

To:	Warden Milne and Members of Grey County Council
Committee Date:	October 12, 2023
Subject / Report No:	PDR-CW-45-23
Title:	Condominium Exemption Requests Process Change
Prepared by:	Scott Taylor
Reviewed by:	Randy Scherzer
Lower Tier(s) Affected:	All municipalities in Grey County except for the City of Owen Sound
Status:	

Recommendation

1. That report PDR-CW-45-23 be received; and
2. That County staff be given delegated authority to approve vacant land plans of condominium by amending the County’s condominium exemption application form to delete the reference to “Proposals for Vacant Land Condominiums” under the heading of “Types of Exemptions not Accepted”, as enabled by item 6(g) in by-laws 4421-07 and 3837-2000.

Executive Summary

Grey County is the approval authority for plans of subdivision and condominium for all municipalities in Grey, except for the City of Owen Sound. Most new subdivisions and condominiums are approved by Committee of the Whole. However, staff have delegated authority to approve condominium exemption applications where all criteria have been met, including support from the host municipality. The condominium exemption process is a speedier approval, which exempts a formal public meeting and circulation process, as well the draft approval process, and proceeds directly to final approval. Condominium exemptions in Grey County can only be utilized where there have been recent planning applications which required a public consultation process, and the condominium exemption is the final step after other applications have been approved. The County’s condominium exemption process currently does not permit vacant land plans of condominium from being approved via that process. Staff are recommending a change to the current condominium exemption process to consider the approval of vacant land plans of condominium where all other criteria have been meet including municipal support and a recent *Planning Act* public process.

Background and Discussion

Two developers have recently requested that the County process their vacant land plan of condominium applications via the condominium exemption process. County staff currently have delegated authority to approve condominium exemption processes, where the required criteria have been met. To qualify for a condominium exemption approval, there needs to be support from the host municipality, as well as recent *Planning Act* applications which require a public process such as zoning amendments, a plan of subdivision, etc. The County's process does not currently consider allowing for condominium exemption approvals for a vacant land plan of condominium, as per page two of the County's application form. Other condominium types, such as a standard condominium are eligible for the condominium exemption process. A link to the County's condominium exemption application form is included in the Attachments section of this report. Pages 1 – 3 of the application form outline the criteria required for condominium exemption eligibility, as well as those developments which are not eligible.

Condominium exemption applications exempt a new plan of condominium from certain procedural matters which would otherwise be required to establish a new plan of condominium. A public meeting and public circulation process are exempted, and the condominium also bypasses the draft approval stage, proceeding directly to final approval and registration. Two examples have been shared below to help understand where the condominium exemption fits within the development approvals process.

Example 1: Current Condominium Exemption Process for a Standard Plan of Condominium

1. Zoning by-law amendment and plan of subdivision applications are submitted to the municipality and County respectively. Within the subdivision there is a block of land for multi-residential development.
2. The applications are circulated to agencies and the public, and a public meeting is held.
3. Staff reports are taken to Council at the municipal and County levels and the applications are approved, in the case of the zoning amendment, and draft approved, in the case of the subdivision. The draft plan approval comes with a series of conditions including the need for a subdivision agreement. Once these conditions have been met, the developer can apply for final approval and registration, which is a staff-delegated approval at the County level.
4. The developer then proceeds to submit a site plan approval application for a new multi-residential building. After the review period, this application is approved by municipal staff. Conditions can also be attached to the site plan approval.
5. The developer applies to Grey County for a condominium exemption to create a plan of condominium for that new multi-residential building. Simultaneous to that, the developer also applies for final approval. In some cases, this condominium exemption can be applied for after the building is already constructed or partially constructed. Should all criteria be met, including municipal support for processing the application via a condominium exemption, then County staff can approve both the condominium exemption and final approval.

The idea behind exempting the formal public process and draft approval stage, is because there has already been a public process, development approvals, and the condominium exemption

being applied for is simply changing the ownership structure of the development. In most cases, the condominium exemption is envisioned right from the initial development proposal and communicated as such to the public, i.e., this multi-residential block of land will be a plan of condominium outlined in example 1 above.

Example 2: Current Process for a Vacant Land Plan of Condominium

1. Zoning by-law amendment and plan of subdivision applications are submitted to the municipality and County respectively. Within the subdivision there is a block of land for multi-residential development.
 - a. The developer may choose to also submit a parallel vacant land plan of condominium or submit this application later in the process (e.g., if the plan of subdivision created a block plan and then the vacant land plan of condominium was for the development of one of those blocks).
 - b. In some cases, the vacant land plan of condominium may take the place of the plan of subdivision.
2. The applications are circulated to agencies and the public, and a public meeting is held.
3. Staff reports are taken to Council at the municipal and County level and the applications are approved, in the case of the zoning amendment, and draft approved, in the case of the subdivision. The draft plan approval comes with a series of conditions including the need for a subdivision agreement. Once these conditions have been met, the developer can apply for final approval and registration, which is a staff-delegated approval. If the developer applied for the vacant land plan of condominium under 1(a) or (b) above, it can be processed simultaneously, and a decision may be rendered in a staggered fashion.
4. The developer then proceeds to submit a site plan approval application for a new residential block. After the review period, this application is approved by municipal staff. Conditions can also be attached to the site plan approval.
5. If the developer did not apply for the vacant land plan of condominium under step 1(a) or (b) above, then they would need to repeat steps 1 – 3 for the vacant land plan of condominium process.

There are instances where the County's condominium exemption process cannot be used, such as buildings older than 10 years e.g., if someone wanted to convert an old apartment building to a condominium that would not be eligible. There are practical reasons for why older buildings cannot be considered here. The requirement for a recent planning application and public process is also a crucial consideration for when a condominium exemption can be used. There is still a public interest in ensuring that public have due input into new developments. However, these same practical considerations would not apply to some condominium exemptions for vacant land plans of condominium where the County's criteria can be addressed. In speaking with developers, other municipalities outside Grey utilize the condominium exemption process for vacant land plans of condominium.

There are instances where staff will still recommend a full plan of condominium for a vacant land plan of condominium application, such as a greenfield development where there was not a recent public process and form of development already established. For example, should a developer come forth with a vacant land condominium exemption request on 10 hectares of greenfield land, whereby a new condominium road network and residential dwelling units are being established, then County staff would recommend this continue to go through a public

planning process. However, in instances where there was a recent public process via a *Planning Act* application, and the form and layout of development was generally known, similar to Example 1 earlier in this report, then those applications could be eligible for condominium exemption, with municipal support.

Staff recommend updating the County's condominium exemption process, outlined in the application form, to permit the approval of vacant land plans of condominium, where the County's criteria can be met. Staff are not recommending any further changes to the County's condominium exemption process. As a result, the approval of condominium exemptions is still discretionary on behalf of the County and member municipality, and is only considered where criteria have been met. Should Council support this change, it will allow staff to process these developments more efficiently and avoid the need for further staff reports and unwarranted public process.

Legislated Requirements

The processing of planning applications is covered by the *Planning Act*, while condominiums are governed by the *Condominium Act*.

Legal Considerations

Subsection 9(2) of the *Condominium Act* provides that all types of condominium plan descriptions are subject to the same approval requirements as a plan of subdivision.

Subsection 9(7) of the *Act* provides that the County, as an approval authority, may approve an exemption from those approval requirements "if it believes the exemption is appropriate in the circumstances" and if the condominium applicant requests such an exemption under subsection 9(6).

Financial and Resource Implications

There are no financial implications associated with this report. Should Council support this change to the condominium exemption process it would allow for some reduced staff time needed to process plan of condominium applications, which meet the criteria.

Relevant Consultation

- Internal: Legal Services, Deputy CAO
 - AODA Compliance: Not Applicable
 - Contribution to Climate Change Action Plan Targets: Not Applicable
- External: None

Appendices and Attachments

[Condominium Exemption Application Form](#)