



**The Corporation of the City of St. Catharines  
CITY COUNCIL AGENDA  
Regular, Monday, October 24, 2016  
Council Chambers, City Hall, 6:30 PM**

*His Worship Mayor Walter Sendzik takes the Chair and opens the meeting*

Page

**1. Presentations**

- 1.1 Dennis Kar, Dillon Consulting  
Re: Inter-Municipal Transit Working Group

**2. Public Meetings Pursuant to Planning Act**

5 - 17

- 2.1 Planning and Building Services, Planning Services  
Application for Draft Plan of Condominium (Conversion) for 12-Unit  
Apartment Building, 11 Permillia Street; Owners: Leo and Nella Perossa;  
Agent: Fabian Perossa

18 - 35

- 2.2 Planning and Building Services, Planning Services  
Applications for Draft Plan of Condominium (Conversion) at 100  
Woodrow Street and 80 Rockwood Avenue; Waverly Place Apartments  
Ltd and Squire Court Apartments Ltd, Owner; MHBC, Agent

**3. Mayor's Report**

**4. Adoption of the Agendas**

**5. Declarations of Interest**

**6. Adoption of the Minutes (Council and General Committee)**

- 6.1 [Regular Meeting of Council, Minutes, October 3, 2016](#)  
6.2 [General Committee, Minutes, October 3, 2016](#)  
6.3 [Budget Standing Committee, Minutes, September 19, 2016](#)

**7. Delegations**

- 7.1 **Public Meetings (Pursuant to Notice By-law No. 2007-310, as Amended)**  
2017 Schedule of Rates and Fees Recommendations  
([see General Committee Agenda, October 24, 2016, Item 3.1](#))

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- 7.2 John Papakyriakou and Scott Frick, St. Lawrence Seaway Management Corporation  
Re: Provincial Feed-in Tariff 5.0 Program - Independent Electricity System Operator (IESO)  
*(see Council Agenda, October 24, 2016, Item 9.1)*
- 7.3 Frank Racioppo  
Re: Coordinated Review of Provincial Land Use Plans: City comments on Draft Amendments to the Greenbelt Plan, Places to Grow (Growth Plan for the Greater Golden Horseshoe) and the Niagara Escarpment Plan  
[\*\(see General Committee Agenda, October 24, 2016, Item 3.3\)\*](#)

## 8. Call for Notices of Motion

## 9. Motions

36 - 40

- 9.1 **Provincial Feed-in Tariff 5.0 Program - Independent Electricity System Operator (IESO)**  
*(Referred to staff by Council at the meeting of October 3, 2016)*

WHEREAS the City of St. Catharines Sustainability Strategy supports renewable energy options; and

WHEREAS the Garden City Plan encourages and supports alternative and renewable energy sources developed in accordance with Provincial and Federal legislation, policies and regulations; and

WHEREAS the Provincial Feed-In Tariff (FIT) 5.0 Program encourages the construction and operation of renewable fuel generation projects; and

WHEREAS one or more projects may be constructed and operated in the City of St. Catharines; and

WHEREAS, pursuant to the FIT 5.0 Program, applications whose projects receive formal support from local municipalities will be awarded priority points;

THEREFORE BE IT RESOLVED that the City of St. Catharines support the construction and operation of renewable fuel generation projects; and

BE IT FURTHER RESOLVED that this resolution's sole purpose is to enable applicants to the FIT Program to receive priority points under the

FIT Program and may not be used for any other purpose including any waiver of or exception to municipal approvals under the Building Code, Fire Code or any other approval pertinent to the application or proposal; and

BE IT FURTHER RESOLVED that this resolution shall expire twelve (12) months after its adoption by Council.

**9.2 Improvements to Penalties Issued regarding Cruelty to Animals**  
(Councillor Kushner will present the following motion)

WHEREAS on July 21, 2016, the College of Veterinarians of Ontario (CVO) issued a Discipline Order against Dr. Mahavir Rekhi, a veterinarian practicing in the City of St. Catharines; and

WHEREAS there has been substantial community concerns expressed concerning the sufficiency of the penalties imposed by CVO in light of the videotaped evidence of Dr. Rekhi's conduct that have been released to the public; and

WHEREAS this Council expects leadership from the CVO in matters related to the prevention of cruelty to animals and the promotion of animal welfare;

THEREFORE BE IT RESOLVED that Council expresses its disappointment with the adequacy of the penalty imposed by the CVO in this matter; and

BE IT FURTHER RESOLVED that Council calls upon the CVO to cooperate fully with the inspectors of the Lincoln County Humane Society, an affiliate of the Ontario Society for the Prevention of Cruelty to Animals (OSPCA), who have authority to investigate and enforce the provisions of the OSPCA Act and other laws in force pertaining to the welfare of animals and prevention of cruelty to animals as they conduct their own investigations into this matter; and

BE IT FURTHER RESOLVED that Council calls upon the CVO to reflect upon the community response to this matter and to further consider ways in which the CVO can improve and strengthen its mission to ensure that the regulatory and disciplinary process for veterinarians better serve the public interest; and

BE IT FURTHER RESOLVED that Council directs the City Clerk to provide a copy of this resolution to Dr. Larry Cavan, DVM, President of

the College of Veterinarians of Ontario and to the Honourable Jeff Leal, Minister of Agriculture, Food and Rural Affairs which is the provincial ministry with responsibility for animal welfare.

**10. Resolve into General Committee**

**11. Motion Arising from In-Camera Session**

**12. Motion to Ratify Forthwith Recommendations**

**13. By-laws**

13.1 Reading of By-laws

**14. Agencies, Boards, Committee Reports**

14.1 Minutes to Receive

- Town & Gown Advisory Committee, [June 2, 2016](#)
- Arts & Culture Advisory Committee, [September 6, 2016](#)
- St. Catharines Heritage Advisory Committee, [September 8, 2016](#)
- Green Advisory Committee, [September 14, 2016](#)
- St. Catharines Heritage Permit Advisory Committee, [September 29, 2016](#)
- Welland Canal Fallen Workers Memorial Task Force, [October 4, 2016](#) (draft)

**15. Adjournment**



CITY OF  
ST. CATHARINES

## Corporate Report

**Report from** Planning and Building Services, Planning Services

**Date of Report:** September 26, 2016

**Date of Meeting:** October 24, 2016

**Report Number:** PBS-274-2016

**File:** 60.46.423

**Subject:** Application for Draft Plan of Condominium (Conversion) for 12-Unit Apartment Building, 11 Permilla Street; Owners: Leo and Nella Perossa; Agent: Fabian Perossa

### Recommendation

That Council refer the report from Planning and Building Services, dated September 26, 2016, concerning a draft plan of condominium approval for consideration at the Council meeting of November 7, 2016, after the Public Meeting scheduled for October 24, 2016. FORTHWITH

### Staff Recommendation

That Council grant Draft Plan of Condominium approval for the lands described as Lot 1306 & Part Lots 1311 & 1312 CP Plan 2 Grantham Parts 2, 3 & 4, 30R-14480. St. Catharines, municipally known as 11 Permilla Street, as outlined in Appendix 1, subject to the conditions of Draft Plan of Condominium approval, as outlined in Appendix 2 of this report; and

That the Notice of Decision required by the Planning Act, R.S.O. 1990, c.P. 13, as amended, be processed by staff; and

That after notice of Council's decision has been given, the Clerk be authorized to endorse the plan as "draft approved" on the day after the appeal period has expired, in accordance with the Planning Act, provided that no appeals have been lodged; and

That upon expiration of the appeal period, staff be directed to forward any appeals to the Ontario Municipal Board for consideration and final decision; and

Further, that the Clerk be directed to make all necessary notifications. FORTHWITH

### Summary

The above-noted application proposes the creation of a condominium corporation within the newly constructed three-storey, 12-unit apartment building located at 11 Permilla Street. The proposed draft plan of condominium is a conversion from the current rental tenure of the units to a condominium tenure. There are no site works proposed.

The application conforms to Provincial, Regional and local policies. Staff is recommending approval of the attached Draft Plan of Condominium (Appendix 1), subject to the attached conditions (Appendix 2).

## Background

Site Plan Approval was granted on April 24, 2015 to construct a three-storey, 12-unit apartment building on the subject property. A building permit was subsequently issued on April 30, 2015. Building occupancy has been granted.

## Report

### Proposed Development

The subject application for Draft Plan of Condominium approval proposes to convert the newly constructed three-storey, 12-unit apartment building from rental tenure to condominium tenure. No new development is being proposed. The proposed Draft plan is attached as Appendix 1 to this report.

### Location and Site Description

The subject lands are located on the edge of an established residential area in the City's West Planning District, within the block bound by St. Paul Street West, Henrietta Street, Permilla Street and McDonald Street. A Location Map is attached as Appendix 3.

Surrounding land uses include:

North:	Parkland and open space (Walkinshaw Park)
South:	Low density residential (detached dwellings) Commercial (mix of uses along St. Paul Street West)
East:	Low density residential (detached dwellings) Commercial (Autosmart Niagara)
West:	Low density residential (detached dwellings) Medium density residential (two-storey apartment building)

The lands are made up of properties formerly known as 11 Permilla Street, 13 Permilla Street and a portion of 38 St. Paul Street West. The subject lands are 0.16 ha in size and are relatively flat, save and except for a rear portion of the property which slopes up to the south.

A recently constructed three-storey, 12-unit apartment building exists on the site. The building is setback approximately 3.0 m from the Permilla Street property line and is staggered in its design. Vehicles access the rear parking area on-site by a driveway extending along the western edge of the property.

### Circulation of Application

The application was circulated to all relevant departments and agencies in accordance with the Planning Act. There were no objections received. The conditions of Draft Plan approval, attached as Appendix 2, reflect the requirements of those commenting

agencies and departments. Comments are provided and addressed in the Planning Analysis section of this report.

## **Planning Analysis**

### **Provincial and Regional Policy Context**

The lands are within a settlement area under the 2014 Provincial Policy Statement (PPS) and is within the built-up area as delineated by the Provincial Growth Plan for the Greater Golden Horseshoe (Growth Plan). The PPS and Growth Plan contain policies that direct major growth and development to settlement areas, encourage the development of complete communities, support intensification, and require the provision of an appropriate range of housing types and densities to meet the social, health and well-being requirements of current and future residents. Land use patterns shall be based on densities and a mix of land uses that efficiently use land, resources, infrastructure, and public service facilities which are planned or available to settlement areas. The recent development of the apartment building is in keeping with the provincial policies. The proposed conversion of units to condominium tenure continues to meet these policies.

The subject lands are within the Urban Area Boundary of the City of St Catharines according to the Regional Official Plan and within a Built-up Area. Municipalities are encouraged to provide a full range of housing types and densities, including affordable housing, which is suited for a variety of household types and income groups.

As directed in the Regional Official Plan (Policy 11.A.5), local municipalities are required to adopt policies that discourage the demolition or conversion of rental housing to condominium ownership in situations where the vacancy rate is less than 3% and the ownership housing to be created are not considered affordable. Regional staff recognizes that the City has this required policy direction within its plan (Part D, Section 7.8(iv)).

The proposal is found to be consistent with the Regional Official Plan. Affordability is addressed in greater detail in the Official Plan section below.

### **Official Plan**

The City's Official Plan, The Garden City Plan (GCP), designates the lands as Neighbourhood Residential (refer to Appendix 4), providing for a range of housing opportunities, types, forms and densities. Schedule E6 of the GCP (refer to Appendix 5) provides additional direction for the West Planning District and designates the lands as Medium Density Residential. The Medium Density Residential designation permits a variety of residential uses, including the existing apartment use, at a density range of generally between 25 units per hectare and 99 units per hectare. The existing development has a density of approximately 76 units per hectare and complies with respect to density and use.

### **Rental Vacancy and Affordable Housing**

The Garden City Plan includes policies related to the provision of a sufficient supply of housing which is affordable to low and moderate income households, including seeking a balance of housing tenure. In an effort to protect the loss of affordable housing, Part D, Section 7.8(iv) of the Official Plan provides that “conversion of rental accommodation to condominium and other forms of ownership shall be discouraged where:

- 1) the annual rental vacancy rate by dwelling / structure type, as defined and reported through the Canada Mortgage and Housing Corporation (CMHC) Rental Market Survey, is less than 3% within the municipality; and
- 2) the ownership housing to be created is not considered to be affordable”.

As per the above policy, staff refers to the Canada Mortgage and Housing Corporation (CMHC) Rental Market Reports as the best available data for rental supply.

The latest Rental Market Report for the St. Catharines-Niagara Census Metropolitan Area (CMA) (Fall 2015) indicates there were 7,928 rental units (apartment units only) in St. Catharines in 2015. Rental unit vacancy rates were at 3.1% at that time, which is above the 3% threshold established by the Garden City Plan. However, Staff advises Council that there were approximately 536 rental units registered as condominium units in 2016, which would not have been captured in the above 2015 data. Combined with a recent downward trend (rates were 3.6 % in 2014 and 4.2 % in 2013), this could indicate that the rental unit vacancy rate, as reported by CMHC, may fall to 3% or less when reported in the Fall of 2016.

It is also worth noting that there are 325 rental units in the City that are currently draft approved for conversion to condominium tenure, which have not yet been registered. Draft approval of these projects are set to lapse in 2017.

It is noted for Council's information, that CMHC reports do not represent an exhaustive survey of all rental unit types. CMHC does not consider structures with less than three units in its rental market surveys. The reported total rental supply therefore does not include any existing single-detached units, semi-detached units, duplexes, accessory apartment dwelling units, or apartment units within mixed use buildings, notwithstanding, they are offered and occupied as rental units in St. Catharines.

Council should also be aware that conversion to condominium tenure is routinely a financial strategy to leverage funds through traditional financial institutions. In these instances, the units continue to be rented, notwithstanding that they are condominium units. CMHC current rental statistics does not recognize this scenario.

Overall, although the available data would indicate that the City is nearing its rental unit vacancy rate threshold of 3%, the subject application does meet the policy as set out in the Official Plan. The most reliable data available, to date, reports that the 3% threshold has not yet been reached. However, with knowledge of this trend, Staff will discourage others from applying for condominium conversion in the future, until the rental unit vacancy rate has risen.



With respect to affordability, staff refers to the definition provided under the Provincial Policy Statement, being housing for which the purchase price is at least 10% below the average purchase price of a resale unit in the region. The latest reports from CMHC (Housing Now Tables – St. Catharines-Niagara CMA, Spring 2016) indicate the average purchase price of a resale unit in the region (all unit types) was \$271,425 in 2015. Units marketed 10% below this average, \$244,282.50 or less, are considered affordable.

If offered for purchase, the applicant has submitted a projected resale value of between \$150,000 and \$160,000 for an average unit, which is well below the affordability threshold outlined above. Therefore, the units are considered to be affordable, and the proposal complies with the affordable housing policies of the Garden City Plan and Provincial Policy.

### **Zoning By-law**

By-law 2013-283 zones the lands as Medium Density Residential (R3), Special Provision 125 (refer to Appendix 6). The R3 zone permits a range residential land uses, including apartments. Special Provision 125 includes a number of site-specific standards for yard setbacks, landscaping and driveways. The site plan and building permit for the recent development of the subject lands were reviewed for conformity with the Zoning By-law. There were no deficiencies found.

### **Condominium Assumption Agreement**

As a condition of Draft Plan approval, the newly formed condominium corporation will be required to enter into a condominium assumption agreement with the City. A condominium assumption agreement binds the condominium corporation to the terms of the existing site plan agreement in the same manner as the original owner. The City has security deposits on file for site services on the property, as final site inspection has not occurred. These securities will ensure that all site services are installed in accordance with the approved site plan agreement.

### **Waste Collection**

Niagara Region Planning and Development Services have commented that the development is eligible to receive curbside waste, recycling and organics collection, subject to certain site design standards. The site does not meet these standards, and therefore on-site pickup is not available. Based on communications with the owner, it is the Region's understanding that private waste collection will be provided for on-site, and Regional curbside collection services will be utilized for recycling only. The Region has requested conditions related to waste collection, which will be contained within the required condominium assumption agreement.

### **Building and Property Condition**

Section 9(4) of the Condominium Act provides that Council may require submission of a building and property condition study, to be completed by a qualified professional engineer or architect, for the purposes of confirming that the property and the building are safe for occupancy and for the intended use. Since the building has recently undergone Building Code inspection by the City, staff has concluded that requesting a

building condition study as a condition of approval would be redundant. Likewise, there is no need to have third party inspections of the site completed, since property inspections are required as part of the site plan agreement and the City still has original security deposits on file.

### **Security for Tenants**

In accordance with the Residential Tenancies Act, 2006 (RTA), tenants of a residential unit at the time that a Condominium Plan is proposed or registered, do have tenancy rights. If a renter has tenancy at the time of a proposed condominium conversion or registered plan, a landlord may not terminate a tenancy agreement to use the premise for their own residential occupation or for that of a family member. Under normal circumstances, a landlord does have this right.

Additionally, an existing tenant at the time a condominium plan is registered or proposed, has the right of first refusal to purchase the unit if the landlord receives an offer of purchase and sale. The tenant has the right to purchase the unit at the price and subject to the terms and conditions in any offer received by the landlord. If the tenant chooses not to purchase the unit, and it is sold, the purchaser of the unit must honour the existing tenancy agreement, including the term of the agreement. As such, the tenancy is secure.

### **Public Open House**

A Public Open House was held on September 6, 2016 at City Hall. There were no members of the public in attendance at this meeting.

### **Public Notice**

In accordance with established procedures, notices for the public meeting have been circulated.

### **Second Planning Opinion Advisory**

Should Council consider not supporting the Staff Recommendation provided in this report, Council is advised to defer its decision until such time as a second planning opinion from an outside consultant can be obtained. In the event the second planning opinion is supported by Council, and Council makes a decision based on that second planning opinion, and if and when the matter should be heard before the Ontario Municipal Board, then the planner who has provided the second opinion shall be retained for the purpose of a hearing before the Ontario Municipal Board.

### **Financial Implications**

Not applicable.

## **Relationship to Strategic Plan**

### **Economic Sustainability**

The approval of this draft plan of condominium supports the goals for economic sustainability, in that:

- The proposal facilitates private investment through development in the City (Goal 1); and
- The apartment units are an affordable purchase option for residents (Goal 2).

### **Social Sustainability**

The approval of this residential development will support the goals of social sustainability by:

- Increasing the housing tenure options in the neighbourhood (Goal 4).

## **Conclusion**

In summary, staff is supportive of the application for Draft Plan of Condominium (attached as Appendix 1) to allow for the conversion of the 12 recently constructed apartment units from rental to condominium tenure, subject to the recommended conditions of approval (attached as Appendix 2). The proposal is consistent with Provincial, Regional and local Official Plan policies.

## **Notification**

It is in order to advise Fabian Perossa, the owner's agent.

### **Prepared by:**

Aaron Butler, MCIP, RPP  
Planner I

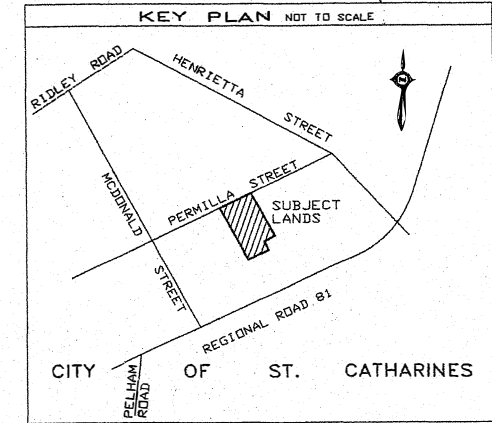
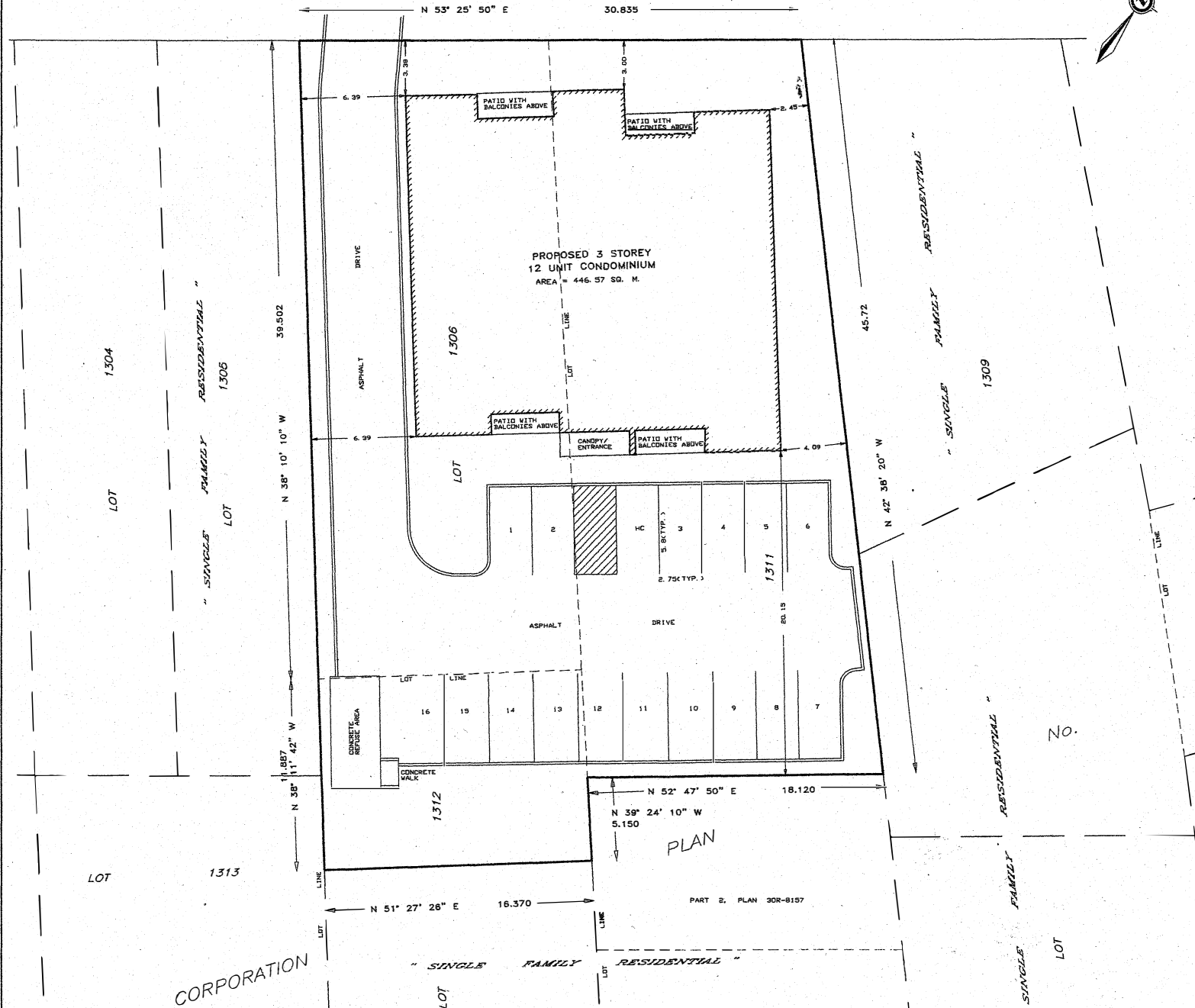
### **Submitted by:**

Judy Pihach, MCIP, RPP  
Manager of Planning Services

### **Approved by:**

James N. Riddell, M.PL., MCIP, RPP  
Director of Planning and Building Services

# PERMILLA STREET



## PERMILLA STREET CONDOMINIUM DRAFT PLAN OF CONDOMINIUM OF LOT 1306 AND PART OF LOTS 1311 AND 1312 CORPORATION PLAN No. 2

IN THE  
CITY OF ST. CATHARINES  
REGIONAL MUNICIPALITY OF NIAGARA

SCALE: 1 : 150



PHILIP S. SUDA O.L.S.

### SECTION 51 ( 17 ), PLANNING ACT ADDITIONAL INFORMATION

- A) AS SHOWN ON DRAFT PLAN
- B) AS SHOWN ON DRAFT PLAN
- C) AS SHOWN ON DRAFT PLAN
- D) CONDOMINIUM WITH A TOTAL OF 12 RESIDENTIAL UNITS
- E) AS SHOWN ON DRAFT PLAN
- F) AS SHOWN ON DRAFT PLAN
- G) AS SHOWN ON DRAFT PLAN
- H) MUNICIPAL WATER IS AVAILABLE
- I) CLAY
- J) LAND GENERALLY FLAT
- K) SANITARY AND STORM SEWERS, WATER, HYDRO, TELEPHONE, GARBAGE COLLECTION, GAS, FIRE PROTECTION & SCHOOLS
- L) NONE

### SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE DEVELOPED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE CORRECTLY AND ACCURATELY SHOWN

*Philip S. Suda*  
PHILIP S. SUDA  
ONTARIO LAND SURVEYOR

*June 16, 2016*  
DATE

### OWNER'S CERTIFICATE

WE, LILIAN AND NELLA PERDSSA BEING THE REGISTERED OWNERS OF THE SUBJECT LANDS, HEREBY AUTHORIZE PHILIP S. SUDA OF SUDA & MALESZYK SURVEYING INC. TO PREPARE AND SUBMIT A DRAFT PLAN OF CONDOMINIUM TO THE CORPORATION OF THE CITY OF ST. CATHARINES FOR APPROVAL.

*Lilian and Nella Perdssa*  
LILIAN AND NELLA PERDSSA  
OWNERS

*6/16/16*  
DATE

### METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRIC AND CAN BE CONVERTED TO IMPERIAL BY DIVIDING BY 0.3048.

SUDA & MALESZYK SURVEYING INC.  
ONTARIO LAND SURVEYORS  
26 EAST MAIN STREET, WELLAND, ONTARIO, L3B 3W3  
TEL: (905) 732-7851

FILE NO: 16-53

JOB NO: 5182DP

### COVERAGE TABLE

TOTAL AREA OF SITE = 1575.70 SQ. M.	METRES SQUARED	PERCENTAGE OF LOT AREA
TOTAL BUILDING COVERAGE	446.57	28.3 %
TOTAL PARKING COVERAGE (INCLUDING DRIVEWAYS)	652.98	41.4 %
TOTAL LANDSCAPE COVERAGE	476.15	30.3 %

NOTE:  
GROUND FLOOR HAS 4 UNITS  
SECOND AND THIRD FLOOR HAS 4 UNITS EACH

### LAND USE ANALYSIS

— DENOTES BOUNDARY OF SITE  
1575.70 SQ. M. - AREA OF SITE  
12 UNITS - 12 2 BEDROOM UNITS  
TOTAL NUMBER OF PROPOSED PARKING SPACES= 16  
1 PARKING SPACE PER UNIT - TOTAL OF 12  
1 HANDICAPPED PARKING STALL  
3 ADDITIONAL VISITOR PARKING STALLS  
DENSITY = 76.19 UNITS PER HECTARE

**Conditions of Draft Plan of Condominium Approval  
11 Permilla Street  
File No. 60.46.423  
Submission No. 26CD-10-16008**

**General Approval**

1. That this approval applies to lands described as Lot 1306 & Part Lots 1311 & 1312 CP Plan 2 Grantham Parts 2, 3 & 4, 30R-14480. St. Catharines, municipally known as 11 Permilla Street, as illustrated on the plan prepared by Suda & Maleszyk Surveying Inc., dated June 16, 2016, for a total of 12 dwelling units.

**Condominium Assumption Agreement**

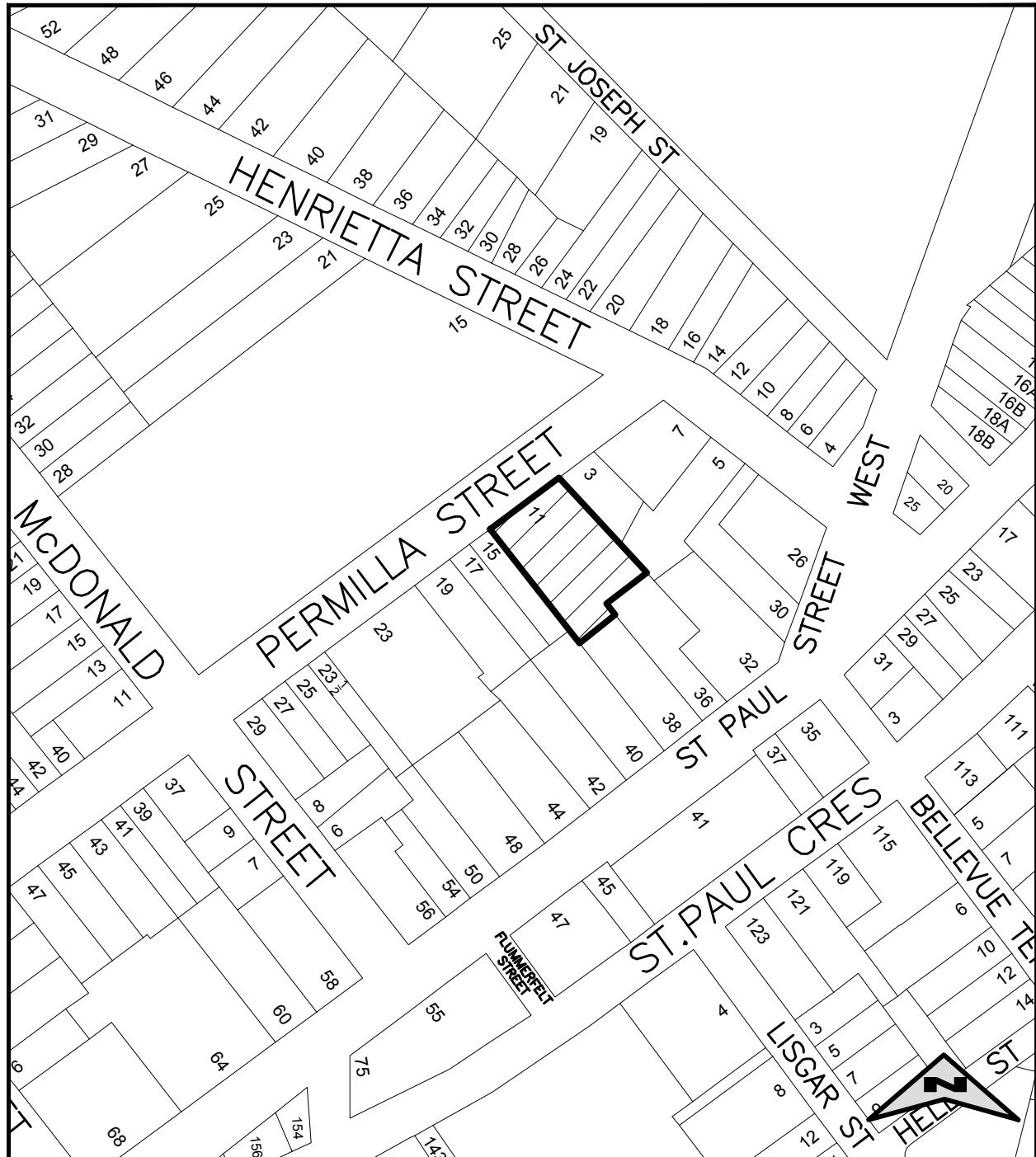
2. The applicant shall enter into a condominium assumption agreement with the City of St. Catharines, binding the Condominium Corporation to the terms of the registered site plan agreement, to be registered together with the registration of the final plan of condominium. The assumption agreement shall include the following:
    - i. A clause in which the owner acknowledges that because the site design does not meet Regional Waste Policy, garbage pick-up for the development will not be provided by the Region.
    - ii. A clause in which the owner acknowledges and agrees that recycling and/or compost carts for the development shall be placed at the curbside by a property manager on the designated collection day for the development.
    - iii. A clause in which the owner agrees to include the following warning clauses in all Agreements of Purchase and Sale or Lease:
      - a) *"Purchasers/tenants are advised that due to the site layout, garbage pick-up for the development will be provided by the condominium corporation through a private contractor and not the Region."*
      - b) *"Purchases/tenants are advised that recycling and/or compost carts for the development shall be placed at the curbside by a property manager on the designated collection day for the development."*
- (City of St. Catharines, Regional Development Services)*

**Administration**

3. That if approval is not given to this plan within three years of the approval date and no extension has been granted, draft approval shall lapse. If the Owner wishes to request an extension to the draft approval period, a written explanation with reasons why the extension is required shall be submitted to the Director of Planning and Development Services.

Prior to granting approval to the final plan of condominium, the City of St. Catharines shall be satisfied that all conditions have been satisfactorily met.

## Location Map



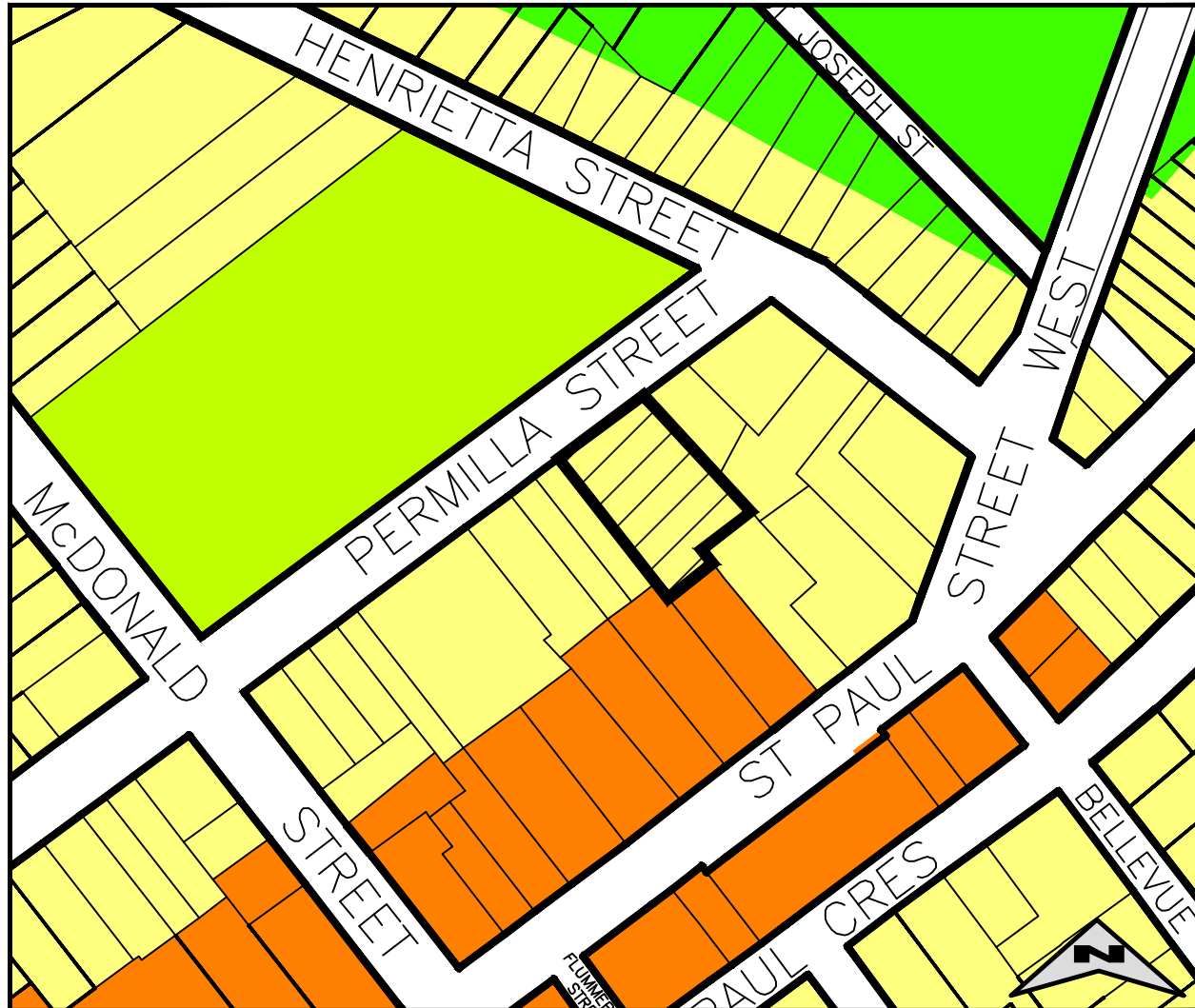
Subject Lands

11 Permillia Street

File: 60.46.423





## Existing Land Use Designation

(General Land Use Plan D1 - Garden City Plan)



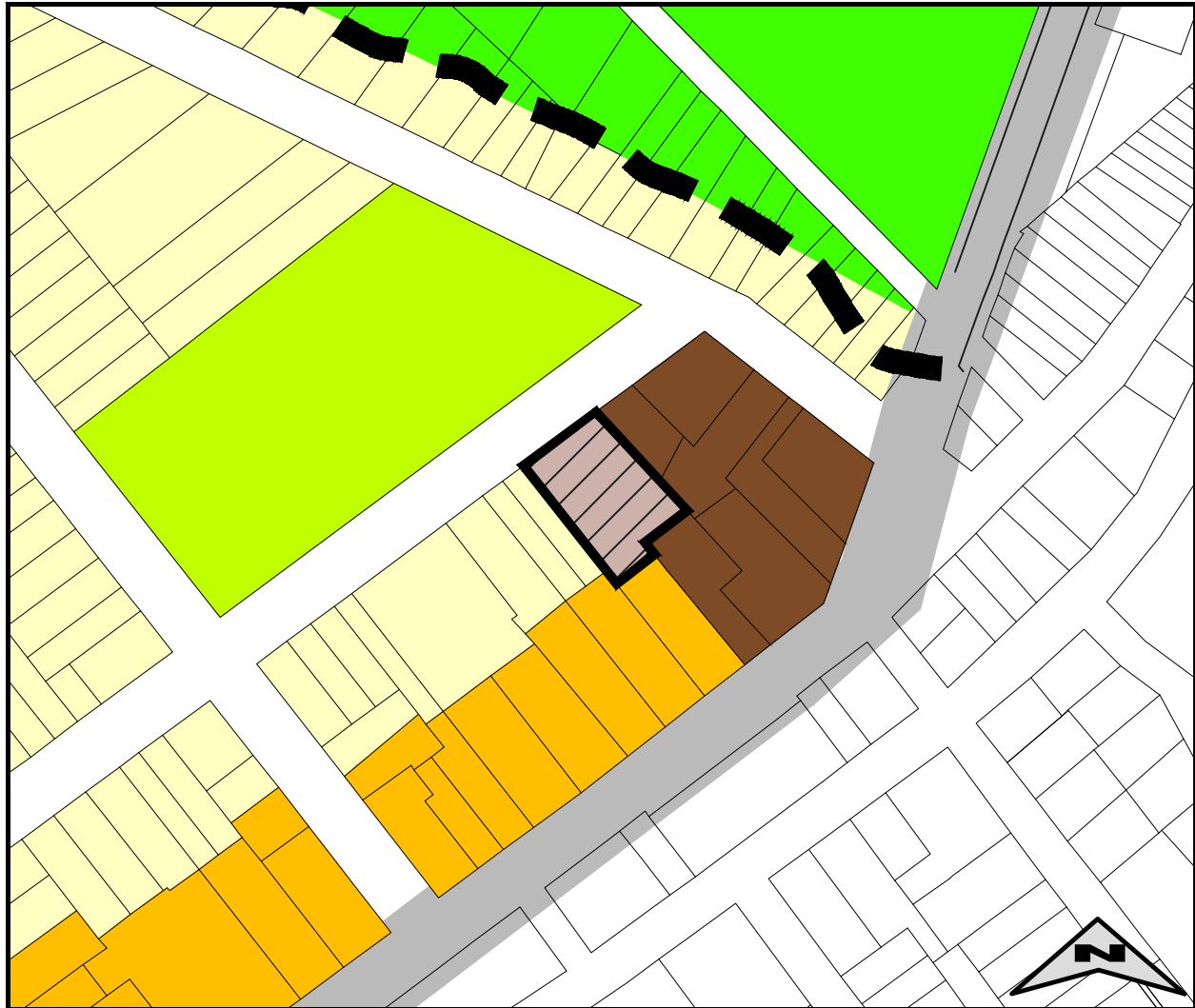
 11 Permillia Street

### Land Use Designations

- |   |   |
|---|---|
|  Neighbourhood Residential |  Natural Areas         |
|  Mixed Use                 |  Parkland & Open Space |

## Existing Land Use Designation

(West Planning District - Garden City Plan)



 11 Permilla Street

### Land Use Designations

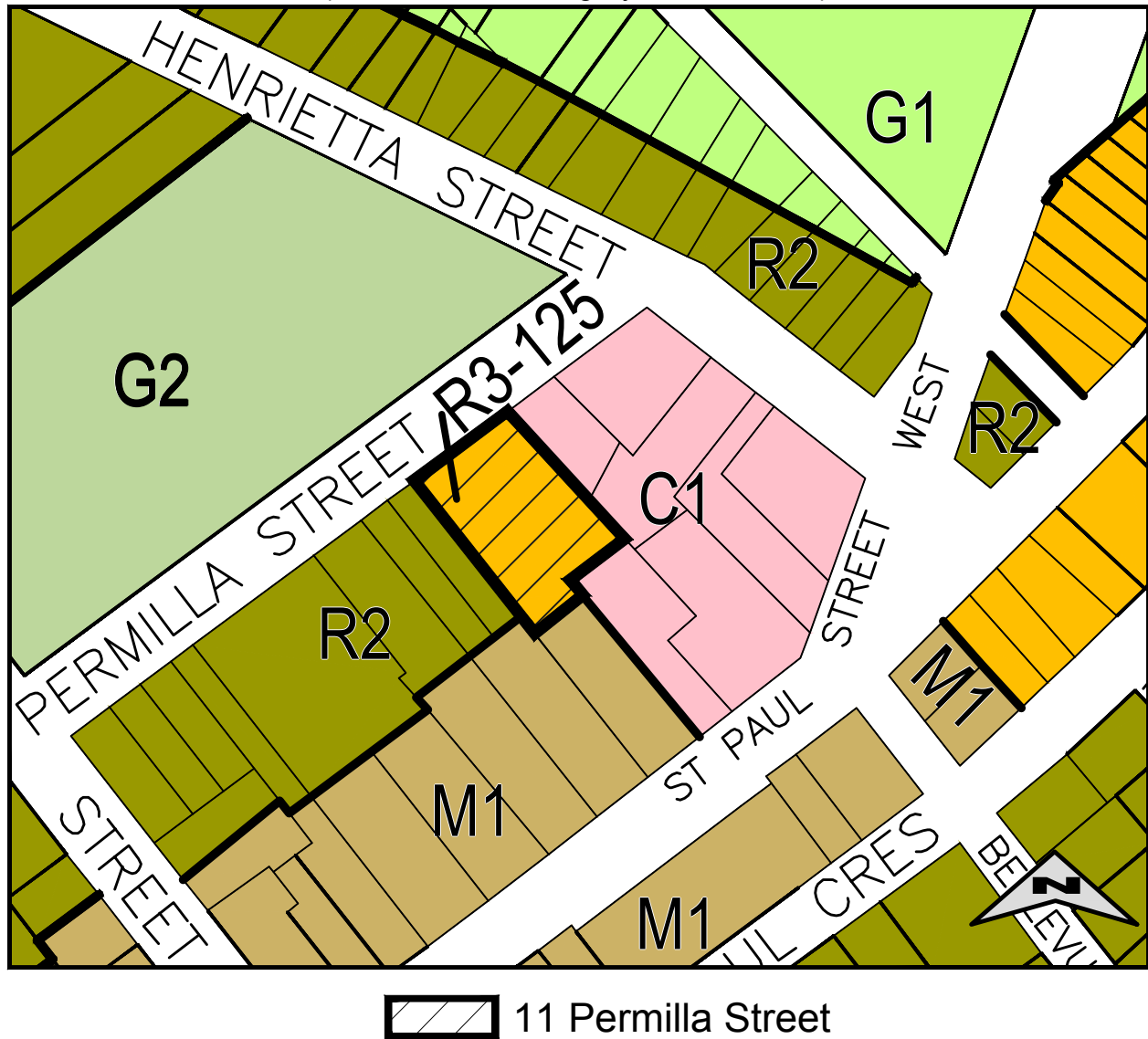
 Low Density Residential	 Parkland & Open Space
 Medium Density Residential	 Natural Areas
 High Density Residential	 Natural Area Extent Line
 Mixed Use	

Files: 60.46.423



## Existing Zoning

(Schedule A - Zoning By-law 2013-283)



### Zones

- R2 Low Density Residential  
- Traditional Neighbourhood
- R3 Medium Density Residential
- C1 Local Convenience Commercial

- M1 Medium Density Mixed Use
- G1 Conservation / Natural Area
- G2 Minor Green Space



CITY OF  
ST. CATHARINES

## Corporate Report

**Report from** Planning and Building Services, Planning Services

**Date of Report:** September 28, 2016      **Date of Meeting:** October 24, 2016

**Report Number:** PBS-280-2016      **Files:** 60.46.421 and 422

**Subject:** Applications for Draft Plan of Condominium (Conversion) at 100 Woodrow Street and 80 Rockwood Avenue; Waverly Place Apartments Ltd and Squire Court Apartments Ltd, Owner; MHBC, Agent

### Recommendation

That Council refer the report from Planning and Building Services, dated September 28, 2016, concerning draft plan of condominium approvals for consideration at the Council meeting of November 7, 2016, after the Public Meeting scheduled for October 24, 2016. FORTHWITH

### Staff Recommendation

#### 100 Woodrow Street (60.46.421)

That Council grant Draft Plan of Condominium approval for the lands described as Block "B", Registered Plan 663, St. Catharines, municipally known as 100 Woodrow Street, as outlined in Appendix 2, subject to the conditions of Draft Plan of Condominium approval, as outlined in Appendix 7 of this report; and

That the Notice of Decision required by the Planning Act, R.S.O. 1990, c.P. 13, as amended, be processed by staff; and

That after notice of Council's decision has been given, the Clerk be authorized to endorse the plan as "draft approved" on the day after the appeal period has expired, in accordance with the Planning Act, provided that no appeals have been lodged; and

That upon expiration of the appeal period, staff be directed to forward any appeals to the Ontario Municipal Board for consideration and final decision; and

Further, that the Clerk be directed to make all necessary notifications. FORTHWITH

#### 80 Rockwood Avenue (60.46.422)

That Council grant Draft Plan of Condominium approval for the lands described as Part of Block "G", Registered Plan 663, Part 2, Plan 30R-920, St. Catharines, municipally

known as 80 Rockwood Avenue, as outlined in Appendix 3, subject to the conditions of Draft Plan of Condominium approval, as outlined in Appendix 8 of this report; and

That the Notice of Decision required by the Planning Act, R.S.O. 1990, c.P. 13, as amended, be processed by staff; and

That after notice of Council's decision has been given, the Clerk be authorized to endorse the plan as "draft approved" on the day after the appeal period has expired, in accordance with the Planning Act, provided that no appeals have been lodged; and

That upon expiration of the appeal period, staff be directed to forward any appeals to the Ontario Municipal Board for consideration and final decision; and

Further, that the Clerk be directed to make all necessary notifications. FORTHWITH

## **Summary**

The above-noted applications propose conversions of six existing apartment buildings comprising a total of 214 units (124 units at 100 Woodrow Street and 90 units at 80 Rockwood Avenue) from rental to condominium tenure. The properties are operated by one management team and these applications have been filed concurrently.

The proposal conforms to Provincial, Regional and local policies. Staff is recommending approval of these Draft Plans of Condominium (attached as Appendices 2 (100 Woodrow Street) and 3 (80 Rockwood Avenue), subject to the Draft Plan conditions outlined in Appendices 7 (100 Woodrow Street) and 8 (80 Rockwood Avenue).

## **Background**

Site plan approval was granted in in 1978 and 1982 for the development at 80 Rockwood and 100 Woodrow, respectively.

## **Report**

### **Proposed Development**

The Draft Plan of Condominium applications under review propose the conversions of six existing apartment buildings comprising a total of 214 units (124 units at 100 Woodrow Street and 90 units at 80 Rockwood Avenue) from rental to condominium tenure (see Appendices 2 and 3). No new development is proposed.

### **Location and Site Description**

The subject lands are located on two separate properties in a medium density cluster, near the intersection of Woodrow Street and Rockwood Avenue, in the City's East Planning District. The lands are comprised of two separate sites in close proximity of one another: one on the north side of Rockwood Avenue (100 Woodrow Street) and the other on the south side of Rockwood Avenue Drive (80 Rockwood Avenue). A location map is attached as Appendix 1.

### **100 Woodrow Street**

The subject lands are 1.69 hectares in size, with approximately 158 metres of frontage on Woodrow Street. There are three, four storey apartment buildings with a total of 124 units on the premises. Parking is located internally on the site. Vehicular access is from Woodrow Street and Rockwood Avenue.

### **80 Rockwood Avenue**

The subject lands are 1.0 hectares in size, with approximately 115 metres of frontage on Rockwood Avenue. There are three, four storey apartment buildings with a total of 90 units on the premises. Parking is located internally on the site. Vehicular access is from Rockwood Avenue.

The grounds of both properties are landscaped and well maintained.

Surrounding land uses for both premises include:

North:	Low density residential (detached and semi-detached dwellings)
South:	Secord Woods Park
East:	Local convenience commercial, Woodrow Street and low density residential (detached and semi-detached dwellings).
West:	Secord Creek and mix of low density residential (detached and semi-detached dwellings) and medium density residential (townhouses).

## **Circulation of Applications**

This application for Draft Plan of Condominium approval was circulated to all appropriate departments and agencies for their comments and requirements. There were no objections received. The conditions of Draft Plan approval, attached as Appendices 7 (100 Woodrow Street) and 8 (80 Rockwood Avenue), reflect the requirements of those commenting agencies and departments. Comments are provided and addressed in the Planning Analysis section of this report.

## **Planning Analysis**

### **Provincial and Regional Policy Context**

The subject properties are within a settlement area under the 2014 Provincial Policy Statement (PPS) and within a built-up area as delineated by the Provincial Growth Plan for the Greater Golden Horseshoe (Growth Plan). The PPS and the Growth Plan contain policies that direct growth to settlement areas, support intensification, and require the provision of an appropriate range of housing types and densities, including the provision of affordable housing and all forms of housing required to meet the social, health and well-being requirements of current and future residents.

As shown in Regional Official Plan, the lands are within the St. Catharines Urban Area and within the Built-up Area of the City. Municipalities are encouraged to provide a

range of housing types and densities, including affordable housing, which is suited for a variety of household types and income groups.

As directed in the Regional Official Plan (Policy 11.A.5), local municipalities are required to adopt policies that discourage the demolition or conversion of rental housing to condominium ownership in situations where the vacancy rate is less than 3% and the ownership housing to be created are not considered affordable. Regional staff recognizes that the City has this required policy direction within its plan (Part D, Section 7.8(iv)).

At densities of 73 units per hectare (100 Woodrow Street) and 84 units per hectare (80 Rockwood Avenue), these existing apartment buildings, comprised of one and two bedroom units, make efficient use of the lands and provide for a range of housing opportunities, meeting the intent of the applicable Provincial and Regional policies. Affordability is addressed in greater detail in the Official Plan section below.

## **Official Plan**

The City's Official Plan (The Garden City Plan (GCP)) designates the majority of the lands as Neighbourhood Residential (See Appendix 4), providing for a range of housing opportunities, types, forms, and densities. Schedule E9 of the Official Plan (see Appendix 5) provides additional direction for the East Planning District and designates both properties as Medium Density Residential, permitting detached, semi-detached, duplex, triplex, quadruplex, townhouse, and apartment dwellings at a density range between 25 and 99 units per hectare. Height of buildings will generally not exceed 20 metres. The existing apartment buildings on both properties are permitted uses in the Official Plan and at densities of 84 units per hectare (80 Rockwood Avenue) and 73 units per hectare (100 Woodrow Street), respectively, are within the density range permitted by the Plan.

A small portion at the southwest corner of 80 Rockwood Avenue is designated Natural Area as part of Secord Creek. The purpose of the Natural Area policies of the GCP is to promote the long term sustainability of Natural Hazard Lands and Natural Heritage. Passive recreation uses are permitted. There are no buildings, structures, or parking areas on these lands.

## **Rental Vacancy and Affordable Housing**

The Garden City Plan includes policies related to the provision of a sufficient supply of housing which is affordable to low and moderate income households, including seeking a balance of housing tenure. In an effort to protect the loss of affordable housing, Part D, Section 7.8(iv) of the Official Plan provides that "conversion of rental accommodation to condominium and other forms of ownership shall be discouraged where:

- 1) the annual rental vacancy rate by dwelling / structure type, as defined and reported through the Canada Mortgage and Housing Corporation (CMHC) Rental Market Survey, is less than 3% within the municipality; and
- 2) the ownership housing to be created is not considered to be affordable".

As per the above policy, staff refers to the Canada Mortgage and Housing Corporation (CMHC) Rental Market Reports as the best available data for rental supply.

The latest Rental Market Report for the St. Catharines-Niagara Census Metropolitan Area (CMA) (Fall 2015) indicates there were 7,928 rental units (apartment units only) in St. Catharines in 2015. Rental unit vacancy rates were at 3.1% at that time, which is above the 3% threshold established by the Garden City Plan. However, Staff advises Council that there were approximately 536 rental units registered as condominium units in 2016, which would not have been captured in the above 2015 data. Combined with a recent downward trend (rates were 3.6 % in 2014 and 4.2 % in 2013), this could indicate that the rental unit vacancy rate, as reported by CMHC, may fall to 3% or less when reported in the Fall of 2016.

It is also worth noting that there are 325 rental units in the City that are currently draft approved for conversion to condominium tenure, which have not yet been registered. Draft approval of these projects are set to lapse in 2017.

It is noted for Council's information, that CMHC reports do not represent an exhaustive survey of all rental unit types. CMHC does not consider structures with less than three units in its rental market surveys. The reported total rental supply therefore does not include any existing single-detached units, semi-detached units, duplexes, accessory apartment dwelling units, or apartment units within mixed use buildings, notwithstanding, they are offered and occupied as rental units in St. Catharines.

Council should also be aware that conversion to condominium tenure is routinely a financial strategy to leverage funds through traditional financial institutions. In these instances, the units continue to be rented, notwithstanding that they are condominium units. CMHC current rental statistics does not recognize this scenario.

Overall, although the available data would indicate that the City is nearing its rental unit vacancy rate threshold of 3%, the subject application does meet the policy as set out in the Official Plan. The most reliable data available, to date, reports that the 3% threshold has not yet been reached. However, with knowledge of this trend, Staff will discourage others from applying for condominium conversion in the future, until the rental unit vacancy rate has risen.

With respect to affordability, staff refers to the definition provided under the Provincial Policy Statement, being housing for which the purchase price is at least 10% below the average purchase price of a resale unit in the region. The latest reports from CMHC (Housing Now Tables – St. Catharines-Niagara CMA, Spring 2016) indicate the average purchase price of a resale unit in the region (all unit types) was \$271,425 in 2015. Units marketed 10% below this average, \$244,282.50 or less, are considered affordable. If offered for purchase, the applicant has submitted a projected resale value of \$105,000 for an average unit - well below the affordability threshold outlined above. The units are, therefore, considered to be affordable, complying with the affordable housing policies of the Garden City Plan and Provincial Policy.

## Zoning By-law

By-law 2013-283 zones the lands as Medium Density Residential (R3) (refer to Appendix 6). The R3 zone permits a range of residential uses, including triplex, fourplex, quadruplex, and townhouse dwelling units, apartment buildings, long term care facilities, as well as private road developments. The existing apartment buildings are permitted in the Medium Density Residential (R3) zone. A small portion at the southwest corner of 80 Rockwood Avenue is zoned Conservation/Natural Area (G1). Permitted uses in the G1 zone include: boat ramp, essential operations for service infrastructure and utilities, picnic areas and shelters, and trails. Development is not permitted. There are no buildings, structures, or parking areas on these lands.

It is noted that the existing apartment buildings are “grandfathered” under the current zoning by-law save and except for a shortfall of 2 parking spaces, which were originally approved but now not provided on the site.

Constructed between 1978 and 1979, the apartment buildings on both properties are in compliance with the former zoning by-law, except for the parking standard (80 Rockwood Avenue). The owner will need to address the minor parking supply deficiency at 80 Rockwood Avenue by complying with the requirements or by an application to the Committee of Adjustment as part of the condominium conversion agreement process. Although the accessible parking and bicycle parking deficiencies are “grandfathered” the proponent is encouraged to provide these requirements at the current standards for use by building residents and visitors. The following table illustrates the parking deficiencies related to the zoning of the current by-law:

	<b>R3 Zone Requirements (By-law 2013-283)</b>	<b>Existing Site</b>	<b>Does the Site Comply?</b>
<b>Vehicular Parking</b>	113 spaces (80 Rockwood)	111 spaces (80 Rockwood)	No
	155 spaces (100 Woodrow)	155 spaces (100 Woodrow)	Yes
<b>Accessible Parking</b>	4 spaces (80 Rockwood)	2 spaces (80 Rockwood)	No
	6 spaces (100 Woodrow)	6 spaces (100 Woodrow)	Yes
<b>Bicycle Parking</b>	13 spaces (80 Rockwood)	None	No
	14 spaces (100 Woodrow)	None	No

## **Condominium Conversion Agreement**

A condominium conversion agreement is a hybrid agreement: site plan agreement and condominium assumption agreement (this binds the condominium corporation to the terms of the site plan agreement). As a condition of Draft Plan approval, the applicant will be required to enter into a condominium conversion agreement with the City to ensure the property is maintained to the same standards as were applied at the time the existing site plan agreements were finalized. Staff will review the existing condition of the site and to determine compliance with the terms of the original site plan agreement. The owner will have to remedy any site features which do not comply with the site plan agreement.

Staff will also review other site elements to ensure compliance with certain present-day municipal standards. For example, if external storage of waste is proposed to accommodate public waste collection, then the details of waste enclosures will be reviewed through the condominium conversion agreement process. The Region's comments regarding waste collection are more appropriately addressed as part of the condominium conversion agreement and not as specific conditions to this Draft Plan of Condominium approval.

## **Waste Collection**

With regard to waste collection, both premises currently receive private waste collection and Regional recycling collection. If private waste collection service is to continue, Regional staff requires that a written undertaking be submitted outlining the same. A standard condition related to waste collection shall be included in the Condominium Conversion Agreement and all offers of purchase, sale or lease.

The conversion of the apartments to condominium tenure makes both premises eligible to receive Regional waste collection services, under the Enhanced Level of Service (ELOS), provided they are participating wholly in the Region's recycling program. Through the condominium conversion agreement, City staff will work with the owner to determine if complete public waste collection can be accommodated. Failing this, the existing private service would need to continue.

## **Building and Property Condition**

Section 9(4) of the Condominium Act provides that Council may require submission of a building and property condition study, to be completed by a qualified professional engineer or architect, for the purposes of confirming that the property and the building, including parking structures, are safe for occupancy and for the intended use. Accordingly, staff has included the requirement for the study as a condition of Draft Plan approval.

## **Security for Tenants**

In accordance with the Residential Tenancies Act, 2006 (RTA), tenants of a residential unit at the time that a Condominium Plan is proposed or registered, do have tenancy rights. If a renter has tenancy at the time of a proposed condominium conversion or registered plan, a landlord may not terminate a tenancy agreement to use the premise



for their own residential occupation or for that of a family member. Under normal circumstances, a landlord does have this right.

Additionally, an existing tenant at the time a condominium plan is registered or proposed, has the right of first refusal to purchase the unit if the landlord receives an offer of purchase and sale. The tenant has the right to purchase the unit at the price and subject to the terms and conditions in any offer received by the landlord. If the tenant chooses not to purchase the unit, and it is sold, the purchaser of the unit must honour the existing tenancy agreement, including the term of the agreement. As such, the tenancy is secure.

## **Public Open House**

A public open house was hosted by Planning and Building Services staff on September 15, 2016, as required by the Planning Act. The purpose of the open house was to present the proposal and allow for an opportunity for questions to be asked and comments to be received by City staff before Council considers these applications. There were ten (10) persons in attendance, including; representatives from the owner company; the applicant's agents, and the applicant's legal counsel. Comments and questions received are as follows with staff response:

## **Residential Tenancy Rights**

**Comment:** Attendees had several questions regarding tenant rights and other matters governed by the Residential Tenancies Act, legislation which is not within the jurisdiction of the local municipality.

**Response:** Representatives from Realstar Management (the property managers) were able to provide specifics about tenant rights and the impact of a condominium conversion on those rights. The applicant's agent and legal counsel also explained that the proposed conversion to condominium tenure is primarily a legal and financial strategy and that there is no plan to sell units individually. Units will continue to be rented and existing tenants have a lifetime right to stay.

## **Parking and Traffic:**

**Comment:** Will the proposed conversion generate a higher parking requirement for the premises and cause spillover parking issues on adjacent street?

**Response:** The parking requirement for the lands when the apartments were originally constructed was 1.25 spaces per dwelling unit. The City's current zoning by-law provides the same requirement for apartments. As such no increased parking will be required and staff do not anticipate any parking issues resulting from these applications. Staff have not received any complaints regarding spillover parking from these premises in the past.

## **New Construction and Site Improvements**

**Comment:** Will there be any new construction or site improvements as a result of these applications?

**Response:** There will be no new construction proposed on these premises as a result of these applications. The property managers advised that there will likely be new

landscape (trees and shrubs), re-stripping of parking areas, and replacement of waste enclosures.

## **Public Notice**

In accordance with established procedures, notices for the public meeting have been circulated.

## **Second Planning Opinion Advisory**

Should Council consider not supporting the staff Recommendation provided in this report, Council is advised to defer its decision until such time as a second planning opinion from an outside consultant can be obtained. In the event the second planning opinion is supported by Council, and Council makes a decision based on that second planning opinion, and if and when the matter should be heard before the Ontario Municipal Board, then the planner who has provided the second opinion shall be retained for the purpose of a hearing before the Ontario Municipal Board.

## **Financial Implications**

Not applicable.

## **Relationship to Strategic Plan Economic Sustainability**

The approval of this draft plan of condominium supports the goals for economic sustainability, in that:

- The proposal facilitates private investment through development in the City (Goal 1); and
- The apartment units are an affordable purchase option for residents (Goal 2).

## **Social Sustainability**

The approval of this residential development will support the goals of social sustainability by:

- Increasing the housing tenure options in the neighbourhood (Goal 4).

## **Conclusion**

In summary, staff is supportive of the applications for Draft Plan of Condominium approval to allow for the conversion of the existing 214 units (124 units at 100 Woodrow Street and 90 units at 80 Rockwood Avenue) from rental to condominium tenure, subject to the conditions of Draft Plan approval outlined in this report and included as Appendices 7 and 8. The proposal is consistent with Provincial, Regional and local Official Plan policies.

## **Notification**

It is in order to advise MHBC Planning (c/o David Aston), the owner's agent, Suite 500 240 Bingemans Centre Drive, Kitchener, ON N2B 3X9.

**Prepared by:**

Kevin Blozowski, MCIP, RPP  
Planner

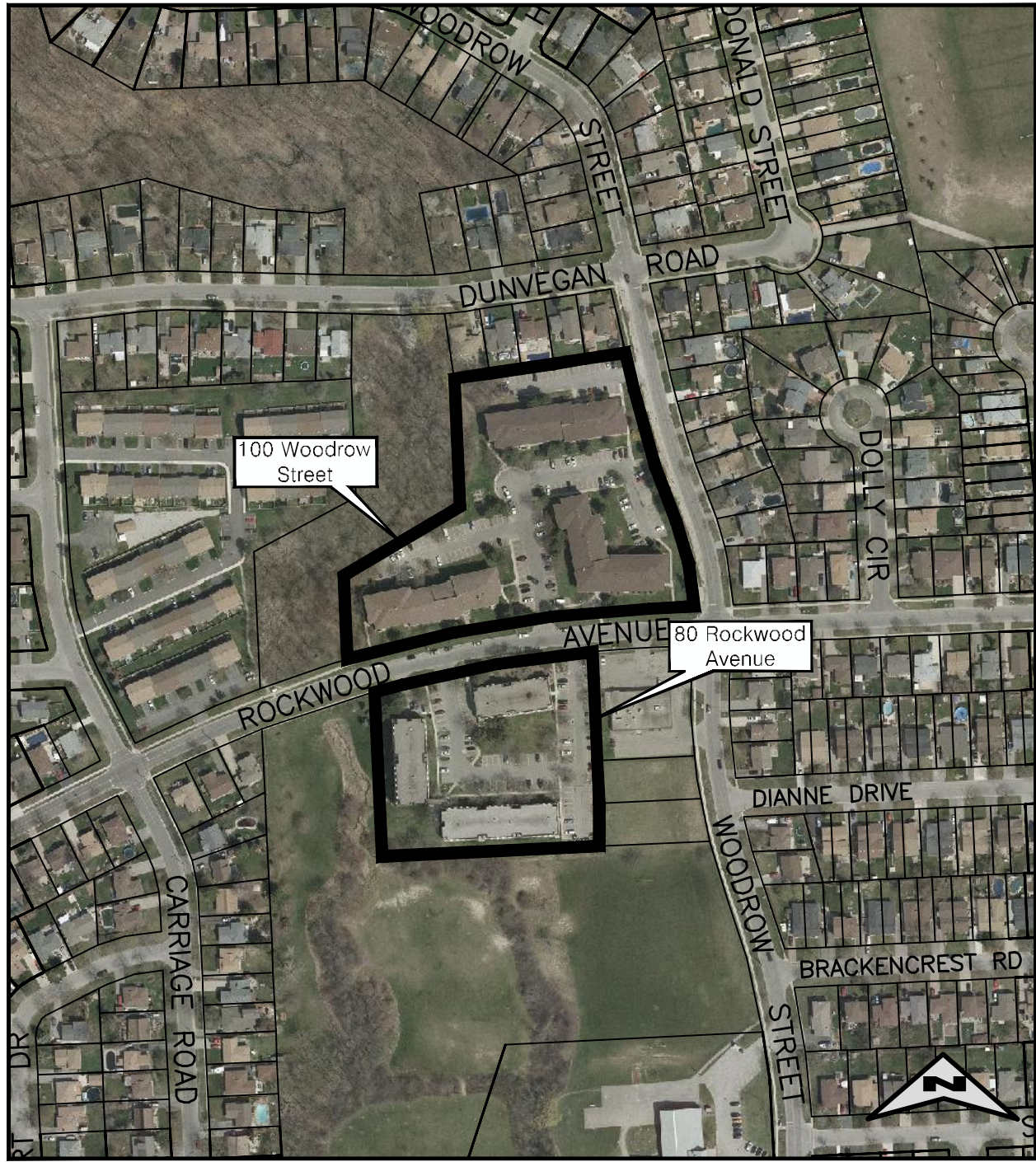
**Submitted by:**

Judy Pihach, MCIP, RPP  
Manager of Planning Services

**Approved by:**

James N. Riddell, M.PL., MCIP, RPP  
Director of Planning and Building Services

# Location Map



Subject Lands

100 Woodrow Street & 80 Rockwood Avenue

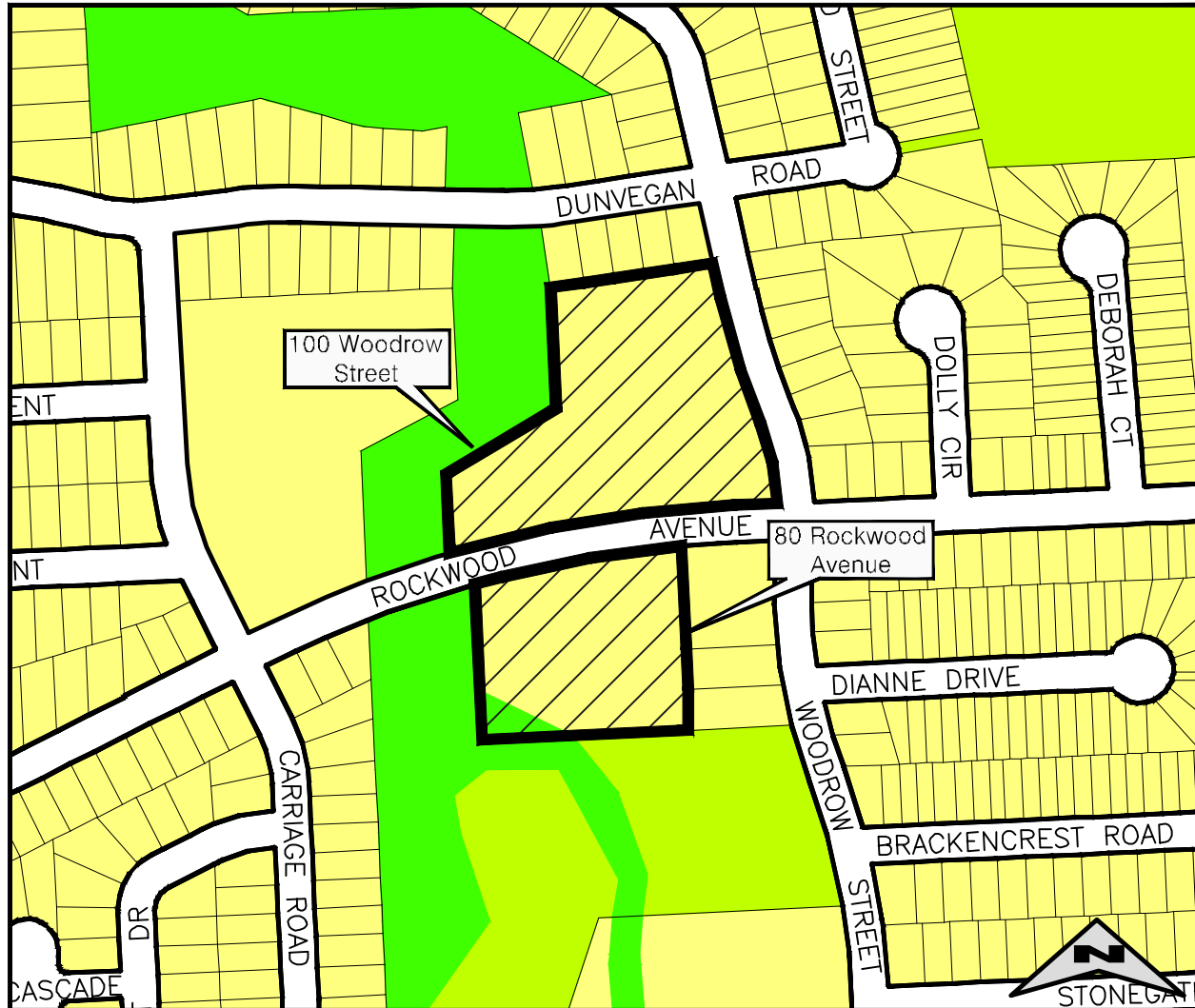
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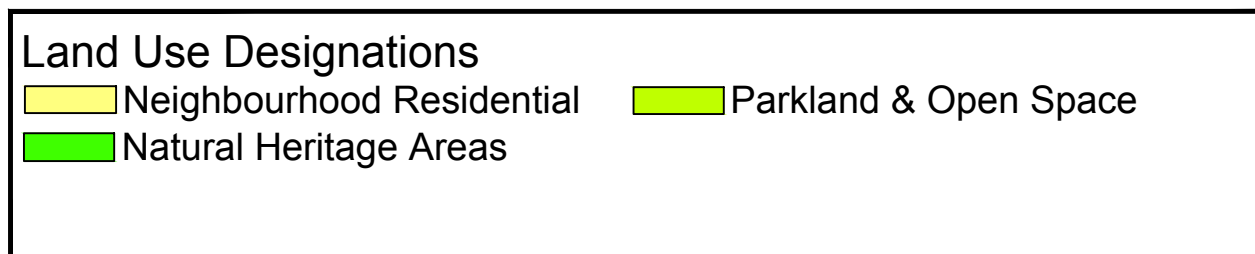




## Existing Land Use Designation (General Land Use Plan D1 - Garden City Plan)



 100 Woodrow Street & 80 Rockwood Avenue








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## Existing Land Use Designation (East Planning District - Garden City Plan)



 100 Woodrow Street & 80 Rockwood Avenue

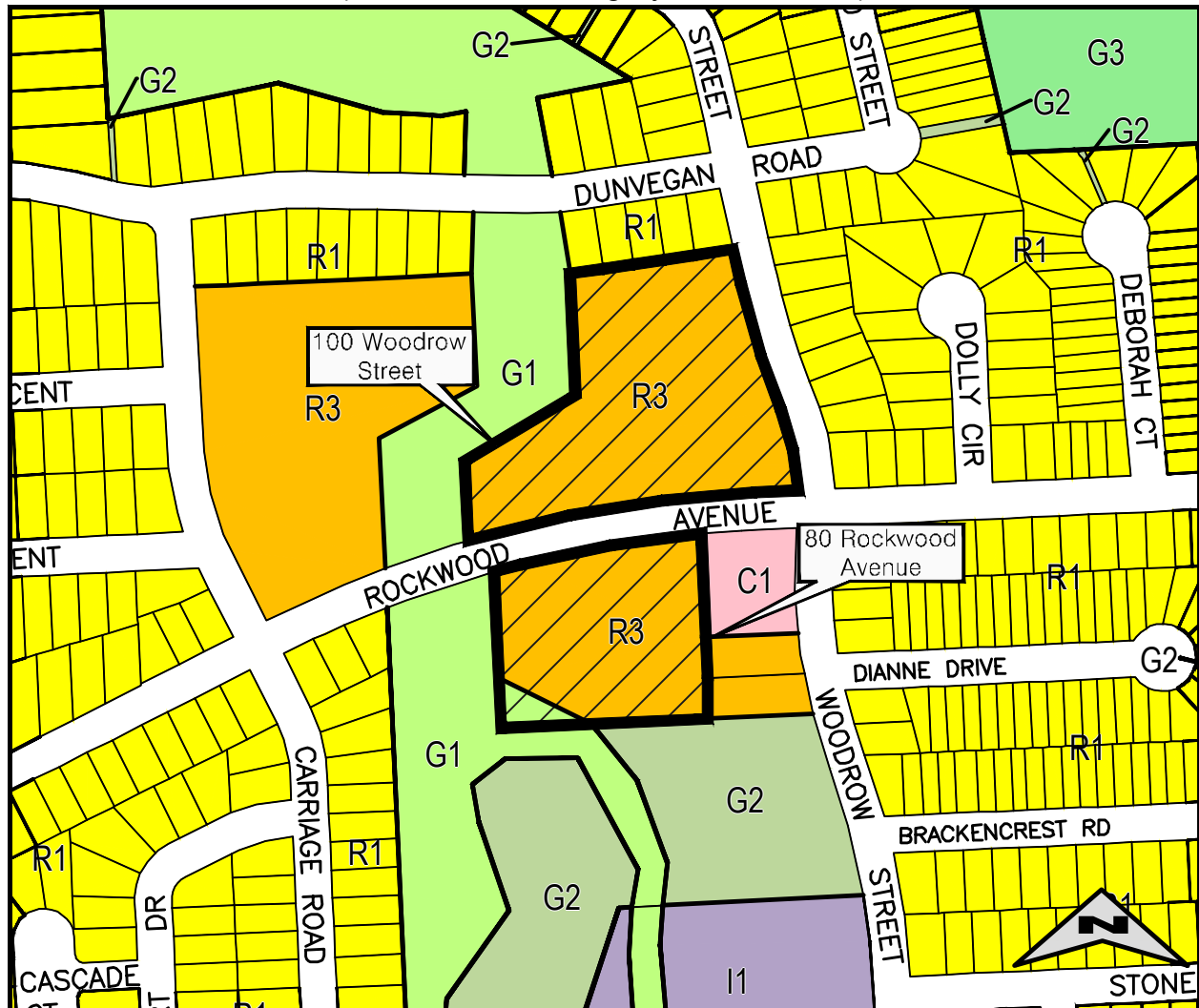
Land Use Designations	
 Low Density Residential	 Natural Areas
 Medium Density Residential	 Natural Area Extent Line
 Parkland & Open Space	

Files: 60.46.421 & 60.46.422










## Existing Zoning

(Schedule A - Zoning By-law 2013-283)



 100 Woodrow Street & 80 Rockwood Avenue

### Zones

 R1 Low Density Residential - Suburban Neighbourhood	 G1 Conservation / Natural Area
 R3 Medium Density Residential	 G2 Minor Green Space
 C1 Local Convenience Commercial	 G3 Major Green Space
	 I1 Local Neighbourhood Institutional

Files: 60.46.421 & 60.46.422

**Conditions of Draft Approval  
(100 Woodrow Street)  
File No. 60.46.421  
Submission No. 26CD-16006**

**General Approval**

1. That this approval applies to lands described as Block 'B', Registered Plan 663, St. Catharines, municipally known as 100 Woodrow Street, as illustrated on the plan prepared by Matthews, Cameron, Heywood-Kerry T. Howe Surveying Ltd., dated June 28, 2016, for a total of 124 dwelling units.

**Condominium Conversion Agreement**

2. The applicant shall enter into a condominium conversion agreement with the City of St. Catharines to address certain matters including, but not limited to existing servicing, landscaping, parking, and waste collection.

*(City of St. Catharines)*

3. As part of condominium conversion agreement process, a building and property condition study shall be completed by a qualified professional engineer or architect, to confirm that the buildings and property are safe for occupancy and the intended use. Should the study determine that certain elements of the buildings and/or property require improvements, those elements shall be improved prior to the registration of the condominium plan. Confirmation that the improvements are completed shall be submitted by the author of the building and property condition study. Said confirmation must indicate that the buildings and property are safe for occupancy and for the intended use.

*(City of St. Catharines)*

**Administration**

4. That if approval is not given to this plan within three years of the approval date and no extension has been granted, draft approval shall lapse. If the Owner wishes to request an extension to the draft approval period, a written explanation with reasons why the extension is required shall be submitted to the Director of Planning and Development Services.

Prior to granting approval to the final plan of condominium, the City of St. Catharines shall be satisfied that all conditions have been satisfactorily met.

**Conditions of Draft Approval  
(80 Rockwood Avenue)  
File No. 60.46.404  
Submission No. 26CD—10-14004**

**General Approval**

1. That this approval applies to lands described as Part of Block 'G', Registered Plan 663, Part 2 Plan 30R-920, St. Catharines, municipally known as 80 Rockwood Avenue, as illustrated on the plan prepared by Matthews, Cameron, Heywood-Kerry T. Howe Surveying Ltd., dated June 28, 2016, for a total of 90 dwelling units.

**Condominium Conversion Agreement**

2. The applicant shall enter into a condominium conversion agreement with the City of St. Catharines to address certain matters including, but not limited to existing servicing, landscaping, parking, and waste collection.

*(City of St. Catharines)*

3. As part of condominium conversion agreement process, a building and property condition study shall be completed by a qualified professional engineer or architect, to confirm that the buildings and property are safe for occupancy and the intended use. Should the study determine that certain elements of the buildings and/or property require improvements, those elements shall be improved prior to the registration of the condominium plan. Confirmation that the improvements are completed shall be submitted by the author of the building and property condition study. Said confirmation must indicate that the buildings and property are safe for occupancy and for the intended use.

*(City of St. Catharines)*

**Administration**

4. That if approval is not given to this plan within three years of the approval date and no extension has been granted, draft approval shall lapse. If the Owner wishes to request an extension to the draft approval period, a written explanation with reasons why the extension is required shall be submitted to the Director of Planning and Development Services.

Prior to granting approval to the final plan of condominium, the City of St. Catharines shall be satisfied that all conditions have been satisfactorily met.



September 19, 2016

Attention:

City of St. Catharines  
50 Church St.  
St. Catharines, Ontario, Canada,  
L2R 7C2

The St. Lawrence Seaway Management Corporation (SLSMC) through its Green Marine initiatives constantly strives to improve the impact its operations have on the environment and communities it passes through. As you may be aware, the SLSMC owns and operates its own small hydroelectric generating station in the City of St. Catharines which permits us to operate with 100% clean renewable energy. The SLSMC is looking at ways to further contribute to green power initiatives in the province and is proposing to build two (2) 500kW, small-solar generating station on Seaway lands.

These Projects will participate in the current provincial Feed In Tariff (FIT) 5 program designed to encourage and promote the greater use of renewable energy sources. The current FIT program defines eligible projects as renewable energy projects less than 500kW and greater than 10kW. This program is administered by the Independent Electricity System Operator (IESO), a merger of the provincial Ontario Power Authority and Independent Electricity System Operator.

The Projects are to be located on the corporation's land located at 508 Glendale Ave and 650 Glendale Ave in St Catharines, Ontario. The exact locations of the proposed projects are shown on the below maps. Pending successful application to the IESO, construction of the projects are expected to begin between 2019 and 2021 lasting around twelve months.

The application window for the FIT 5 program is scheduled to open on October 31, 2016. Applications for FIT contracts will be awarded by the IESO based on a number of criteria. A demonstration of municipal support in principle will provide support to applicants in the FIT 5 process and better our chances of a successful application.

The SLSMC is requesting Council support via a resolution for the proposed construction and operation of the Projects under the IESO FIT 5 program. The purpose for this request is to enable The St. Lawrence Seaway Management Corporation to receive Priority Points under the FIT 5 Program for the Projects. Supporting the Projects will provide economic stimulation to the local economy throughout the construction period and through the operation and maintenance of the facilities over the next 20 years.

Thank you for the consideration of our request,

Sincerely,

Scott Frick

Manager, Power and New Ventures  
The St. Lawrence Seaway Management Corporation  
508 Glendale Avenue,  
St. Catharines, Ontario, Canada,  
L2R 6V8



Figure 1: Proposed location of Site 1 508 Glendale Ave



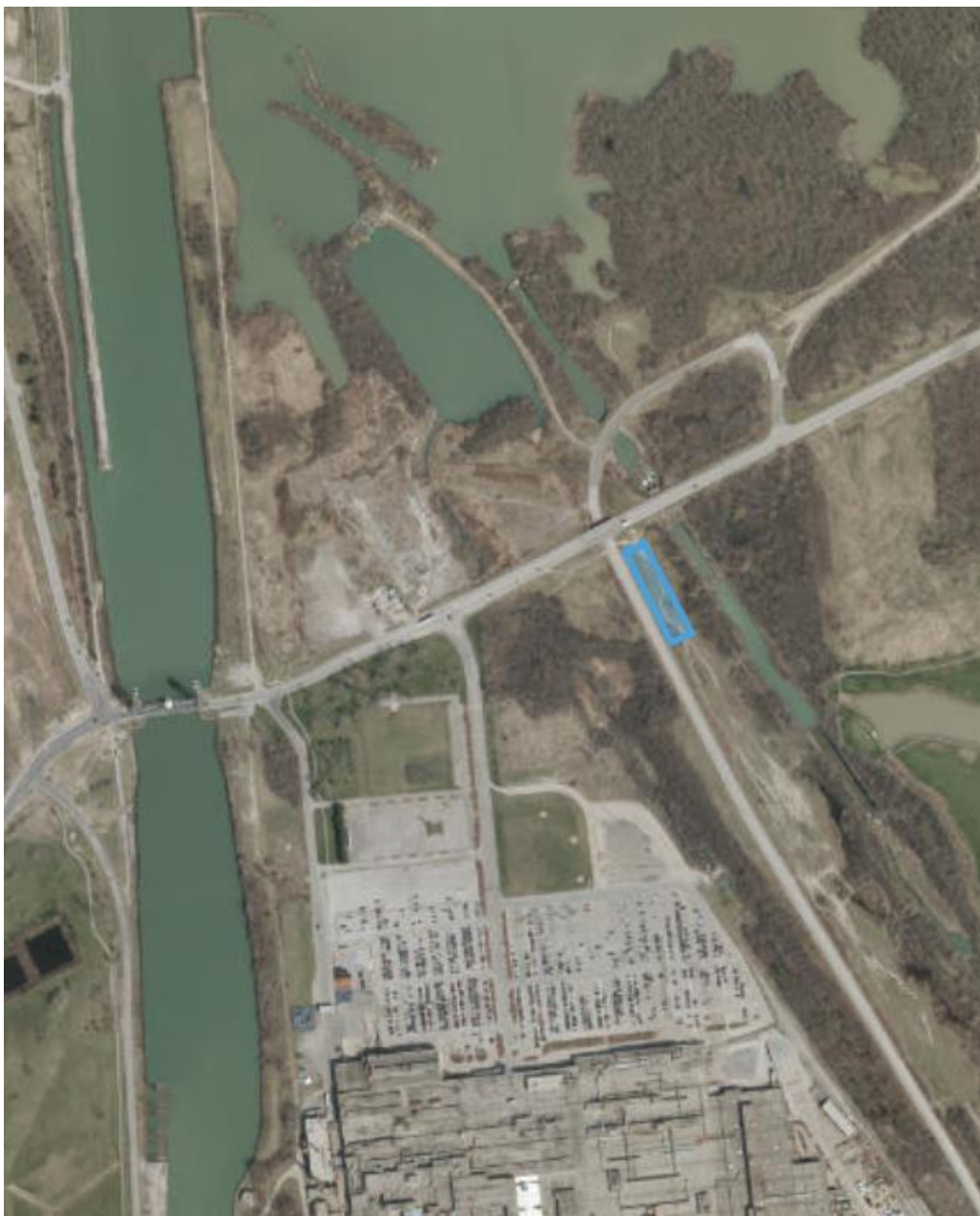


Figure 2: Proposed location of Site 2 650 Glendale Ave

## INSTRUCTIONS: MUNICIPAL COUNCIL SUPPORT RESOLUTION

Section 5.1(g)(i) of the FIT Rules, Version 5.0

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Capitalized terms not defined herein have the meanings ascribed to them in the FIT Rules, Version 5.0.

### INSTRUCTIONS APPLICABLE TO ALL RESOLUTIONS

1. The instruction page is not required to be submitted with the hard copy Application materials.
2. Where the resolution has multiple pages, the resolution should be stapled.
3. The first page of the resolution must be marked, by the Applicant, with the FIT Reference Number associated with the Application.
4. Information provided in the resolution must be consistent with the information provided in the electronic Application Form in order for the Application to be awarded Priority Points.
5. Apart from the completion of any blanks in the template resolution, no amendments, other than those outlined in instruction 6 below, may be made to the wording of this form.
6. Words in between square brackets (i.e. "[ " and " ] ") are immaterial to the intent of the template resolution and may be modified to follow standard procedure of the issuing body. Wording not contained within square brackets must not be changed in order for the Application to be awarded Priority Points.
7. The entirety of the resolution (all blanks) must be completed and it must be signed by an appropriate individual(s) in order for the Application to be awarded Priority Points.

### INSTRUCTIONS SPECIFIC TO THIS RESOLUTION

8. Councils of Local Municipalities have the option of drafting the Template: Municipal Council Support Resolution on the Council or equivalent governing body letterhead. The language of the Template: Municipal Council Support Resolution must be the same as shown in the template in order for the Applicant to obtain Priority Points. Priority Points will not be awarded if the support resolution includes additional conditions or delegation of authority to staff for additional approvals.
9. The Template: Municipal Council Support Resolution must be attached to the separate Prescribed Form: Municipal Council Resolution Confirmation as Exhibit "A".
10. The Prescribed Form: Municipal Council Resolution Confirmation may not be used as a substitute for a Municipal Council Support Resolution where no Municipal Council Support Resolution was previously issued for the Project.
11. A pre-existing FIT 4.0.1 Municipal Council Support Resolution (that was not a blanket support resolution) may be provided to the IESO by an Applicant as Exhibit "A", so long as the resolution was issued by the Municipality and is still in effect in relation to the Applicant and the Project. In this case the Applicant must attach the pre-existing FIT 4.0.1 Municipal Council Support Resolution to the separate Prescribed Form: Municipal Council Resolution Confirmation as Exhibit "A".
12. Where no resolution number exists, insert "N/A" into the appropriate field.
13. The Applicant legal name, Project PIN (or legal description) and Renewable Fuel type must match the information provided in the electronic Application.

## TEMPLATE: MUNICIPAL COUNCIL SUPPORT RESOLUTION

Section 5.1(g)(i) of the FIT Rules, Version 5.0

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1	<p>Resolution number: _____</p>  <p>Date resolution was passed: _____</p>	<p>FIT Reference Number: _____</p> <p><i>(The FIT Reference Number must be inserted by the Applicant in order for the resolution to comply with the FIT Rules, even where Local Municipality letterhead is used. This is not to be inserted by the Local Municipality.)</i></p>
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2	<p><b>[WHEREAS]</b> capitalized terms not defined herein have the meanings ascribed to them in the FIT Rules, Version 5.0.</p> <p><b>[AND WHEREAS]</b> _____ (insert the legal name of the Applicant) _____ (the "Applicant") proposes to construct and operate a          _____          _____ (insert description of Project, including Renewable Fuel (e.g., Rooftop Solar, Biogas, etc.)) _____</p> <p>(the "Project") on _____ (insert the PIN or legal description of the Property(ies)) _____ (the "Lands") in          _____ (insert the name of the Local Municipality) _____ under the province's FIT Program;</p> <p><b>[AND WHEREAS]</b> the Applicant has requested that Council of _____ (insert the name of the Local Municipality) _____</p> <p>indicate by resolution Council's support for the construction and operation of the Project on the Property.</p> <p><b>[AND WHEREAS]</b> pursuant to the FIT Rules, Version 5.0, Applications whose Projects receive the formal support of Local Municipalities will be awarded Priority Points, which may result in the Applicant being offered a FIT Contract prior to other Persons applying for FIT Contracts;</p>
	<p><b>[NOW THEREFORE BE IT RESOLVED THAT]</b></p> <p>Council of the _____ (insert the name of the Local Municipality) _____ supports the construction and operation of the          _____          Project on the Lands.</p> <p>This resolution's sole purpose is to enable the Applicant to receive Priority Points under the FIT Program and may not be used for the purpose of any other form of municipal approval in relation to the Application or Project, or for any other purpose.</p>

3	Signed: _____	Signed: _____
	Title: _____	Title: _____
	Date: _____	Date: _____

*(Signature lines for elected representatives. At least one signature required.)*



## **By-laws to be considered Monday, October 24, 2016**

- (a) A By-law to amend By-law No. 2016-219 entitled “A By-law to authorize an Agreement with Ontario Power Generation. “ (One reading – with respect to changes to the term of the agreement. Delegation By-law No. 2004-277, as amended.)
- (b) A By-law to amend By-law No. 2014-169 entitled “A By-law to appoint a Chief Building Official and Inspectors under the Ontario Building Code Act, 1992.” (One reading - with respect to updating list of appointed Inspectors. Delegation By-law 2004-277, as amended.)
- (c) A By-law to authorize the acceptance of a conveyance of certain lands from 1473941 Ontario Limited for the widening of Moffatt Street. (One reading – with respect to condition of Severance – 129 Moffatt Street. Delegation By-law 2004-277, as amended.)
- (d) A By-law to authorize a Condominium Assumption Agreement with Grey Forest Homes Ltd. (One reading – with respect to the Townhouse Development at 65 Broadway Avenue. Delegation By-law No. 2004-277, as amended.)
- (e) A By-law to authorize a Condominium Assumption Agreement with 1473941 Ontario Limited. (One reading – with respect to the Townhouse Development at 6 Tanner Circle. Delegation By-law No. 2004-277, as amended.)
- (f) A By-law to authorize the acceptance of a conveyance of certain lands from Miele Drywall Services Ltd. for the widening of Grantham Avenue. (One reading– with respect to condition of Severance – 491 Carlton Street. Delegation By-law 2004-277, as amended.)
- (g) A By-law to authorize a contract with Bromac Construction Inc. (One reading – with respect to West Park – New Washroom and Site Improvements, Project No. P14-137. Delegation By-law No. 2004-277, as amended.)
- (h) A By-law to authorize a Grant Application with the Department of Canadian Heritage. (One reading – with respect to Canada Day Celebration in Rennie Park. Delegation By-law No. 2004-277, as amended.)
- (i) A By-law to authorize the Mayor and the City Treasurer to sign cheques. (One reading – with respect to the endorsement of cheques. General Committee, May 2, 2011, Item No. 205.)
- (j) A By-law to confirm the proceedings of council at its meeting held on the 24<sup>th</sup> day of October, 2016. (One reading – with respect to confirming the proceedings of the meeting held on October 24<sup>th</sup>, 2016.)