

1 Clarendon Avenue - Final Report Recommending Approval of Official Plan Amendment and Draft Plan of Condominium Applications

Date:	August 15, 2007
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward No. 22 – St. Paul’s
Reference Number:	File Nos. 06 143050 STE 22 OZ & 06 143056 STE 22 CD

SUMMARY

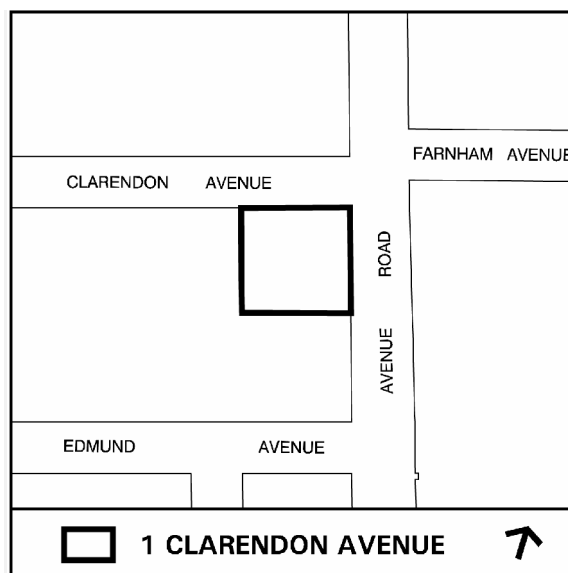
Applications have been submitted to permit conversion of a 39-unit rental apartment building at 1 Clarendon Avenue to condominium. The majority of units within the building have rents which are considered high-end, with a small number of the units with rents below the mid-range threshold set out in the Official Plan.

This report reviews and recommends approval of the applications to amend the Official Plan and Draft Plan of Condominium, subject to a number of conditions being met.

RECOMMENDATIONS

The City Planning Division recommends that City Council:

1. amend the Official Plan (application No. 06 143050 STE 22 OZ) substantially in accordance with the draft Official Plan Amendment found in Attachment No. 10;
2. authorize Draft Approval of the Plans of Condominium (application No. 06 143056 STE 22 CD) for 1



Clarendon Avenue, prepared by C. E. Dotterill Ltd., certified by B. K. Warren on July 27, 2007, subject to the conditions set forth in Attachment No. 11, and authorize the Chief Planner and Executive Director to permit such red line revisions as he may deem appropriate;

3. require the owner to fulfill the conditions of Draft Approval of Condominium set forth in Attachment No. 11, including the execution and satisfactory registration of any condominium agreement deemed necessary by the City Solicitor, prior to the City's consent for final registration and authorize the City Solicitor to prepare any necessary condominium agreement to secure the conditions, as the City Solicitor deems necessary;
4. authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and Conditions of Draft Approval of Condominium as may be required;
5. authorize the execution of a Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the owner of 1 Clarendon Avenue; using substantially the form of easement agreement prepared in February 1987 by the City Solicitor and on file with the City Clerk, subject to such amendments as may be deemed necessary by the City Solicitor in consultation with the Chief Planner and Executive Director; and
6. authorize and direct City Officials to take necessary actions to give effect thereto.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal

The applicant is seeking to convert a 39-unit rental residential apartment building to a residential condominium. The effect of the application would be that individual apartment units could be sold to the current tenants or to other purchasers. If the application is approved and the property registered as a condominium, a condominium corporation governed by the *Condominium Act* would be established to manage the property.

The draft plan of condominium proposes 39 dwelling units. Refer to Attachment No. 1 for further project data. The unit breakdown is as follows:

Table 1: Unit Information

Unit Type	Number of Units	Approximate Unit Size in Square Metres
Bachelor	6	38 to 68
One-bedroom	8	58 to 100
Two-bedroom	1	127
Three-bedroom	18	159 to 286
Four-bedroom	5	159 to 286
Five-bedroom	1	407
Total	39	

Site and Surrounding Area

The site, also known as the Claridge Apartments, is located at the south west corner of Avenue Road and Clarendon Avenue. The property accommodates a 7-storey brick and stone, residential apartment building. Erected in 1929, the building was the first concrete frame residential building constructed in the City of Toronto. It was planned and developed as a luxury apartment containing large suites with servant quarters. Over time, smaller apartments were created by severing larger units and servant's quarters to create small bachelor units.

The building design incorporates many unique architectural details including complex brick detailing on the exterior facades, oriel windows, bay windows and French balconies. In addition, the interior lobby includes a painted concrete ceiling by J.E.H. Macdonald (a member of the Group of Seven) as well as original ceramic tile installations.

The main pedestrian access is from Clarendon Avenue. The main entranceway is framed by both soft and hard landscaping. There is an existing driveway at the west end of the site which provides access to the underground parking garage located below the south portion of the building.

The surrounding context consists of an eclectic mix of residential apartment buildings ranging from 4 to 15 storeys.

North: Clarendon Ave., Apartment Building

East: Avenue Road, Apartment Building, De La Salle College

West: Single family homes along Clarendon Avenue

South: Apartment buildings

LEGISLATIVE AND POLICY FRAMEWORK

The following provides a description of the planning legislation that must be reviewed in this application.

Condominium Act

The *Condominium Act* states that the provisions of Sections 51, 51.1 and 51.2 of the *Planning Act* that apply to a plan of subdivision also apply to plans of condominium.

Planning Act

Section 51(24) of the *Planning Act* sets forth the criteria that the City must consider in determining whether to allow the conversion of a rental residential building to a condominium. Specifically, and relevant to this application, this section requires that:

“in considering a draft plan of subdivision [condominium conversion], regard shall be had, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the municipality and to:

- a) the effect of the proposed subdivision on matters of provincial interest as referred to in Section 2;
- b) whether the proposed subdivision is premature or in the public interest;
- c) whether the proposed plan conforms to the official plan and adjacent plans of subdivision, if any;
- d) the suitability of the land for the purposes for which it is to be subdivided; and
- e) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land”

Section 2 of the *Planning Act* includes that:

“the... council of a municipality... in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as...

- j) the adequate provision of a full range of housing;....
- l) the protection of the financial and economic well-being of the Province and its municipalities;...and
- p) the appropriate location of growth and development.”

Provincial Policy

Issued under the authority of Section 3 of the *Planning Act*, the Provincial Policy Statement, 2005 provides policy direction on matters of provincial interest related to land use planning and development. Housing policies in the Provincial Policy Statement provide for an appropriate range of housing types and densities to meet the requirements of current and future residents, and the provision of housing in locations with appropriate levels of infrastructure and services. Council is required to make decisions on planning matters that are consistent with the Provincial Policy Statement.

Official Plan

The Official Plan for the City of Toronto designates the subject site Apartment Neighbourhoods. Apartment Neighbourhoods are made up of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents.

The Official Plan contains a number of policies respecting housing and the need to preserve and increase the City's supply of rental housing. Relevant Official Plan policies include:

Policy 3.2.1.1:

“A full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods, will be provided and maintained to meet the current and future needs of residents. A full range of housing includes: ownership and rental housing, affordable and mid-range rental and ownership housing...”

Policy 3.2.1.8:

“The conversion to condominium, or the severance or subdivision, of any building or related group of buildings, containing six or more rental housing units will not be approved unless:

- a) all of the rental housing units have rents that exceed mid-range rents at the time of application, or
- b) in Council's opinion, the supply and availability of rental housing in the City has returned to a healthy state and is able to meet the housing requirements of current and future residents. This decision will be based on a number of factors, including whether:
 - i) rental housing in the City is showing positive, sustained improvement as demonstrated by significant net gains in the supply of rental housing including significant levels of production

of rental housing, and continued projected net gains in the supply of rental housing;

- ii) the overall rental apartment vacancy rate for the City of Toronto, as reported by the Canada Mortgage and Housing Corporation, has been at or above 3.0% for the preceding four consecutive annual surveys;
- iii) the proposal may negatively affect the supply or availability of rental housing or rental housing sub-sectors including affordable units, units suitable for families, or housing for vulnerable populations such as seniors, persons with special needs, or students, either in the City, or in a geographic sub-area or a neighbourhood of the City; and
- iv) all provisions of other applicable legislation and policies have been satisfied.”

The above policies recognize the need for a broad, comprehensive approach to determine whether the City’s supply and availability of rental housing has returned to a healthy state, and can meet the requirements of current and future residents before losses in the rental stock are permitted to occur.

In policy 3.2.1.8 (i), above, the Official Plan does provide for consideration of the conversion of rental units to condominium, where rents are high-end. In these instances, all rents in the building at the date of application must be equal to, or exceed, one and one-half times the average City of Toronto rent (mid-range), by unit type, as reported annually by CMHC. According to the information provided by the applicant on the rent of the 39 units, 5 bachelor units and 2 one-bedroom units have rents below this threshold. The current threshold for bachelor units is \$1,115 and \$1,346 for one-bedrooms.

Table 2: Rent Breakdown by Unit Type

Unit Type	Bachelor	1 bedroom	2 bedroom	3 bedroom	4 bedroom	5 bedroom	TOTAL
Affordable	3						3
Mid-Range	2	2					4
High End	1	6	1	18	5	1	32
TOTAL	6	8	1	18	5	1	39

Zoning

The property is zoned R4 Z2.0 with a maximum permitted height of 10 metres. The R4 designation permits a range of housing types, including apartment buildings. The maximum permitted gross floor area is 2.0 times the area of the lot.

Rezoning is not required to permit the proposed conversion of the apartment building to a residential condominium.

Site Plan Control

Site Plan Control is not required since no new construction is proposed.

City of Toronto Act

Approval to convert residential rental property is also required under Section 111 of the new City of Toronto Act, however since this application for condominium conversion was filed prior to the proclamation of the new Act (January 1, 2007), a separate application under the implementing by-law (No. 885-2007) is not required.

Reasons for Application

The proposed conversion of 1 Clarendon Avenue from a rental building to residential condominium must be considered under the criteria set forth in Section 51(24) of the *Planning Act*. One of the criteria of Section 51(24) is whether the application conforms to the Official Plan. The exceptions to the relevant Official Plan policies are not satisfied, and for the conversion to be approved an Official Plan amendment would be required.

Under City of Toronto By-law 229-2000 (Chapter 415-17 of the Municipal Code), the authority for the giving of draft condominium approvals, under Section 50 of the Condominium Act, is delegated to the Chief Planner except for applications involving the conversion of rental housing. Thus, the authority to grant draft plan of condominium approval for this application rests with Council.

Community Consultation

A Community Consultation Meeting was held on February 28, 2007 at De La Salle College. Approximately 15 members of the public were in attendance. Brief presentations were made by Planning staff and the applicant, followed by a question and answer period. Given the heritage value and existing condition of the building, many residents raised questions relating to the preservation of certain heritage elements, such as the windows. Issues regarding security of tenure were also discussed at the meeting. Overall, the attendees, which were mostly tenants of the building, were in support of the conversion and felt the restoration of the heritage building was a benefit to the City.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

COMMENTS

Heritage

The Claridge Apartments, designed by Balwin & Greene and built in 1929, is a rare example of mid-rise residential construction in Toronto of the period in a Romanesque Revival Style. City Council included the Claridge Apartments on the City of Toronto Inventory of Heritage Properties in September 1976. The lobby contains a mural designed by J.E.H. Macdonald, a member of the Group of Seven. The initial listing only identified the lobby ceiling mural as a heritage attribute and does not identify any other features of the building, despite its significant architectural features.

The owner retained ERA Architects Inc. who prepared an Assessment Report for the Claridge Apartments dated June 11, 2007. The building has experienced some deterioration of the exterior façades and architectural elements due to salt corrosion and water penetration. ERA Architects Inc. has recommended a restoration and conservation strategy in order to preserve and repair deteriorated elements.

As a condition of approval of the condominium conversion, staff is recommending that the owner enter into a Heritage Easement Agreement with the City for the conservation and protection of the building and its heritage attributes. In addition, Heritage Preservation Services staff will be recommending that Council state its intent to designate the property under the Ontario Heritage Act at a later date. The Heritage Easement Agreement will ensure the long-term protection of the building for its architectural and cultural importance.

Parking and Access

A total of 24 parking spaces are proposed to serve the 39-unit condominium; 22 spaces located within the below grade parking garage and 2 surface parking spaces along the southern end of driveway. Vehicular parking is accessed from Clarendon Avenue via a private driveway located on the west side of the property.

Based in part on the surveyed demand of residential condominiums, the estimated parking demand for the proposed unit mix is a minimum of 42 parking spaces, including 37 spaces for the use of residents and 5 spaces for the use of residential visitors.

Given the intention to designate this building as a Heritage Building under Part IV of the Ontario Heritage Act, Transportation Services staff indicated that the proposed maintenance of the existing parking supply is acceptable. Heritage Buildings are subject to the parking and loading exemption provisions of Section 4(9) of the Zoning By-law.

The owner is required to advise prospective owners of parking spaces that measure less than the minimum dimensional requirements of the Zoning By-law.

Rental Housing

The conversion, if permitted, would not affect the security of tenure of existing tenants. Under the *Residential Tenancies Act, 2006* when a rental unit is converted to condominium, tenants who occupy a unit at the time of the conversion cannot be evicted on the basis that the owner of the unit requires personal use of the unit for themselves or a member of their family. After the first tenant vacates the unit, however, any future tenant can be evicted based on personal use.

In addition, if the owner receives an acceptable offer to purchase the unit, the sitting tenants has 72 hours to match the offer, and if they do so, the landlord must accept the tenant's offer. (This does not apply if more than one unit is purchased as part of the same offer). If tenants decide not to purchase the unit, the landlord may not evict them.

It is unknown what impact the conversion of the building would have on property taxes, and by extension, rent levels. Due to shifts in tax rates and assessed value resulting from the conversion to condominium, property taxes payable on the property may change. Any increase (or decrease) in taxes could potentially be passed on to tenants.

There is a related concern with some conversion proposals, that substantial capital expenditure work will be undertaken in order to make the buildings more attractive to prospective buyers. Although existing tenants may be expected to pay for this work in the form of above guideline rent increases, they may not directly benefit from the changes to the building. In order to provide some safeguards for existing tenants in these situations, a condition of condominium approval has been added. It shall provide that any costs associated with the renovations or alterations of the building related to the conversion or any increase in the property taxes due to a change in the assessed value is not passed on to existing tenants in the form of rent increases.

Planning Assessment

As previously discussed, the majority of units within 1 Clarendon Avenue have rents, which are high-end, with a small number of the units with rents which are considered affordable and mid-range. The luxury Claridge Apartments were originally constructed as large suites with six to ten rooms per unit. Over the years, large units, some with the servant's quarters reorganized and thus creating a few affordable and mid-range bachelor and one-bedroom units. As Policy 3.2.1.8 (i) of the Toronto Official Plan allows for consideration to be given for buildings with high-end rents, it is felt that this application meets the intent of the policy.

The Official Plan policies have been developed in the broader context of Section 51(24) of the *Planning Act* and the Provincial Policy Statement, 2005. It is considered that the proposal will not negatively affect the health, safety, convenience and welfare of the present and future inhabitants of the City as referred to in Section 51(24). Specifically it is believed that due to the relatively small number of affordable and mid-range rental units, the conversion is not inconsistent with the matters of provincial interest or considered to be premature or against the public interest. It is unlikely that the

conversion of a building of this type would affect the supply and availability of affordable and mid-range housing in the City or this area of the City.

CONCLUSION

Based on the high-end rents associated with almost all of the units in this building, it is recommended that City Council approve the Official Plan amendment to permit the 39-unit residential apartment building at 1 Clarendon Avenue to convert to condominium.

Approval of the Draft Plan of Condominium is also recommended subject to specific conditions, including the completion of a comprehensive reserve study, and the establishment of a reserve fund.

CONTACT

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SIGNATURE

Gary Wright, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Application Data Sheet
Attachment 2: Site Plan
Attachment 3: North Elevation
Attachment 4: South Elevation
Attachment 5: East Elevation
Attachment 6: West Elevation
Attachment 7: Zoning Map
Attachment 8: Official Plan Map
Attachment 9: Draft Plan of Condominium Conversion
Attachment 10: Draft Official Plan Amendment #35
Attachment 11: Conditions of Draft Plan of Condominium Approval

Attachment 1: Application Data Sheet

Application Type	Official Plan Amendment and Draft Plan of Condominium	Application Number:	06 143050 STE 22 OZ 06 143056 STE 22 CD
Details	OPA, Standard	Application Date:	June 6, 2006

Municipal Address: 1 CLARENDON AVE, TORONTO ON
 Location Description: PL 826Y LTS 31 TO 33 **GRID S2210
 Project Description: Proposed conversion of an existing 39-unit apartment building to condominium.

Applicant:	Surveyor:	Owner:
FRASER MILNER CASGRAIN LLP (PATRICK DEVINE)	C.E. DOTTERILL LTD.	ONE CLARENDON INC

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhoods	Site Specific Provision:
Zoning:	R4 Z2.0	Historical Status: Y
Height Limit (m):	10	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	1757.48	Height:	Storeys:	7	
Frontage (m):	41.27		Metres:	23	
Depth (m):	42.63				
Total Ground Floor Area (sq. m):	966.5				Total
Total Residential GFA (sq. m):	6400.3		Parking Spaces:	24	
Total Non-Residential GFA (sq. m):	0		Loading Docks	0	
Total GFA (sq. m):	6400.3				
Lot Coverage Ratio (%):	55				
Floor Space Index:	3.64				

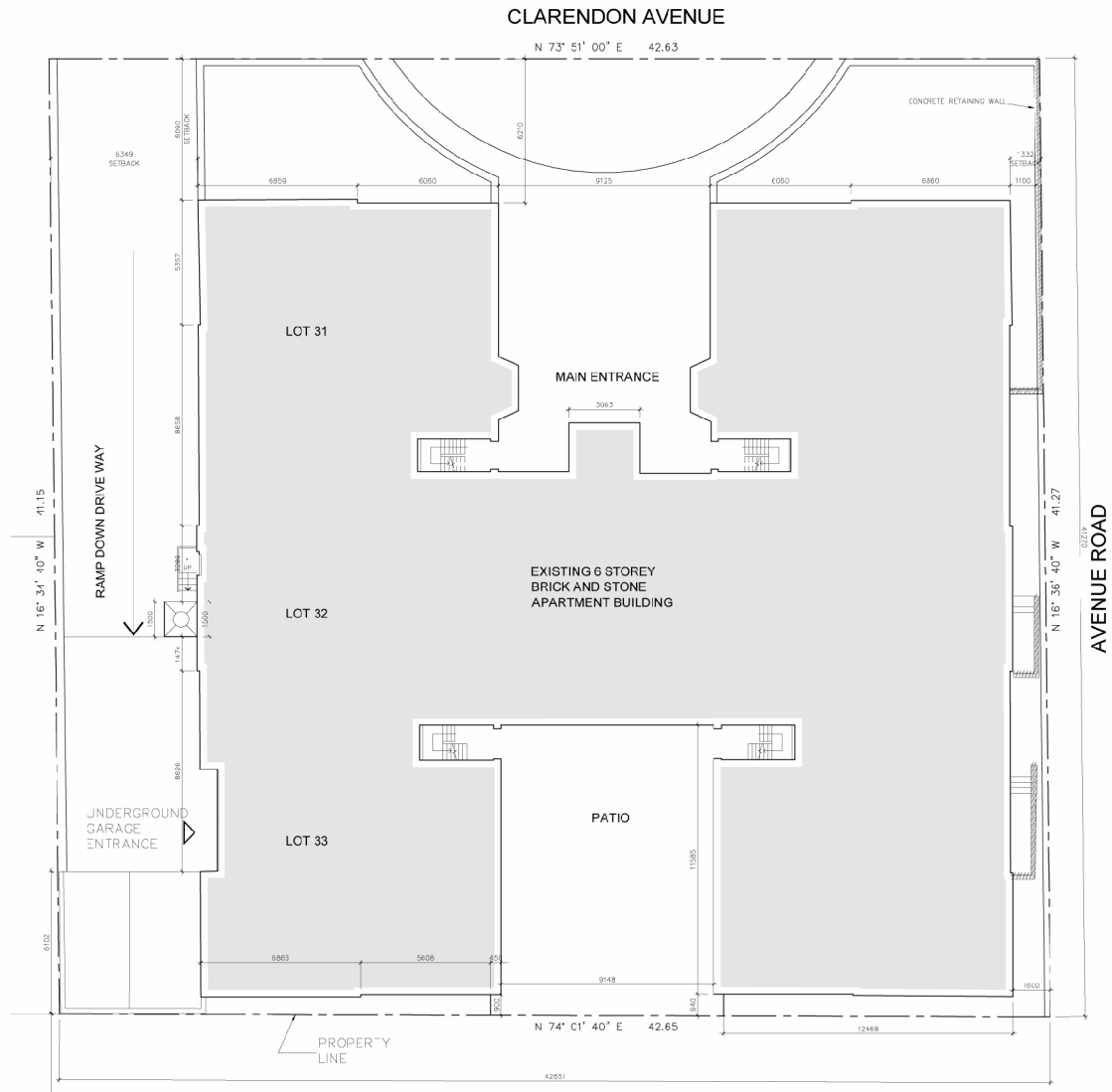
DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	6400.3	0
Bachelor:	6	Retail GFA (sq. m):	0	0
1 Bedroom:	8	Office GFA (sq. m):	0	0
2 Bedroom:	1	Industrial GFA (sq. m):	0	0
3 + Bedroom:	24	Institutional/Other GFA (sq. m):	0	0
Total Units:	39			

CONTACT:	PLANNER NAME:	Oren Tamir, Planner
	TELEPHONE:	(416) 392-7349

Attachment 2: Site Plan



Site Plan

Applicant's Submitted Drawing

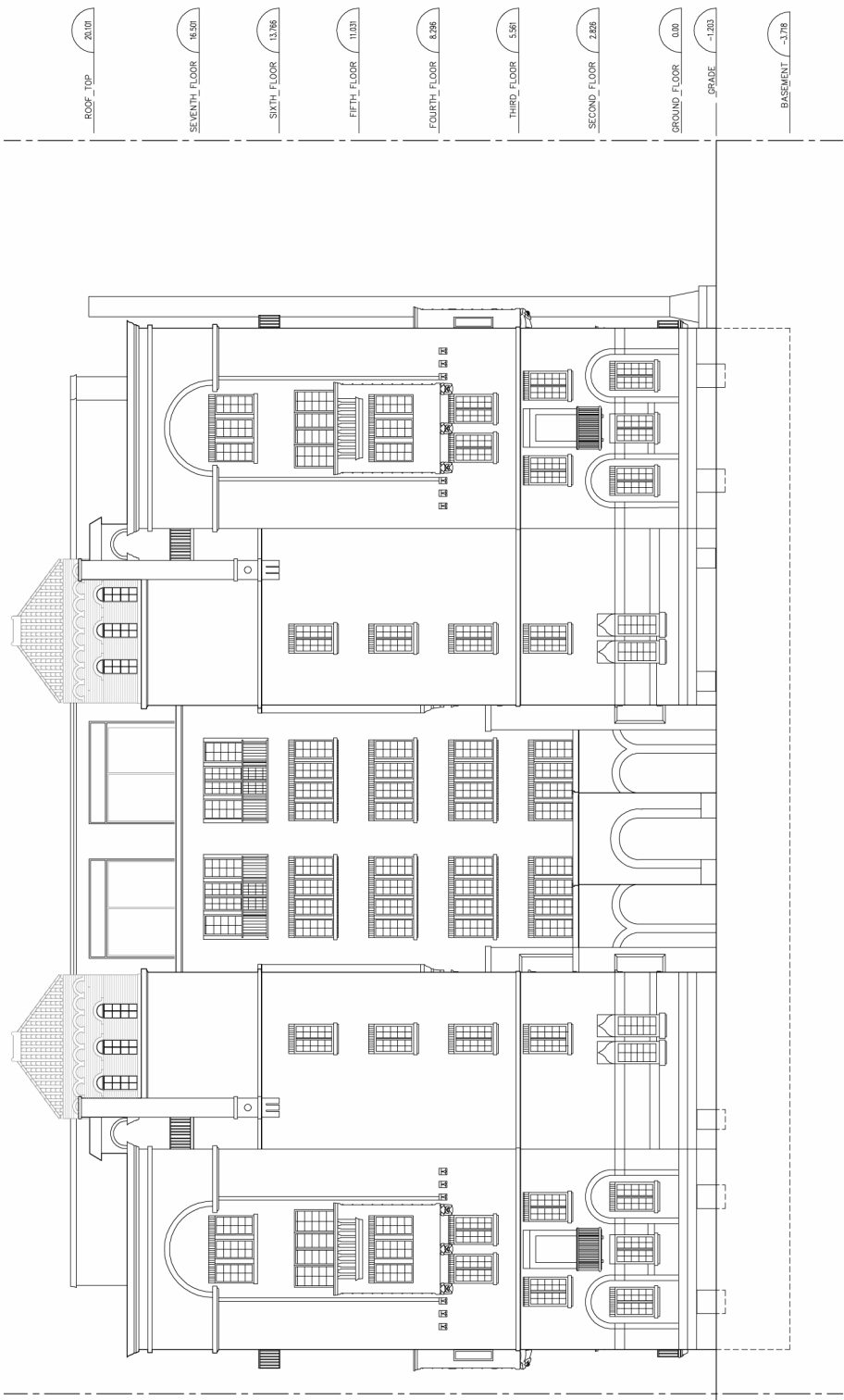
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1 Clarendon Avenue

File # 06_143050

Attachment 3: North Elevation



North Elevation

Elevations

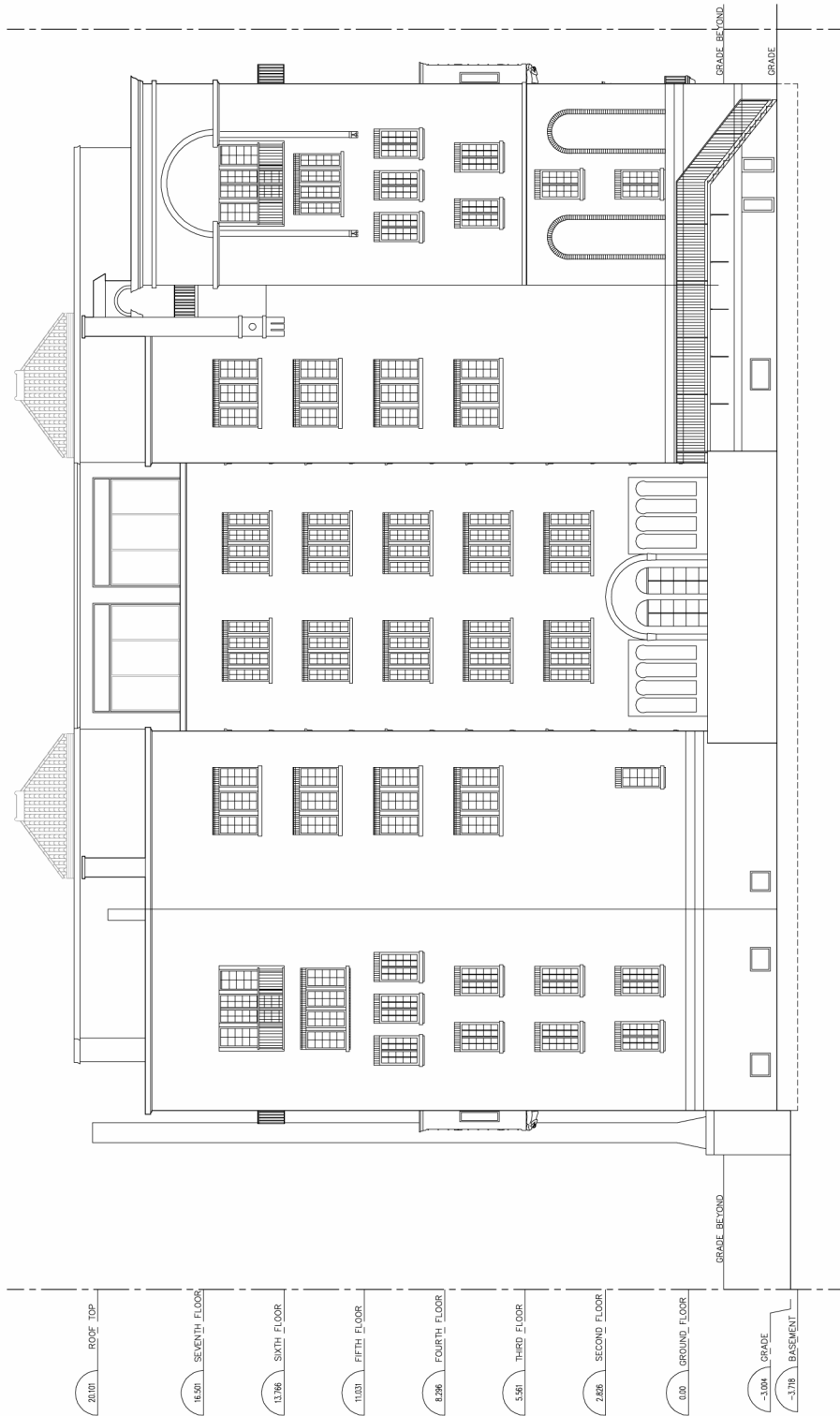
Applicant's Submitted Drawing

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1 Clarendon Avenue

File # 06_143050

Attachment 4: South Elevation



South Elevation

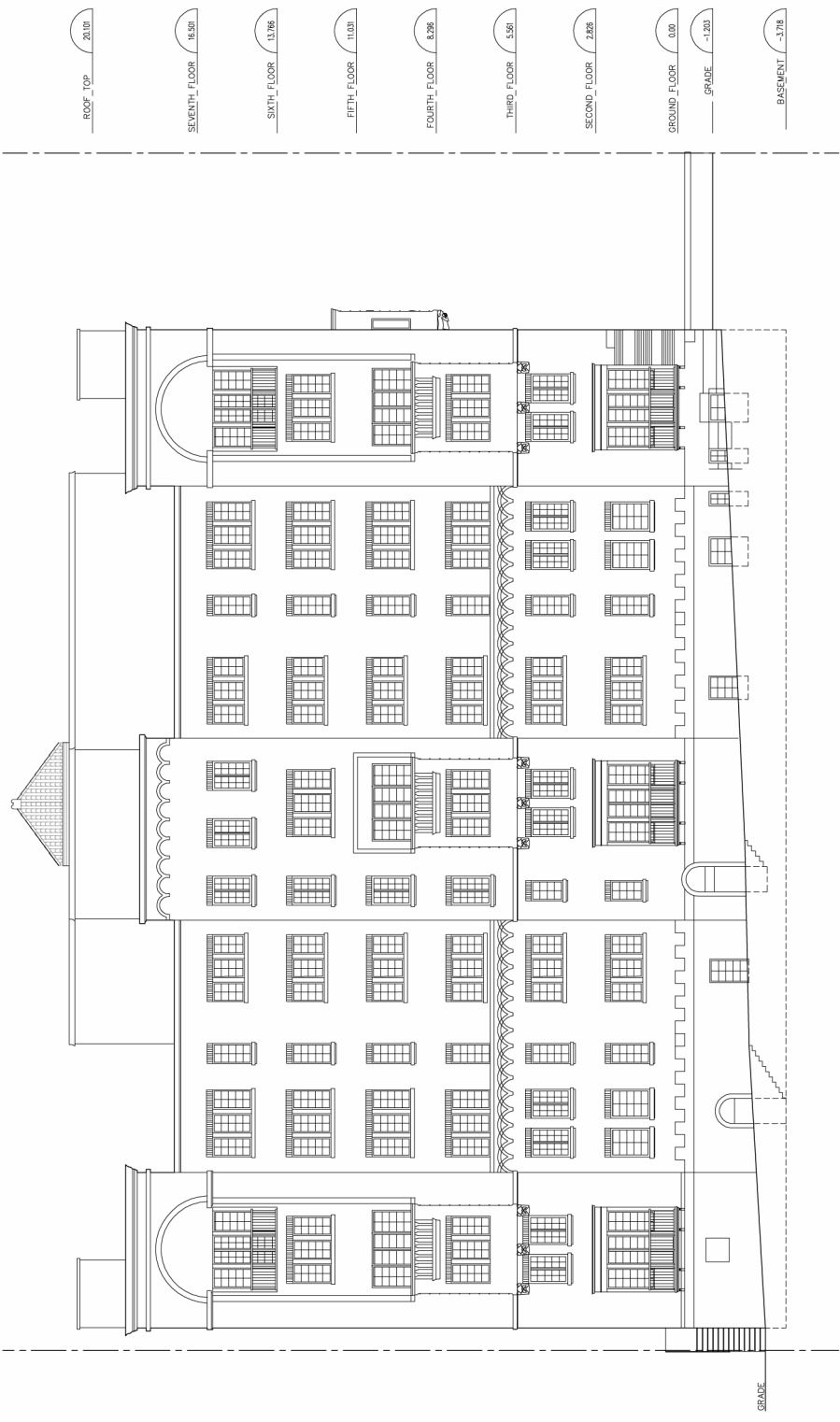
Elevations

Applicant's Submitted Drawing

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1 Clarendon Avenue

File # 06 143050



East Elevation

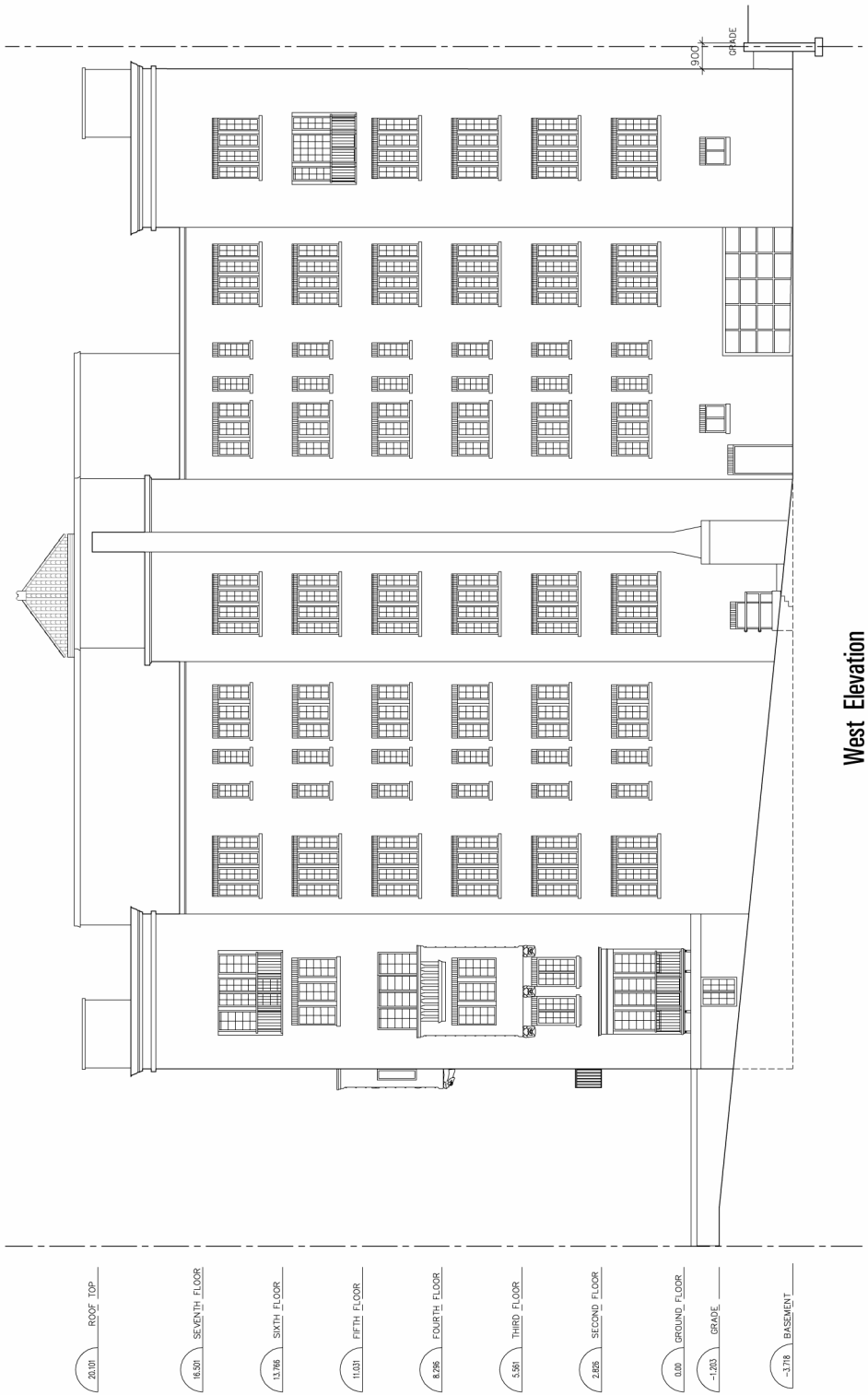
Elevations

Applicant's Submitted Drawing
Not to Scale
07/19/06

1 Clarendon Avenue

File # 06_143050

Attachment 6: West Elevation



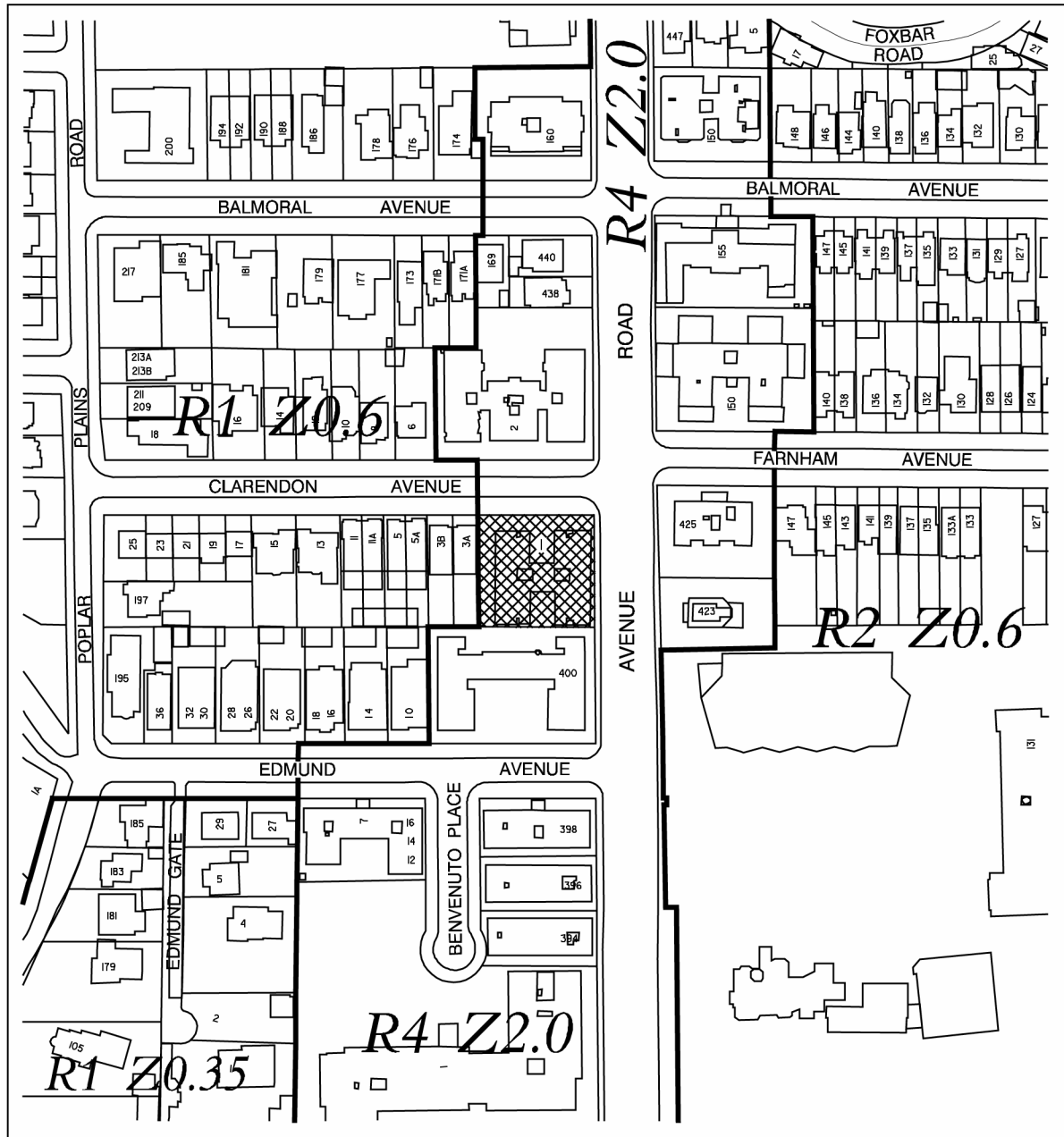
West Elevation

1 Clarendon Avenue

Elevations
Applicant's Submitted Drawing
Not to Scale
07/19/06

File # 06_143050

Attachment 7: Zoning Map



Toronto City Planning
Division
Zoning

1 Clarendon Avenue

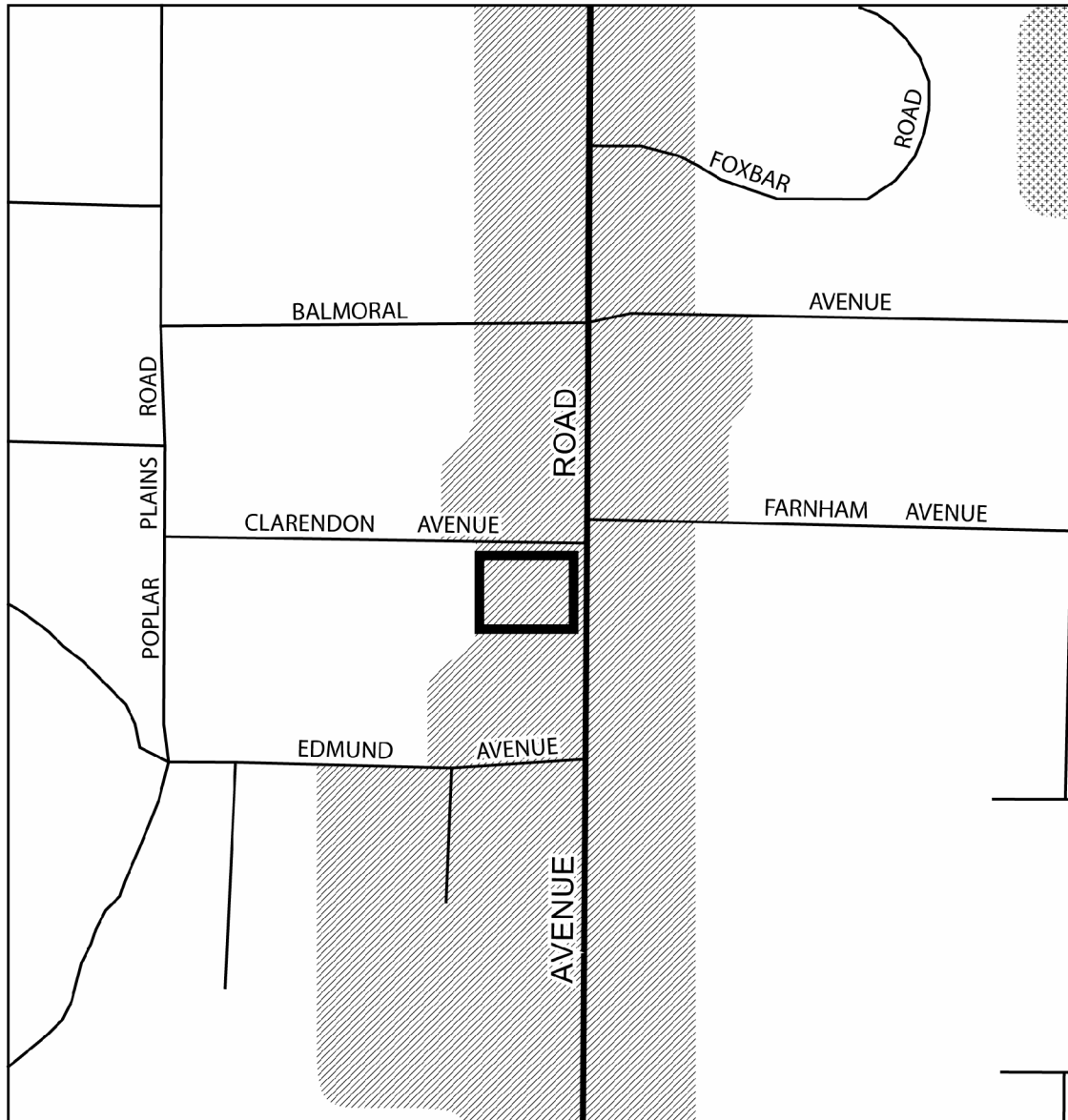
File # 06_143050

- R1 Residential District
- R2 Residential District
- R4 Residential District



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Zoning By-law 438-86 as amended
Extracted 07/18/06 - TA

Attachment 8: Official Plan Map



Toronto City Planning
Division
Official Plan

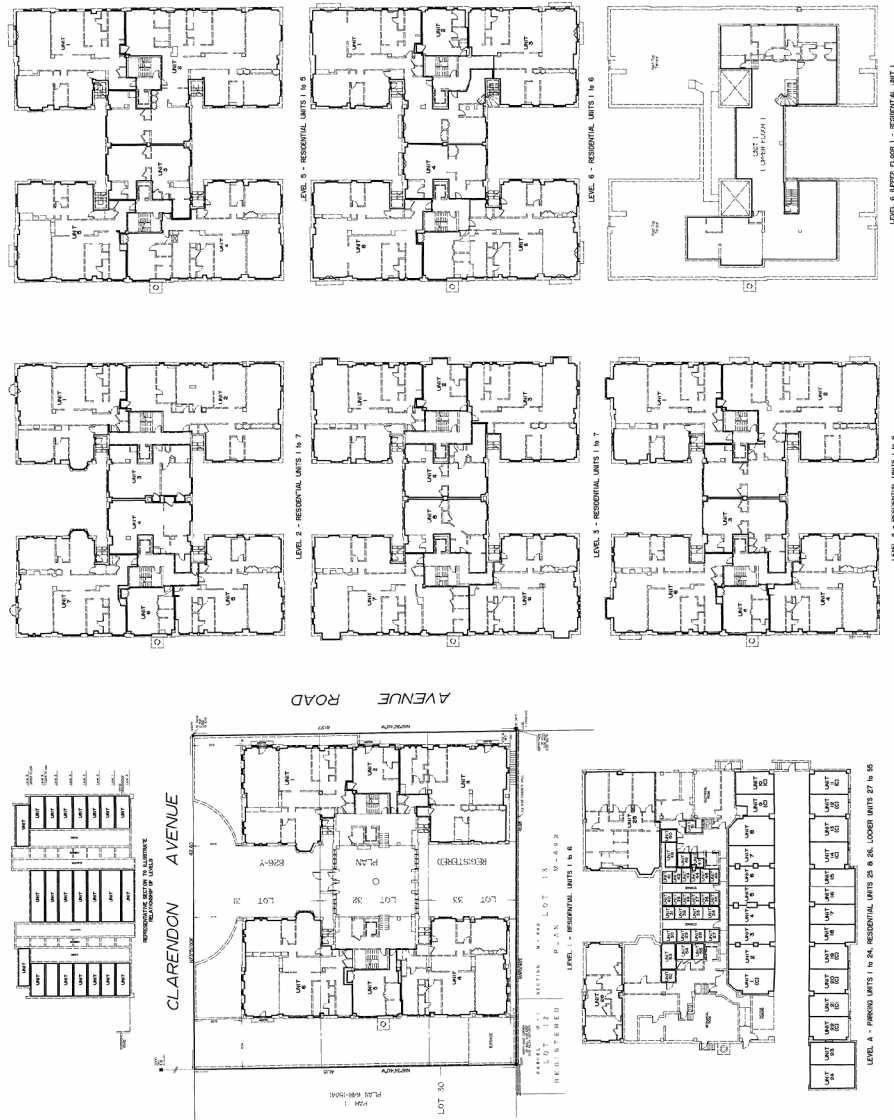
1 Clarendon Avenue

File # 06_143050

-  Site
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Other Open Spaces Areas

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Attachment 9: Draft Plan of Condominium Conversion



OPA # 35: Draft Plan of Condominium Conversion

(Levels A, 1-6 Proposed 39 Residential Units, 24 Parking Lots, 29 Locker Units)

Applicant's Submitted Drawing

Not to Scale

MM/DD/YYYY



1 Clarendon Avenue

File # 06_143050

Attachment 10: Draft Official Plan Amendment #35

Authority: Toronto East York Community Council Report Number ____, Clause No. ____, adopted as amended, by City of Toronto Council on *date*

Enacted by Council: *date*

CITY OF TORONTO

BY-LAW No. _____

**To adopt Amendment No. 35 of the Official Plan
of the City of Toronto respecting the lands known municipally as
1 Clarendon Avenue**

WHEREAS authority is given to Council by the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act, and

WHEREAS the Council of the City of Toronto, at its meeting of *date*, determined to amend the Official Plan for the City of Toronto adopted by By-law No. 1082-2002;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The text and maps attached hereto as Schedule 'A' are hereby adopted as amendments to the Official Plan of the City of Toronto.
2. This is Official Plan Amendment No. 35.

ENACTED AND PASSED this __ day of __, A.D. 2004.

Deputy Mayor,
Deputy Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

SCHEDULE ‘A’

AMENDMENT NO. 35 TO THE OFFICIAL PLAN OF THE CITY OF TORONTO

1 CLARENDON AVENUE

The Official Plan of the City of Toronto is amended as follows:

1. Chapter 7, Site and Area Specific Policies is amended by adding Site and Area Specific Policy No. 299 for lands known municipally in 2007 as 1 Clarendon Avenue, as follows:

299. 1 Clarendon Avenue

Conversion to condominium of an existing apartment building containing 39 residential units as of August 15, 2007, is permitted, provided the condominium is registered within 3 years of draft approval.



2. Map 28, Site and Area Specific Policies, is amended by adding the lands known municipally in 2007 as 1 Clarendon Avenue shown on the map above as Site and Area Specific Policy No. 299.

Attachment 11: Conditions of Draft Plan of Condominium Approval

The owner shall meet the following conditions prior to the City's consent for final registration of the plan of Condominium:

1. The plan of condominium (declaration and description) shall be registered within 3 years from the date Council authorizes this Draft Plan of Condominium, otherwise the approval shall lapse and be of no further force and effect unless an extension is granted by the City pursuant to Section 51(33) of the *Planning Act*.
2. The owner shall, prior to the registration of the plan of condominium (declaration and description), at its own expense not to be passed on to the tenants of the building, carry out and complete a comprehensive reserve fund study, as defined in s. 27 of O. Reg 48/01 made under the *Condominium Act, 1998* as a "comprehensive study", including the matters required in condition 4 below, to the satisfaction of the Chief Planner and Executive Director.
3. The persons conducting the physical analysis of the comprehensive study described in conditions 2 and 4, shall include both an architect registered as such and holding a certificate of practice within the meaning of the *Architects Act* and a professional engineer registered as such and holding a certificate of authorization within the meaning of the *Professional Engineers Act*.
4. In addition to the requirements under the regulations made under the *Condominium Act, 1998*,
 - (a) the financial analysis component of the comprehensive study shall include a simple, easily read table setting out, by unit type, the recommended dollar amount of contributions to the reserve fund that will be required to be paid annually by each individual unit owner for each year covered by the study (not less than 30 years) based on the reserve fund required to be established by the owner in accordance with condition 4 below.
 - (b) the physical analysis component of the comprehensive study shall include in addition to the component inventory and assessment of each item within the component inventory, a detailed list of,
 - (i) the repairs and components to be replaced as a result of outstanding work orders issued by the City of Toronto,
 - (ii) the repairs and components to be replaced in order to bring the building into compliance with c. 629, Property Standards, of the City of Toronto Municipal Code, and

- (iii) any other repairs and components to be replaced which in the opinion of the consultant(s) carrying out such study should be completed by the owner prior to registration of the plan of condominium (declaration and description) against the lands; and
- (c) in addition to their signatures, the persons conducting the comprehensive study in respect of the property shall include the following statement in the study:

“Notwithstanding that our fee for this study will be paid by the Owner (or Condominium Corporation as the case may be) and that we have prepared this study for the Owner (or Condominium Corporation as the case may be), we acknowledge that the Condominium Corporation which will be created upon registration of the plan of condominium and the purchasers and prospective purchasers of units within the building are relying upon this study and the opinions and findings expressed herein, and consent and agree to such reliance.”
- 5. The owner shall, prior to registration of the plan of condominium (declaration and description), at its own expense, complete each of the repairs and replace each of the components set out on the lists compiled pursuant to conditions 4(b) (i), (ii) and (iii) above as detailed in the comprehensive study, and provide to the Chief Planner and Executive Director a certificate from the persons carrying out the study confirming all of the said repairs and replacements have been satisfactorily completed.
- 6. The owner shall, prior to registration of the plan of condominium (declaration and description), at its own expense, establish a reserve fund for the benefit of the condominium corporation to be created in an amount not less than the greater of,
 - (a) the amount recommended in the comprehensive study required in conditions 2 and 4 above, and
 - (b) the amount required pursuant to the *Condominium Act, 1998*.
- 7. In the event the Owner of the Site has entered into one or more agreements to convey any of the proposed units, the owner shall, prior to the registration of the plan of condominium (declaration and description) provide it's solicitors confirmation that the disclosure statement required to be delivered to every person who purchases a unit or a proposed unit pursuant to Section 72 of the *Condominium Act, 1998*, did in addition to the matters specified in such Act,
 - (a) include a copy of the table required to be prepared in condition 4(a) above as updated and signed by the person who carried out the financial analysis component of the comprehensive study required in condition 2 to reflect

the actual reserve fund established by the owner pursuant to condition 6 above, and

- (b) that such updated table include the statement required in condition 4(c) above, or

alternatively, if the Owner has not entered into any agreement to convey one or more units, the owner shall provide its solicitors confirmation such is the case.

- 8. The Declaration and Description shall contain wording satisfactory to the City Solicitor to ensure the following conditions:

- (a) The condominium corporation shall, at its expense update the table required pursuant to conditions 4(a) above on an annual basis commencing with the first reserve fund study conducted by the condominium corporation after the registration of the condominium, so as to reflect the actual reserve fund maintained by the corporation, and shall send a copy of each updated table to each unit owner and to the corporation's auditor as part of the notice required pursuant to Section 94(9) of the *Condominium Act, 1998* as well as retaining a copy for its records.

Nothing herein shall be interpreted as requiring the original author of the table to author the subsequent tables required by this condition but the table shall be prepared by a person authorized by the regulations under the *Condominium Act, 1998* to carry out the financial analysis component of a reserve fund study and each updated table shall include the statement required in condition 4(a) above;

- (b) Prior to entering into an agreement of purchase and sale respecting the sale of a unit, the unit owner shall provide a copy of the most recent table delivered to them pursuant to condition 4(a) above to the prospective purchaser, failing which the purchaser of such unit may rescind the agreement of purchase and sale before accepting a deed to the unit being purchased that is in registerable form;
- (c) On receipt of a request from a prospective purchaser of a unit, the condominium corporation shall, within 10 days of the request being made, provide a copy of the most recent reserve fund study.
- (d) Conditions 4(a), (b) and (c) above shall cease to apply on the date that is one year following the date the condominium corporation has,
 - (i) conducted its first comprehensive reserve fund study (a "comprehensive study") and,

- (ii) sent the required notice to the owners and copies to the auditor arising from such study in accordance with Section 94(9) of the *Condominium Act, 1998*.
- 9. The provisions in the Declaration and Description dealing with conditions 8(a) to (d) above, inclusive shall not be amended without the written consent of the City of Toronto.
- 10. The owner of the Site shall provide a tax certificate which confirms that all municipal taxes have been paid in full.
- 11. The owner of the Site agrees not to pass on, in the form of rent increases to tenants of the building residing in units on or before the date of registration of the condominium, any costs associated with the renovations or alterations of the building to comply with the conditions herein and which are related to converting the buildings or readying the buildings for condominium, or any increase in property taxes due to a change in the assessed value of the property identified in this application which may occur due to the condominium registration.

For the sake of clarity and without limiting the foregoing, any costs related to the following shall not be passed on to such tenants:

- (i) Window air conditioning units with split or built in systems, wherever possible,
 - (ii) Replacing elevator controls to state of the art electronics without any negative impact on design,
 - (iii) Brick and gargoyle restoration where necessary,
 - (iv) Installation of gas stoves where possible to increase hydro capacity for the building and individual units,
 - (v) Exterior improvements as mandated by the City
 - (vi) New garbage and recycling room
 - (vii) Extended security camera system
 - (viii) Upgraded laundry facility and where possible in-suite laundry facilities
- 12. The owner shall, prior to registration of the plan of condominium (declaration and description) to the satisfaction of the Manager of Heritage Preservation Services:
 - (a) enter into a Heritage Easement Agreement with the City; and
 - (b) provide a restoration plan and schedule.
- 13. The owner shall, prior to registration of the plan of condominium (declaration and description) to the satisfaction of the Executive Director of Technical Services:

- (a) install and maintain a “Yield to oncoming traffic” sign located within the underground garage to advise outgoing motorists of such; and
- (b) include a clause in the declaration of condominium, advising prospective owners of the substandard parking spaces that these spaces are substandard in size and are intended for use of compact-sized vehicles only. The owner’s solicitor shall submit certification that the said clause has been included in the declaration of condominium.