



Report to County Council

From: Paul Hicks, Acting Manager of Planning

Date: June 11, 2024

Subject: PS 24 – 12 – Condominium Exemption from Draft Plan Approval – Compass Trail Phase 3

Recommendation(s):

THAT the report titled “PS 24-12 – Condominium Exemption from Draft Plan Approval – Compass Trail Phase 3” from the Acting Manager of Planning dated June 11, 2024 be received and filed.

THAT the Council of the Corporation of the County of Elgin grants, in accordance with Section 9 of the Condominium Act, an exemption to draft plan approval for a draft plan of a phased condominium on Block 65, Plan 11M-241, Part of Lot 1, Concession 1, Geographic Village of Port Stanley, Municipality of Central Elgin for lands contained in Block 65 for the development of a further 13 units; and,

THAT staff be directed to prepare and issue a certificate of exemption, and sign and submit the final plans to the Land Registry Office in accordance with the requirements of the Planning Act and Condominium Act.

Introduction:

This report will provide County Council with information required to consider issuing a final approval to the abovementioned plan of condominium.

Under Section 9 of the Condominium Act, plans of condominium are subject to the same legislated criteria as plans of subdivision outlined under Sections 51 and 51.1 of the Planning Act. However, there are some condominium cases where all relevant planning considerations have already been reviewed and/or found acceptable under a previously completed planning process such as official plan/zoning by-law amendments, or site plan control. In these cases, subsection 9(6) of the Condominium Act allows for the owner to make an application to have the description or any part of the description for a condominium exempted from the provisions of Sections 51 and 51.1 of the Planning Act. In accordance with subsection 9(7) of the *Condominium Act*, the County, as approval

authority, may grant an exemption if it believes the exemption is appropriate in the circumstances.

Background and Discussion:

In November 2022 and June 2023, County Council granted a final approval to the first two phases of the above-noted phased condominium in Port Stanley through the 'exempted approval' provisions of Section 9 of the Condominium Act. The applicants are now applying to have the third phase exempted for final approval to develop an additional 13 units. To grant an exemption to the draft approval process requires that:

- a development agreement or site plan agreement be in place with the local municipality;
- appropriate zoning is in place for the subject lands;
- a resolution has been passed in support of the proposed development;
- there are no other outstanding matters related to the development that have not been addressed through either zoning or the development agreement.

To that end, the owners obtained site plan approval from the Municipality of Central Elgin (By-law No. 2569) in 2021 for the entire development of 52 townhouse dwelling units on the subject lands. As part of this approval, a site plan agreement was executed between the Municipality and owner and registered against the subject lands outlining the obligations associated with the development. As part of the site plan approval process, relevant planning considerations have already been reviewed and/or found acceptable to the Municipality. Further it has been confirmed in writing by Central Elgin staff that a resolution has been passed by Council in support of the proposed development and that appropriate zoning is in place and finally, municipal staff have confirmed that there are no other outstanding issues at the local level that would preclude the County granting the request exemption.

Financial Implications:

No direct financial implications to the County of Elgin have been identified.

Alignment with Strategic Priorities:

| Serving Elgin | Growing Elgin | Investing in Elgin |
|---|---|--|
| <input checked="" type="checkbox"/> Ensuring alignment of current programs and services with community need. <input checked="" type="checkbox"/> Exploring different ways of addressing community need. <input checked="" type="checkbox"/> Engaging with our community and other stakeholders. | <input checked="" type="checkbox"/> Planning for and facilitating commercial, industrial, residential, and agricultural growth. <input type="checkbox"/> Fostering a healthy environment. <input checked="" type="checkbox"/> Enhancing quality of place. | <input type="checkbox"/> Ensuring we have the necessary tools, resources, and infrastructure to deliver programs and services now and in the future. <input checked="" type="checkbox"/> Delivering mandated programs and services efficiently and effectively. |

Local Municipal Partner Impact:

The Municipality of Central Elgin will be impacted by this application.

Communication Requirements:

No notice is required pursuant to the Condominium Act for exemptions from draft plan approval. Notwithstanding this, if approved, County staff will prepare and issue a Certificate of Exemption to be provided to the owner. Further, County staff will sign and submit the final plans to the Land Registry Office in accordance with the requirements of the Planning Act and Condominium Act.

Conclusion:

Based on the above analysis it is recommended that County Council grant an exemption to the draft plan approval of the subject application for plan of condominium as the application:

- Meets the requirements of the Planning Act and Condominium Act;
- Is consistent with the Provincial Policy Statement;
- Conforms to the Official Plans of the County of Elgin and Municipality of Central Elgin, and the Zoning By-law of the Municipality of Central Elgin; and
- Constitutes good planning and is in the public interest.

All of which is Respectfully Submitted

Approved for Submission

Paul Hicks
Acting Manager of Planning

Blaine Parkin
Chief Administrative Officer/Clerk