

June 9, 2025

Connor MacIsaac

Planner II

Town of Niagara-on-the-Lake

RE: Municipal File # ZBA-05-2025 & 26CD-18-25-01 - Firelane 13b (#2, 3, 4, 6, 7, 9, 11, 13, 14, 15)

Dear Connor,

Please consider the following letter as additional context regarding the occupancy of the houses and justification regarding NOP Policy 2.3.2.6 and Town OP Policy 9.4.2. We received confirmation from our client that the existing dwellings located on the Subject Lands are currently leased and feature year-round occupancy.

Regarding NOP Policy 2.3.2.6 and Town OP Policy 9.4.2, we understand that the policies are intended to apply to purpose-built rental projects. The intent of NOP Policy 2.3.2.6 is to restrict the loss of rental tenure where such units contribute to meeting affordable housing needs in the community. Policy 2.3.2.6 c. specifically states:

Local Area Municipalities shall include policies in Local official plans that only permit the demolition or conversion of rental housing to ownership tenure, where:

- c. the demolition or conversion is needed to address existing health and safety issues through retrofits and renovations, which would result in an increase in rental levels above the threshold for affordability.*

In this case, the subject dwellings are located along a private road and situated in a desirable waterfront area. Due to their location and built form, these units do not lend themselves to affordable housing opportunities, regardless of the ownership tenure. As such, the conversion would not impact the availability of affordable housing stock and the application does not conflict with the underlying objective of this policy.

Section 9.4 of the Town OP provides the following:

It is a policy of this Plan to recognize condominium housing as an acceptable form of housing tenure and as a means of providing opportunities for home ownership subject to the following provisions:

- b) In considering an application for the conversion of an existing residential development to condominium ownership, each application will be considered on its own merits. Applications for such conversion are subject to the same standards and policies as for new construction.*

Further, the applicant is required to submit a report prepared by a professional engineer or architect, outlining the structural condition of the building(s) involved. Such report is to include an analysis of the buildings(s) compliance or non-compliance with prevailing building and fire codes.

- c) *Town Council will consider the Condominium conversion of any rental project provided that the rental vacancy rate is at least three percent except for new construction where an application for condominium status has been submitted to the appropriate authority prior to the adoption of the site plan agreement by the municipality.*

In our opinion, Policy 9.4.2(b) of the Town's Official Plan is intended to apply to the conversion of existing rental apartment buildings to condominium ownership, where the structural condition of the building becomes the responsibility of the newly created condominium corporation. In this case, the proposed development involves the establishment of a Vacant Land Condominium for existing single detached dwellings. As such, the condominium corporation will not be responsible for the maintenance of the dwellings themselves; this responsibility will remain with the individual unit owners.

Policy 9.4.2(c) addresses the evaluation of applications involving the conversion of "rental projects" to condominium tenure. While "rental project" is not defined in the Town's Official Plan, it is our understanding that the term refers to developments intended for rental use. The Subject Lands were not developed as purpose-built rental units and, therefore, in our opinion, do not constitute a rental project.

As such, the policies referenced in the Town OP and Niagara Official Plan have been met. Should you have any questions regarding the above, please feel free to contact the undersigned.

Sincerely,



Max Fedchyshak, MCIP, RPP
Senior Planner
NPG Planning Solutions Inc.