

2 Ridelle Ave – Condominium Application

Date:	November 17, 2010
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 21 – St. Paul's
Reference Number:	07 107385 STE 21 CD

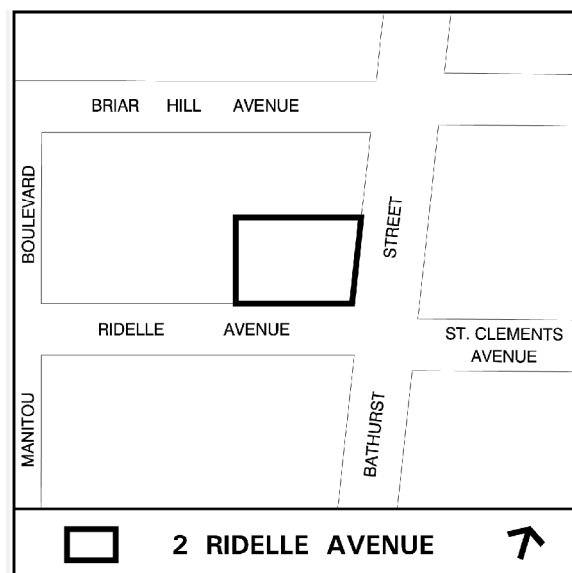
SUMMARY

This application involves the conversion of a 44-unit residential co-ownership building at 2 Ridelle Avenue to condominium. The associated Official Plan Amendment was enacted by City Council on October 23, 2007. Draft Plan approval was granted by the City in 2008. The three year time limit to register the condominium has lapsed as of October 23, 2010, and it is recommended that the approval be reissued to permit fulfillment of the conditions of draft plan approval and registration of the condominium within a one year period ending October 23, 2011. As the deadline has lapsed, the consideration of this report is an urgent matter.

RECOMMENDATIONS

The City Planning Division recommends that City Council:

1. Reissue the Draft Plan of Condominium approval for 2 Ridelle Avenue with the conditions that were approved at the City Council meeting of October 23, 2007, with the following changes, the reissued conditions to be substantially as set out in Attachment 1 to the report:
 - a. the conditions of draft condominium approval be satisfied by October 23, 2011



Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

An application was submitted in February 2007 to convert an existing 44-unit residential co-ownership building at 2 Ridelle Avenue to condominium. Due to the number of rental units, City Council approval was required for the Draft Plan of Condominium and Official Plan Amendment. At its meeting of October 23, 2007, City Council adopted the report from the Director of Community Planning, Toronto and East York District, recommending Draft Plan approval.

COMMENTS

Registration of this condominium has not yet occurred but the applicant is very close to satisfying the conditions of approval. It is anticipated that fulfillment of draft plan approval conditions will occur within the one year extension being proposed. Accordingly, it is recommended that the previous draft plan approval be amended to establish a revised time limit which will require that the draft plan conditions be met by October 23, 2011.

CONTACT

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SIGNATURE

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ATTACHMENTS

Attachment 1: Revised Conditions of Draft Plan of Condominium Approval

Attachment 1:
Revised 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 by October 23, 2011, 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(b) 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 condition 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.
- 12. The owner shall, prior to registration of the plan of condominium (Declaration and Description) and to the satisfaction of the Executive Director of Technical Services:
 - (a) Provide and maintain a minimum of 17 single car spaces plus eight two-car tandem parking spaces on the site;
 - (b) Designate, by means of clearly visible signs, all parking spaces, which do not comply with the dimensional requirements of By-law No. 494-2007 for use by small cars only;
 - (c) Provide and maintain all parking for the condominium as a common element;
 - (d) Include a clause in all future offers of purchase and sale and the condominium declaration advising the future owners that many parking spaces in the parking garage are designed for small cars only, and that assignment of a full-size parking space is not guaranteed;
 - (e) Include a clause in the condominium declaration indicating that the westerly access to the garage may be closed in the future to accommodate two additional parking spaces;
 - (f) Include a clause in the offers of purchase and sale and in the condominium declaration indicating that parking spaces Nos. 13, 14, 15, 16, 20, 21, 22 and 23 are tandem spaces, and may not be readily accessible at all times without having to move another vehicle;

- (g) Install and maintain signing on private property, at the east end of the driveway and at the exit from the parking garage, indicating "Yield to incoming traffic;"
- (h) Install and maintain clearly visible "No Parking" signing along the 4.42 metre wide private driveway;
- (i) Install and maintain a convex mirror just inside the garage door, positioned in a manner to afford outbound drivers a view of incoming traffic;
- (j) Submit a revised Illustration of the Underground Parking Garage with dimensional information, including existing aisle widths and parking space dimensions; and
- (k) Provide and maintain a rodent-proof garbage storage facility of adequate size on private property, to accommodate the amount of separated recyclable and non-recyclable materials generated by the residential component of this development between collections.