

**STAFF REPORT:** Town of The Blue Mountains Planning Department



**REPORT TO:** Mayor and Members of Council  
**DATE:** December 22, 2008  
**REPORT NO.:** PL.08.133  
**SUBJECT:** Application for Amending Agreement  
Siljon Investments Inc.  
(Far Hills Phase 1)  
Park Lot 11 Alfred Street NE,  
Park Lots 11 and 12 SW Alice Street,  
and Park Lot 12 Alfred Street NE  
Town of The Blue Mountains  
**PREPARED BY:** Shawn Postma, Planner II

#### **A. Recommendations**

**THAT Council does receive Planning Staff Report PL.08.133, "Application for Amending Agreement, Siljon Investments Inc. (Far Hills Phase 1), Park Lot 11 Alfred Street NE, Park Lots 11 and 12 SW Alice Street, and Park Lot 12 Alfred Street NE, Town of The Blue Mountains";**

**AND THAT Council authorize the Mayor and Clerk to execute an Amending Agreement to the executed Site Plan Agreement dated October 6, 2005, in a form approved by Town Staff and the Town Solicitor.**

#### **B. Background**

Planning Staff have received a request to amend an existing Site Plan Agreement that was executed on October 6, 2005, and registered in the Land Registry Office for the Land Titles Division of Grey (16) as Instrument No. LT 000199 on October 24<sup>th</sup>, 2005 which provides for the subdivision, development and servicing of all of the Lands in phases as a Phased Condominium in accordance with Condominium Act, 1998.

Since the execution of the Site Plan Agreement in 2005, the Town has updated its agreement format and contents including the requirements for municipal clearance and condominium registration for the sale and transfer of individual units.

The old format agreement requires that all the works and inspections be completed, and at the same time the Maintenance Period begins with the municipality. There are also two major components required under the old agreement that had to be met prior to municipal clearance:

1. That a 'Final Inspection' be completed, which typically occurs once all of the buildings and units have been fully completed, and
2. That a 'Certificate of Completion of the Works' is issued when all the inground and aboveground works have been completed.

Once the Town was satisfied that the requirements of the agreement have been met, including the above 2 items, the Town would provide municipal clearance, allowing the condominium to continue on for registration.

The new format agreement still requires the same elements of the old format agreement, but provides different requirements and timing to receive municipal clearance. The new format agreement also relies more on the Condominium Act for these requirements, and removes some duplication in receiving municipal clearance, and the formal registration of the Condominium Corporation.

Essentially, the new format provide municipal clearance when the Town is satisfied that a majority of the works have been completed, or substantially completed, and that there are sufficient securities in place to ensure their completion.

There are a number of condominium projects in the Town that continue to be developed under the old format agreement and may or may not benefit from the new agreement format. New condominium developments are being developed under the new format agreement.

Based on the foregoing, Planning Staff have reviewed the amending agreement with the Town Solicitor, along with the Building and Engineering Departments. We are satisfied that an amending agreement to update the old format agreement to the new format agreement is appropriate for the lands, and would therefore recommend that Council authorize the execution of the Amending Agreement.

### **C. The Blue Mountains' Strategic Plan**

The recommendation in this Planning Staff Report PL.08.133 is consistent and supports the following Strategic Plans Goals:

*"1. Managing growth to ensure the ongoing health and prosperity of the community".*

### **D. Budget Impact**

Nil

### **E. Attached**

Nil

Respectfully submitted,

Shawn Postma, BES  
Planner II  
Town of The Blue Mountains  
26 Bridge Street East  
Box 310

Thornbury, ON. NOH 2P0  
Tel: (519) 599-3131 x248  
Fax: (519) 599-3018  
Toll Free: 1-888-258-6867  
Email: [spostma@thebluemountains.ca](mailto:spostma@thebluemountains.ca)