



City of  
**Peterborough**

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**TO:** Members of the Planning Committee

**FROM:** Malcolm Hunt, Director of Planning and Development Services

**MEETING DATE:** August 31, 2009

**SUBJECT:** Report PLPD09-047  
Final Approval of Plan of Condominium  
30 Units at 300 Spillsbury Drive

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## **PURPOSE**

A report to grant Final Approval to Plan of Condominium for a three storey 30 unit building at 300 Spillsbury Drive.

## **RECOMMENDATIONS**

That Council approve the recommendations outlined in Report PLPD09-047 dated August 31, 2009, of the Director of Planning and Development Services, as follows:

- a) That Final Approval to the Plan of Condominium as shown on Exhibit B attached to Report PLPD09-047 located at 300 Spillsbury Drive be granted;
- b) That the Director of Planning and Development Services be authorized to sign the final plans on behalf of the Corporation of the City of Peterborough.
- c) That the effective date of Final Approval shall be the date the final plans for registration are received by the Planning and Development Services Department.

## **BUDGET AND FINANCIAL IMPLICATIONS**

Development charges are due for the 30 units before they may be occupied.

## **BACKGROUND**

Draft Plan of Condominium approval was granted by the Planning Committee in May, 2007. Normally, approval of the condominium is exempt from the formal requirements of the Condominium Act because the development is also subject to a Site Plan Agreement. In the vast majority of cases, the Site Plan Agreement addresses all the concerns of the City, utilities, agencies, and abutting property owners. However, through the rezoning process for this development, the area residents expressed concerns with the ultimate tenancy of the development. As a result, Council approved the Zoning By-law Amendment application on the condition that a Draft Plan of Condominium application would be submitted and ultimately approved by Council, and that the associated Condominium Declaration include a restriction requiring the approval of the Condominium Corporation (Board Of Directors) prior to the rental of individual units.

By requiring Draft Plan of Condominium Approval, Council was assured that the property would be developed as a condominium, and that the tenancy of the units would be controlled by the future condominium corporation.

Similar to the Draft Plan of Subdivision approval, where the conditions are included in the Subdivision Agreement, the conditions of Draft Plan of Condominium approval are included in a joint Condominium-Site Plan agreement for the subject property. The agreement was executed between the City and the property owner in October, 2007.

### **The Application**

This application for final draft plan of condominium approval relates to 30 dwelling units constructed at 300 Spillsbury Avenue.

The Condominium – Site Plan Agreement was signed and registered on the title of the property. In addition to satisfying the conditions of Draft Plan Approval, the following criteria must be met before the condominium plan can be registered:

- a) The development of the condominium must be substantially complete, and the associated site work must comply with the site plan agreement.

- b) The plan of condominium must conform to the City's Official Plan.
- c) The plan must comply with the City's Zoning By-law.
- d) The condominium units must be deemed ready for occupancy by the City's Building Division.

The development of the area of land, described in the condominium plan, must be substantially complete, including storm water detention pond, grading and drainage, adequate facilities for the required on-site parking, and all the necessary service connections.

At the time of the writing of this report, all services to the development were installed, the rough grading was complete, and interior finishing was underway. The site work must be substantially complete, and all the units ready for occupancy, before the condominium plans may be registered.

### **Official Plan and Zoning**

The subject property is zoned R.5 – 228 - Residential District, which permits the construction of the three – storey 30 unit building.

The construction of the condominium is in compliance with the Official Plan as well as all applicable Zoning By-law regulations.

The registration of the Condominium Plan will complete the first phase of three for the development of the block of land. The City continues to hold adequate site work performance security to ensure the property is developed in accordance with the Site Plan Agreement.

As is standard practice, staff are recommending that the condominium plans not be registered until staff have deemed the development of the property to be substantially complete and is in compliance with the site plan agreement. Additionally, the City's Building Division must have conducted their final inspection, and have indicated that all the new units are ready for occupancy.

Staff have reviewed the application, and are recommending approval of the condominium application based on the following:

- a) The developer declared his condominium intention with the City concurrent with an application for site plan approval, and the project is being constructed in accordance with regulations and standards associated with condominium development.

- b) The development conforms to the City's Official Plan and Zoning By-law. Additionally, the land as being developed, substantially complies with the site plan agreement, and the City holds sufficient security to ensure its completion.
- c) With the execution of the Condominium – Site Plan Agreement, the developer has satisfied the conditions of Draft Plan of Condominium Approval.
- d) The buildings are newly constructed and are not conversions.

## SUMMARY

It is recommended that Council grant Final Approval to the Plan of Condominium and that the Director of Planning and Development Services be authorized to sign the final plans on behalf of the Corporation of the City of Peterborough, once they are received from the Ontario Land Surveyor. Granting of Final Approval will permit the registration of the Condominium Plan.

Submitted by:

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**Malcolm Hunt, Director,**  
Planning and Development Services

Prepared by,

Concurred with,

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Attachments:

- Exhibit A – Location Plan
- Exhibit B – Draft Condominium Plan
- Exhibit C – Excerpt of Condominium – Site Plan Agreement
- Exhibit D – Section 29 of Condominium Declaration “Approval of Board Concerning  
Tenancies”
- Exhibit E – Site Plan Drawings