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STAFF REPORT: Planning & Building Services Department



REPORT TO: Council
MEETING DATE: December 16, 2013
REPORT NO.: PL.13.135
SUBJECT: Millpond Homes Phase Two
 Statement from Municipality
 Ontario Regulation 48/01 – General
 Regulations under the
 Condominium Act
 Town of The Blue Mountains
PREPARED BY: Shawn Postma, Planner II

A. Recommendations

THAT Council receive Staff Report PL.13.135, “Millpond Homes Phase Two, Statement from Municipality, Ontario Regulation 48/01 – General, Regulations under the Condominium Act, Town of The Blue Mountains”; and,

THAT Council authorize the Town Clerk to execute a statement required under Section 52(6) of Ontario Regulation 48/01 to the Condominium Act.

B. Background

A request from Millpond Homes has been received asking for a statement from the Municipality to be used as part of the condominium registration process in accordance with Ontario Regulation 48/01 made pursuant to the *Condominium Act*, 1998, S.O. 1998, c. 19.

Millpond Homes Phase 2 executed an agreement in July 2012 to permit the construction of three bungalow townhome units. These units are now constructed, and the related works have been completed. Town Staff issued a Clearance Letter in October 2013 stating that the required Draft Plan Conditions were fulfilled either by way of installed, or through the agreement including the holding of sufficient securities by the Town.

The Town continues to hold securities for Phase 2 and Phase 1.

Section 52(5)(b) of the Regulation indicates the following:

- (5) The material to be added to Schedule G to the declaration is,
- (a) the certificates, with respect to the land included in the phase, that subsections 5 (8) and (9) and section 6 require; and
- (b) a statement from any of the municipalities in which the land included in the phase is situated, or from the Minister of Municipal Affairs and Housing if the land is not situated in a municipality, that,
- (i) all facilities and services have been installed or provided as the person making the statement determines are necessary to ensure the

independent operation of the corporation if no subsequent phases are created, or

(ii) a bond or other security has been posted that is sufficient to ensure the independent operation of the corporation if no subsequent phases are created. O. Reg. 48/01, s. 52 (5).

Planning Staff note that the Town continues to hold securities in the amount of \$63,044.21 related to the Phase 1 and 2 works.

The Engineering & Public Works Department is the administrator of the related Agreement. In this regard they have advised that the Town has adequate securities in place in terms of the Developer fulfilling their obligations under the Agreement. Therefore Planning Staff, have no issues of concern with respect to the Town Clerk (whom has the authority to bind the corporation) to execute this statement, in accordance with Section 52(6) of Ontario Regulation 48/01.

C. The Blue Mountains' Strategic Plan

The recommendation in this Report is consistent and supports the following Strategic Plans Goals: "1. Managing growth to ensure the ongoing health and prosperity of the community".

D. Environmental Impacts

Nil

E. Financial Impact

Nil

F. In Consultation With

Mike Campbell, Engineering and Public Works
John Metras, Town Solicitor

G. Attached

1. Schedule 'G' Statement from Municipality

Respectfully submitted,

Shawn Postma, Planner II

David Finbow, Director of Planning and Building Services

For more information, please contact:

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Schedule 'G' - Statement From Municipality

RE: 1475649 Ontario Limited (Millpond Homes Phase 2)

The Town of The Blue Mountains confirms that,

- ii) a bond or other security has been posted that is sufficient to ensure the independent operation of the Corporation if no subsequent phases are created.

Corrina Giles, Town Clerk
I have the authority to bind The Town of The Blue Mountains.