



Community and Strategic Planning

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Our File: 32CDM-06005

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

TO: The Mayor and Members of Ingersoll
Town Council

MEETING DATE: July 12, 2010
REPORT NO.: 2010-195

OWNERS:

Angela D'Annibale,
Michelangelo and Julia Ann
D'Emilio
c/o Michelangelo D'Emilio
R.R. #1
Woodstock, ON N4S 7V6

APPLICANT:

Ennio Micacchi
Nesbitt Coulter
432 Simcoe Street, Box 125
Woodstock, ON N4S 7W8

SURVEYOR:

T.H Brooks Surveying Ltd.
895 Dundas Street
Woodstock, ON N4S 1G9

LOCATION:

The lands are located on the west side of Oxford Street, between Ann Street and Dufferin Street.

The subject lands are described as Lot 153, Block 29, Plan 279, in the Town of Ingersoll, municipally known as 256 Oxford Street.

COUNTY OF OXFORD OFFICIAL PLAN:

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

- LEGEND**
- Structures (2000)
 - Zoning
 - Floodway
 - Floodfringe
 - Zoning Line
 - Municipal Limits

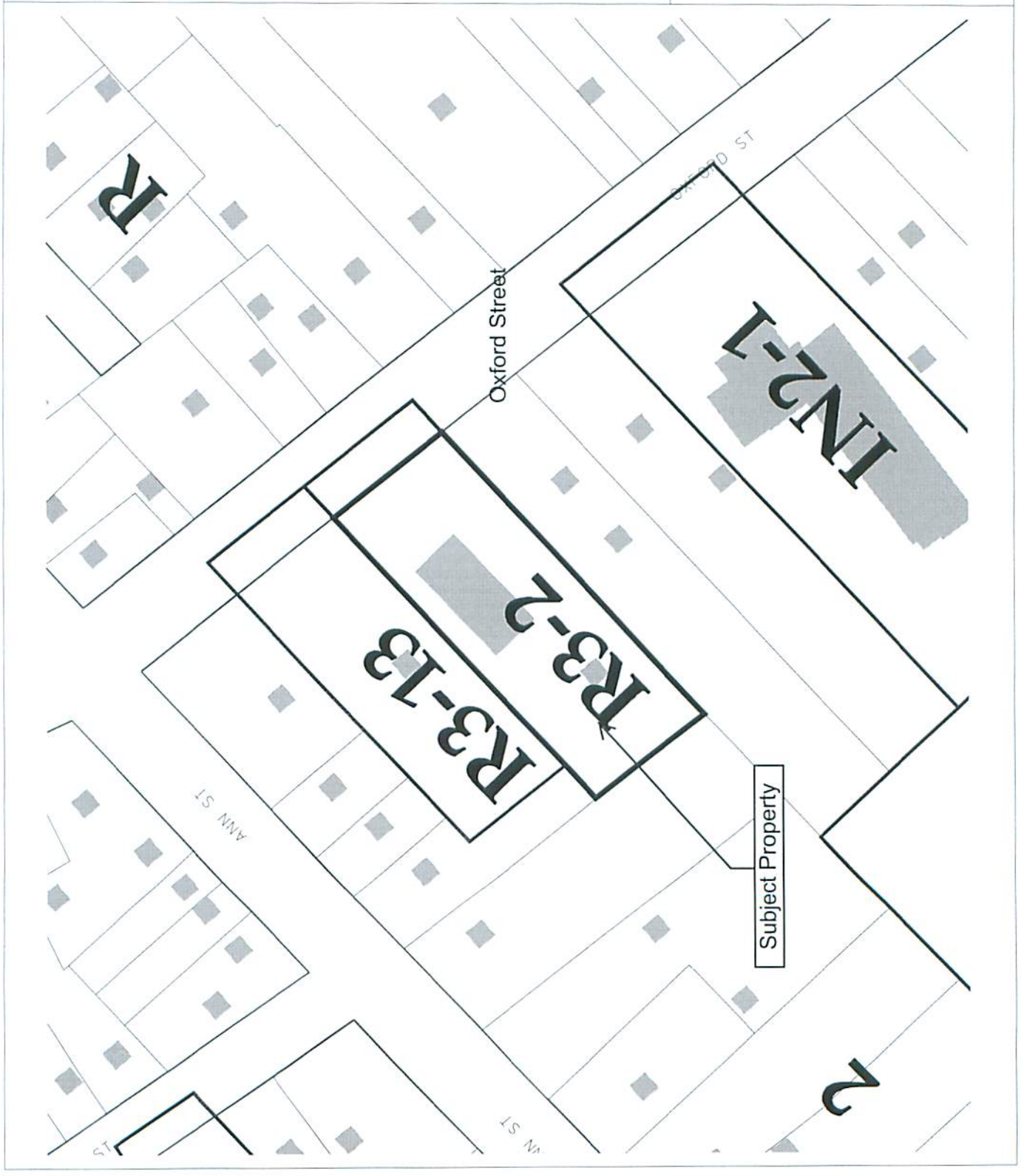
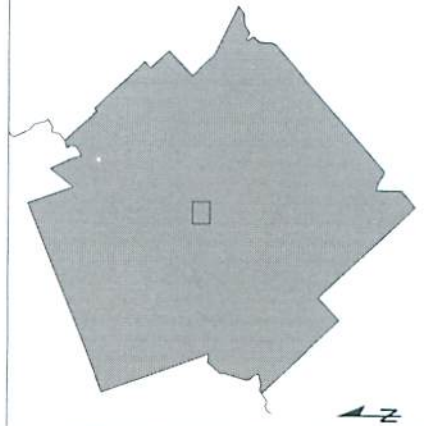


Plate 1 - Existing Zoning
 Angela D'Annibale, Michelangelo and Julia Ann D'Emilio, 256 Oxford Street
 File No.: 32CDM-06005, Town of Ingersoll

TOWN OF INGERSOLL ZONING BY-LAW 04-4160:

Existing Zoning Special Residential Type 3 (R3-2)

APPLICATION REVIEW:(a) Background and Proposal

An application has been received for condominium conversion and draft plan approval for an existing 12-unit apartment rental building, which was constructed in 1963. The existing site is comprised of eleven (11) 2-bedroom apartment units and one (1) 1-bedroom unit with 12 parking spaces. All units are accessed by a common driveway onto Oxford Street.

The purpose of this application is to convert the 12 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 and amenity space are to be held in common ownership.

For Council's information, the lands proposed for draft plan of condominium and condominium conversion are approximately 0.28 ha (0.71 ac.) in area.

Plate 1 – Existing Zoning shows the location of the subject property and the existing zoning in the immediate vicinity.

Plate 2 – 2006 Aerial Photograph provides an aerial view of the subject lands and surrounding area.

Plate 3 – Draft Plan of Condominium illustrates the site plan, the dimensions of the property and the location of building and parking area on the lands.

(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:

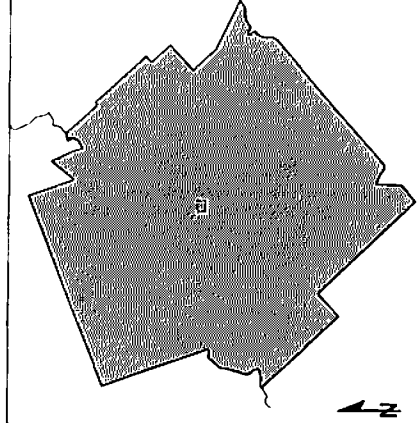
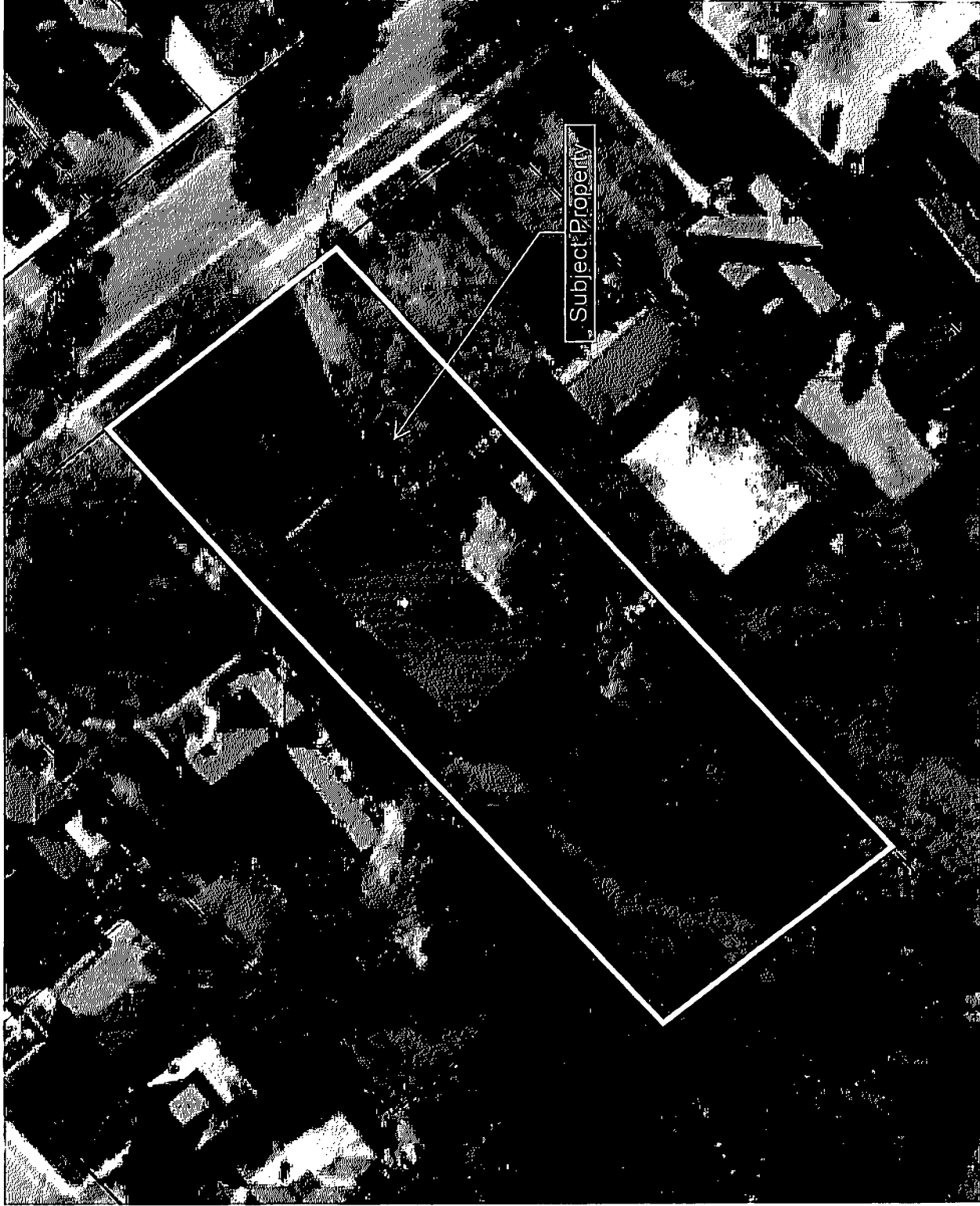
VACANCY RATE

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.

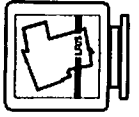
LEGEND

County Orthoimagery (2006)

Municipal Limits



INGERSOLL



© 1990-2007
LAND RELATED INFORMATION SYSTEM
COUNTY OF OXFORD
CREATED ON: 07-JUL-2010

Plate 2 - 2006 Aerial Photograph
Angela D'Annibale, Michelangelo and Julia Ann D'Emilio, 256 Oxford Street
File No.: 32CDM-06005, Town of Ingersoll

AFFORDABILITY	<i>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.</i>
IMPACT ON TENANTS	<i>The impact of the conversion on tenants and the potential for displacement and the measures proposed to minimize hardship for existing tenants.</i>
SITE PLAN CONTROL	<i>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.</i>
BUILDING AND FIRE CODES	<i>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.</i>

(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.

The maximum net density for an individual development within the Low Density Residential designation is 30 units/ha (12 units/ac.). With respect to this application, the development has a density of 43 units/ha (17 units/ac.). As such, the application exceeds the density provisions within the County Official Plan. Having said this, staff note that the building is a long standing use (has existed since 1963) and is appropriately zoned within the Town of Ingersoll Zoning By-Law. Section 10.3.5 - ZONING BY-LAW AND NON-CONFORMING USES, of the Official Plan provides that a legally established land use or a land use permitted by existing zoning that does not conform to the Plan may be recognized as a permitted use.

With respect to the Town's Zoning By-law, the subject property is zoned R3-2, which permits an apartment building to a maximum of 12 units. While the current development of the property does not meet the relevant zone provisions in terms of parking requirements, this Office is satisfied that the development is adequately served with respect to parking and that the applicant's proposal to convert the existing apartment units to condominium ownership will not affect the parking arrangements.

The current vacancy rate for one (1) bedroom apartment units in Ingersoll is 22.4% and for two (2) bedroom apartment units is 15.5% according to the Canada Mortgage and Housing Rental Market Report for the Spring of 2010. Eleven of the units are two-bedroom units while the other unit is a one-bedroom unit. This Office is satisfied that the vacancy rate for these unit types in Ingersoll is greater than the 3% 'base' 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 site shows 12 parking spaces. The current Town Zoning By-Law requires 18 spaces with 2 spaces required to be H/C designed.*
2. *A technical report by a qualified Building Code agent will be required to be submitted to the Town Building Department to indicate that the building conforms to the Ontario Building Code and Fire Code."*

The County of Oxford Public Works Department indicated that this department will investigate the provision of one water service/one water meter to this building.

The Town of Ingersoll Clerk/Deputy Administrator, 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 12-unit apartment building. 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 and Fire Code. Staff recommend that this requirement be included as a condition of the application's approval.

Further to comments from the Chief Building Official with respect to the parking, Planning staff acknowledge that the development is a long standing use recognized in the Zoning By-Law with special zoning that permits 12 apartment units on the subject property. As such, the use is considered to be legal non-conforming with respect to parking provisions.

The County of Oxford Public Works Department also provided comments indicating that they are to investigate the provision of one water service/one water meter to this building. Similarly, staff recommend that this matter also be included as a condition of the application's approval.

The proposal is in general compliance 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 apartment development described as Lot 153, Block 29, Plan 279, in the Town of Ingersoll proposed by application File No.: 32CDM-06005, by Angela D'Annibale, Michelangelo and Julia Ann D'Emilio, 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.: CDM-06005, relating to a plan prepared by T.H. Brooks Surveying Ltd., for lands described as Lot 153, Block 29, Plan 279, 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 T.H. Brooks Surveying Ltd., dated July 20, 2006 showing an apartment building with 12 apartment units, 12 parking spaces, and common areas.
 - 2. That the owner agrees in writing to satisfy all the requirements, financial and otherwise, of the County of Oxford Public Works Department regarding the water distribution system within the building, to the satisfaction of the County of Oxford Public Works Department.
 - 3. A report by a qualified engineer certified in the Province of Ontario be prepared to confirm structural conformity with the Ontario Building Code and Fire Code. Any improvement

required as a result of the report shall be completed to the satisfaction of the Town of Ingersoll.

4. Prior to signing the final plan for registration, the County of Oxford shall be advised by the County of Oxford Public Works Department that Condition 2 has been addressed, to the satisfaction of the County. The clearance letter shall include a brief statement detailing how the condition has been satisfied.
5. Prior to signing the final plan for registration, the County of Oxford shall be advised by the Town of Ingersoll that Conditions 1 and 3 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"

"Margaret Misek-Evans"

Ron Versteegen, MCIP, RPP
Development Planner

Margaret Misek-Evans, MCIP, RPP
Corporate Manager

RV/iv

Date: July 6/10

File: 32CDM-06005_rpt.doc