



City of North Bay Report to Council

Report No: CSBU-2023-058

Date: October 16, 2023

Originator: Peter Carello, Senior Planner – Current Operations

Business Unit:

Department:

Community Services

Planning & Building Department

Subject: Proposed Condominium Conversion by Bernard Divona on behalf of SIREG Holdings (North) Inc. – 350 Oakwood Ave.

Closed Session: yes no

Recommendation

1. That the proposed condominium conversion (Plan of Condominium File No. 48CDM-22102) by Bernard Divona on behalf of SIREG Holdings (North) Inc. in the City of North Bay for lands described in Appendix A to Report to Council Number CSBU 2023-058, as shown on Schedule "A" attached, be given Draft Approval subject to the conditions in Appendix B to Report to Council Number CSBU 2023-058 prepared by Peter Carello dated October 16, 2023; and,
2. That the proposed condominium conversion be conditional upon the Owner entering into a Condominium Agreement with the City of North Bay.

Background

Site Information

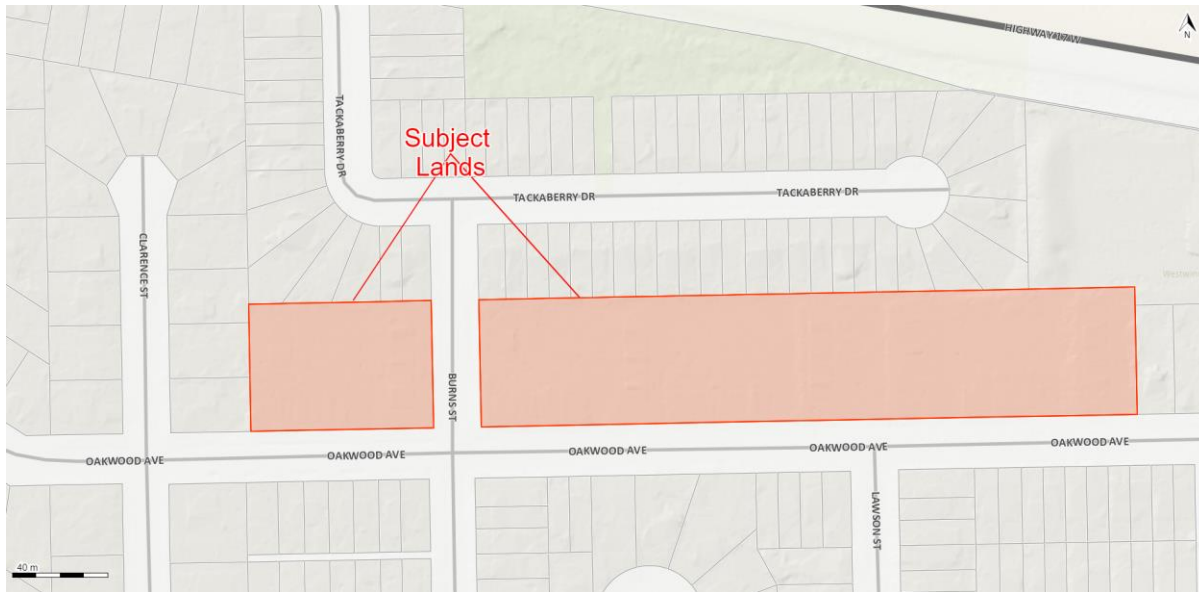
Legal Description: See Appendix A

Site Description: The subject property is an existing lot of record on Oakwood Ave. located just south of Tackaberry Dr. and Highway 17W, as shown on Figure 1 below. The existing 60-unit townhouse style residential development on the property front on either Oakwood Ave. (in blue) or Burns St. (in yellow). See [Schedule 'A'](#) attached.

It is designated "Residential" by the Official Plan and is zoned "Residential Sixth

Density (R6)" under the City's Zoning By-law No. 2015-30.

Figure 1: Map of Subject Property and Surrounding Area



The property has an existing lot area of 1.58 hectares and lot frontage of 346.86 metres on Oakwood Ave. The property is developed with 11 separate buildings with a total of 60 townhouse style residential units.

Surrounding Land Uses:

The surrounding land uses are predominantly mixed density residential. While most of the residential uses in the general area are single and semi-detached, there are several multi-unit residential buildings in the area as well, particularly along Clarence St. There are also several places of worship, schools and parks all throughout the area.

Proposal

Bernard Divona on behalf of SIREG Holdings (North) Inc. has submitted a request to convert the existing rental townhouse units located at 350 Oakwood Ave into condominium units.

Summary

The property owner, SIREG Holdings (North) Inc. (hereafter referred to as "Sireg"), is requesting a conversion of the existing townhouse complex into individual condominium units. Should City Council approve this request, each of the existing sixty units will become individually transferrable.

Sireg is proposing the creation of an investment vehicle through the condominium conversion process. Sireg's business model will allow investors to own individual dwelling units, which the current property owner (Sireg Holdings) would then rent out to tenants and manage on behalf of the investors. Sireg also said that the units would be for sale for under

\$200,000/unit. They further explain that the individual tenants would see no change to their current rental arrangement. Finally, Sireg states that over the longer term, the individual units would be upgraded and improved.

From the municipality's perspective, other than the proposed sale price, the above noted information provided by Sireg, and their proposed business model does not factor into the recommendation made by the Planning Department. Regardless of the property owner's stated intentions, permitting the conversion into condominium units means that the units would forever be subject to individual sale. There would be no manner to guarantee that the units remain for rent. The recommendations contained within this report are based on the assumption that the units would eventually be sold and would one day be occupied by the owner.

Condominium conversions have both benefits and drawbacks to a community. The downside is that there are rental units that are leaving the available rental housing stock. Having less available rental units could equate to having less housing choices for renters and could result in higher rental rates over time if new rental housing stock is not being developed.

However, the conversion of these units into individually owned condominium units creates home ownership opportunities that may not otherwise be available within the community. There are a few examples of this type of housing choice elsewhere within the community. These properties seem to be successfully operating and their units often represent some of the most affordable home ownership opportunities in North Bay's real estate market.

From a policy perspective, the Official Plan permits conversion of rental units into condominium units when the vacancy rate has been above 3% for two consecutive reporting periods. As outlined in this report, the vacancy rate has not been above 3% for two consecutive reporting periods. However, the Official Plan provides four criteria that allows for condominium conversions when the vacancy rate is below 3%. The owner needs only to meet one of these four criteria.

In reviewing the data and the proposal by Sireg, the owner does meet one of the four criteria. Sireg proposes to create affordable home ownership opportunities. The sale price proposed by Sireg (\$160,000-\$170,000, depending on unit size) would be significantly lower than what has been deemed by Provincial Policy to be affordable in North Bay's market (~\$400,000).

As such, Planning Services are recommending the approval of the proposed condominium conversion.

It is my professional opinion that the proposed Draft Plan of Condominium conforms with the Official Plan and the goals, policies and direction provided by the Growth Plan for Northern Ontario (GPNO 2011) and the end use is consistent with the Provincial Policy Statement (PPS 2020).

Provincial Policy

Growth Plan for Northern Ontario (GPNO 2011)

The Growth Plan for Northern Ontario (GPNO 2011) was introduced on March 3rd, 2011. All Planning Applications must consider this Plan as part of the evaluation process. Section 3(5)(b) of the Planning Act requires that decisions made under the Planning Act need to conform to the Provincial Plan or shall not conflict with it, as the case may be. The GPNO 2011 is broad in scope and is aimed at shaping development in Northern Ontario over the next 25 years.

It outlines strategies that deal with economic development, education, community planning, transportation/infrastructure, environment, and Aboriginal peoples. This Plan is primarily an economic development tool that encourages growth in Northern Ontario. Specific Planning related policies, including regional economic planning, the identification of strategic core areas, and targets for intensification have not yet been defined by the Province or incorporated into the Official Plan.

Section 4 of the GPNO (Communities) deals with land use planning matters. This Section speaks to creating a vision for a community's future. The City of North Bay achieves this through the implementation of the Official Plan. As discussed in greater detail later in the report, it is my opinion the proposed condominium conversion conforms with the City's Official Plan.

In my professional opinion, the proposed condominium conversion conforms with the goals, policies and direction provided by the Growth Plan for Northern Ontario (GPNO 2011).

Provincial Policy Statement (PPS 2020)

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Policy Statement sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for all Ontarians.

The current Provincial Policy Statement issued by the Provincial government came into effect on May 1, 2020. This proposal has been reviewed in the context of the Provincial Policy Statement (PPS 2020).

Excerpts of the Provincial Policy Statement (PPS 2020) applicable to this application are outlined below.

Housing Policies

Section 1.4.1 reads:

"To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:

a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and

b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans."

The term *Housing Options* in the PPS is an umbrella term that not only refers to housing types (ex: single detached, semi detached, townhouse etc.) but also refers to housing arrangements (ex: life lease housing, co-ownership, co-operative housing etc.) and different levels of affordability.

The request made by Sireg would convert the existing townhouse complex into individual condominium units. There are both benefits and drawbacks to this type of development.

While a condominium conversion would have the potential to reduce the overall number of units for rent in the City, it would create new dwelling units available for sale. This represents additional opportunities for home ownership, which could help to increase the availability of affordable home ownership in North Bay. The applicant has stated that the existing tenancy agreements would continue even after a change in ownership.

Section 1.4.3 continues:

"Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

a) establishing and implementing minimum targets for the provision of housing which is affordable to low- and moderate-income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;

b) permitting and facilitating:

- i. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*
 - ii. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*
- e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and*
- f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety”*

In general, condominium units in multi-unit residential buildings (such as townhouse complexes) tend to be lower in sale price in comparison to single and semi-detached housing types. These proposed condominium units could allow for dwelling units to be purchased at a lower cost than the average single or semi-detached home.

The PPS defines *Affordable* ownership in two manners. One calculation is a purchase price that results in annual accommodation costs of less than 30% of gross annual income for *low- and moderate-income households*¹. The second calculation is a sale price that is at least 10% below the average purchase price for the *regional market area*. These criteria are reviewed in further detail in the Official Plan section of this report.

This policy also identified that housing should be aligned with applicable housing and homelessness plans. Section 2 of the District of Nipissing Social Services Administration Board’s (DNSSAB) housing and homelessness plan speaks to the desire to coordinate and align the housing and homelessness

¹ PPS 2020 defines *low- and moderate-income households* (in the case of home ownership) as incomes in the lowest 60% of the income distribution for the regional market area.

plan with the Official Plan.

As part of the implementation of the Housing & Homelessness Plan, one of the action items includes: *"Ensuring the supply of rental housing stock is sufficient to meeting the need it was intended prior to approving the conversion of rental housing stock to condominium tender."* This desire is also reflected in the City's Official Plan which identifies several conditions that need to be considered prior to a condominium conversion. These conditions will be addressed in detail in the Official Plan section of this report.

It is my professional opinion that the proposed condominium conversion is consistent with PPS 2020 by encouraging different housing options and providing potential opportunities for affordable home ownership.

Official Plan

The primary goal of the Official Plan is to maintain and enhance the quality of life for the citizens of North Bay by providing a policy framework for Council to make good land use planning decisions. The Official Plan is North Bay's Community Land Use Plan. Relevant sections of the Official Plan are addressed below. The property is currently designated "Residential" in the City of North Bay's Official Plan.

General Housing Policies

Section 2.1.11.2 reads:

"The following general policies are intended to assist the City in its determination of housing requirements for the various special needs groups in the City:

- a) To encourage the existence of an adequate supply and diversity of residential accommodation by type and tenure to satisfy the social and economic requirements to the population;*
- b) To increase the life span of existing housing stock by encouraging maintenance and repair, and to ensure that all housing units meet the minimum standards of safety and health related regulations;*
- c) To encourage the provision of special housing for the older adults, physically challenged, low income, and group homes within the residential environment of the community."*

Subsection a) specifically refers to encouraging both supply and diversity of housing by type, which refers to both the style of residential units (i.e. single and semi-detached, townhouse, etc.) and the tenure (i.e., rent versus home ownership).

The proposed Plan of Condominium would convert the existing townhouse units into condominium units, which has the potential to reduce the overall number of units in the City for rent but could also create new dwelling units available for sale. As described earlier in the report, the applicant has stated that the intent of the conversion is to continue the current individual tenant rental agreements even through a change of ownership for each individual unit is proposed.

The property owner has further stated that the proposed Plan of Condominium would provide an investment model that would allow for major renovations to individual units. This would be consistent with Section 2.1.11.2.b) by improving the physical condition of the dwellings and increasing their lifespan.

Condominium Conversion Policy

Section 2.1.13 and its subsections address Condominium Conversions. Staff has evaluated the application against these policies of the Official Plan.

Section 2.1.13.1 reads:

"The conversion of existing rental units to condominium may be permitted, provided that the rental vacancy rate for the City has been at or above 3% for two successive surveys, as reported by Canada Mortgage and Housing Corporation in the bi-annual rental vacancy survey²."

The rental vacancy rate for the City of North Bay has not been at or above 3% for at least two consecutive surveys as reported by the Canada Mortgage and Housing Corporation (CMHC). The total rental vacancy rates for the City of North Bay were 4.4% and 2.6% for 2021 and 2022 respectively, see Table 1 below.

Table 1: Summary of Vacancy Rates in North Bay

Reporting Period	Total Vacancy Rate	Bachelor Unit	1 Bedroom	2 Bedroom	3+ Bedroom
Oct 2021	4.4% (d)	No data	No data	2% (c)	No data
Oct 2022	2.6% (c)	0.0 (c)	3.4%	0.4 (b)	No data

Table Notes:

- 'No data' means the data was suppressed to protect confidentiality or the data is not statistically reliable.
- The following letter codes are used to indicate the reliability of the estimates: a - Excellent, b- Very good, c - Good, d - Fair (Use with Caution)

Source: Canada Mortgage and Housing Corporation (CMHC)

Staff has also reviewed the historical CHMC Rental data. As shown in Table 2 below, the vacancy rate has varied greatly over the years. The vacancy rate

² The Canada Mortgage and Housing Corporation (CMHC) rental vacancy survey is no longer completed on a bi-annual basis, is it currently conducted on an annual basis.

has been above 3% in 9 out of the last 15 reporting periods.

Table 2 Historical Summary of Vacancy Rates in North Bay

Reporting Period	Total Vacancy Rate
Oct 2020	2.3% (c)
Oct 2019	3.2% (d)
Oct 2018	1.7% (c)
Oct 2017	4.3% (d)
Oct 2016	5.8% (c)
Oct 2015	6.3% (c)
Apr 2015	4.0% (c)
Oct 2014	2.7% (b)
Apr 2014	6.4% (c)
Oct 2013	3.7% (b)
Apr 2013	4.4% (c)
Oct 2012	2.9% (b)
Apr 2012	2.9% (b)

Table notes:

- CMHC began annual reporting starting in 2016. Prior reporting was done on a bi-annual basis.
- The following letter codes are used to indicate the reliability of the estimates: a - Excellent, b- Very good, c - Good, d - Fair (Use with Caution)

Source: Canada Mortgage and Housing Corporation (CMHC)

It is worth noting that since the April 2015 reporting period, the reliability of the estimates has consistently varied between 'Good' and 'Fair' which are the two lowest data qualities, see Table 2. Generally speaking, the better the quality of the data, the lower the vacancy rate.

Section 2.1.13.2 continues:

"A conversion may be permitted, where the rental vacancy rate is below 3%, where one or more of the following conditions are satisfied:

- a) The developer has a signed agreement with 50% or more of the existing tenants to purchase their unit as provided for in the Condominium Act 1998, as amended;*
- b) all of the resulting condominium units provide affordable ownership as defined by the Provincial Policy Statement 2005 or any successor policy documents;*
- c) the existing market rents of the units proposed for conversion are above the average market rent levels for the City of North Bay, as reported yearly by the CMHC Rental Housing Market Survey for rental units of a similar dwelling/structure and bedroom type; or*
- d) It can be demonstrated that the resulting conversion will have no*

net reduction on the availability of affordable housing, as defined by the Provincial Policy Statement 2005 or any successor policy documents."

Section 2.1.13.2 states that a conversion may be permitted, even if the rental vacancy rate is below 3% if one or more of the four conditions from policy 2.1.13.2 are met. Since the rental vacancy rate for the City of North Bay has not been at or above 3% for at least two consecutive surveys as reported by the Canada Mortgage and Housing Corporation (CMHC), this section applies. See the analysis of each policy below.

Policy condition a):

"The developer has a signed agreement with 50% or more of the existing tenants to purchase their unit as provided for in the Condominium Act 1998, as amended"

The applicant has stated in their justification report that the '*opportunity will be provided*' for all existing tenants to purchase their units at a fixed price³. The applicant also suggested that the following condition of approval be added:

"SIREG recommends that as a condition of approval, [that] SIREG provides each tenant an opportunity to purchase at a fixed price."

This has been included as a condition of Draft Approval and is required under the *Condominium Act*.

Policy condition b):

"All of the resulting condominium units provide affordable ownership as defined by the Provincial Policy Statement 2005 or any successor policy documents".

PPS 2020 (which is the successor policy document to the Provincial Policy Statement 2005) defines '*Affordable*' in the case of ownership as, the least expensive of the following:

1. housing for which the purchase price results in annual accommodation costs which do not exceed 30% of gross annual household income for '*Low- and moderate-income households*'; or
2. housing for which the purchase price is at least 10% below the average purchase price of a resale unit in the *regional market area*

To determine which of the two options above was the least expensive, Staff

³ The fixed prices put forward by the applicant are: \$169,000 for 3-bedroom units and \$179,700 for 4-bedroom units.

needed to calculate both options 1 and 2 directly above.

Calculation Method #1

The PPS 2020 defines 'Low- and moderate-income households' as "households with incomes in the lowest 60 percent of the income distribution". In North Bay, according to Statistics Canada, 60th percentile of household income falls in the \$80,000 to \$89,999 demographic group.

Utilizing an online mortgage calculator, mortgage payments on \$180,000 (the higher priced of the proposed condominiums) would equate to approximately 14% of household incomes for those families 60th percentile of income. For the purpose of this calculation 100% of the purchase price was used.

Under this calculation, the proposed condominium units are considered affordable.

Calculation Method #2

According to statistics available from the Canadian Real Estate Association, the average purchase price for a home sold in North Bay in 2023 (through the month of September) has been \$435,072. A 10% reduction of this figure equates to \$391,564.

Under this calculation, the proposed condominium units are well below the Provincial definition of affordable housing.

In my professional opinion, policy condition b) has been met.

Policy condition c):

"The existing market rents of the units proposed for conversion are above the average market rent levels for the City of North Bay, as reported yearly by the CMHC Rental Housing Market Survey for rental units of a similar dwelling/structure and bedroom type".

Below is the average rent for existing units⁴ on the subject property:

- Average rent for 3-bedroom units: \$1,019
- Average rent for 4-bedroom units: \$946
- Combined average rent: \$982

Average rent for 3+ bedroom units in the City of North Bay: \$1,206.

The existing rents of the units proposed for conversion are roughly \$224 less than the average rent for 3+ bedroom units in the City of North Bay.

⁴ It should be noted that 25 of the 60 units (41.6%) are vacant. Of the vacant units, 24 are 3-bedroom units and 1 is a 4-bedroom unit. One of the 3-bedroom units is being used as an 'On-Site Office'.

In my professional opinion, policy condition c) is not met as the monthly average rents are below the average market rent levels for the City of North Bay, as reported yearly by the CMHC Rental Housing Market Survey.

Policy condition d):

"It can be demonstrated that the resulting conversion will have no net reduction on the availability of affordable housing, as defined by the Provincial Policy Statement 2005 or any successor policy documents."

The applicant has not indicated whether the proposed conversion would have any effect on the availability of affordable housing within the community.

Therefore, it can be stated that this policy condition d) has not been demonstrably met.

In summary, the subject application meets the test of Section 2.1.13.2.

The Official Plan contains further direction for condominium conversions. Section 2.1.13.3 states:

"When an application has been made for condominium approval, all requirements of the Condominium Act 1998, as amended, shall be adhered to with regard to notification of tenants, rights to purchase by tenants, and the necessary certifications as described by Architects, Engineers and Ontario Land Surveyors."

Section 2.1.13.4 continues:

"Where no parkland dedication was made at the time the building was constructed, a park dedication should be made in accordance with Section 51.1 of the Planning Act, R.S.O. 1990, as amended."

The above requirements will be addressed by conditions of Draft Approval.

It is my professional opinion that the proposed condominium conversion conforms to the City of North Bay's Official Plan.

Zoning By-Law No. 2015-30

The subject property is presently zoned "Residential Sixth Density (R6)". The uses currently permitted in the R6 zone include:

- Semi-detached Dwelling
- Duplex Dwelling
- Triplex Dwelling
- Fourplex Dwelling
- Cluster Townhouse
- Stacked Townhouse

- Street Front Townhouse
- Group Home Type 1
- Group Home Type 2
- Accessory Home-Based Business
- Parks and Playgrounds
- Accessory Day Nursery
- Institutional Uses
- Principal Dwelling Unit Short-Term Rental

As can be seen in the list above, townhouses of all kinds are permitted uses within the R6 zone. The subject property can meet all other regulations of the Zoning By-law.

Financial/Legal Implications

No financial implications for the City of North Bay have been determined at this time.

Corporate Strategic Plan

- Natural North and Near
- Affordable Balanced Growth
- Responsible and Responsive Government
- Economic Prosperity
- Spirited Safe Community

Specific Objectives

- Facilitate the development of housing options to service the needs of the community; and
- Diversity the property tax base.

Options Analysis

Option 1:

To approve the proposed condominium conversion.

1. That the proposed condominium conversion (Plan of Condominium File No. 48CDM-22102) by Bernard Divona on behalf of SIREG Holdings (North) Inc. in the City of North Bay for lands described in Appendix A to Report to Council Number CSBU 2023-058, as shown on Schedule "A" attached, be given Draft Approval subject to the conditions in Appendix B to Report to Council Number CSBU 2023-058 prepared by Peter Carello dated October 16, 2023; and,
2. That the proposed condominium conversion be conditional upon the Owner enter into a Condominium Agreement with the City of North Bay.

Option 2:

To deny the requested condominium conversion.

Recommended Option

Option 1 is the recommended option.

1. That the proposed condominium conversion (Plan of Condominium File No. 48CDM-22102) by Bernard Divona on behalf of SIREG Holdings (North) Inc. in the City of North Bay for lands described in Appendix A to Report to Council Number CSBU 2023-058, as shown on Schedule "A" attached, be given Draft Approval subject to the conditions in Appendix B to Report to Council Number CSBU 2023-058 prepared by Peter Carello dated October 16, 2023; and,
2. That the proposed condominium conversion be conditional upon the Owner enter into a Condominium Agreement with the City of North Bay.

Respectfully submitted,

Name: Peter Carello, MCIP, RPP

Title: Senior Planner, Current Operations

We concur with this report and recommendation.

Name Beverley Hillier, MCIP, RPP

Title: Manager, Planning & Building Services

Name: Ian Kilgour, MCIP. RPP

Title: Director, Community Services

Name: John Severino, P.Eng., MBA

Title: Chief Administrative Officer

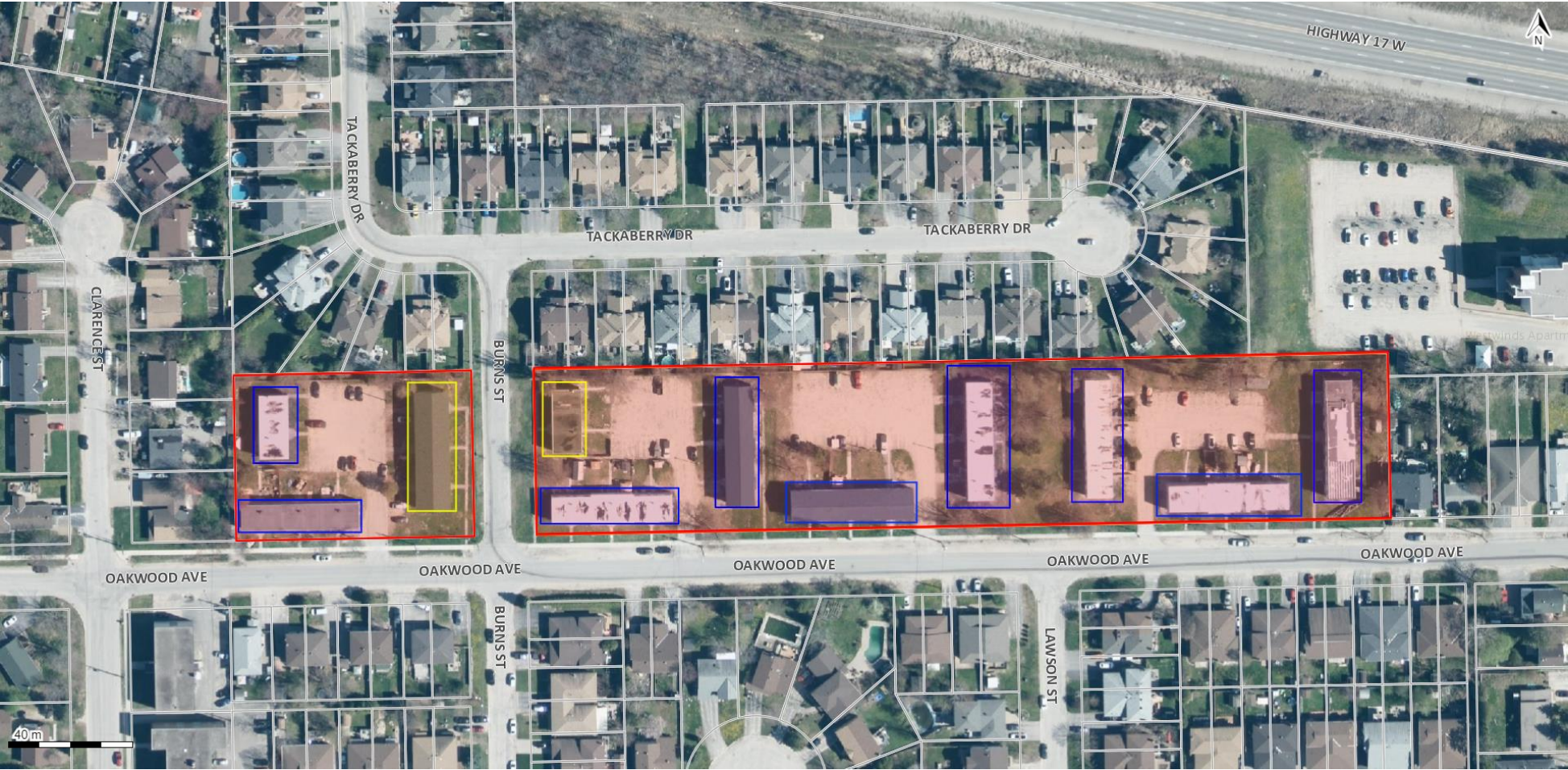
Personnel designated for continuance:

Name: Peter Carello, MCIP, RPP

Title: Senior Planner

W:\PLAN\Planning\Reports to Committees & Council (C11)\to Council\2023\ CSBU 2023-058 –
Condominium Conversion – 350 Oakwood Avenue

Schedule 'A'



Appendix A

PIN 59158-0281

PT N1/2 LT 21 CON C Widdfield as in NB60182 Lying Est of Burns St
Except PT 3 & 4, 36R6978; S/T NB114584, NB115431; North Bay;
District of Nipissing

Appendix B

Appendix A - North Bay Gross Household Income **(Source: Statistics Canada, 2021 Census)**

Total - Household total income groups in 2020 for private households - 100% data	23,465
Under \$5,000	165
\$5,000 to \$9,999	120
\$10,000 to \$14,999	350
\$15,000 to \$19,999	780
\$20,000 to \$24,999	1,210
\$25,000 to \$29,999	1,025
\$30,000 to \$34,999	870
\$35,000 to \$39,999	1,045
\$40,000 to \$44,999	1,100
\$45,000 to \$49,999	995
\$50,000 to \$59,999	2,025
\$60,000 to \$69,999	1,760
\$70,000 to \$79,999	1,605
\$80,000 to \$89,999	1,560
\$90,000 to \$99,999	1,265
\$100,000 and over	7,590
\$100,000 to \$124,999	2,475
\$125,000 to \$149,999	1,695
\$150,000 to \$199,999	1,940
\$200,000 and over	1,480

Appendix C – Conditions of Approval – Plan of Condominium

Plan of Condominium File No. 48CDM-22102

- 1) That this approval expires five (5) years from the date of approval by City Council. If there is an appeal to the Ontario Land Tribunal under section 51 (39) of the *Planning Act*, the five (5) year expiration period does not begin until the date of the order of the Ontario Land Tribunal issued in respect of the appeal or from the date of a notice issued by the Board under section 52(51) of the *Planning Act*.
- 2) That the Condominium Agreement contains wording that indicates that all units in the Condominium shall be offered for sale to third party-buyers at a sale price that meets the definition of “affordable housing” (as defined by the Provincial Policy Statement 2020).
- 3) The Owner shall provide proof that all requirements of the *Condominium Act* 1998, as amended, have been adhered to with regard to notification of tenants, rights to purchase by tenants, and the necessary certifications as described by Architects, Engineers and Ontario Land Surveyors.
- 4) That prior to signing the Final Plan by the Municipality, the proposed condominium conforms with the Zoning By-law in effect for the Municipality.
- 5) That the owner agrees in writing to satisfy all requirements, financial and otherwise of the City of North Bay concerning provision of roads, installation of services, and drainage.
- 6) That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
- 7) That the owner agrees to convey up to 5% of the land included in the plan or cash-in-lieu to the Municipality for park or other public recreational purposes.
- 8) That the owner agrees to provide locations for centralized mail delivery acceptable to Canada Post Corporation or other alternative systems as may be normally required by Canada Post.
- 9) That the Condominium Agreement between the owner and the Municipality be registered by the Municipality against lands to which it applies once the Plan of Condominium has been registered prior to any encumbrances.
- 10) The Owner acknowledges and agrees:
 - a. to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada; and
 - b. should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

- 11) That before City Council's Final Approval is given, the Council shall be advised in writing by the City of North Bay's Engineering and Environmental Services how Conditions No 5 & 6 have been satisfied.
- 12) That before City Council's Final Approval is given, the Council shall be advised in writing by the Manager of Parks how Condition No. 7 has been satisfied.
- 13) That before City Council's Final Approval is given, the Council shall be advised in writing by Canada Post Corporation how Condition No. 8 has been satisfied.

NOTES

- 1) We suggest you make yourself aware of the following:
 - a) Section 143(1) of The Land Titles Act, R.S.O. 1980 as amended, which requires all new plans to be registered in a land titles system.
 - b) Section 143(2) allows certain exceptions.
- 2) Prior to any construction, the Owner should contact the North Bay Mattawa Conservation Authority to discuss specific concerns identified by the Conservation Authority.
- 3) Prior to any construction, the Owner/Developer should contact the Ministry of Environment, Conservation and Parks (MECP) to determine if Species at Risk and/or their habitat is present in the general vicinity of the development area.
- 4) An electrical distribution line operating below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 – Proximity – of the Regulations for Construction Projects in the *Occupational Health and Safety Act*, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on wood poles supporting conductors stating "*Danger – Overhead Electrical Wires*" in all locations where personnel and construction vehicles might come in close proximity to the conductors.
- 5) Private water supply and sewage disposal facilities must be approved by the Ministry of the Environment, or its agent in certain areas, in accordance with Ontario Regulations 229/74 as amended, made under the Environmental Protection Act, 1971, as amended.
- 6) The Developer is hereby advised that prior to commencing any work within the Plan, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/telecommunication service to the

proposed development. In the event that such infrastructure is not available, the Developer is hereby advised that the Developer may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the Developer elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the Developer shall be required to demonstrate to the municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e., 911 Emergency Services).

- 7) The Owner/Developer is hereby advised that prior to commencing any work within the Plan, the Owner/Developer must confirm with North Bay Hydro Distribution Ltd that appropriate electrical services infrastructure is currently available along the proposed development to provide delivery of electrical energy to the proposed development. In the event that such infrastructure is not available, the Owner/Developer is hereby advised that the Owner/Developer may be required to pay for the connection to and/or extension of the existing electrical distribution infrastructure, in accordance with North Bay Hydro policies and the Ontario Distribution System Code.