



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

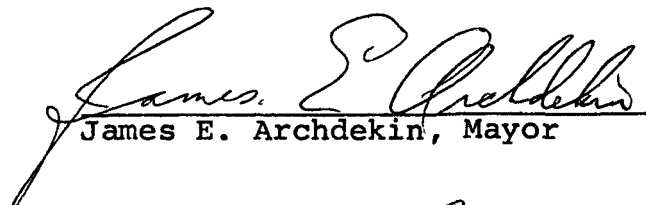
Number 185-77

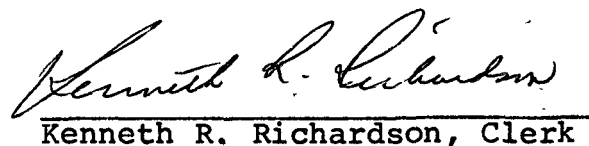
A By-law to Amend the Official Plan of the City of Brampton Planning Area.

The Council of The Corporation of the City of Brampton, in accordance with the provisions of The Planning Act, (R.S.O. 1970 Chapter 349 as amended) and the Regional Municipality of Peel Act, 1973 hereby ENACTS as follows:

1. Amendment No. 16 to the Official Plan of the City of Brampton Planning Area, consisting of the attached map and explanatory text, is hereby adopted.
2. That the Clerk is hereby authorized and directed to make application to the Minister of Housing for approval of the aforementioned Amendment No. 16 to the Official Plan of the City of Brampton Planning Area.
3. This By-law shall not come into force or take effect until approved by the Minister of Housing.

READ a FIRST, SECOND and THIRD TIME and PASSED in Open Council this 11th day of July, 1977.

  
James E. Archdekin, Mayor

  
Kenneth R. Richardson, Clerk



# BY-LAW

185-77

No. \_\_\_\_\_

A By-law to amend the Official  
Plan of the City of Brampton  
Planning Area.

AMENDMENT NUMBER 16 /

TO THE CONSOLIDATED OFFICIAL PLAN

OF

THE CITY OF BRAMPTON PLANNING AREA

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*Number* 185-77

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James E. Archdekin, Mayor

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Kenneth R. Richardson, Clerk

CONSOLIDATED OFFICIAL PLAN  
OF  
THE CITY OF BRAMPTON PLANNING AREA

AMENDMENT NUMBER 16

The attached map Schedule 'A' and explanatory text, constituting Amendment Number 16 to the Consolidated Official Plan of the City of Brampton Planning Area, was prepared and adopted by the Council of the City of Brampton by By-law No. 185-77, in accordance with Section 54(4) of the Regional Municipality of Peel Act, 1973, and Sections 13, 14 and 17 of the Planning Act, (R.S.O.) 1970, Chapter 349 as amended) on the 11th day of July, 1977

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Mayor

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Clerk

This amendment to the Consolidated Official Plan of the City of Brampton Planning Area, which has been prepared and adopted by the Council of the City of Brampton is hereby approved in accordance with Section 17 of The Planning Act, as Amendment Number 16 to the Consolidated Official Plan of the City of Brampton Planning Area.

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Date

TO THE CONSOLIDATED OFFICIAL PLAN OF  
THE CITY OF BRAMPTON PLANNING AREA

PART A - PREAMBLE

1.0 Title

The title of this Amendment is Amendment No. 16 to the Consolidated Official Plan of the City of Brampton Planning Area, hereafter referred to as Amendment No. 16.

2.0 Relative Parts

Part B only of this Amendment constitutes Amendment No. 16

Part A - Preamble, and

Part C - Appendices:-

Appendix 1 is Specifications and Guidelines for Condominium Housing which would be used as a basis for the approval of condominium applications by the City Council.

Appendices A, B, C & D are included only to provide background for part B.

The above appendices shall not themselves be construed as a statement of policy.

Part B, the operative portion of this Amendment, comprises a new chapter to be added to the Consolidated Official Plan of the City of Brampton Planning Area.

3.0 Background

Since the Province's recognition of condominium ownership by statute in 1967, the City's experience with condominium developments have revealed a number of serious problems. Some difficulties have evolved from deficiencies in the Legislation, while other problems were observed as being attributable to a lack of adequate policies at the Municipal level. The recent proliferation of condominiums in the City has accentuated this issue and consequently prompted the formulation of local condominium policies after initially reviewing the relevant experience of other municipalities.

This amendment deals with condominiums and their special requirements, as a component of the housing stock within the broad objective of "providing adequate choice in housing type and location and between owning and renting homes." In examining this objective more closely, there is a possibility of over development or underdevelopment of one or the other form of housing. For example, conversion of existing rental accommodation to condominium status or a shift in emphasis in new construction from rental to condominium units. In order to preserve a reasonable amount of rental accommodation at reasonable cost for population groups that may never be able to afford home ownership, it is necessary to ensure that excessive condominium development does not take place at the expense of rental accommodation.

PART A - PREAMBLE (cont'd)

3.0 Background (cont'd)

The Condominium Act and the principles of condominium ownership can be made applicable to virtually any housing form. To date, condominium developments have consisted almost exclusively of two types of housing - high-rise apartments or townhousing. Recently, there has been an expression of development interest in low density housing types utilising condominium principles, including fully detached single family dwellings.

The City will be preparing an overall Housing Policy relating to all types of housing as part of the New Official Plan. Although it would have been desirable to prepare a condominium policy in the context of a housing policy, the need to prepare a condominium policy is now urgent due to the increasing number of applications.



PART B - THE AMENDMENT

The whole part of this document entitled Part B - The Amendment which consists of the following text, constitutes Amendment Number 16 to the Consolidated Official Plan of the City of Brampton Planning Area.

The Consolidated Official Plan is hereby amended by adding a new chapter entitled Chapter E3 after Chapter E2, under Part C, Section E of the Consolidated Official Plan of the City of Brampton Planning Area.

1.0 Purpose

The purpose of this Amendment is,

- i) to establish a comprehensive policy with respect to the condominium housing development within the City of Brampton, and
- ii) to outline the policies to be used with respect to the approval of condominium draft plans within the City of Brampton Planning Area.

2.0 Definitions of Different Categories of Condominium Housing

For the purpose of this Amendment the Condominium housing is divided into following five categories:

2.1 Category I - Large Lot Singles

Small, isolated or unusually-shaped parcels of land that may be developed for a small number of single family dwellings on individual lots comparable to prevailing neighbourhood standards respecting lot area, frontage, etc. The objective of such condominium development may be to make more effective and efficient use of the land in order to preserve some natural amenity or other feature of the site. This may be accomplished by means of a privately owned roadway access providing more flexibility than a publicly owned road allowance. The overall

2.1 Category I - Large Lot Singles (cont'd)

gross density would generally be the same as though developed on a conventional freehold subdivision. In condominium developments of this category, the access roadway to each unit, and the preserved natural amenity or feature, e.g., lands providing a fine stand of trees, water-course depression or slope, walkway, etc., may be the only common elements.

The Condominium housing under this category may be located in urban areas, and in rural areas where estate development is permitted.

2.2 Category II - Small Lot Singles and Semis

Large parcels of land may be developed as condominium for one or more types of low density housing integrated on a project-design basis, primarily single detached or semi-detached dwellings. The individual lots would characteristically be smaller in size, and zero-lot line techniques may be used to achieve building sitings that create private yard areas of improved dimension and utility. One objective of this type of development would be to reduce the unit cost of land, through the use of condominium roadway and other features. The other objective would be to create a living environment that provides a measure of self-sufficiency in recreational and social needs, accommodating co-operation and social interaction among the resident-owners. A further objective would be the maintenance of architectural compatibility and integration.

Common elements shall invariably include both condominium roadway systems and areas of common open space and landscaping, compensating for the restricted individual open space available in smaller lot areas.

Certain structures or facilities for recreational, social or service uses shall be common elements. Alternatively, adequate space may be reserved in the form of common land areas or space within

2.2 Category II - Small Lot Singles and Semis (cont'd)

buildings for such needs as may be identified and acted upon by the future owners.

2.3 Category III - Town Housing (individual access)

For the purposes of this Amendment, this category shall include only those townhouse designs which feature individual access and in-unit parking space, as distinguished from townhouse designs with common parking areas on grade or in structures.

Whether or not the condominium plan creates an actual lot area for the exclusive use by the individual owner, the design of Category III townhouses shall be such as to create a small private yard area adjacent to the front, and/or back of the unit and a private driveway accommodating an additional parking space in front of the garage. These elements of exclusive private use may be defined as common elements for maintenance purposes. Elements designed for both common use and maintenance shall include open space, main driveways, visitor parking areas, recreational, social and service facilities.

2.4 Category IV - Miscellaneous Medium Density Housing

For the purpose of this Amendment, this Category IV includes maisonettes (back to back townhouses), townhouses with common parking facilities, duplexes, triplexes, double duplexes and sixplexes, stacked townhouses and other forms of medium density housing. The distinguishing features of this category as compared with previous categories is that, there shall be a greater emphasis on common facilities rather than individual facilities (private outdoor space will often be limited to small patio or terrace area, or a balcony). As compared with Category V, the condominium housing in this category shall be geared for families with growing children, reflected primarily in

2.4 Category IV - Miscellaneous Medium  
Density Housing (cont'd)

a higher degree of accessibility to ground level, the housing form being mainly of a horizontal rather than a vertical configuration. In most designs falling within this category, all elements apart from the individual dwelling units themselves shall be common elements. Adequate recreational, social and service facilities shall be provided in this category of housing.

2.5 Category V - High Density Housing

For the purpose of this policy, the condominium housing provided in high rise apartment buildings shall be included in this category. All elements outside the individual units shall be owned and maintained in common. Balconies may be individually owned or owned in common with exclusive use as a private outdoor space. A wide range of recreational, social and service facilities, shall be provided under this category of condominium housing.

2.6 Mixture of Categories

As a general rule a mixture of categories I to V in a single Condominium Corporation shall be prohibited. However, a mixture of certain residential unit types that would be compatible under one condominium corporation shall be permitted.

3.0 Principles and Policy

3.1 Development Control Procedures for New  
Developments

3.1.1 Rezoning Applications

The following development control procedures shall apply with respect to all rezoning applications for three or more residential units on a single parcel of land.

- (a) The applicant shall be required to declare whether the accommodation is to be provided on a condominium or rental basis.
- (b) Each application shall be considered with reference to current City policies, criteria and guidelines for condominium developments as per Appendix I attached hereto.

(c) Conditions of rezoning approval shall require the signing of a Development Agreement, such agreement to contain a clause specifying the basis of the approved development (condominium or rental), and requiring that prior to the issuance of a building permit for any condominium after rezoning approval, an application for draft condominium plan shall be received, from the Ministry of Housing or the Region of Peel, studied and given conditional draft approval by the City.

In certain cases servicing agreements for condominiums shall be required to be signed with the Region of Peel.

(d) Prior to draft condominium approval, the applicant shall submit a copy of the condominium by-laws and declaration for study and approval by the City. Where feasible, the potential owners or an Interim Board of Directors shall be permitted to review the condominium By-laws and declaration.

(e) Conditions of draft condominium approval shall require the signing of a Condominium Agreement, a Servicing Agreement with the Region of Peel, if required and shall require any alterations or additions to the draft condominium plan as are necessary to comply with City policy.

(f) The Condominium Agreement shall include provisions relating to required construction works, landscaping and the standards of design and construction, performance guarantees, payment for inspection services, payment of any required levies, and the regulation of residential occupancy during construction.

(g) The City's consent for final approval and registration of the condominium plan shall be given only after signing of required agreements, posting of required guarantees and payment of required funds in accordance with City policy.

(h) Prior to registration, a final inspection of the condominium project shall be carried out by the City and/or any other authorized agency.

(i) After the date of this amendment where the rezoning applicant has declared the project to be rental and construction commences, no approval for condominium shall be given unless conversion is approved as per Section 3.2 of this policy.

3.1.2 Lands Zoned for Multiple Residential Developments

When a building permit application is made for the lands that are zoned for Multiple Residential Development permitting more than three residential units on a parcel of land where there is no agreement pertaining to such lands that require any other City approval, the applicant shall give a written undertaking that the development shall be maintained as rental or condominium. In the case of condominiums the applicant shall be advised that the provisions of this policy shall apply.

- (a) Site plan approval for approved multiple developments shall be deferred until receipt of a written undertaking from the developer that the development will be constructed and maintained as rental accommodation OR until an application for draft condominium plan is received, studied and given conditional draft approval by the City.
- (b) If no approval has been given to an existing application prior to the date of the amendment, the policies in this amendment shall apply.

3.2 Approval Procedures for Conversions

3.2.1 General Considerations

The applications for conversion of existing residential accommodation to condominiums shall be subject to the same policies, criteria and standards as for new condominium developments. Obviously, however, certain cases may require flexible interpretation in order to qualify. Each such application shall be considered on its own merits. The applications which can feasibly be brought into substantial compliance with the standards shall be approved, while those that cannot be upgraded to an acceptable standard shall be refused.

Except in rare cases where major reconstruction or renovation is required, residential occupancy shall continue throughout the conversion process. In all cases of conversion the final approval shall be reserved pending the inspection and approval of City standards by the concerned departments.

It shall be necessary for the applicant to provide information with respect to the rental housing stock and the tenants in the project for the City to adequately consider a conversion application.

3.2.2 Detailed Procedures:

The following procedures shall apply with respect to all applications for approval of draft plan of condominiums involving existing buildings, buildings under construction or buildings for which building permits have been issued without previous draft condominium approval.

- (a) Each application shall be considered on its own merits with reference to current City policies, criteria, and guidelines for condominium developments and only those which can fully comply (or in cases of extenuating circumstances - substantially comply) shall be recommended for approval.
- (b) Conditions of draft condominium approval shall require the signing of a Condominium Agreement, and shall require any alterations or additions to the draft condominium plan as are necessary to comply with City policy.
- (c) The Condominium Agreement shall include provisions relating to the construction works required to upgrade sub-standard facilities, the standards of design and construction, performance guarantees, payment for inspection services, payment of any required levies, and the regulation of residential occupancy.
- (d) The City's consent for final approval and registration of the condominium plan shall be given only after the signing of the Condominium Agreement and the completion of all required construction work and the satisfaction of all other requirements of the Condominium Agreement.
- (e) No approval to an application for converting an existing building to condominium shall be approved if the vacancy rate for rental accommodation as determined by a source approved by the City, such as, Central Mortgage and Housing Corporation, is below two (2) percent. The City, when considering an application in relation to

the vacancy factor, will take into account the following criteria:-

- (i) The overall mix of rental, freehold and condominium accommodation in the City and in the general neighbourhood.
  - (ii) The availability of similar rental accommodation in the general neighbourhood.
  - (iii) The level of rents in the general neighbourhood and the degree the application shall reduce the availability of units with similar level of rents in that neighbourhood.
  - (iv) The existence of a new rental complex in the neighbourhood at the time of vacancy survey, which may have inflated the vacancy rate.
- (f) The following information shall be submitted with the application for conversion from rental to condominium:-
- (i) A declaration that all the present tenants have been informed of this application for conversion and have been offered the first option to the purchase of their units. The declaration shall include the number of current vacancies in the project and the number of tenants who have signed the purchase agreements, subject to the Condominium approval.
  - (ii) Purchase cost of existing rental unit available to potential owners along with the cost of mortgage, taxes and maintenance, and confirmation that the aforesaid information has been or will be provided to all potential purchasers. Further, such information shall include how the costs were derived and by whom.
  - (iii) The guarantee of a minimum of ninety days notice of lease termination after condominium registration for those tenants who are not buying. This provision shall not in any way affect any longer notice required by statute, lease, or contract.
  - (iv) A questionnaire completed by each tenant. Such questionnaire (as



as approved by the City), to contain questions to ascertain the opinions and concerns of the tenant on the proposed conversion, on any existing deficiencies, and on any existing maintenance problems.

- (v) The proposed Condominium By-laws and Declaration.

3.3 Extent of Application:

The procedures set out above, will become fully operational only with respect to new applications. Those applications now in progress will necessitate some modified application to these procedures, the extent of the modification depending on the degree of advancement in each case. In general, applications in progress shall be required to comply with the policies, standards and specifications proposed by this amendment to the degree that is appropriate and feasible.

3.4 Development Standards: ----

For the purpose of this amendment, the following standards for the development of Condominium Housing shall apply.

3.4.1 Safety

In consideration of safety, the following policies shall apply:

- (a) Specifications shall be established by the City for the fire and structural safety of buildings, for those matters not included in the Ontario Building Code or any City By-law, for the regulation of fencing which could hinder emergency access, for the designation of emergency access routes, for the location of fire hydrants, for the erection of illuminated signs to aid emergency personnel and for the illumination of parking areas.
- (b) The required site plan approval shall include particular reference to access for firefighting apparatus, availability of water supplies and hydrant location.
- (c) Condominium Agreements required to be executed prior to draft approval shall contain a provision prohibiting residential occupancy prior to the issuance of an Occupancy Permit by the City.

3.4.2 Private Condominium Roadway Standards

- (a) Specifications shall be established for the structural design, width, alignment and setback requirements for the private condominium roadways applicable to the various Categories of condominium housing.
- (b) Condominium Agreements shall contain provision for:
  - (i) the posting of performance guarantee (deposited funds, letter of credit or bond) sufficient in amount to secure the completion of required private condominium roadway construction to City specifications for condominiums.

3.4.2 cont'd

(ii) the deposit of sufficient funds to pay for City engineering inspection services on the site.

(c) There shall be no publicly owned road within any condominium.

3.4.3 Traffic and Parking Control

(a) Effective traffic control measures and, where necessary, prohibition of parking to maintain freedom of access for essential and emergency services shall be provided in all condominium projects.

(b) Where deemed necessary the City may erect fire route by-laws over condominium lands.

3.4.4 Parking Standards

(a) Specifications shall be established for the provision of adequate parking for owners and visitors, and the storage of recreational vehicles, the nature and extent of which will be related to the category of condominium.

3.4.5 Sidewalk and Walkway Standards

(a) Specifications for the sidewalks shall be established to provide for the structural design, width, location and space requirements for sidewalks and walkways, in relation to the needs of the various categories of condominium housing.

(b) Condominium Agreements shall contain provisions for performance guarantees and inspection services as established under section 3.4.2 - Private Condominium Roadway Standards.

(c) There shall be no public sidewalk or walkway within the condominium project.

3.4.6 Utility Standards

Storm sewers, sanitary sewers and watermains and other services shall be constructed to

3.4.6 cont'd/

the same standards as similar services in subdivision developments. Undersized, lower quality material standards and poor construction shall not be permitted in a condominium development.

(a) Specifications shall be established as recommended for the design, location, size, standards or capacity and setback requirements of the various utilities as appropriate to each Category of condominium housing.

(b) Condominium agreements shall contain provisions for performance guarantees and inspection services as recommended under section 3.4.2 - Private Condominium Roadway Standards.

3.4.7 Open Space, Recreation and Social Facilities

(a) The nature of open space requirements, recreational and social facilities shall vary depending on the density and other characteristics of the condominium development. Category 1 shall accommodate open space needs primarily in the form of large private yard areas, with little, if any, common open space or recreational facilities, except the preservation of site features, such as wooded areas, watercourses and slopes, by designating these as common elements.

(b) The size and location of open space in a condominium development shall be such as to provide flexibility and adaptability of both external and internal space.

(c) Specifications shall be established for the provision of appropriate open space areas as individual or common elements, for the installation of required facilities such as a properly fenced children's play area, and for the installation of and/or the reservation of space for a range of recreational and social facilities such as swimming pools, tennis courts, squash courts, saunas, games rooms, meeting rooms, day care centres and

3.4.7 (c) cont'd.

other facilities of service to the residents depending on the Category and the magnitude of the condominium development.

3.4.8 Architectural Control

- (a) In lower density housing forms, the design of the individual units shall be such as to unify and integrate with the environment. Efforts shall be made to create an identifiable visual, social and functional concept.

The degree of unity may vary with the density. Developments under Category I may require only minimal integration of architectural elements permitting considerable individuality in the design of individual units if that is desired. The more intensive form of development for Category II and III housing shall dictate the need for greater use of unifying elements and compatible building forms, with individual units identified by variations in materials, colour, setbacks, heights and external architectural treatment.

- (b) It shall be the policy of the City to encourage the architectural integration of condominium developments, to the degree appropriate for each category of housing. The development Agreement shall contain a clause that all elevations of buildings and their orientation, including colours and materials, shall be subject to the approval of the Architectural Control Committee, and such approval must be obtained before the issuance of a building permit. In regard to external materials particular regard shall be paid to the use of materials with low maintenance cost.

3.4.9 Size of Condominium Corporations, Buildings and Density

The provisions of this section are not intended to alter the densities specified in this official plan for any specific piece of property, nor are they intended to alter the provisions of any existing restricted area by-laws or building by-laws in effect in the City of Brampton. However, the provisions of this section are intended to

3.4.9 cont'd.

set certain maximum standards for the various types of condominiums and any proposed condominium development shall be required to comply with the specific densities set by this official plan for the lands on which it is located and with the provisions of any restricted area by-laws and building by-laws of the City in addition to complying with the standards of this section:

- (a) The maximum number of dwelling units in each of the categories I to V shall be established.

The maximum limit of the size of a Condominium Corporation may be varied depending on the size, shape, location and other features of the site and the location of major roads.

- (b) The number of corporations in a block, which is defined as land completely surrounded by public streets, or a combination of public streets, public open space or institutions or land uses other than condominium, shall be a maximum of two (2). In the case of Category V, the maximum number may be exceeded provided collectively there are not more than 600 units in total.

- (c) The size of building and densities shall be as follows:

- (i) For townhouses in Categories III and IV, the maximum number of units in a single building shall be eight. The maximum number of units in a single maisonette building shall be fourteen. The maximum number of units in a single building of stacked townhouses shall be twenty-eight.

- (ii) The maximum density for the different categories of condominium residential development shall be as follows:-

- Category I - Large Lot Singles - 6 units per acre
- Category II- Small Lot Singles & Semis - 9 units per acre
- Category III- Town Housing (individual access) - 12 units per acre
- Category IV - Miscellaneous Medium Density Housing
  - A. Townhouses, Maisonettes & various plexes - 15 units per acre
  - B. Stacked Townhouses - 20 units per acre.

Category V - High Density Housing - 40 units per acre

- (iii) In cases of applications now in progress each case shall be considered in relation to the stage it has reached, but in any case where possible the above density shall apply.

3.4.10 Garbage Facilities and Removal

- (a) Condominium projects shall be designed to facilitate the efficient collection of garbage.
- (b) For Categories I - IV, the design of each unit shall be such as to provide for independent storage of garbage. Such storage for each unit shall be secure and under the control of the unit occupier.
- (c) For Category V, e.g. highrise, the structure shall be designed with garbage shutes to a collecting point at the ground or basement levels. Garbage shall be compacted and stored in temperature controlled storage areas.
- (d) The internal roadways shall be designed to enable garbage vehicles to manoeuvre safely and efficiently throughout the project.

3.4.11 Internal Street Lighting

Specifications for lighting on the privately owned internal streets shall be made to ensure adequacy. Street and driveway name signs shall be affixed in accordance with City standards.

3.4.12 Maintenance Standards

- (a) In all condominium projects installation of facilities and the use of materials shall be designed to avoid undue maintenance problems.
- (b) An application for condominium approval shall require the applicant to file details of arrangements for maintenance for the purpose of assessing its compliance with the City's By-laws governing maintenance standards.

3.4.13

Scope of the Condominium Corporation

- (a) The scope of the condominium corporation shall be applicable to the total land area of the particular development project. Mixed condominium and rental or condominium and freehold projects shall be prohibited.
- (b) Each condominium shall be designed with separate services and facilities except under special circumstances where the City has consented to facilities or services being shared. Where sharing of facilities or services is to be permitted, agreements setting out the mutual use, maintenance, cost sharing, and administration rights of each condominium shall be submitted for City approval.
- (c) Within each condominium corporation, the division of the site and structures into common and individual elements shall take account of both initial and future needs of the owners.

3.5

General

- 3.5.1 The general suitability of proposed condominium developments shall be assessed with reference to the characteristics, needs and objectives of the several categories of condominium housing.
- 3.5.2 For Categories I - IV, this policy shall require that the need of family households with small children be a fundamental Planning and design consideration in all condominium developments.



- 3.5.3 The condominium policies as contained in this Amendment shall be interpreted with sufficient flexibility that those requirements which are not feasible because of the small magnitude or special nature of a condominium proposal possessing other merits may be relaxed when compensating improvements are made in other elements of the project.
- 3.5.4 When considering applications for condominiums, regard shall be given to the number of condominiums in one area or district, to ensure that no particular district has a heavy concentration. Further, the City will continually have regard to the total number of condominium units relative to the total housing stock.
- 3.5.5 In designing the internal road pattern, provision shall be made to provide for snow storage areas. Such storage areas to take into account the affect of thaw, and shall be designed to prevent flooding.
- 3.5.6 One way street systems for the internal roads shall be discouraged.
- 3.5.7 The condominium agreement and by-laws shall include a provision that there shall be no T.V. antenna installed for individual units. T.V. reception shall only be by way of either the Cable T.V. or one or more master antennae.
- 3.5.8 Each unit in Categories I - III, and in Category IV each unit in a building that is only one unit in height, shall have its own water meter, hydro meter and where gas is installed, gas meter.
- 3.5.9 The Development Agreement shall include a provision that before any building permit is issued, a site plan approval by the Council shall be obtained. Such site plan shall show adjacent land use or development, existing vegetation and trees, the layout of buildings, driveways, roads, fencing, fire routes, hydrants, lighting, names of driveways, recreational and social facilities, grading, and any other details required herein including parking areas and landscaping.

Such detail may be provided in one plan or several plans, but the detail of the landscaping shall be a separate plan and shall include grading, contours, planting, recreational

- 3.5.9 cont'd  
and social facility details, walkways, fencing  
and all other details relative to a completed  
plan.
- 3.5.10 The required performance bonds mentioned in this  
amendment shall be to the satisfaction of the  
City for the performance of all facilities in-  
cluding landscaping. Upon the completion of  
the facility, e.g. landscaping, driveways, parking  
areas, sidewalks and other facilities, a main-  
tenance bond shall be provided to the satisfaction  
of the City, to provide for two years guarantee  
in the case of landscaping and three years for  
driveways, parking areas, sidewalks and other  
facilities.
- 3.5.11 In a condominium project where washers and dryers  
are not expected to be provided by each unit  
owner within the unit, laundry rooms for joint  
use, shall be provided. The minimum standards  
for laundry rooms shall be one washer and one  
dryer for every 12 units or part thereof. In  
Category V, a ~~laundry~~ room may be located on  
every floor and each unit shall be provided with  
the necessary connections, to enable the owner  
to install his own washer and dryer.
- 3.5.12 For each dwelling unit in a building wherein the  
units are divided vertically, there shall be a  
privacy area of at least 250 square feet. Such  
privacy area shall be enclosed on not less than  
85% of the total perimeter of the privacy area,  
by fences and a wall of the unit. The materials  
and construction of the fence shall be such that  
there will be minimum maintenance required.
- 3.5.13 Within a condominium project individual street  
houses on freehold lots shall not be permitted.
- 3.5.14 All internal streets and common driveways shall  
be given names approved by the City and the  
Region of Peel. The names shall be placed on  
light standards or other suitable posts. In  
additional to street names, unit numbers shall  
be posted in strategic places as approved by  
the City to permit quick and easy location and  
identification.

- 3.5.15 A condominium draft plan may be refused on the same grounds as a draft plan of subdivision or for failure to meet the requirements set out in this amendment.

4.0 Implementation

- 4.1 The City's normal development control process generally requires the execution of development agreements and site plan agreements as conditions of approval of development proposals prior to the preparation of appropriate amending zoning by-laws. Further, the signing of a condominium agreement shall be required prior to recommendation of draft approval of any condominium application. These measures will be carried out in concert with enforcement of relevant building, health, maintenance, occupancy and fire route by-laws by various City Departments and final inspection prior to Registration.
- 4.2 Each application for condominium approval shall be reviewed in accordance with the specifications and standards prepared pursuant to this Amendment and attached hereto as Appendix 1. These specifications and standards are subject to amendment from time to time, by a resolution of the City Council.

5.0 Interpretation

- 5.1 The provisions of the Official Plan as they may be amended from time to time with respect to the interpretation of the Plan shall apply with respect to this Amendment. Further, the Appendix I, attached hereto does not form part of the Amendment, but is included herein as a guide.

PART C - APPENDICES

Appendix I attached hereto is Specifications and Guidelines for Condominium Housing which would be used as a basis for the approval of condominium applications by the City Council. These specifications and guidelines are subject to amendment from time to time by a resolution of the City Council.

Appendix 2 is notes of the Public Meeting held on September 21, 1976 with respect to this Condominium Policy of the City. The Public Meeting was held subsequent to the publication of notices in the local newspapers on August 19th, 1976 and September 16th, 1976.

The following specifications and guidelines which are subject to amendment from time to time as circumstances warrant, will form the basis of the review of condominium applications in accordance with the City's Official Plan policies for condominium housing.

1. Safety

- (a) Provisions for safety from fires and structural defects shall be in accordance with relevant statutes, Ontario Building Code, Fire Regulations and any other relevant requirements of the City. Notwithstanding the requirements of the Ontario Building Code, the following additional specifications are required, with respect to any building two or more units in height in Category IV (i.e. stacked townhouses):-
- (i) A standpipe together with a hose cabinet shall be located in the corridor of each floor within 3 feet of the exit door/stair door serving that corridor.
  - (ii) Standpipes and hose cabinets shall be located at not greater than 150 foot intervals and further, no entrance door to a unit shall be a greater distance than 55 feet from the nearest standpipe and hose cabinet.
  - (iii) All hose cabinets shall be equipped with approved hose racks and water stops and not more than 75 feet of pre-connected 1½" approved synthetic type fire hose.
  - (iv) Within every dwelling unit inside the door there shall be installed an approved smoke detector unit linked to the superintendent's office and the Fire Department.
  - (v) Continuous maintenance and upgrading of standpipes firehose cabinets, exit lights, emergency lighting, fire pumps, alarms and/or detectors, sprinklers and hydrants shall be required.
- (b) Emergency Routes and Hydrants:
- (i) Secondary access routes, walkways and rear yards identified as emergency

(b) (i) cont'd.

access routes shall be kept clear of any type of fencing or other obstacle. Such emergency access routes shall completely encircle each building so that the furthest portion of the building requires minimum length of hose.

(ii) Fire hydrants shall be sited adjacent to roadways and located in accordance with the regulations of Ontario Building Code, and no unit shall be located further than 250 feet from the nearest fire hydrant.

(iii) Where units are constructed with separate exterior access, in order to assist emergency vehicles to find quickly the unit of distress, illuminated directional signs are mandatory.

2. Private Condominium Roadway and Driveway Standards

(a) Structural design

(i) Condominium roadway and driveways shall be designed to provide not greater than .06" Benkelman Beam deflection, or in any case not less than 9 inches of Granular "B", 6 inches of Granular "A" and 3 inches of Asphalt HL3.

(ii) Driveways serving individual units and garages shall have not less than 6 inches Granular "A" and 2 inches of Asphalt.

(iii) In any event, the type of subgrade soil would be the governing factor in designing the pavement structure in each case.

(b) Widths

(i) On a short crescent roadway or where a crossroad is located between two other roadways and where a one-way road pattern is permitted, the minimum pavement width shall be 20 feet. On such roads no parking shall be permitted.

(b) widths (cont'd)

- (ii) For the two-way roads where no street parking is permitted, the minimum pavement width shall be 24 feet.
- (iii) On roads where two-way traffic is permitted and street parking is permitted, the minimum pavement width shall be 28 feet.
- (iv) A one-way private condominium roadway providing access to the front door of a condominium building in Categories IV and V shall be not less than 12 feet in width. Where such a driveway forms part of a required street as per the Ontario Building Code or provides access for emergency vehicles or, where the entrance to the said building is more than 50 feet from the street and is provided for convenience access to the front door, it shall be designated one way and shall be not less than 18 feet in width and shall be a designated fire route.

(c) Alignment

- (i) Private roadways serving condominium projects shall be designed to facilitate passage of emergency and other vehicles such as garbage trucks and snow removal equipment. Curb returns having a 25 foot radius and inside bends having a 50 foot radius are required for most vehicle turning movements. At dead-ends, the cul-de-sac pavement radius shall be not less than 45 feet, and no cul-de-sac shall be greater than 150 feet in length. In lieu of a cul-de-sac where the roadway is for service vehicles or an emergency access road, a hammerhead not less than 20' X 80' may be provided in accordance with the City standards.
- (ii) In Categories I, II and III, the roadway design shall provide direct access for each unit to the common private roadway.

2. Roadway and Driveway Standards (cont'd)

(d) Set-back requirements

- (i) An entrance and/or exit to underground garage ramp or an above ground ramp shall be set back such that the start of the ramp shall be not less than 20 feet from any intersecting driveway, "required" or "optional" sidewalk or street line; the intervening length of driveway shall be level and tangent.
- (ii) An individual unit garage in Categories I, II and III shall be set-back not less than 23 feet from any condominium driveway, "required" or "optional" sidewalk or street line.
- (iii) Except for driveways serving individual units and garages, no roadway or driveway shall be closer than 4 feet to the foundation or wall of any portion of a building.

(e) Curbs

All common drives and roadways shall have permanent type poured concrete barrier curbs as per City Engineering specifications.

3. Parking Standards

- (a) Category I - a minimum of one space per unit enclosed in an individual unit garage, plus a minimum of one space per unit located between the garage and the condominium roadway. Visitor parking shall be accommodated on the common driveway at the required widths or in common parking lots at a rate of one space per four units.
- (b) Category II - a minimum of two spaces per unit one of which may be enclosed in an individual unit garage. Both spaces to be located within the land area assigned to that unit. Visitor parking shall be accommodated on the common driveway at the required widths or in common parking lots at a rate of one space per four units.



3. Parking Standards (cont'd)

- (c) Category III - a minimum of one space per unit enclosed in an individual unit garage plus a minimum of one space located between the garage and the condominium driveway plus a minimum of one space for every four units located in a parking lot separate from condominium driveways to be reserved for visitor use only, and so designated by clearly visible signs. The parking lots shall be distributed throughout the project for convenience to users.
  
- (d) Category IV - a minimum of 1.85 spaces per dwelling unit. Of this required parking supply, a portion being no less than 0.25 spaces per dwelling unit shall be reserved for visitors only. The total parking shall be distributed throughout the project for convenience to users.
  
- (e) Category V - a minimum of 1.75 spaces per dwelling unit. Of this required parking supply, a portion being no less than 0.25 spaces per dwelling unit shall be reserved for visitors use only, shall be so designated by clearly visible signs and shall be located convenient to an "intercom" equipped entrance to the building either in a grade level parking lot or in an open portion of the underground garage.
  
- (f) Categories IV & V - of the required parking supply, a portion being not more than 0.2 spaces per dwelling unit may be provided in the form of tandem parking spaces (two spaces back-to-back, one without independent freedom of access), provided that each set of tandem spaces is designated for the use of only one dwelling unit.
  
- (g) Categories II - V Recreational Vehicle Parking Area to be provided for the parking of recreational vehicles on the basis of 50 square feet for each dwelling unit, such area to be separate from any other

3. (g) cont'd.

parking area. Recreational vehicles are defined as trailers, boats, campers, motorised homes, snowmobiles, motorcycles and any other recreational vehicle. The internal marking of spaces may vary for different size vehicles and provide for sufficient manoeuvring room, for especially long vehicles.

- (h) Curbs All parking areas shall have permanent type poured concrete barrier curbs as per City Engineering standards.
- (i) Surface Standard The pavement and subgrade of all parking areas shall be in accordance with City Engineering standards.
- (j) Underground Parking Garages
  - (i) Lighting in underground parking garages shall provide for an illumination of at least five foot candles at floor level over the entire floor area.
  - (ii) All walls and ceiling of an underground parking garage shall be painted with white luminous paint.
  - (iii) All doors to an underground parking garage shall be fitted with a dead lock.
  - (iv) Underground garages shall be designed with minimum ramp widths of 24 feet for two-way traffic or 16 feet for one-way traffic. The ramp widths for above grade parking structures shall be the same as for underground garages.
  - (v) Where a road or emergency access road passes over an underground garage, the garage roof shall be structurally adequate to support fire apparatus.
  - (vi) The roof of the underground garage shall be structurally adequate to bear the weight of any required landscaping including soil and grass.

4. Sidewalk and Walkway Standards

- (a) Standards - The required width for walkways is 5 feet. Pedestrian walkways shall be constructed with a thickness of 5 inches of poured concrete, except at roadway crossings where the minimum thickness shall be 7 inches to accommodate heavier traffic loadings. Design and construction shall be in accordance with City specifications. Where walkways are required for individual units from the unit itself to the common walkway or common driveway or public sidewalk, they shall be constructed in accordance with the City specifications.
- (b) Condominium plans shall be examined to determine the nature and direction of pedestrian travel. Sidewalks shall be required on at least one side of major condominium roadways in Categories I, II and III and where required to provide for pedestrian access to street sidewalks, transit, services, schools and other facilities off-site and to recreational, social or other facilities on-site.
- (c) Location in Relation to the Private Condominium Roadways.
  - (i) In categories I, II and III, a minimum five foot boulevard will be required between sidewalks and major condominium roadways for snow storage purposes.
  - (ii) In categories IV and V, sidewalks should, wherever possible, not be located adjacent to major condominium roadways, but where located adjacent there shall be a minimum five foot boulevard, between the sidewalk and the major condominium roadway.

5. Street Lighting

Internal lighting shall be provided in accordance with the following requirements

- (a) No light standard shall be higher than 20 feet,
- (b) a light standard shall be placed at each roadway intersection and/or

5. (b) cont'd.

intersection of sidewalks.

- (c) Light standards shall be no greater than 125 feet apart.
- (d) Each light shall have a minimum candle power of 175 watts.
- (e) No light standards shall be located in the middle of the frontage of a unit.

6. Utility Standards

- (a) Watermains, storm and sanitary sewers shall be constructed to the same standards as required in any residential subdivision development, or the Plumbing Code whichever is the more stringent.
- (b) In condominium developments of Categories I, II and III the required hydro service easement shall be located immediately adjacent to the road and a minimum setback for such easement should be ten (10) feet from each housing unit.
- (c) In all buildings in Category IV where separate service and meter connections are not required and all buildings in Category V, a transformer room or rooms shall be provided within the buildings.

7. Recreational and Social Facilities

- (a) A properly designed and fenced children's play area or areas shall be provided in Categories II - V. Further, the size of such play areas shall be based on 50 square feet per unit in Categories II - IV and 15 square feet per unit in Category V, but in any case no play area shall be less than 1000 square feet. Children's play areas are to be a minimum of 100 feet from any unit or alternatively provide ample screening to minimize annoyance to adjacent units. Such play areas shall be provided with children's play equipment to be approved by the City Parks and Recreation Director.

7. Recreational and Social Facilities (cont'd)

(b) The minimum requirement for recreational and social facilities shall be as follows in Categories II to V:

(i) Swimming or Wading Pools

- 12 square feet of water surface per unit. If the requirement based upon the number of units is less than 700 square feet, then a wading pool shall be acceptable.

- If the requirement is more than 1250 square feet, a swimming pool and wading pool may be acceptable.

- If the requirement is more than 2,400 square feet, an enclosed indoor swimming pool with a minimum of 6 square feet of water surface per unit is required.

The depths of swimming or wading pool facilities, deck space, and ancilliary facilities and equipment shall be subject to the approval of the City Parks and Recreation Director.

(ii) Meeting/Pre-school/Social Facilities

- Multi-purpose and/or specific usage facilities shall be provided based upon a minimum of 7 square feet per unit.

Such facilities will provide for toilet and storage facilities in relation to the size of the facility and the interior decorating and furnishings shall be subject to City approval.

(iii) Maintenance and Storage Facilities

For use by the Condominium Corporation to provide for the storage of maintenance equipment. Such facilities may form a part of other structures but shall be a minimum of 200 square feet of covered and secure indoor space.

7. Recreational and Social Facilities (cont'd)

(iv) Hard Surface Areas

Multi-purpose or specific usage hard surface areas shall be provided on the basis of 20 square feet per unit.

In small projects the space would appropriately allow for ball hockey, outdoor basketball, volleyball, etc., tricycle areas and winter skating areas. Larger projects should also consider tennis facilities as appropriate to developments.

(c) Specialized Facilities

Category V Condominium projects may also be required to provide specialized facilities which may include: game and hobby rooms, indoor play areas, fitness facilities such as gymnasium, squash, saunas, sun-decks, lounges and limited commercial facilities.

The criteria for the foregoing will respect such considerations as:

- number and type of units.
- location of project in relation to municipal or commercial facilities.
- adjacent property development.

In any event Category V developments, because of the high density factor, should attempt to provide maximum opportunity for social interaction through the provision of recreational and social facilities and should provide a sense of space and openness through the provision of a high degree of landscaping and grade variations.

8. Landscaped Open Space

The provision of landscaped open space within each development shall increase in direct relation to the density of a development.

8. Landscaped Open Space (cont'd)

In all cases, the preparation of site plans and the location of underground utilities are to respect existing trees and natural features in order to enhance the development and preserve vegetation which is irreplaceable.

Each condominium development will be, of necessity, judged on its own merits, but as a general guideline, landscaped open space which includes all areas excepting residential building sites, roads, driveways, ramps and parking areas, shall be provided at no less than:

Categories I - IV - 50%  
V - 60%

In calculating this percentage, credit may be given for indoor and outdoor recreational and social facilities.

The quality and quantity of landscaping is considered an essential ingredient in the development of a condominium project.

Standards respecting landscaping shall take into consideration such matters as:

- topographical features
- existing trees and vegetation
- adjacent land use
- environmental hazards - i.e. arterial roads, railways, industry etc.

As a minimum general guideline the following criteria will apply:

- all landscaped open space to be fully sodded with #1 nursery sod after soil has been prepared in accordance with good horticultural practice.
- an average of three trees per unit on the overall site.
- Deciduous trees to be a minimum of 2½" caliper with larger trees planted at selected areas.
- coniferous trees to be a minimum of 6 feet tall from finished grade with larger trees planted at selected areas.

8. Landscaped Open Space (cont'd)

- ornamental trees and shrubbery to be provided to achieve aesthetic improvement to the unit or building and/or to provide screening where required.

- where sites are flat, contours are to be created through mounds and berms as a method to provide a variety of gradients, and where required, to provide screening through elevations on the site.

- where sites are located adjacent to environmental hazards, such as, arterial roads, railways, industry, commercial areas, etc., the residential units shall have greater setbacks to provide buffering and increased landscaping.

- fencing will form a part of the landscape plan and shall be required to provide privacy screening, boundary delineation (where required), safety barriers and screening from environmental hazards.

The type and specifications of fencing shall be in accordance with the requirements of the City for each specific site.

9. Location of Recreational and Social Facilities

The location of recreational and social facilities shall be adjacent to City owned open space and/or parkland where possible and in other instances on the periphery of a plan in order to minimize the noise factor emanating from active facilities.

10. Shared Facilities

In the event the City considers it feasible to allow recreational and social facilities to serve more than one Condominium Corporation as an area under joint ownership, the aforementioned standards may be increased or decreased by the City Council on the recommendation of the Director of Parks and Recreation and the Director of Planning in order to achieve a viable and acceptable shared facility plan.



11. GENERAL

(a) Size of Condominium Corporations

The maximum number of dwelling units in a single corporation shall be as follows:

- (i) Category I - No limit
- (ii) Categories II, III and IV - 100 units
- (iii) Category V - 300 units

The above limits may be revised depending on the size, shape, location and other features of the site and the location of major roads.

A Special Meeting of Planning Committee was held on Tuesday, September 21, 1976 in the Lester B Pearson Theatre, Bramalea, Ontario, commencing at 7:30 p.m. to hear representation on a Proposed Amendment to the Official Plan of the City of Brampton Condominium Policy.

Members present were: F.R. DALZELL - Chairman  
J.J. YARROW - Vice-Chairman  
J.E. ARCHDEKIN - Mayor  
W.J. BAILLIE - Alderman  
MRS. E. MITCHELL - Alderman  
MRS. D. SUTTER - Alderman

Staff Present were: L.W.H. Laine - Planning Director  
M.J. Hiscott - Seior Planner - Policy

Approximately 18 members of the public were in attendance.

The Chairman welcomed the members of the public to the meeting and explained that the purpose of the meeting was to advise the public of the Proposed Amendment to the Official Plan of the City of Brampton Condominium Policy and to solicit their comments and questions.

The Chairman then asked the Planning Director to outline the proposal to the public. After the close of the Planning Director's presentation, the Chairman invited questions and comments from the members of the public in attendance.

John Kowalski of Peel Condominium Number 10 enquired as to the progress of the Brampton Condominium Association Committee that was to be set up. Mr. Kowalski was advised that efforts to establish the Committee failed because of the non involvement of the Urban Development Institute. Consequently, City Council had disbanded the Committee.

Mr. Brydon, Main Street South, agreed with the efforts to develop a policy on condominium development and referred to the proposed Policy regarding the complications that may arise from a mixture of categories within a single project or a single building (page 7). He also referred to the size (number of units) permitted in each category.

Mr. Kowalski raised several questions regarding the need to provide recreation facilities at the outset in townhouse projects, provided that land is reserved to permit a choice of facilities with funds set aside for the purpose. He suggested that condominium projects should not be built because of internal conflicts.

Mr. Kowalski enquired why so many condominium projects were being built and why they appeared to be located near busy intersections. He also enquired if condominium projects were going to be distributed through the City or concentrated.

Brian Kelly of Peel Condominium Number 10 noted that many people do not know the cost of facility maintenance and that some existing facilities are underused (swimming pools). He also commented on the problems that may arise by mixing the vertical type of condominium containing large areas of landscaped space with the horizontal type providing only a limited quantity of landscaped space. Further, Mr. Kelly disagreed that individual water meters would be beneficial since an individual would not be willing to pay the cost for lawn watering.

Ted Wojas suggested that the cost of providing amenities are passed onto the purchaser and that the cost of condominium units could be lower if lower standards were employed.

Mr. Sheard (Bramalea Road) enquired as to the proportion of condominium units presently being built and if Council might control the number to be built. He further suggested that the environmental and social (family) problems should be reviewed.

The meeting adjourned at 9:00 p.m.

NOTIFICATION LETTER

Sent To: 1. Toronto Home Builders Association  
2. Ontario Condominium Association  
3. Urban Development Institute, Ontario  
4. Bramalea Limited  
5. Macaulay, Lipson & Joseph, Solicitors

Dear Sir:

Re: City of Brampton Condominium Policy  
Our File: C16

The Planning Committee of the City of Brampton recommended at their meeting of April 18, 1977 that certain organizations be invited to send delegations or present submissions to the Planning Committee of the City of Brampton with respect to the above captioned at the next regular meeting of the Planning Committee to be held on Monday, May 16, 1977. The meeting will commence at 7:30 P.M. and will be held in the Municipal Council Chambers, 2nd. Floor, 24 Queen Street East, Brampton, Ontario.

Please accept this letter, on behalf of the Planning Committee as an invitation to yourselves to attend if you so desire.

If you do wish to have a delegation or present a submission to the Planning Committee at the above mentioned meeting, we would appreciate being informed of the same in order that we can determine the various items to be placed on the Planning Committee Agenda for that date. Attached please find a copy of the City of Brampton Proposed Condominium Policy. Thank you.

Yours very truly,

AR:sa  
Attachment

(Sgd.) Allan Rothwell,  
Administrative Assistant.

EXTRACT FROM THE MINUTES OF  
THE PLANNING COMMITTEE  
MEETING HELD ON MAY 16TH, 1977

B. DELEGATIONS:

1. Amendment to the Consolidated Official Plan. Condominium Policy. Our File C16.

Planning Committee had before it a report from the Planning Director.

Representatives from four organizations presented their verbal submissions to the Committee, namely:

Mr. Ray Smith, Director, Toronto Home Builders Association.

Mr. Morris Smith, Vice-President, Bramalea Limited.

Mr. Karl Mallette, Metropolitan Toronto Apartment Builders Assoc.

and

Mr. Elliott, Kings Point Developments.

Mr. Ray Smith of Toronto Home Builders Association also presented to the Committee a written brief.

The representatives of the aforementioned associations each expressed concern over the proposed Condominium Policy.

1. The Committee requested that written submission be forwarded to Planning Committee and Staff for review.

Recommendation:

That the various condominium submissions be received by Planning Committee and reviewed by staff and Committee members, with any suggested amendments to be considered at a special Planning Committee meeting with the date to be set at the next Planning Committee Meeting.

STAFF REPORT DATED  
JUNE 15TH, 1977  
ON THE BRIEF SUBMITTED TO  
THE PLANNING COMMITTEE



- b. Paragraph 2 indicates that the Association reserves the right to expand on the concerns expressed in this brief in later discussions with Council.
- c. Paragraph 3 suggests that the proposed policy would abrogate the objectives of the Provincial Condominium Act and would discriminate against condominium development by imposing many unnecessary and unrealistic standards.

Comment:

The Proposed Condominium Policy is within the constraints of the Condominium Act and its objective is not to discriminate against the Condominium Development but to establish policies encouraging better development of this type of housing within the City. The standards provided for Condominium Developments comply with the accepted planning and engineering practices. The ever increasing number of new condominium developments within the City complying with the constraints of this policy is a proof that this policy is a reasonable one and is acceptable to the Development Industry in general.

- d. Under paragraph 4, the Association submits that there is a need for more information on condominium operation and for a more Comprehensive Housing Policy.

Comment:

One of the objectives of having a Condominium Policy in the City is to inform the public; the present and future owners of condominium - and the building industry of the standards of development and construction as required by the City for such developments. The City recognizes the need for an overall Housing Policy and as indicated in the Background of the Amendment, the Housing Policy shall be prepared as a part of the New Official Plan.

- e. Under Paragraph 5, the Association submits that this policy would result in unnecessary additional costs to home owners.

Comment:

The Association has submitted no comparisons or figures of costs on which the above statement is based.

- f. In paragraph 6, the Association says that the Condominium Policy, in certain ways, seeks to circumvent Provincial law by changing its Official Plan without the due process of the Planning Act. This paragraph adds that the applicant is entitled to know in advance all the ground rules.

Comment:

The proposed Condominium Policy is to be incorporated as an Amendment to the Consolidated Official Plan of the City, and shall be submitted to the Province for approval as per the provisions of the Planning Act.



The policy is intended to describe in detail all the ground rules for the development of Condominiums within the City, for the benefit of the Building Industry and for the public in general.

- g. Paragraph 7 states that it is unrealistic to require that the applicant shall declare if the proposed development is rental or condominium at the rezoning stage.

Comment:

In our opinion it is important for the City staff and Council to know if the proposed development was rental or condominium, for the proper processing and approval of the application. It is also in the best interest of the developer to make provisions in the initial proposal for the specific type of development. A development approved and built as a rental project may not be suitable for condominiums.

- h. In paragraph 8, the Association submits that the policy unwisely prohibits proper housing mix.

Comment:

It is incorrect to assume that the policy prohibits housing mix. Section 2.5 of the proposed Condominium Policy states as follows:

"A mixture of above categories under a simple Condominium Corporation shall be prohibited".

The above statement does not mean that two or more Condominium Corporations providing a housing mix are prohibited.

- i. Paragraph 9 is a repetition of paragraph 7, as it relates to the Declaration of the intent to build rentals or condominiums.
- j. In paragraph 10, the Association submits that the condominium policy would result in unnecessary delay in the approval process and subsequently reduce the supply of housing.

Comment:

One of the objectives of the proposed Condominium Policy is to state clearly the requirements with respect to the different categories of Condominiums and thus to streamline the process of approval. In our opinion, this policy would reduce the length of time required for the approval of a Condominium application as the applicant would be aware of all the requirements pertaining to such development and make all the provisions in the initial application.

- k. Paragraph 11 suggests that the policy would generate unproductive interventions into the design aspects and refers to the inexpertise of public officials who are generally not architects or experts in aesthetics.

Comment:

The Association is wrong in presuming that the City has no architects on the staff and thus lack expertise for aesthetic considerations. The design aspects of planning and Architectural Control are part of the Municipal Planning function. Amendments to The Planning Act of Ontario makes provision for Architectural Control within its provisions.

- l. Under paragraph 12, the Association submits that the proposed Condominium Policy implies that category V (High Rise Residential) is over represented and it is discriminatory.

Comment:

None of the policies contained in the proposed Amendment imply the above mentioned statement.

- m. Paragraph 13 states that the policy is extremely restrictive as it applies to all rezoning applications for three or more residential units.
- n. Paragraph 14 elaborates the statement made under paragraph 13, above.
- o. Paragraph 15 states that there would be double agreement; one with respect to the Plan of Subdivision and the other with respect to the Condominium Development.

Comment:

The above is an accepted practice.

- p. Paragraph 16 refers to the double taxation of the Condominium Project with respect to recreational amenities and swimming pools, tennis courts, etc..

Comment:

Since condominium projects do not provide private open space and accompanying recreational facilities, it is necessary that active recreational facilities be located on a community basis within a condominium project.

- q. Paragraph 17 submits that the Policy refers to unnecessary policing of By-laws and Declarations.

Comment:

With respect to the Condominium Developments, it is necessary for the Municipality to review the By-laws and Declarations in order to ascertain that the Development complies with the requirements and conditions as laid down by the City.

- r. Paragraph 18 states that Section 2.1 (e) indicates the payment of levies as a condition of approval of rezoning and condominium.

C1-5

Comment:

There is no Section 2.1 (e) of the Policy. However Section 3.1 (f) while referring to provisions relating to Condominium Agreement mentions levies. There is no requirement of payment of levies as a condition of approval of the rezoning application.

- s. Under paragraph 19, the Association submits that it is absurd to require that conversions need Official Plan Amendment.

Comment:

The proposed policy does not contain the above mentioned requirement.

- t. Paragraph 20, suggests that the Condominium Policy on conversions is improper and the vacancy rate restrictions indicate a serious problem. The Association submits that in any conversion, it is unlikely that 80% of tenants would agree to purchase.

Comment:

The policy with respect to the conversion of existing rental Building to Condominium is precise and in the opinion of your staff most suitable for the City. However, it is felt that the requirement of the 80% of the tenants to be agreeable to purchase is too high. It is suggested that the Planning Committee instruct staff to review this requirement".

- u. Paragraph 21, suggests that the standards as provided under Appendix I of the Policy are excessive. This section refers to the specific standards of safety, driveways, parking, recreational, open space, etc..

Comment:

The standards provided in the Appendix I, have been established on the advice of the concerned department heads of the City and are considered reasonable for the Condominium Developments within the City.

- v. Paragraph 22 indicates that excessive cost would result from these standards and this would change the context of investors' interest in condominium projects. The Association submits that financial implications require further analysis but are obviously serious and adverse.

Comment:

The current Condominium Developments within the City conform substantially to the standards as contained in the proposed policy and there appears to be no adverse financial impact on such developments.

- w. Paragraphs 23 and 24 refers to the Maintenance policies and the size of Condominium Corporations. The Association submits that the policy of providing restraints on the size of condominium corporations is counter-productive and the sizes are arbitrary. The maximum number of units suggested are inappropriate.

Comment:

The purpose of including maintenance standards in this policy is to avoid any undue maintenance problems for the prospective owners of condominiums. The requirement is merely to ascertain that the arrangement for maintenance comply with the City standards. With respect to the proposed restraints on the number of units in one Condominium Corporation, it is necessary to incorporate a restraint which is appropriate from a management point of view. On the question of a figure of 100 or 300 for such units in a single corporation, this may be changed if the studies indicate otherwise.

In conclusion, the Association submits that these observations which are neither extensive nor final but indicate some serious problems. The Association has expressed that it wishes to make further representations and to have further input. The Association has also included an Appendix which notes in detail, the changes from the July 1976 version to the revised draft of May, 1977 of this policy.

The Planning staff has also received comments from the Region of Peel Planning Department on the proposed policy. The Region's Planning staff has indicated as follows:

"We have discussed the proposed amendment with the Regional Department of Public Works and the staff of the Regional Housing Task Force and the following combined comments are now offered for your consideration.

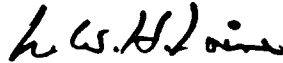
The amendment is a good comprehensive document which addresses many of the key issues and problems currently faced by municipalities and condominium owners alike. Since many of the difficulties with condominiums originate in the approval and production process, the proposed development control procedure and development standards should reduce or eliminate many of the past problems.

These remarks are limited to those areas where we suggest additional clarification or modification. We hope that you will consider these suggestions in the final writing of the amendment."

Presently, as the Minister of Housing has delegated powers to the Region of Peel for the approval of Condominium Applications, the modifications suggested are based on these delegations. The staff would be reviewing these modifications and other suggestions, in the final draft to be considered by the Planning Committee at a future date.

CONCLUSION

In view of the considerations that none of the other organizations have submitted their briefs and that the brief submitted by the Toronto Home Builders Association has been reviewed in detail in this report, it is recommended that the Planning Committee set up a date for the consideration of the final draft of the proposed Official Plan Amendment pertaining to Condominium Policy of the City.



L.W.H. Laine  
Planning Director

LWHL/JS/jb

01-9. Received at the  
Planning Committee meeting  
on May 16, 1977.

TORONTO HOME BUILDERS' ASSOCIATION

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A FURTHER  
BRIEF TO THE CITY OF BRAMPTON  
ON  
THE PROPOSED OFFICIAL PLAN AMENDMENT  
REGARDING CONDOMINIUM POLICY

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MAY 1977

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TORONTO HOME BUILDERS' ASSOCIATION:

A FURTHER BRIEF TO THE CITY OF BRAMPTON ON THE PROPOSED  
OFFICIAL PLAN AMENDMENT REGARDING CONDOMINIUM POLICY

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In December 1976 the Toronto Home Builders' Association presented an initial brief to the City of Brampton on the subject of the proposed Official Plan Amendment regarding condominium policy. Since that time a revised draft of that policy has been produced. This further brief is submitted in the hope that the policy will be modified along the lines suggested. It is disappointing to note that despite an extensive response within the very limited time given for the December 1976 brief, there is no evidence that any modification was made in the original policies and indeed these policies appear to have become more severe than in the initial policy draft, for reasons which are unclear.

This further brief therefore reiterates the original points made and where necessary augments the comments, in the earnest hope that these matters will be changed in the eventual decisions made by Council.

1. THE NEED FOR PROVINCIAL POLICY

The draft Official Plan Amendment now proposed by the City of Brampton follows prior policies in Etobicoke. On the basis that there is thus a precedent, the Minister will no doubt be asked to approve this policy. Nevertheless, as this brief will show, there are serious enough implications to suggest that it is urgent, before piecemeal and discriminatory policies are adopted in many municipalities, to produce a model policy at the

Provincial level, as a guideline to local municipalities. This is all the more urgent because the implication of the underlying philosophy of the policy is effectively to prevent condominium development, and the effect is to substantially increase housing costs, while adding increasing bureaucratic intervention and administrative uncertainty in the housing field. Not the least concern is the extremely limited time given for input by those concerned with building housing, in the initial draft, and the apparent lack of attention given to the Outline Brief which was submitted in December 1976, judging by the May 1977 draft policy.

2. OUTLINE BRIEF ONLY: RIGHTS RESERVED

This brief is only an outline of the major concerns on which the Toronto Home Builders' Association would like to have input. The Association reserves the right to expand on these concerns in later discussions with Council, and elsewhere, and hereby requests such discussion, as well as requesting that proper attention be given to the very serious issues raised by the Association. At the present time the process looks like moving the first draft through to final approval without any modification, except to increase the stringency of the measures proposed.

3. THE POLICY DISCRIMINATES AGAINST CONDOMINIUM DEVELOPMENT AND ESSENTIALLY SEEKS TO PREVENT IT

Certainly there is no objection to a policy which will establish sound and workable guidelines for condominium housing

in Brampton. While the Official Plan recognizes an objective of providing a range of housing types and tenure, it is clear that the result of the proposed policy will be to abrogate the objectives of the provincial legislature in enacting the Condominium Act, to discriminate against condominium development by imposing many unnecessary constraints, and to prevent effective condominium development, by discouraging investor and builder interest. It will also impose unnecessary and unrealistic standards, and complicate the processing and operation of condominium management by arbitrary rules about size. It is suggested that a more rational policy of encouragement is what is really needed.

4. NEED FOR INFORMATION ON CONDOMINIUM OPERATIONS

The basis for such a policy is an over-reaction to complaints which are either based on a misunderstanding of the nature of condominium operations or relate to other matters not related to tenure or built form. There is a need for more information on condominium operation and for a more comprehensive housing policy. When the proposed recreational and other standards are viewed relative to other freehold developments it will be seen that these are unrealistic and probably unattainable. We consider that Council should have more input on these issues so as to resolve them, rather than to proceed as is now proposed and make condominium building an unviable proposition.

5. UNNECESSARY ADDITIONAL COSTS TO HOME-OWNER

Whatever delays are occasioned, and whatever standards

are imposed, the ultimate costs will be paid for by the unit purchaser. The cumulative effects will be to increase those costs by imposing quite unnecessary facilities and by adding relatively arbitrary bureaucratic processes. There is an underlying thrust to these policies that unit purchasers should look almost exclusively to their own projects for the whole range of amenities, rather than to public facilities. This means not only an additional initial cost but continuing additional maintenance costs. The effect is highly discriminatory because whereas the policy disclaims the idea of looking after condominiums versus tenants, comparable standards for rental buildings are not produced at this time, but instead are left for some unspecified future date at which time there will be a future comprehensive housing policy. Nevertheless, the policies are to be put into effect now without being specifically tied to the production of such a policy. This is a major and retrograde change since the 1976 draft.

6. CONTRADICTION OF THE PRINCIPLE OF OFFICIAL PLANS

The policy really permits in many areas (and particularly in the matter of negotiation of agreements) an "ad hoc" determination of each project, proposal by proposal, on a basis which will obviously vary from time to time. This introduces a highly discriminatory uncertainty and contradicts the basis on which Official Plans are produced as policy documents which can be used by the public to guide their future actions. It gives the added effect of the City seeking to circumvent Provincial law by having a means of internally changing its Official Plan without the due process of the Planning Act. This is because great emphasis is placed on Appendix 1, which can be changed

simply by a resolution of Council, but which is the key to Implementation under the Official Plan. Similarly, the grounds for refusal can include reference to the same Appendix and the as yet undetermined specifications, which can be easily and arbitrarily changed. This appears to be well beyond the powers of the Planning Act, and introduces a degree of arbitrariness and uncertainty which is surely not contemplated by the statute.

An applicant is entitled to know in advance all the ground rules.

7. ABOLITION OF PRE-ZONING INCREASES UNCERTAINTY AND REMOVES FLEXIBILITY

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This uncertainty is greatly increased by the abolition of pre-zoning. This is associated with a requirement for declaration of commitment to either rental or condominium status at the re-zoning stage. In addition, a condition of re-zoning would be the completion of a condominium development agreement (comparable to a subdivision agreement) requiring the submission of a draft condominium plan, a detailed site plan, a draft declaration, bylaws and architectural elevations, before issuing a building permit.

This is unrealistic. Condominium projects are usually brought to one stage by a developer, and then built and marketed by another party, a builder. If this were not the case, in most cases development would not occur. Canada does not have companies which can as a matter of routine fund the initial acquisition, subdivision processing, including Official Plan and zoning work, servicing and development, marketing and occupancy of the whole of its land inventory. The policy ignores the realities of development and removes flexibility. It limits response to

the market. Builders will not normally buy unzoned land. As they respond more directly to the market, they need a range of flexibility within general planning policy. It is simply unrealistic to require all these things at the zoning stage. If higher standards are sought they should be achieved by amending the Official Plan, Zoning Bylaws, building bylaws, by using Section 35a controls, or by amending the Condominium Act.

In addition, the policy, while now apparently recognizing existing zoning and existing densities, clearly indicates varying degrees of pressure to change what is established. This introduces a further degree of uncertainty and arbitrariness in areas which should not be so treated.

8. THE POLICY UNWISELY PROHIBITS PROPER HOUSING MIX

For no understandable reason, the policy discourages a proper (or indeed any) mix of housing types within a housing project. Planning for many decades has sought larger development sites in which a proper housing mix can be worked out, and has argued that this is a better result than trying to integrate independent separate projects of particular house-types. We consider that proper housing mix should be encouraged rather than being discouraged. There is no evidence that mixes are unsound.

Further, it is depressing to note that in the revised draft what was simply discouragement now becomes prohibited.

Indeed the revised draft throughout simply takes a 'harder line' than the original, increasing the general rigidity of the approach.

9. POLICY PREVENTS RESPONSE TO SUPPLY AND DEMAND

The declaration is intended to commit for all time to a particular housing tenure. This appears to take planning out of a proper concern for built form and into questions of tenure. As markets change, one type of tenure may be attractive now and unattractive in the future. The adjustments of tenure allow a normal adjustment between supply and demand, and prevention of that change is a dangerous distortion of the market.

10. DELAYS CONTRARY TO PROVINCIAL HOUSING POLICY

The net result of the policy will be an unnecessary and very significant lengthening of an already excessively long approval process. This will add very substantially to the costs and will serve to reduce the supply of housing brought 'on stream' in the future. This is contrary to provincial housing policy.

11. UNPRODUCTIVE INTRUSIONS INTO DESIGN ASPECTS

The policy will generate unproductive intrusions into design aspects of condominium development. It is suggested that there must be proper latitude for design, and that standards be correctly set out in general legislation. The opportunities for delay and additional cost by design arguments is unfair and unnecessary.

It is encouraging to note that the original draft proposed intervention in condominium projects down to the level of 'the interior decorating and furnishings of multi-purpose faci-

1-17  
lities which shall be subject to City approval', but that this has been removed in the current draft. This is a step forward.

Nevertheless, the policy speaks of 'unifying elements and compatible building forms' (p.15) and 'architectural integration'. These are vague terms which invite difficulty. Surely the powers of Section 35 of the Planning Act would be a more logical route to follow.

Having praised builder expertise, the policy proceeds to remove it and subject it to the relative inexpertise of public officials, who are generally not architects or experts in aesthetics.

## 12. CATEGORIES INDICATE DISCRIMINATORY HOUSING POLICY

The policy sets out five categories of condominium housing, and leaves the clear implication that "Category V" (high-density housing with vertical configuration) is over-represented. How this judgement can be made in the absence of over-all studies and prior to a comprehensive housing policy is unclear. It is certainly discriminatory against a particular housing type. Similarly, over-all totals are suggested for each category with no indication of how these are to be arrived at.

This is an extremely arbitrary form of control.

## 13. THE POLICY IS NOW EXTREMELY RESTRICTIVE

In the new draft (May 1977) the policies and controls now apply to 'all rezoning applications for three or more residential units on a single parcel of land'. This is a very significant change in scale and an extremely restrictive policy.



14. THE POLICY PROPOSES TO CURB EXISTING ZONING RIGHTS

Under the first draft, owners of lands already zoned multiple residential accommodation under the policy were to be required at the time of application for building permit to produce a written declaration of choice of tenure, and to be warned of the City policies. Apparently construction could proceed without draft condominium approval, but an agreement would be required. This was a curious policy, which unfairly curbed existing zoning rights for which builders have paid in good faith.

In the new draft, anything three units or over is caught by the policy, and the policy is mandatory, and obviously while existing zoning and density provisions are recognized it is clear that administrative and political pressures will still be brought to change them. This is an unusual concept of zoning rights.

15. THERE WILL BE DOUBLE AGREEMENTS

Since many parcels now to be used for condominium development will be subjected to Development Agreements arising from the original Plan of Subdivision, there will obviously result a form of double agreement when a further Condominium Agreement is extracted.

16. OWNERS WILL PAY TWICE FOR FACILITIES

Condominium owners will be in the unenviable situation of paying double taxation. In the first instance, they will pay

via municipal taxation for the provision of recreational amenities. In the second instance they will pay again for such facilities as swimming pools, tennis courts, parks, etc., through the costs of acquisition and maintenance of private facilities. They may wish for neither, but will pay for both. It seems very unfair to leave no discretion at all to condominium owners as to the facilities they wish to have.

#### 17. UNNECESSARY POLICING OF BYLAWS AND DECLARATIONS

With the increase in the popularity of condominium housing, there is a wide range of condominium bylaws and declarations. These are obviously matters of great interest and concern to unit purchasers, but being regulated by Provincial statute, there is no need for a duplicate policing by the local government. Here, reference should be made to the recent report of the Provincial Task Force on Condominiums.

#### 18. LEVIES INAPPROPRIATE IN OFFICIAL PLAN POLICY

Section 2.1(e) indicates the payment of levies as a condition of both rezoning and of approval of a condominium. This is quite inappropriate as an Official Plan policy.

#### 19. CONVERSIONS SHOULD NOT NEED OFFICIAL PLAN AMENDMENTS

It is absurd to require that conversions need an Official Plan Amendment. There is a basic principle here, that

conversions should be a response to market circumstances, without amendment to the Official Plan. The Province has recently allowed municipalities to determine this outside Official Plans, and obviously this is the best method of doing so.

## 20. CONVERSIONS POLICY IMPROPER

The policy on conversions is improper.

For example, there is no reason that an existing tenant should always become the ultimate purchaser of a unit. Tenants tend to be more transient, and in addition the concern for tenant displacement depends on the supply of rental accommodation, which will vary from time to time.

The prohibition on conversions, where a rezoning was proposed as rental accommodation is improper as a constraint on private property options.

The excessive standards against which conversion of existing property are to be measured indicates the unreal world of these policies. Why should a change of tenure require a radical upgrading of certain facilities?

The vacancy rate restriction indicates a serious problem:

- a) In the new draft the critical vacancy rate factor has been dropped from 4% to 2%. No reason is given for this change.
- b) The context in which vacancy rates are to be judged is so narrow as to invite very dubious statistics, and so vague as to invite misinterpretation. Surely the matter needs analysis on a metropolitan and regional scale.

Which vacancy rates are to apply? Why should a particular owner be restricted because of public restrictions on housing supply?

In the revised draft, the 'agreement' by 80% of tenants has been changed to 'confirmation' with additional data being collected on whether or not residents are bona fide and data on the time of occupancy, as a key element in conversion.

It is unlikely that in any conversion 80% of tenants can expect to agree on purchase. A landlord must be free to adjust tenure and tenancies, given reasonable notice. This provision will precipitate clearances of tenants prior to any conversion, aggravating housing problems. It is to be noted that the Landlords and Tenants Act requires 120 days notice, but the City policy requires 90 days. The revised draft has been modified to recognize the other statutory provisions, but the effects are the same.

21. STANDARDS ARE UNUSUAL AND EXCESSIVE

This brief can only touch on certain aspects of the standards suggested. The revised policy essentially repeats and to some degree tightens the standards originally suggested.

In Appendix 1, for example, standards of safety far exceed the applicable building codes, including emphasis on hose cabinets, smoke detectors, secondary access routes, fire hydrants, and illuminated directional signs. If these are desirable the correct course is to amend the general building code. While the policy now recognizes the Ontario Building Code, the standards are also additional to it.

With respect to driveway standards, there are special specifications for structural design, width, alignment and setbacks. There is provision for snow storage. In the May 1977 draft there is now provision for one-way road operation, and this is an improvement on the prior draft policy which prohibited such operations.

The policy also apparently prohibits public ownership of roads in a condominium, without reasons being given. This is unreasonable and inappropriate.

The parking standards as set out originally, and repeated in the second version, imply that all parking in condominium projects is inadequate. This is completely untrue. The policy suggests parking at higher ratios than for rental accommodation, including provision for recreational vehicles. Surely this should be dealt with in the general zoning bylaw relative to building type? On what studies are these based? They are excessive standards.

With respect to open space, recreational and social facilities, the requirements are a gross infringement of the rights of owners, and in addition will widen the gap between rental and ownership facilities. There is no reason why any project should be totally self-sufficient in such facilities, especially as the Official Plan sets out general standards, and taxes are paid for access to facilities outside the project.

The project of minimizing the size of projects will adversely affect their viability and management capability.

It is encouraging to see that there has been some modification of the former requirements for each unit having individual garbage facilities. The new policy appears to recognize central facilities where appropriate, and this is a step forward.

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The road and garage provisions can easily result in an 'overbuilt' situation.

With respect to location of recreational and social facilities, there is no compelling reason why these should always be located adjacent to public open space. This will simply encourage unreal expectations for use of such facilities among parkland uses. It also raises a policing problem. We respectfully suggest that the City should not be legislating particular facilities for a particular development, because these are private facilities. It is as if the City were to require all freehold single family owners to build swimming pools.

It is noted that certain standards have been increased in the revised policy. For example:

- a) Now individual TV antennae are prohibited.
- b) Instead of the former encouragement of 'individual street houses' on freehold lots' these are now prohibited.
- c) Safety provisions now include additional specifications 'with respect to any building two or more units in height in Category IV (ie. stacked town housing)'.
- d) The former 250-foot distance for fire hydrant location has now been increase to 500 feet.

Some standards have been modified. For example:

- a) One-way street operation is now permitted.
- b) The utility setback in Appendix 1 6(b) is now 10 feet rather than 'approximately 20 feet'.
- c) The former 6-foot height limit on fences has been removed.
- d) Hammer-head culs-de-sac are now permitted.

With respect to roadways and sidewalks, in the new policy the 5-foot boulevards are now to be located 'between the sidewalk and the major condominium roadway'.

Culs-de-sac should be allowed to exceed 150 feet where emergency access exists.

The 23-foot setback in Appendix 1, 2(d)(ii) is excessive where sectional garage doors are used.

There should be a chance to use either concrete barrier curves or the roll-type, depending on frequency of driveway depressions and the significance of pedestrian traffic.

With respect to landscaped open space, the developer or builder will be duplicating open space. The space is initially provided relative to a total subdivision and is then provided again in the project. This is unfair. Credit should be given for open space provided in the over-all subdivision.

These are not, obviously, exhaustive criticisms. They are simply an indication of a serious need for rethinking and re-working these standards. (The Appendix indicates the detailed changes between the first and second drafts.)

22.FINANCIAL IMPLICATIONS

More study is needed to be able to comment on the financial implications.

Excessive cost will result from these unusual standards, additional delays, increased purchase costs, increase maintenance and operation costs, and because of additional requirements.

This will change the context of investor interest because it will decrease the market viability of condominium projects.

The requirement for bonds is most unusual. Historically maintenance bonds have been required by the City where it is ultimately responsible for maintenance. Since these are all

private facilities, it is obviously quite inappropriate for bonding to be required. Any bonding should in principle be held by the condominium corporation itself.

The financial implications require further analysis but are obviously serious and adverse.

23. MAINTENANCE POLICIES IMPRACTICABLE

It appears to be forgotten that condominium owners have rights. The owners of units may wish to change the quality and frequency of maintenance and have just as much freedom to do so as any freehold owner subject to any general Maintenance and Occupancy Bylaw, subject also to safety and the public interest.

Generally, it is desirable that new owners take over maintenance arrangements quickly, and details of such arrangements are usually fixed well after the time of application for condominium approval. It is impracticable to determine such arrangements prior to, or at the time of, applications for approval.

24. ARTIFICIAL RESTRAINTS ON SIZE OF CONDOMINIUM ARE COUNTER-PRODUCTIVE

The policy suggests quite arbitrary sizes of condominium.

This is counter-productive, because the objective of a condominium is to economize on land and produce a sensible managerial unit. There is little evidence on the adverse effects



of size, and it does appear that many condominium units are too small for sensible management. Given that the condominium is a 'private local government' it needs to respond to economies of scale, to be able to produce sensible management and engage appropriate expertise. The units suggested are inappropriate.

They also contradict the density provisions. It is very likely that a block of land could support more than two 100-unit condominiums, and the result could be wasteful.

Plato suggested an ideal 'community' was 5,000 people. Planning theory has even suggested 'neighbourhoods' of 10,000. This range would be 1,200 to 2,500 units, and there is no adverse evidence for higher limits than those in the policy.

## 25. CONCLUSION

These further observations are neither exhaustive nor final. They are only an indication of some serious problems raised by this policy, on matters which the Toronto Home Builders' Association wishes to make further representation and to have further input. This is particularly vital as the second draft appears to have made little response to the initial brief (December 1976) of this Association.

Respectfully submitted on behalf of the  
Toronto Home Builders' Association.

May 1977

APPENDIX 1

DETAILED NOTES ON CHANGES FROM THE JULY 1976 VERSION IN THE  
MAY 1977 VERSION

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1) The draft Official Plan policy is cast in a new form bringind it generally into a form which the Minister could upon approval insert into the Consolidated Official Plan.

2) There is a significant change in purpose. Part A in the July 1976 draft states that "...this Amendment will establish a comprehensive policy applying to the approval and regulation of condominium housing developments in the City of Brampton until such time as a housing policy is established in the new Official Plan". (Underlining added)

This provision is missing from the new version.

The new version adds a further objective: "...to outline the policies to be used with respect to the approval of condominium draft plans within the City of Brampton Planning Area." (Note this was done before, but was not an objective.)

3) The text is rearranged.

4) Section B-1 in the old draft is now 2.0 in the new draft. As before, 5 categories of condominium housing are set out. Category 1 - Large Lot Singles is generally similar in both versions.

Category 2 - Small Lot Singles and Semis is again generally similar, with certain grammatical and tense changes.

Category 3 - Town Housing (Individual Access). While being generally similar, the introductory sentence has been removed in the new version (p.6, Draft 1; p.7, Draft 2) and the phrase dealing with townhousing with common parking areas ("which are included in Category 4") has been removed.

Category 4 - Miscellaneous Medium Density Housing. Again, while the wording has been generally repeated the term "shall be provided" is used rather than "will be". This may or may not have significance.

Category 5 - High Density Housing. A very drastic cut has been made in the descriptive section (p.7, old draft; p.6, new draft), and once again the tense is mandatory ("shall") rather than descriptive ("is").

One significant change is the deletion of the whole discussion on possible advantages or disadvantages of mixed projects, coupled with a flat prohibition instead of discouragement.

- 5) In dealing with Development Control Procedures, Section 2 in the former draft has been renumbered as 3.0 in the new one.

The whole discussion on p.8 of the old draft and p.9 has been removed in line with the general change of the text to reflect policy only.

The policies now apply to "all rezoning applications for three or more residential units on a single parcel of land". This is a significant change in scale.

In 3.1.1.(b) the test of "current City policies, criteria

and guidelines as per Appendix 1" is set out. Yet appendices ARE NOT TO BE CONSTRUED AS STATEMENTS OR POLICY.

This means a high degree of uncertainty about the operative policy at a particular time, and such policies should be clear, consistent from time to time, and be included in the Official Plan.

In (c) it has been recognized that the Ministry of Housing has a role in applications. This was not previously included (p.7 new draft). The sentence (pp.9-10 old draft) "The Development Agreement to contain a clause specifying that the building permit will not be issued until after draft condominium approval" (which had no verb) has been removed.

In (h) the term "no approval for condominium will be given" (p.10, old draft) has been changed to "no approval for condominium shall be given".

Otherwise these sections are generally similar.

6) Conversions are now Section 3.1.2 (formerly 2.2)

The initial sentence about "additional complications" (p.10 old draft) has been removed. "Should" has been changed to "shall".

The balance is generally similar in intent, but the text has been considerably shortened.

7) Existing Buildings are now dealt with in Section 3.1.3 (formerly 2.2.1)

The same question arises here as to the precise policy which is to apply at any given time.

In (c) (p.12,old draft; p.9, new draft) the terminal phrase

"and the regulation of residential occupancy in those cases involving major reconstruction or renovation" has been removed.

The vacancy rate provision in (e) has been reduced from 4% (p.12, old draft) to 2% (p.9, new draft).

In (e)(iii) the term "rental scale" has been changed to "the level of rents".

In (e)(iv) the reference to "the composition of the vacancy factor in relation to rental scale" has been deleted. The balance has been reworded to a similar general intent as before, save that "new buildings" have been changed to "the existence of a new rental complex".

In (f) the requirement for "Agreement" by 80% of the tenants has been changed to "Confirmation" by the same proportion, and in addition we have the proviso "and confirmation that they are bona fide residents and a statement of the length of their occupancy before signing an agreement to purchase" (p.10, new draft).

Section (f)(iii) has been changed to add "This provision shall not in any way affect any longer notice required by statute, lease or contract."

Further in (f)(iv) the questionnaire is not now to be drafted by the City but just approved by the City.

Otherwise the balance of these provisions are generally similar.

8) Lands Zoned For Multiple Residential Developments are now no longer 2.3, but a separate section, 3.2.

The general intent is similar, but:

a) Now all projects of 3 units or more are caught.

- b) The applicant is to be advised that the policy is mandatory (previously he was to be "warned in writing").
- c) The Section 2.4 has been removed and has then been modified to become 3.3, with the same general effect.
- d) Section 3.2 (a) and (b) are basically similar to 2.4.1 in the old draft.

- 9) The balance has been reshuffled and a new section called 3.4 Development Standards picks up much of the rest.
  - a) The reference to Appendix 1 for specifications (p.16, old draft) has been removed (p.12, new draft).
  - b) 3. Safety becomes 3.4.1 in the new draft.
  - c) Section C has been cut down making the Certificate of Occupancy the key element without specific reference to other inspections.
  - d) 4. Driveway Standards becomes 3.4.2. The preamble discussion and argument has been removed. Sections dealing with specifications, have been removed. Otherwise this section is generally the same as before.
  - e) Section 5. Traffic and Parking Control is renumbered 3.4.3, and once again the text of explanation and argument has been deleted. The section has been rewritten to permit effective traffic control measures and fire routes. The general effect is the same as before.
  - f) Section 6. Parking Standards has also been renumbered as 3.4.4, and again drastically cut to a simple policy provision with the same general intent, again without reference to Appendix 1.
  - g) Section 7. Sidewalk and Walkway Standards has been renumbered 3.4.5 and similarly cut, to the same general intent as before, again deleting any reference to Appendix 1.
  - h) Section 8. Utility Standards is now 3.4.6. Again, the

text has been cleaned up and the reference to Appendix 1 deleted. The net result is the same as before.

i) Section 9. Open Space, Recreational and Social Facilities has now become 3.4.7 and has been drastically cut like the other sections. The optional policy has been changed to mandatory ("shall"). Again, the reference to specifications has been kept but not tied to Appendix 1. The balance is similar to the prior draft.

j) Section 10. Architectural Control has now become 3.4.8. While it has been cleaned up in wording the general intent is the same as before.

10) Section 11 on the Size of Condominium Corporations. Buildings and Density is now 3.4.9 and has been similarly treated to those sections noted in 9) above.

i) Fortunately, the Section basically reflects the established zoning, but it still seeks to impose densities via the Official Plan.

ii) It states (a) that "the maximum number of dwelling units in each of categories I to IV shall be established" but it does not do so and gives no basis on which these totals will be established. This differs slightly from the prior 11.1.(a)

iii) It does give (a) some basis for varying the maximum limit of size of a condominium corporation.

iv) 11.1(b) in the prior draft becomes 3.4.9(b) in the new, virtually identical.

v) 11.2 becomes 3.4.9(c) and is again generally similar. The numbers and densities are unchanged. The section

adds: "Net density is defined as the number of units per acre of the land occupied exclusively by the residential and ancillary purposes."

The section which restrained these numbers from affecting zoned land is removed, but presumably the prior 3.4.9 guarantee of zoning rights still applies.

- 11) Section 12: Garbage Facilities and Removal now becomes 3.4.10 and again has been cleaned up and reworked to the same general effect.
- 12) Section 13: Internal Street Lighting now becomes 3.4.11 and while it has been shortened and rewritten, the net effect is the same.
- 13) Section 14: Scope of the Condominium Corporation now becomes 3.4.12. Again, the argument and discussion has been removed but the effect is the same.
- 14) Section 15: General becomes 3.5 and is similarly treated, to the same general effect as before:
  - a) 3.5.7 prohibiting individual TV antennae has been inserted.
  - b) In 3.5.12 the 6-foot high fence limit formerly in 15.12 has been removed.
  - c) In 3.5.13 we now have a prohibition of "individual street houses on freehold lots" as opposed to the encouragement of 15.13.
  - d) In addition to the grounds for refusal formerly in 15.15 we now have in 3.5.15 "or for failure to meet the requirements set out in this amendment." Since many policies and specifications are unclear but required, this gives pretty broad grounds for refusal.
- 15) Section 16: Maintenance Standards is now 3.6 and has the same general effect in shorter form.



16) Section 16.2: Implementation is now 4.0 and reference to conformity with Appendix 1 has now been added. This places a considerable significance on Appendix 1. Note also that Appendix 1, a key item in Implementation of the Official Plan can be changed "by a resolution of the City Council." This is an improper statutory procedure under the Planning Act, and very arbitrary.

17) Section 16.3: Interpretation is now 5.0 and is generally the same as before.

18) The Appendices make no reference to any input other than the September 21, 1976, Public Meeting.

19) In Appendix 1 there are the following changes:

- a) Notwithstanding the Ontario Building Code the safety provisions include additional specifications "with respect to any building two or more units in height in Category IV (ie. stacked townhouses)."
- b) Section (b)(iii) on fire hydrant location has (p.37) been changed to a 250-foot limit (as opposed to 500 feet) in (b)(ii) page 2, Appendix 1. This is more restrictive than before.
- c) Subsection (b)(iv), p.37 old draft, has been removed (emergency access).
- d) Roadway and Driveway Standards are unchanged, except for the addition of a sentence requiring 18 feet width on one-way designated routes (fire routes) where OBC requires it or where "the entrance to said building is more than 50 feet from the street" (p.3, new draft, section (b)(iv)).
- e) A distinction is added in the Alignment section (c)(i) where PRIVATE is inserted before "roadways". A section expansion is as follows:

"In lieu of a cul-de-sac where the roadway is for service or an emergency access road, a hammerhead not less than 20 feet by 80 feet may be provided in accordance with the City standards."

- f) Setback requirements are unchanged.
- g) Curbs are unchanged.
- h) Parking standards are unchanged.
- i) Sidewalk and walkway standards are generally unchanged, except that in the old (ii)(p.44), the new section 4(c)(ii) adds the words with respect to 5-foot boulevards - "between the sidewalk and the major condominium roadway."
- j) Street lighting requirements are identical.
- k) Utility standards are generally similar but the setback in 6(b) is now 10 feet rather than "approximately 20 feet."
- l) Recreational and social facilities requirements are unchanged.
- m) Landscaped open space requirements are unchanged.
- n) The section on location of such facilities and the section on shared facilities are unchanged except for a proper change to indicate the primacy of elected Council.
- o) The provisions on the size of condominium corporations is unchanged.

20) The introductory BACKGROUND section has been cut down.

This is not an exhaustive or final analysis of the changes, but simply an analytical study to augment the main brief.

REPEALED BY BY-LAW 152-81