

To: Mayor and Members of Woodstock Council

From: Eric Gilbert, Manager of Development Planning, Community Planning

## Application for Draft Plan of Condominium CD 23-02-8 – Reid Supplementary Report

### REPORT HIGHLIGHTS

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- The purpose of this report is to consider the conversion of an existing townhouse development from rental units to condominium ownership and draft plan approval of a plan of condominium.
- City Council recommended deferral of the application at the April 18, 2024 City Council meeting to provide an opportunity for additional dialogue between the owner and the tenants of the units. The agent has provided a summary of the efforts undertaken to satisfy the direction.
- The proposal is consistent with the relevant policies of the Provincial Policy Statement, maintains the general intent of the Official Plan, and complies with the provisions of the City's Zoning By-law.

### DISCUSSION

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#### Background

OWNERS: Graham, Brian and Robert Louis Reid  
1195 St. Anthony Road, London ON N6H 2R3

AGENT: Dave Hannam / Zelinka Priamo Limited  
318 Wellington Road, London ON N6C 4P4

LOCATION:

The subject property is described as Lot 42, Plan 579 in the City of Woodstock. The property is located on the southeast corner of Brant Street and Northdale Drive, and is municipally known as 655 Northdale Drive.

COUNTY OF OXFORD OFFICIAL PLAN:

Schedule "W-1"      City of Woodstock Land Use Plan      Residential

Schedule "W-3"      City of Woodstock Residential Density Plan      Medium Density Residential

CITY OF WOODSTOCK ZONING BY-LAW 8626-10:

Existing Zoning:      Residential Type 3 Zone (R3)

PROPOSAL:

As detailed previously through report CP 2024-121, this application proposes to convert the tenure of the 9 townhouses units on the lands from rental to condominium ownership.

In support of the application, the applicant has provided a Building Condition Assessment Report, prepared by a Consulting Engineer and a reserve fund study and spreadsheet, outlining the estimated budget and funds required to maintain the building and infrastructure onsite.

The agent has provided a summary of the consultation efforts undertaken by the owner of the subject lands in response to City Council's deferral of the application at the April 18, 2024 City Council meeting. The summary is included as an attachment to this report.

Plate 1, Location Map with Existing Zoning, provides the location of the subject property and the existing zoning in the immediate vicinity.

Plate 2, Aerial Photo (2021), provides an aerial view of the subject property and surrounding area.

Plate 3, Proposed Draft Plan of Condominium, shows the location of the dwelling units and the common elements.

## **Planning Analysis**

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.

In terms of Official Plan policy, the average vacancy rate in the latest survey for a one-bedroom apartment units in Woodstock is 1.3%, and 0.3% for a two-bedroom units according to the Canada Mortgage and Housing Rental Market Report for the fall of 2023. Although the average private apartment vacancy rate in Woodstock as determined by CMHC in fall 2023 is less than the 3% 'base' as set out in the Official Plan policies, Planning staff note an additional number of criteria are to be considered when assessing conversion applications.

The applicant has provided information regarding the availability of the existing apartment units should the development be converted to condominium ownership. In this instance it is expected that the purchase price of the units is likely to remain relatively affordable due to the type and age of the units. The condominium ownership would allow for the individual sale of the townhouse units.

With respect to the potential impact of conversion on tenants and the potential for displacement, the Residential Tenancies 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.*

With respect to the City's Zoning By-law, the subject property is zoned R3 and appears to meet the relevant zone provisions, with the exception of the noted deficiencies which are considered legal non-complying. Additionally, considering the long standing use of the property in its present form (approximately 40 years) this Office is satisfied that the existing use of the lands is adequately served with respect to building location, unit sizes, and parking and that the operation of the site will not be affected by the applicant's proposal to convert the apartment units to condominium ownership.

The applicant has submitted a Building Condition Assessment Report and a review of the existing structure relative to the Ontario Building Code. The remedial work identified in the assessment report will be required to be completed prior to final approval of the condominium application. This and other requirements, such as a reserve fund study, have been incorporated as conditions of approval.

The applicant has also provided a summary of the consultation efforts made by the owner to tenants, including an explanation of the additional protections offered to the existing tenants through the condominium conversion process. Information respecting the consultation efforts is included as an attachment to this report.

Based on the foregoing, Planning staff are of the opinion that the proposed condominium conversion is consistent with the PPS, generally conforms with the relevant Official Plan policies, and maintains the general intent of the City's Zoning By-law.

## RECOMMENDATION

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It is recommended that the Council of the City of Woodstock advise the County of Oxford that the City supports the application by Graham, Brian and Robert Louis Reid, to create a draft plan of condominium (File No. CD 23-02-8) as applied to lands consisting of Lot 42, Plan 579, City of Woodstock, subject to the following conditions of draft plan approval:

1. This approval applies to the draft plan of condominium, submitted by Graham, Brian and Robert Louis Reid (File CD 23-02-8) comprising land described as Lot 42, Plan 579, City of Woodstock, showing 9 residential units.
2. The recommendations of the Building Condition Report be implemented to the satisfaction of the City Building Department.
3. That the owner provides a reserve fund study, completed to the satisfaction of the City of Woodstock Building Department.
4. Prior to signing the final plan for registration, the County of Oxford shall be advised by the City of Woodstock that Conditions 2 and 3 have been addressed, to the satisfaction of the City of Woodstock. The clearance letter shall include a brief statement for each condition detailing how each condition has been satisfied.

## SIGNATURES

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Authored by: *Original signed by* Eric Gilbert, RPP MCIP  
Manager of Development Planning

Approved for submission: *Original signed by* Gordon K. Hough, RPP  
Director



**Legend**

- Zoning Floodlines
- Regulation Limit
  - 100 Year Flood Line
  - ▲ 30 Metre Setback
  - Conservation Authority Regulation Limit
  - Regulatory Flood And Fill Lines
- Land Use Zoning (Displays 1:16000 to 1:500)

**Notes**



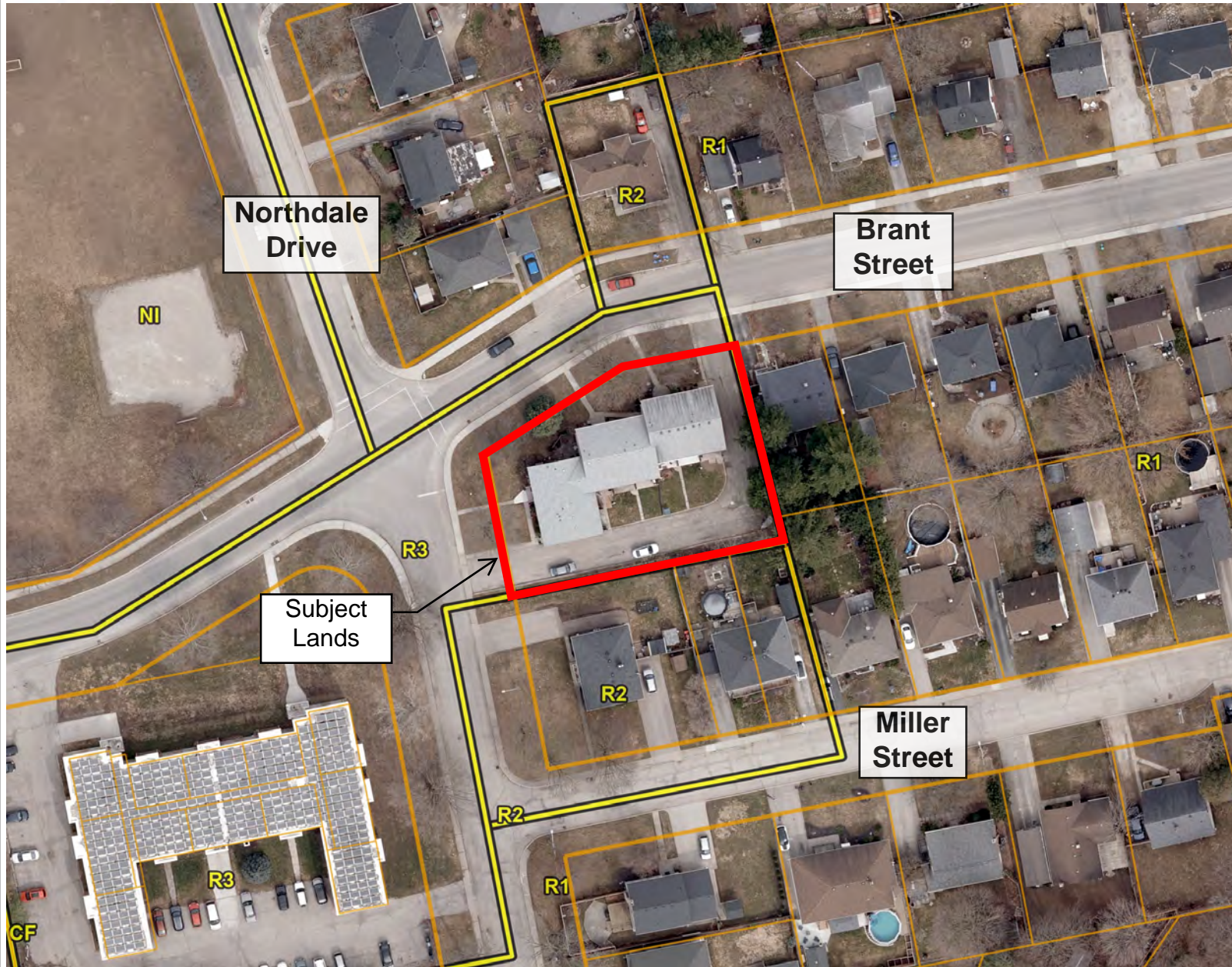
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NAD\_1983\_UTM\_Zone\_17N



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This is not a plan of survey

December 14, 2023



**Legend**

- Parcel Lines**
  - Property Boundary
  - Assessment Boundary
  - Unit
  - Road
  - Municipal Boundary
- Zoning Floodlines**
- Regulation Limit**
  - 100 Year Flood Line
  - ▲ 30 Metre Setback
  - Conservation Authority Regulation Limit
  - Regulatory Flood And Fill Lines
- Land Use Zoning (Displays 1:16000 to 1:500)

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December 14, 2023





**Zelinka Priamo Ltd.**

LAND USE PLANNERS

May 31, 2024

*sent via email*

Community Planning  
City of Woodstock  
21 Reeve Street,  
Woodstock, ON  
N4S 7Y3

Attn: Mr. Eric Gilbert, Manager of Planning

Dear Eric:

**Re:           Application for Draft Plan of Condominium (File # CD 23-02-8 – Reid)  
Reid Rental Properties  
655 Northdale Drive  
City of Woodstock**

**Our File:   RRP/WDK/22-01**

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On behalf of Reid Rental Properties (the property “Owners”), Zelinka Priamo Ltd. is pleased to submit additional information pertaining to the Draft Plan of Condominium application for the above-noted lands (the “Subject Lands”).

As you know, the purpose of this application is to obtain approval for the conversion of the existing 9-unit townhouse development from one ownership format to condominium ownership.

This application was submitted in November 2023. The application was scheduled for the public meeting on February 12, 2024, however shortly before the meeting concerns were raised by several tenants of the building regarding the condition of the building foundation and the infiltration of water into several units. As a result, the public meeting was deferred. The Consulting Engineer then inspected the foundation and included suggested repairs in a revised Building Condition Assessment Report. This Report was submitted to City staff, reviewed and deemed acceptable.

Subsequently a public meeting was held on April 15, 2024. City of Woodstock Planning Staff prepared a staff report that recommended that the Council of the City of Woodstock advise the County of Oxford that the City **supports** the application (with conditions). At the public meeting, concerns were expressed from members of Council and the public about protecting the rights of the current tenants.



At the Woodstock Council meeting on April 18, 2024, City Council recommended to defer the application to allow for additional information. It is our understanding that what City Council wanted was for the Owners to provide further information to City Planning Staff confirming that communications between the Owners and the tenants have taken place regarding the proposed conversion process to the best of the Owners abilities.

The following is a summary of what communications have taken place to date.

- All the statutory notification procedures under the Planning Act have been completed by City staff.
- In January 2024, the Owners notified all the existing tenants in writing about the proposed application and provided assurances on a number of matters including that the conversion process does not terminate their current tenancy or result in changes to their current rent and lease terms. A copy of this letter dated January 18, 2024, is enclosed.
- In May 2024, the Owners notified all the existing tenants again in writing about the proposed application and provided further assurances. A copy of this letter dated May 6, 2024, is also enclosed. In summary this letter outlined the following matters:
  - What the tenant’s rights and added protections are under the Residential Tenancies Act.
  - The Owners voluntary offer to the tenants of a new 1- or 2-year lease at their current monthly rent; and
  - The Owners voluntary offer to assist the tenants with the cost of obtaining independent legal advice regarding the conversion process.
- The below table provides a summary of the responses from the existing tenants to the May 6, 2024, letter (and the offers contained within):

Tenant	Address	Information
	644 Brant St	<ul style="list-style-type: none"><li>• No response received from tenant</li></ul>
	646 Brant St	<ul style="list-style-type: none"><li>• No response received from tenant</li><li>• Note: previous conversation was positive and allayed concerns</li></ul>
N/A	648 Brant St	<ul style="list-style-type: none"><li>• Unit is vacant</li></ul>
	650 Brant St	<ul style="list-style-type: none"><li>• Responded to email received May 14, 2024; sent copy of Ontario standard lease &amp; URL for lease &amp; copy of standard appendix used since 2016.</li><li>• No response received thereafter.</li></ul>

	652 Brant St	<ul style="list-style-type: none"> <li>• Phone call 10 May 2024, and answered questions about need for a new lease.</li> <li>• Tenant decided to stay with current situation (no new lease)</li> </ul>
	654 Brant St	<ul style="list-style-type: none"> <li>• No response received from tenant</li> <li>• Note: previous conversation was positive and allayed concerns</li> </ul>
	651 Northdale Dr	<ul style="list-style-type: none"> <li>• Responded to email received May 13, 2024; sent copy of Ontario standard lease &amp; URL for lease &amp; copy of standard appendix used since 2016.</li> <li>• Received email 20 May that tenant wants to stay with current situation (no new lease).</li> </ul>
	653 Northdale Dr	<ul style="list-style-type: none"> <li>• Unit is vacant</li> </ul>
	655 Northdale Dr	<ul style="list-style-type: none"> <li>• Responded to email received May 14, 2024; had phone call 16 May. Went through questions tenant had, all of which was material that was contained in 2nd letter.</li> <li>• Tenant wants to stay with current situation (no new lease)</li> </ul>

Again, it is our professional opinion that this proposal represents good land use planning. Woodstock Planning Staff concur with this opinion, and recommended approval of the application. In addition, we provide the following comments on behalf of Owners regarding the development proposal:

- The proposed condominium conversion is consistent with the PPS, generally conforms with the relevant Official Plan policies, and maintains the general intent of the City’s Zoning By-law.
- With respect to the potential impact of conversion on tenants and the potential for displacement, the Residential Tenancies 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. These matters were outlined to each tenant. 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.*
- The Owners submitted an updated Building Condition Assessment Report and a review of the existing structure relative to the Ontario Building Code. Some of the immediate remedial works identified in the assessment report (including that to address potential water leakage) has now been completed.

It is our professional opinion that the proposed development continues to meet all applicable land use polices and regulations and represents an efficient and appropriate use of the subject lands. As such, we would respectfully request that the Woodstock Planning Committee and City Council concurs with the recommendation of its planning staff and supports the application and recommends that Oxford County Council approves the application.

Should you have any questions, or require further information, please do not hesitate to contact our office.

Yours very truly,

**ZELINKA PRIAMO LTD.**



Dave Hannam, MCIP, RPP

Partner

cc. The Client (Via Email)

Encl.

18 Jan 2024

[Tenant's Name]  
[Address]  
Woodstock, ON

Dear [Tenant's Name],

**Re: Notice of Intent to Convert Building to Condominiums –  
644, 646, 648, 650,652,654 Brant Street; 651, 653, 655 Northdale Drive, Woodstock ON**

We are writing to inform you that we are in the process of applying to convert the townhouse building at Brant Street-Northdale Drive into condominium units. This letter is to outline your rights and explain the forthcoming process.

**Your Tenancy:** Please be assured that the conversion process does not terminate your current tenancy. The Residential Tenancies Act continues to apply to protect your tenancy and provides additional protections to tenants on condominium conversions. For example, a landlord can evict a tenant if a family member will be moving into a rental unit they own, but that cannot be done to a tenant of a recent condominium conversion.

**Right of First Refusal:** Upon successful conversion, as an existing tenant, if your unit was put on the market for sale, you will have the right of first refusal to purchase your unit before it is sold to an external buyer.

**Process Timeline and Updates:** The conversion process involves several stages, including municipal approvals and legal formalities. We anticipate this process to take an additional several months. We will inform you when it is completed.

**Rent and Lease Terms:** Your current rent and lease terms will remain unchanged following conversion. Following the conversion, depending on the property tax assessment of the unit you live in, if the property taxes go down sufficiently, you would be entitled to a rent reduction. If the property taxes increase, it does not result in an increase in your rent.

**Questions and Concerns:** We understand you may have questions about this process. Please feel free to reach out to me, Graham Reid, for any questions or clarifications. We appreciate your cooperation during this time and are committed to ensuring a smooth transition for all our tenants.

Sincerely,  
Landlord Agent:



Graham Reid  
519-639-7136

Phone #:  
Email: [Reidrentalproperties@outlook.com](mailto:Reidrentalproperties@outlook.com)

6 May 2024

[Tenant's Name]  
[Address]  
Woodstock, ON

Dear [Tenant's Name],

**Re: Update on Condominium Conversion –  
644, 646, 648, 650,652,654 Brant Street; 651, 653, 655 Northdale Drive, Woodstock ON**

As you know, we intend to convert the townhouse building at Brant Street-Northdale Drive into condominium units and are in the midst of the application process. A number of you have had questions about the conversion process and our realtor, Mark Burke, was able to speak to almost all of you to help address your specific questions. We want to share some key information and offer assistance in navigating this process.

### **Your Rights**

Know that a condominium conversion does not terminate your current tenancy or increase your rent. The *Residential Tenancies Act* applies to protect your tenancy and provides **additional** protections to tenants on condominium conversions. which includes the following:

- **General protections applicable to all residential tenancies:**
  - Your rent cannot be increased more than once in a 12-month period, and you must receive at least 90-days notice of an upcoming rent increase.
  - Your rent cannot be increased by more than the rent increase guideline. The maximum rent increase for each year is published online at <<https://www.ontario.ca/page/residential-rent-increases>>.
- **Additional protections on conversion:**
  - A landlord **cannot** evict a tenant to move themselves or a family member into a converted condominium rental unit following a condominium conversion. This applies to the tenant living in the unit when the conversion process is undertaken.
  - Upon successful conversion, as an existing tenant, if your unit is put on the market for sale, you will have the right of first refusal to purchase your unit before it is sold to an external buyer.

Following a condominium conversion, your tenancy continues on as it did prior to conversion and you will continue to pay what you were responsible for previously. Tenants do not pay condo fees.

As always, we will continue to follow the Residential Tenancies Act.

### **Option for a New Lease**

We are willing to offer current tenants a new lease (effective July 1 2024) lasting for 1 or 2 years at their current monthly rent.

- **Timeline to respond.** If you wish to exercise this option, please email or call me (Graham Reid) to set up a time to review and sign a new lease on or before Monday 20 May 2024.

If you do not want to sign a new lease, your current rent and lease terms will remain unchanged following conversion and your tenancy would continue as a month-to-month tenancy. Following the conversion, any rent increases would, as outlined above, follow the Landlord and Tenant Board's guidelines.


### **Access to Legal Counsel**

We are pleased to offer you \$175 to defray the cost for you to obtain independent legal advice regarding this. If you would like to take advantage of this offer, please email or call me (Graham Reid) on or before Monday 20 May 2024. You may be able to find legal assistance by way of the Law Society Referral Service (<https://lsrs.iso.ca/lsrs/welcome>), or by contacting community legal service providers that you may be eligible to obtain assistance from (<https://www.cleo.on.ca/en/publications/ontario/southwestern-ontario>).

### **Any Other Questions and Concerns**

We understand you may have questions about this process. Please feel free to reach out to me for any questions or clarifications. We appreciate your cooperation during this time and continue to be committed to providing a great tenancy to all of our residents.

Sincerely,  
Landlord Agent:



Graham Reid  
519-639-7136

Phone #:  
Email:

[Reidrentalproperties@outlook.com](mailto:Reidrentalproperties@outlook.com)