

**Final Report - 740 Eglinton Avenue West
Official Plan Amendment, Draft Plan of Condominium &
Rental Housing Conversion Applications**

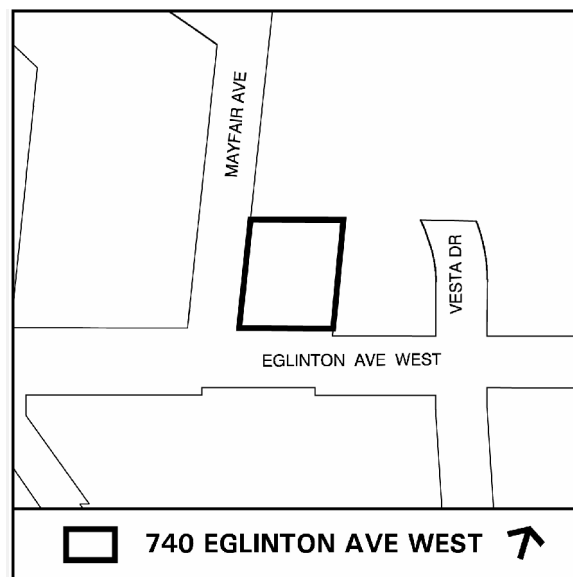
Date:	May 22, 2009
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 21 – St. Paul's
Reference Numbers:	08 164351 STE 21 OZ (Official Plan Amendment) 08 164355 STE 21 CD (Draft Plan of Condominium) 08 226682 000 00 RH (Rental Housing Conversion)

SUMMARY

These applications were made on May 30, 2008 and December 3, 2008 and are subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

The proposal is to permit the conversion of a 58-unit residential co-ownership building to condominium ownership at 740 Eglinton Avenue West. The existing building contains some rental units and office units. No new construction is proposed. This conversion proposal requires applications to amend the Official Plan, for Draft Plan of Condominium approval, and for Rental Housing Conversion approval under Section 111 of the *City of Toronto Act, 2006*.

This report reviews and recommends approval of the applications to amend the Official Plan, to permit the conversion to condominium, and to authorize the Chief Planner and Executive Director to approve the Draft Plan of Condominium subject to specific conditions.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan (application No. 08 164351 STE 21 OZ) substantially in accordance with the draft Official Plan Amendment found in Attachment No. 4;
2. City Council approve the application (08 226682 000 00 RH) to convert the existing 58-unit rental apartment building at 740 Eglinton Ave. W. to condominium pursuant to Municipal Code Chapter 667, subject to the conditions of Draft Plan of Condominium set forth in Attachment No. 5;
3. City Council authorize Draft Approval of the Plan of Condominium (08 164355 STE 21 CD) for 740 Eglinton Ave. W., prepared by Rodney H. Geyer, on October 17, 2008, and date stamped May 14, 2009, subject to the conditions set forth in Attachment No. 5, and authorize the Chief Planner and Executive Director to permit such red line revisions as he/she may deem appropriate;
4. City Council require the owner to fulfill the conditions of Draft Approval of Condominium set forth in Attachment No. 5, including the execution and satisfactory registration of any agreements deemed necessary by the City Solicitor, prior to the City's consent for final registration and authorize the City Solicitor to prepare any necessary agreements to secure the conditions, as the City Solicitor deems necessary;
5. City Council 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; and
6. City Council 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 proposing to convert an existing 58-unit co-ownership building to condominium. No new construction is proposed. Three units are currently used as commercial office units.

The building was originally constructed as a 6-storey rental apartment building in 1950 and converted to co-ownership in 1977. The City's tax assessment rolls indicate that the property has been listed as an equity co-operative, which falls within the City's broader definition of a co-ownership referred to under Municipal Code Chapter 667. The building contains of 4 bachelor-units, 33 one-bedroom units and 21 two-bedroom units.

The tenure within the building is mixed. There are 56 co-owners, who jointly own the premises. The applicant advises that 51 units are co-owner-occupied, six units are tenant-occupied and one was rented and is now vacant. Of the seven rental units, three were previously occupied by the co-owner or his/her immediate family.

The applicant proposes that the building will be managed and will function in a similar fashion to current arrangements. At present, the hallways, elevator, parking garage and landscape areas all form part of the common areas within the property and are managed by the co-ownership. It is staff's understanding that one unit on the first floor is owned by Albany Court Apts Inc. and is currently occupied by the building superintendent.

Site and Surrounding Area

The subject property is comprised of a 1552.2 m² parcel on the north side of Eglinton Avenue West east of Bathurst Street and just west of Spadina Road.

The underground parking garage provides for 37 parking spaces (see Attachment No.3). Vehicular access to the parking garage is provided off a private driveway to the rear of the building. This driveway exits onto Mayfair Avenue.

Land uses surrounding the subject property consist of the following:

- North: Forest Hill North Collegiate Institute;
- South: Eglinton Avenue West; 6-storey apartment buildings;
- East: landscaped area, which forms part of Forest Hill North Collegiate grounds;
- West: Mayfair Avenue; 7-storey apartment building.

LEGISLATIVE AND POLICY FRAMEWORK

The following provides a description of the planning legislation that must be reviewed with respect to 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 with necessary modifications to a description or an amendment to a description.

Planning Act

Section 51(24) of the *Planning Act* sets forth the criteria the City must consider in determining whether to permit the conversion of a rental residential building to a condominium. Specifically 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* states 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 Statement and Provincial Plans

Issued under the authority of Section 3 of the *Planning Act*, the Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. 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.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

City of Toronto Act

Section 111 of the new *City of Toronto Act, 2006* provides City Council with enhanced powers to prohibit and regulate the demolition and conversion of residential rental properties containing six or more dwelling units. This applies to proposals to convert co-ownerships, with rented units, to condominium.

The Act was proclaimed on January 1, 2007 and covers any application submitted after that date. A by-law to implement the provisions of the Act was adopted by Council on July 19, 2007.

Official Plan

The Official Plan for the City of Toronto designates this site *Apartment Neighbourhoods*. *Apartment Neighbourhoods* are made up of apartment buildings and parks, local institutions, cultural and recreations facilities, and small-scale retail service and office uses that serve the needs of area residents. Many condominium and apartment buildings are clustered in already developed apartment neighbourhoods.

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.”

These 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. At this point, City Council and staff consider that the rental market is not healthy and should not generally be subjected to conversion or demolition activity, unless the specific exceptions (Policy 3.2.1.8) are satisfied.

Zoning

The property is zoned R2 Z2.0 with a maximum permitted height of 18 metres. The R2 designation permits a range of housing types, including apartments.

Site Plan Control

No new construction is proposed, thus site plan control is not required.

Reasons for Application

Section 9(2) of the *Condominium Act* provides that Section 51 of the *Planning Act* applies to an application for conversion. The proposed conversion of 740 Eglinton Ave. W. from a co-ownership building to residential condominiums 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 proposal does not meet the exceptions set out in Policy 3.2.1.8 of

the Official Plan. Therefore, the proposed conversion requires an Official Plan amendment. Approval to convert residential rental property is also required under Section 111 of the new *City of Toronto Act*.

Under 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 six or more rental housing units. Thus, the authority to grant draft condominium approval for this application rests with Council.

Community/Tenant Consultation Meeting

On March 23, 2009 City Planning staff held a community consultation meeting as directed by Council. This meeting also satisfied the requirement to hold a community consultation meeting under Chapter 667 of the Municipal Code, which implements Section 111 of the City of Toronto Act.

The meeting was attended by approximately 30 people in addition to Councillor Mihevc, his Executive Assistant, the co-owners, agent Joseph Plutino, the building's property manager and City Planning staff. Of the 30 people in attendance, two were neighbours, three were tenants, and the remaining ones were presumed to be co-owners of the subject building.

Some neighbourhood residents attended to understand whether new construction was being proposed and whether it would generate additional parking in the neighbourhood. They were satisfied to know that no new construction was being proposed.

Questions were raised in response to Staff's explanation of typical conditions that are imposed as part of the condominium process, such as the need for a reserve fund study and additional analysis. It was explained that reserve fund studies are requirements of any condominium. The City's standard practice is to require additional analysis, beyond the requirements of a typical reserve fund, to understand the current state of the building, and whether there is a need for immediate repairs and components to be replaced (see Attachment No. 5).

Some residents commented with respect to noise between residential units and, in particular, noise from one of the dentist's offices in the building. In addition to the comments raised at the community meeting, Planning staff have been copied on a number of letters between the Board of the Directors of the co-ownership building and two co-owners. Staff advised, that while the noise complaints between the existing units are of serious concern to a number of residents, this civil matter should be resolved within the governance of the building.

Agency Circulation

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

COMMENTS

Security of Tenure

Under Section 51 of the *Residential Tenancies Act*, where a building containing rental units is converted to condominium, sitting tenants cannot be evicted on the basis that either the landlord or new condominium owner require personal use of the unit for themselves or a member of their immediate family. However, after the in-situ tenant vacates the unit, any future tenant that moves in following the condominium registration would not be entitled to the security of tenure provisions and could be evicted on the basis of personal use. The result is that over time, as tenant turnover occurs, there would be an eventual loss of security of tenure rights following a conversion to condominium.

In some cases, tenants living in co-ownership or equity co-operative buildings are given more protection than those living in condominiums, as they cannot be evicted for the co-owners' personal use. However, there are several exceptions to this rule. Section 72(2) of the *Residential Tenancies Act* allows for tenancy to be terminated for a co-owner's (landlord's) personal or family's use in a few limited instances, including where the current co-owner or his/her immediate family (spouse, parents or children) have previously occupied the unit.

One of the reasons for preserving the co-ownership status of a building is to protect the security of tenure for both existing and future tenants. However, where this security of tenure has already been lost due to a co-owner's previous occupancy, the retention of these units as a co-ownership becomes less important.

In the case of 740 Eglinton Avenue West, the applicant has supplied documentation to confirm that current co-owners or their immediate families have occupied three of the seven rented units. This means that only four units have security of tenure.

Rental Housing – Other Issues

It is not known at this time whether conversion of the building would have a significant impact on property taxes, and by extension, rent levels. The tax rate would not change as a result of conversion, as it is staff's understanding that the property is currently assessed under the residential tax class, which is the same class applied to residential condominiums. However, the conversion to condominium would cause the assessed value of the units to increase, likely resulting in higher property taxes. If the property taxes do increase, the owner of each unit is typically permitted to apply to the Landlord and Tenant Board for a rent increase above the guideline, in order to pass the tax increase on to the tenant through a rent increase.

Similarly, a higher assessed value (aside from the potential increase in property taxes) could potentially, over time place some upward pressure on the existing rents to pay higher mortgage costs and associated fees. 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.

Staff have included a condition of draft plan approval, to provide greater protection for tenants against the possibility of rent increases due to either increases in property taxes or costs associated with certain renovations or alterations (see Attachment No.5). By way of condition No. 11, the owner(s) agrees not to pass on, in the form of rent increases to tenants residing in the building on or before the date of registration, any costs associated with an increase in property taxes due to a change in the assessed value of the property or costs associated with readying the building for condominium conversion.

Parking

A total of 37 existing parking spaces currently serve the 58-unit co-ownership mixed-use building. All 37 parking spaces are proposed to form part of the common elements of the standard condominium.

The City's Technical Services Division estimates that 52 parking spaces (45 residential and seven visitor) are needed to support the parking demand generated by a residential condominium of this size.

In support of this application, a Condominium Conversion Parking Study (dated June 3, 2008) and Addendum (dated May 7, 2009) was prepared by Mark Engineering, on behalf of the Owner. The study concludes the existing on-site parking supply is sufficient to serve this project. This conclusion is based on historic and current parking utilization data. In addition, the applicant provided a letter, dated May 12, 2009 indicating that there will be three parking spaces available for future owners and additional off-site parking is available for lease at 20 Shallmar Boulevard.

Staff find the existing 37 resident parking supply is acceptable, in this instance, recognizing that there will be three vacant parking spaces on-site for future owners (as of June 1, 2009) and since there is the ability to lease additional off-site parking at 20 Shallmar Boulevard should the need arise.

Planning Assessment

The creation of co-ownerships (including equity co-operatives) through the conversion of rental buildings has been a significant concern for the City of Toronto. City staff estimate that over 120 rental buildings have been lost to this tenure form over the past few decades. These were established through a provincial incorporation/registration process, which for the most part did not require municipal

approval (except for the period from 1986 to 1998 when the *Rental Housing Protection Act* applied to such proposals). The new *City of Toronto Act* now enables City Council to better regulate this activity, by making it an offence to convert rental buildings to co-ownership without a City permit.

In the last several years Council has approved the subsequent conversion of a limited number of existing co-ownerships to condominium where the subject buildings have contained only a few tenant-secure rental units.

The building at 740 Eglinton Ave West contains 58 residential units, seven of which are considered rental. Based on a review of the rental history of the property, it appears that no more than four of the seven rental units have security of tenure under the Province's *Residential Tenancies Act*. As three of the units were previously occupied by current co-owners, the tenants in those units are not protected from personal use evictions and therefore, Staff is less concerned about the conversion of the property.

Policy 3.2.1.8 of the Toronto Official Plan provides an exception for properties which contain fewer than six rented units. As this particular building contains more than six rented units, the exemption does not apply. However, as only four rented units have security of tenure, Staff consider that this application meets the intent of the policy, and recommend that approval be granted.

These Official Plan policies have been developed in the broader context of Section 51(24) of the *Planning Act* and the Provincial Policy Statement. 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, Staff believe that due to the relatively small number of rental units with security of tenure, 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 size and type would affect the supply and availability of rental housing in the City or this area of the City. As such, Council could reasonably come to the conclusion that the conversion in this particular instance would be acceptable and could be brought into conformity with the Official Plan through an amendment.

CONCLUSION

For the reasons stated above, it is recommended that the proposed conversion of the subject co-ownership building be approved and that the Official Plan be amended as described in this report.

It is also recommended that a Rental Housing Demolition and Conversion permit under Section 111 of the *City of Toronto Act* (Chapter 667 of the Municipal Code) be issued.

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

Raymond David, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Application Data Sheet
Attachment 2: Draft Plan of Condominium (Sheet 1 of 2)
Attachment 3: Draft Plan of Condominium (Sheet 2 of 2)
Attachment 4: Draft Official Plan Amendment #87
Attachment 5: Conditions of Draft Plan of Condominium Approval

Attachment 1: Application Data Sheet

Application Type	Official Plan Amendment	Application Numbers:	08 164351 STE 21 OZ 08 164355 STE 21 CD 08 226682 000 00 RH
Details	OPA, Standard	Application Dates:	May 30, 2008 & Dec 3, 2008 (RH)
Municipal Address:	740 Eglinton Avenue West		
Location Description:	PL 1924 LTS 1 TO 3 **GRID S2101		
Project Description:	Official Plan Amendment, Draft Plan of Condominium and Permit to Convert Rental Housing for the conversion of a 58-unit residential building from co-ownership to standard condominium.		

Applicant:	Surveyor:	Owner:
Mainline Planning Services C/O Joseph Plutino	Rodney H. Geyer	Albany Court Apartments Inc.

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhoods	Site Specific Provision:	
Zoning:	R2 Z2.0	Historical Status:	
Height Limit (m):	18	Site Plan Control Area:	Y

PROJECT INFORMATION

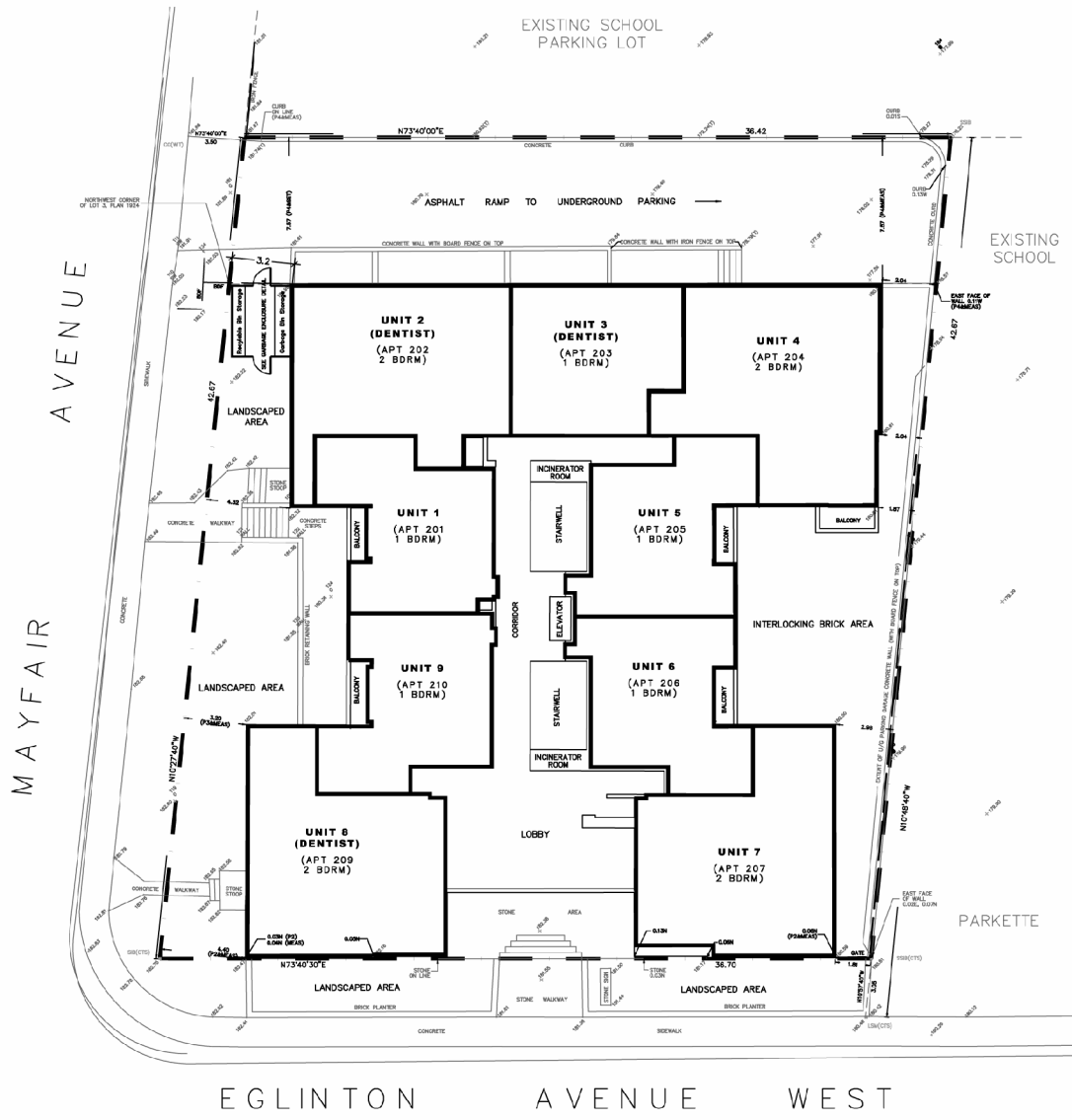
Site Area (sq. m):	1552.2	Height:	Storeys:	6
Frontage (m):	36.7		Metres:	22.16
Depth (m):	42.6			
Total Ground Floor Area (sq. m):	897.6			Total
Total Residential GFA (sq. m):	5135.8		Parking Spaces:	37
Total Non-Residential GFA (sq. m):	244.1		Loading Docks	0
Total GFA (sq. m):	5379.9			
Lot Coverage Ratio (%):	58			
Floor Space Index:	3.46			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

	Co-ownership		Above Grade	Below Grade
Tenure Type:	Co-ownership			
Dentist Units:	3	Residential GFA (sq. m):	5135.8	0
Bachelor:	4	Retail GFA (sq. m):	0	0
1 Bedroom:	32	Office GFA (sq. m):	244.1	0
2 Bedroom:	19	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	58			

Attachment 2: Draft Plan of Condominium (Sheet 1 of 2)



Draft Plan of Condominium - Sheet 1 of 2

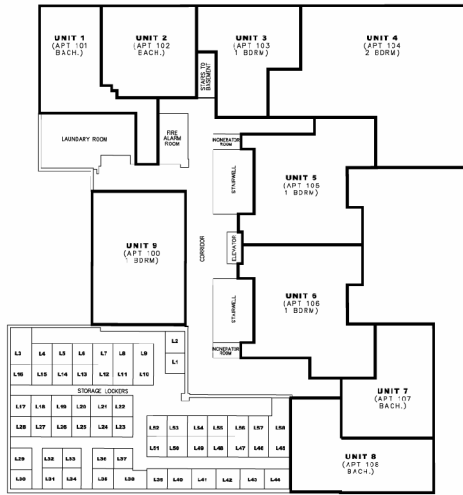
740 Eglinton Avenue West

Applicant's Submitted Drawing

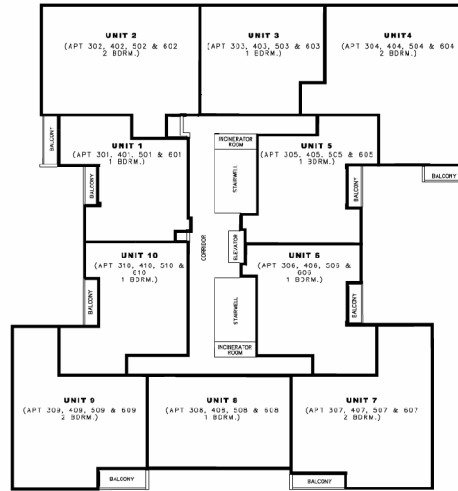
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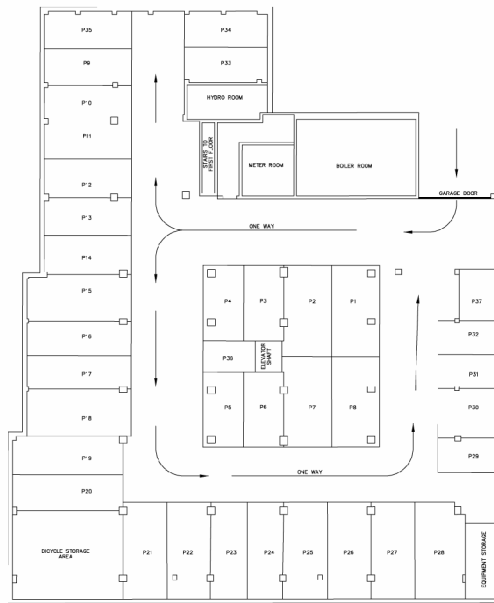
Attachment 3: Draft Plan of Condominium (Sheet 2 of 2)



LEVEL 1 – UNITS 1-9



UNITS 1 TO 10, BOTH INCLUSIVE
LEVELS 3 TO 6, BOTH INCLUSIVE



UNDERGROUND PARKING LEVEL (COMMON AREA)

Draft Plan of Condominium - Sheet 2 of 2

740 Eglinton Avenue West

Applicant's Submitted Drawing

Not to Scale
05/19/09



File # 08_164351 & 08_164355

Attachment 4: Draft Official Plan Amendment No. 87

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. 87 of the Official Plan
of the City of Toronto respecting the lands known municipally as
740 Eglinton Avenue West**

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. 87.

ENACTED AND PASSED this __ day of __, A.D. 2009.

Deputy Mayor,
Deputy Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

SCHEDULE 'A'

**AMENDMENT NO. 87 TO THE OFFICIAL PLAN OF THE CITY OF
TORONTO**

740 Eglinton Avenue West

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. 329 for lands known municipally in 2009 as 740 Eglinton Avenue West, as follows:

329. 740 Eglinton Avenue West

Conversion to condominium of an existing apartment building containing 58 residential units as of May 22, 2009, is permitted, provided the condominium is registered within 5 years of draft approval.



2. Map 28, Site and Area Specific Policies, is amended by adding the lands known municipally in 2009 as 740 Eglinton Avenue West shown on the map above as Site and Area Specific Policy No. 329.

Attachment 5: 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 unless extended by up to an additional 2 years by Council, otherwise the approval shall lapse and be of no further force and effect.
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 physical analysis of the comprehensive study described in conditions 2 and 4 shall be conducted 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. Prior to the registration of the plan of condominium (Declaration and Description), the owner shall provide to the satisfaction of the Chief Planner and Executive Director a letter from its solicitor confirming that the amount required to be contributed to the reserve fund is being held in trust, and that the solicitor has received instructions to contribute such funds to the reserve fund once it has been established.

The owner shall contribute to the reserve fund, once established, for the benefit of the condominium corporation to be created, 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 its solicitor's 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, pursuant to condition 8 below, and signed by the person who carried out the financial analysis component of the comprehensive study required in condition 2 to reflect the amount to be contributed to the reserve fund and being held in trust 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 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 Declaration shall contain a clause stating that the provisions in the Declaration dealing with conditions 8(a) to (d) above, inclusive shall not be amended without the written consent of the approval authority, under the *Condominium Act, 1998*.

- 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. Prior to the registration of the plan of condominium (Declaration and Description), the owner shall provide the Chief Planner and Executive Director written confirmation that written notice has been provided to all existing tenants that,
 - (a) Registration of the condominium is imminent;
 - (b) The owner has provided sitting tenants a copy of Condition 11 above; and
 - (c) That the owner has provided sitting tenants with a copy of the relevant provisions under the *Residential Tenancies Act, 2006* concerning their security of tenure and right of first refusal.

- 13. All parking spaces will be clearly delineated on the condominium plan to be registered and the Declaration shall contain a clause clearly specifying residential parking shall form part of the common elements and neither be used by or sold to unit owners or be considered part of the exclusive use portions of the common elements.