



Report n° PE2023-017

Date: April 12, 2023

Submitted by: Claire Lemay

Subject: Condominium Exemption – 300-360 Outaouais Side Road

Nature/Goal

A request was submitted by C.H. Clement Construction Inc. for exemption from the condominium approval process for the residential development project known as the Golf Condos Phase III, located at civic numbers 300-360 Outaouais Sideroad, property described as Part of Lots 20 and 21, Concession 1 (O.S.) Parts 1 and 2, Plan 50R-11342.

Directive/Previous policy

N/A

Department's recommendation

That Council adopt by-law 2023-27, being a by-law to exempt from the plan of subdivision approval process, the condominiums' description of the subject property described as Part of Lots 20 and 21, Concession 1 (O.S.), Parts 1 and 2, Plan 50R-11342, 300 to 360 Outaouais Sideroad.

Que le Conseil adopte le règlement 2023-27, étant un règlement visant à soustraire de la procédure d'approbation du plan de lotissement, la description de condominiums de la propriété décrite comme étant une partie des lots 20 et 21, concession 1 (ancien relevé), parties 1 et 2 sur le plan 50R-11342, 300 à 360 montée Outaouais.

Background

Sections 51 and 51.1 of the Planning Act establishes the requirements for subdivision approvals. The Condominium Act, 1998, imposes the same requirements as the Planning Act for the approval of a Condominium project. The Condominium Act also has provisions that allow the Approving Authority (the municipality) to exempt a project from the plan of subdivision requirements of Sections 51 and 51.1 of the *Planning Act*.

Therefore, the Approval Authority may grant an exemption if it believes that the exemption is appropriate in the circumstances. The exemption of condominium descriptions from the plan of subdivision process is not included in the authorities delegated to the Director of Community Development by Council and therefore a by-law approved by Council is required for this purpose.

Discussion

The intent of the *Condominium Act*, 1998, was to have Council consider a faster process for approvals when all planning issues have been dealt with. The planning requirements for the land in question have, in staff's opinion, been appropriately dealt with in the formal Zoning By-law Amendment

process, in the Consent (severance) process, and in the Site Plan Control process for the project.

Staff believes that it is not necessary to repeat a similar public process by now requiring the submission of a Draft Plan of Condominium. The public meeting held in conjunction with the Zoning By-law Amendment for this site has permitted Council to adequately obtain the public's opinion on the relevant planning matters.

Staff believes that it is appropriate for Council to exempt the project from the Draft Plan of Condominium, effectively approving the condominium project for registration. This project complies with the direction of the Official Plan and Zoning By-law of the City of Clarence-Rockland. There are no further planning issues that need further investigation at this time.

Consultation

N/A

Recommendations or comments from committee/ other departments

N/A

Financial impact (expenses/material/etc.)

N/A

Legal implications

N/A

Risk management

N/A

Strategic implications

N/A

Supporting documents

By-law 2023-XX