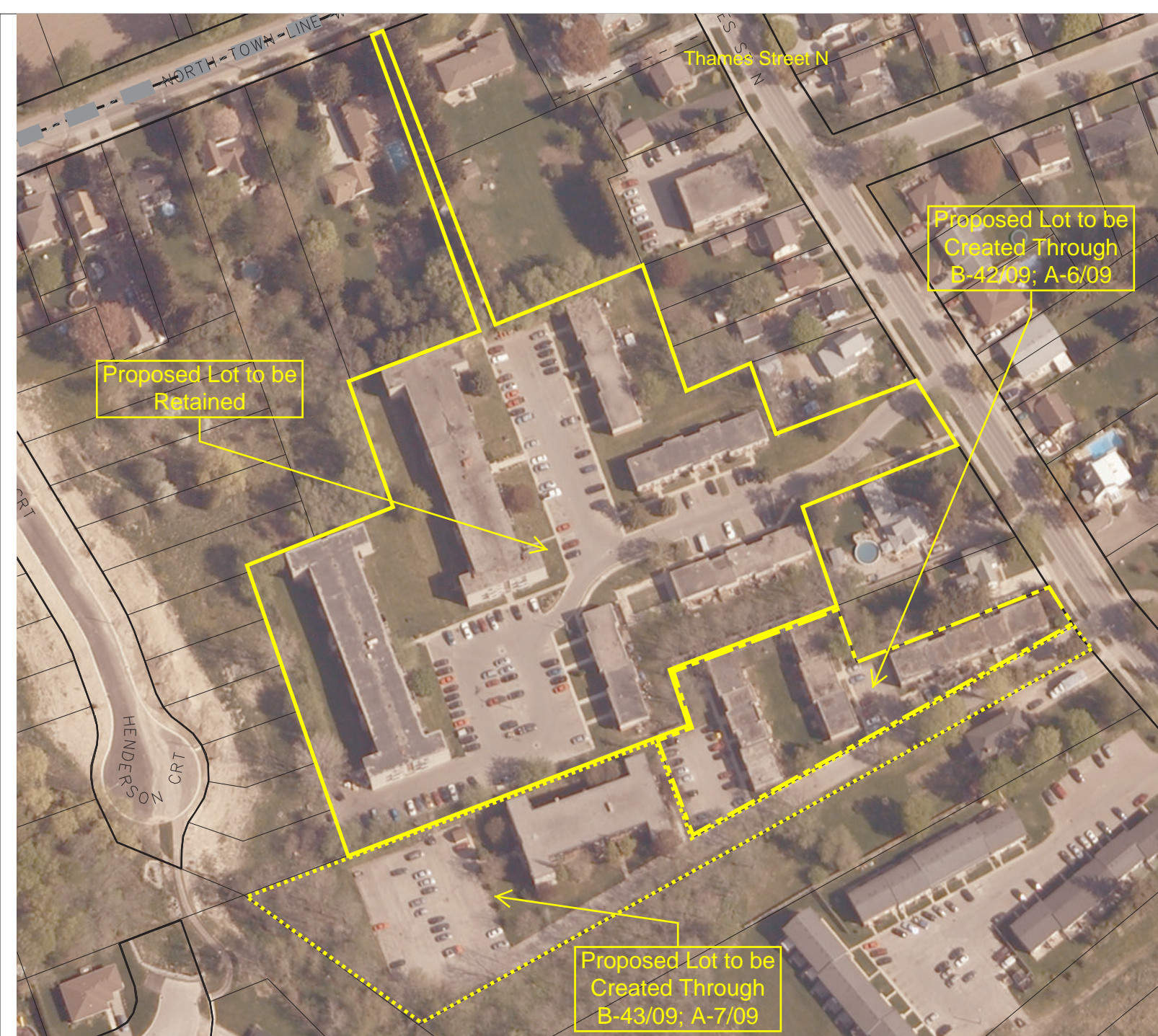
The subject lands are described as Lot 23, Registered Plan 1623, in the Town of Ingersoll, municipally known as 271 Thames Street N.

**COUNTY OF OXFORD OFFICIAL PLAN:**

Schedule "1-1"	Town of Ingersoll Land Use Plan	Residential
Schedule "1-2"	Town of Ingersoll Residential Density Plan	Medium Density Residential

**TOWN OF INGERSOLL ZONING BY-LAW 04-4160:**

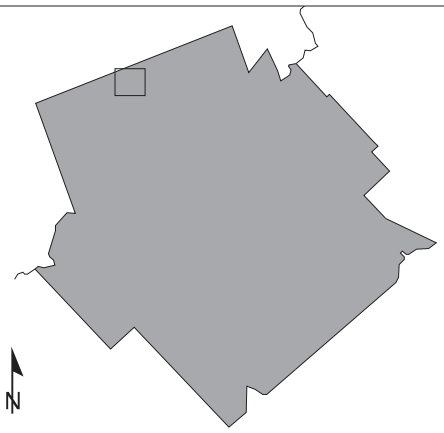
Existing Zoning Residential Type 3 Zone (R3)



**LEGEND**

County Orthoimagery (2007)

Municipal Limits



INGERSOLL

Plate 1 - Severance Applications  
Skyline Real Estate Holdings Inc., Lots 16, 23 & 24, Registered Plan 1623  
File No.: CD10-02-6, Town of Ingersoll



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LAND RELATED INFORMATION SYSTEM  
COUNTY OF OXFORD

CREATED ON: 23-DEC-2009

APPLICATION REVIEW:(a) Background and Proposal

An application has been received for condominium conversion and draft plan approval for an existing rental complex, which was constructed in 1975. The existing complex comprises 21 3-bedroom row house dwelling units and 37 parking spaces on the subject property. All units are accessed by a common driveway existing onto Thames Street North.

The purpose of this application is to convert the 21 rental units to condominium ownership, such that the units can be conveyed to individual owners. Each unit will be for the exclusive use of the owner along with an assigned parking space. The balance of the lands, consisting of access lanes, amenity space, open areas and visitor parking spaces are to be held in common ownership.

For Council's information, the lands proposed for draft plan of condominium and condominium conversion are approximately 0.39 ha (1 ac.) in area. The lands were subject to recent consent application (B-42/09), where the lands subject to this application had merged with the property at 285 Thames Street N, through common ownership. The consent along with a servicing easement through the property was considered and approved by the County Land Division Committee at its meeting on January 14, 2010 (see Plate 1).

The subject property was previously zoned Special Residential Type 3 (R3-5) along with the multi-dwelling development to the immediate west in the previous Town of Ingersoll Zoning By-Law 81-3054. Additionally Schedule "B-4" was also in place in the Zoning By-Law that had the effect of providing a site plan within the By-Law. Upon passing of Zoning By-Law 04-4160, in 2004, Schedule "B-4" was deleted from the By-Law and the properties were zoned to the present R3 zoning considering the long standing uses on the properties.

The original site plan for the development was approved by the Town on April 21, 1975. A review of the existing site plan relative to former Schedule "B-4", indicates that the location of parking for the site has varied slightly with 37 now being located on-site, versus 36 shown on Schedule "B-4", and the number and location of the dwellings units remains the same. While the site plan show 37 parking spaces, Planning staff note that 5 spaces are shown as angled parking in front of Units 4-7, which were not included the former Schedule "B-4".

Plate 1 – Severance Applications, illustrates the configuration of the lots affected by the severance applications.

Plate 2 – Existing Zoning shows the location of the subject property and the existing zoning in the immediate vicinity.

Plate 3 – 2006 Aerial Photograph provides an aerial view of the subject lands and surrounding area.

Plate 4 – Draft Plan of Condominium illustrates the site plan, the dimensions of the property and the location of buildings and parking area on the lands.

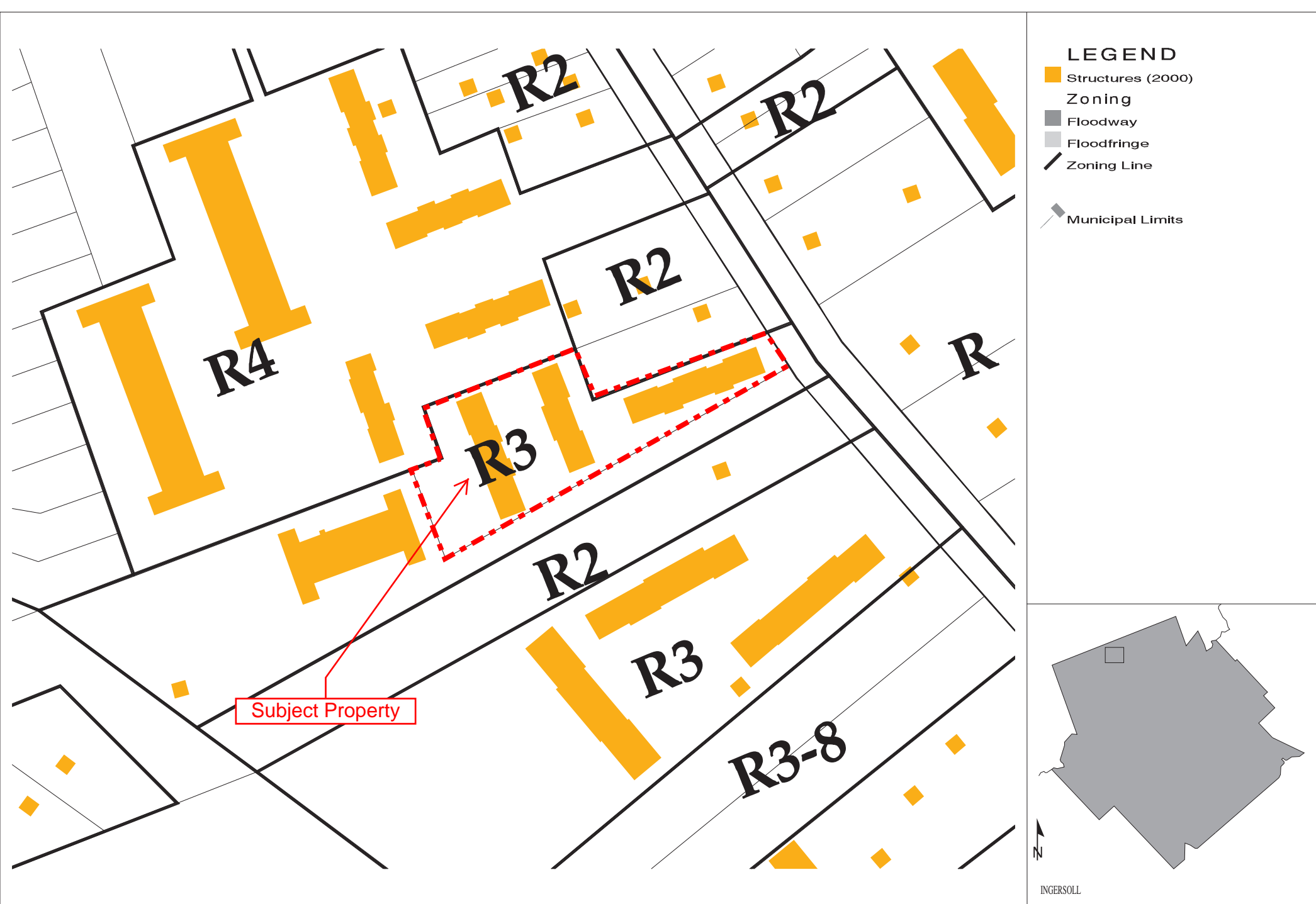


Plate 2 - Existing Zoning  
 Skyline Real Estate Holdings (III) Inc., 271 Thames Street N.  
 File No.: CD10-02-6, Town of Ingersoll

(b) Official Plan

The Official Plan contains policies where it states that Town Council shall encourage the creation of housing opportunities within the Town that may result in a mix of tenure forms, such as ownership, rental and cooperative units. The following policies in Section 9.2.2.2 apply to an application to convert from rental to ownership tenure:

**“CONVERSION  
POLICIES**

*When reviewing a proposal for permission to convert a residential building with rental units to ownership tenure, Town Council will be guided by the following criteria before approving such applications:*

- VACANCY RATE** *The vacancy rate for similar unit types which are available at a similar level of rent, as determined by the Canada Mortgage and Housing Corporation (CMHC) or by a supplementary vacancy rate survey conducted by the County of Oxford Community and Strategic Planning Office is 3% or greater. The vacancy rate will be defined as the average of the latest two vacancy surveys conducted in the Town by either CMHC and/or the County of Oxford Community and Strategic Planning Office.*
- AFFORDABILITY** *Whether the proposal will add to the affordable housing stock and the proportion of similarly priced ownership housing in the housing market. The affordability of ownership housing will be determined by using local income data, a 10% down payment, the current mortgage interest rate, and a 30% gross annual household income allocation for housing.*
- IMPACT ON  
TENANTS** *The impact of the conversion on tenants and the potential for displacement and the measures proposed to minimize hardship for existing tenants.*
- SITE PLAN  
CONTROL** *That the proposal complies with all residential development standards, the property maintenance and occupancy by-law and design standards. In this regard proposals to convert rental residential buildings to ownership tenure may be subject to site plan control to ensure that consistent standards are established for both new development and conversion throughout the Town.*
- BUILDING AND  
FIRE CODES** *That the proposal complies with the Ontario Building and Fire Codes or is proposed to be upgraded in accordance with such standards or requirements. The Town may require a building condition report to be submitted by a qualified professional engineer for this purpose.*

(c) Planning Review

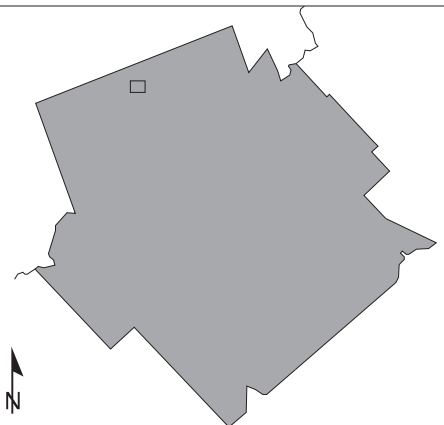
The approval of an application for draft plan of condominium generally involves a process similar to subdivision approval where, after appropriate circulation of the proposal, an applicant receives 'draft' approval which is contingent on the applicant satisfying a number of conditions prior to final approval and registration.

Density provisions within the Medium Density Residential designation shall range between 31 units/ha (13 units/ac.) and 62 units/ha (25 units/ac.). With respect to this application, its density is 52.5 units/ha (21 units/ac.). As such, the application meets with the density provisions of the Official Plan.

**LEGEND**

County Orthoimagery (2006)

Municipal Limits



INGERSOLL

Plate 3 - 2006 Aerial Photograph  
Skyline Real Estate Holdings (III) Inc., 271 Thames Street N.  
File No.: CD10-02-6, Town of Ingersoll



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COUNTY OF OXFORD

CREATED ON: 28-APR-2010

With respect to the Town's Zoning By-law, the subject property is zoned R3. While the current development of the property may not meet all of the relevant zone provisions, this Office is satisfied that the existing use of the lands is adequately served with respect to parking and that the legal non-conforming status of this development will not be affected by the applicant's proposal to convert the existing row houses to condominium ownership. While the site plan show 38 parking spaces, Planning staff note that 5 spaces are shown as angled parking in front of Units 4-7, which were not included the former Schedule "B-4".

The current vacancy rate for three (3) bedroom townhouse units in Ingersoll is 29.5% according to the Canada Mortgage and Housing Rental Market Report for the Fall of 2009. All of the 21 units within this development are three (3) bedroom units. This office is satisfied that the vacancy rate for this unit type in Ingersoll is greater than the 3% 'base' as set out in the Official Plan.

With respect to the potential impact of conversion on tenants and the potential for displacement, the Tenant Protection Act includes a number of provisions intended to prohibit displacement and hardship to existing tenants resulting from the conversion of rental units to condominium ownership.

Specifically, the Act provides the following protections for existing tenants where conversion has occurred:

- *A landlord is prohibited from evicting an existing tenant to give vacant possession to a prospective purchaser of the condominium unit and is prohibited from termination based on possession by the landlord for the purpose of personal occupation by the landlord or member of the immediate family. Any purchaser of the condominium unit will not be able to obtain vacant possession while the tenant remains in the unit.*
- *Tenants of a converted residential unit are guaranteed the right of 'first refusal' to purchase the condominium unit.*

Based on the foregoing, it would appear that the proposed conversion will not impact on the provision of rental housing. Further, current legislation prohibits the displacement of existing tenants, regardless of any change in ownership and requires that existing tenants be provided a first right of refusal with respect to the purchase of the condominium unit.

(d) Agency Comments

This application was circulated to those agencies that were considered to have an interest in the proposal.

The Town of Ingersoll Chief Building Official provided the following comments:

*"I have reviewed the above application and have the following comments:*

1. *The above units will require a report (qualified BCIN or Engineer) of the buildings to ensure the existing fire separations complies with the OBC.*
2. *The access to the units must be maintained for emergency vehicles*
3. *Garbage enclosure – should be reviewed."*



The Town of Ingersoll Clerk/Deputy Administrator, County of Oxford Public Works Department, Town of Ingersoll Fire Chief and Erie Thames Powerlines Corporation have indicated that they have no objections to or comments regarding the application.

(e) Summary

The applicant proposes to convert to condominium ownership an existing 21-unit row house development. The applicant has also applied for draft plan of condominium approval. Approval is not likely to result in the immediate displacement of all renters, and given the current vacancy rate in Ingersoll for similar units, any displacement is likely to be accommodated. Moreover, current legislation protects tenants from displacement.

The Town of Ingersoll Chief Building Official provided comments requesting that a report be submitted to ensure the existing fire separations between the units comply with the Ontario Building Code.

Further to comments from the Chief Building Official, through a site inspection, Planning staff confirmed that no garbage enclosure is located on site. Additionally, staff note that Fire Route signs are posted along the entrance. That being said, five angled parking spaces (marked visitor parking) are located in front of Units 4 to 6 that do not include dimensions. Staff however, question whether these parking spaces meet the Town's Zoning provisions in terms of depth. As a result, as confirmed during the site inspection, when vehicles are parked in these spaces, the Fire Route is partially blocked, thereby raising doubts whether emergency vehicles can access the units to the west. Should the five parking spaces be removed entirely from the site, Planning staff confirm that the site would still meet the minimum parking provisions of the Town's Zoning By-Law of 32 spaces.

In order to address these matters, Planning staff recommend that a report addressing proper fire separations, garbage enclosures, parking spaces and protection of the Fire Route be prepared to the satisfaction of the Town of Ingersoll, as a condition of draft plan approval.

Planning staff note that the clearance of conditions of the severance (B-42/09) have not yet been completed. Nonetheless, Planning staff recommend that the conversion of the building to condominium ownership and draft plan approval can proceed upon the condition that the reference plan required to define the lot configuration in the severance is consistent with the draft plan of condominium in the present application.

The development conforms with the relevant policies of the Official Plan and is appropriately zoned. As such, this Office supports the conversion of the building to condominium ownership and draft plan approval, subject to the implementation of appropriate conditions.

RECOMMENDATION:

- (a) It is recommended that Council of the Town of Ingersoll recommend to Oxford County Council that the conversion to condominium ownership of the row house development described as Lot 23, Registered Plan 1623, in the Town of Ingersoll proposed by application File No.: CD10-02-6, by Skyline Real Estate Holdings (III) Inc., be approved.
- (b) It is further recommended that the Council of the Town of Ingersoll recommend to Oxford County Council that draft plan of condominium, File No.: CD10-02-6, relating to a plan prepared by Van Harten Surveying Inc., for lands described as Lot 23, Registered Plan 1623, in the Town of Ingersoll, be draft approved subject to the following conditions being met prior to final approval:
  - 1. This approval applies to Draft Plan of Condominium prepared by Van Harten Surveying Inc., dated March 3, 2010 showing 21 row houses, parking spaces, and common areas.
  - 2. An inspection of the units by an Engineer certified in the Province of Ontario shall be undertaken to confirm structural conformity with the Ontario Building Code and Fire Code. Any improvement required as a result shall be completed to the satisfaction of the Town of Ingersoll.
  - 3. Garbage enclosures or alternative measures of garbage handling are to be identified to the satisfaction of Town of Ingersoll.
  - 4. On-site parking and identification and protection of the Fire Route on the draft plan shall be identified the satisfaction of Town of Ingersoll.
  - 5. The deposited Plan of Condominium is identical to the deposited reference plan required to define the lot configuration in the Application for Consent #B-42/09; #A-6/09.
  - 6. Prior to signing the final plan for registration, the County of Oxford shall be advised by the Town of Ingersoll that Conditions 1 to 4 inclusive have been addressed, to the satisfaction of the Town of Ingersoll. The clearance letter shall include a brief statement for each condition detailing how each condition has been satisfied.

Authored by:

Approved By:

"Ron Versteegen"

"Gord Hough" for

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Ron Versteegen, MCIP, RPP  
Development Planner

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Margaret Misek-Evans, MCIP, RPP  
Corporate Manager

RV/rv

Date: April 27/10

File: CD10-02-6\_rpt.doc