

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 19, 2013

1 REQUEST TO ASSUME UNDERGROUND SERVICES AT AMALFI COURT
WARD 2 – (MARTIN GROVE ROAD AND HIGHWAY 7)
 (Referred)

- 1) That consideration of this matter be deferred to the Committee of the Whole meeting of April 9, 2013; and
- 2) That the following deputations and Communications be received:
 1. Mr. Peter Kostopoulos, Amalfi Court, Woodbridge, and Communications C1 and C2; and
 2. Ms. Connie Ciavone, Amalfi Court, Woodbridge.

The Committee of the Whole recommends that consideration of this matter be deferred to the Committee of the Whole meeting of February 5, 2013, in accordance with the request contained in Communication C1, from Ann Tenore, Amalfi Court, York Condominium Association #976, dated November 5, 2012.

- 1) That consideration of this matter be deferred to the Committee of the Whole meeting of November 27, 2012; and
- 2) That Communication C16, from Ann Tenore, Secretary, and Dina Abate, President, YR Condo Corp #975 Committee, dated October 15, 2012, be received.

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Economic Impact

Currently the maintenance, repair and ultimate replacement of the underground infrastructure is the responsibility of Condominium Corporation 976. As this report does not recommend a change to previous Councils' directions on this matter, there are no financial impacts to the City.

Communications Plan

N/A

Purpose

To report on the issues raised by Mr. Giuseppe Palma on behalf of the owners of Amalfi Court.

Background - Analysis and Options

At its meeting of March 20, 2012, Council received a deputation from Mr. Giuseppe Palma, 8 Amalfi Court, whereby Mr. Giuseppe Palma requested that the City assume the underground services in this development. This included the water main, sanitary sewer, storm sewer, street lighting and the associated appurtenances. Staff were directed by Council to prepare a report addressing Mr. Palma's request.

The site was developed as a private condominium corporation.

Amalfi Court is the street access in the registered Condominium Corporation 976 located on the west side of Martin Grove Road immediately north of Region Road # 7. Prior to being named Amalfi Ct., this site was also known as 7777 Martin Grove Road.

The site was developed through a site plan agreement in 2000.

The underground services are reflective of condominium corporation requirements.

The infrastructure on this site was built in 2000. Under the conditions of the agreement, the developer was responsible for the construction and maintenance of the infrastructure.

The services were built to comply with the Building and Plumbing Codes, which may be less robust and less "maintenance friendly" than the City's municipal services, which are built to satisfy Ministry of Environment (MOE) and City of Vaughan standards.

As this was a private condominium development, the installation of the underground infrastructure was not inspected by City Engineering staff during its construction, and City staff have had no role in its ongoing maintenance or repair.

Building permits were issued for the each dwelling unit and inspections were conducted by the City's Building Standards Department for compliance with the Ontario Building Code. As well, a Plumbing Permit was issued for the water and sanitary sewer mains on the site and these were inspected for compliance with the Ontario Plumbing Code by the Building Standards Department.

Water Main

The water main servicing the houses along the private roadway and hydrant are located beyond the south paved limit of the Amalfi Court roadway. The water main was designed to lie under the front yards of each lot along Amalfi Court. Based on the original engineering drawing, it appears that the water main sizing would meet current standards, however this would need to be confirmed to identify any costs of upgrading/revision, if required.

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Sanitary Sewer

The sanitary sewer is located under the pavement on Amalfi Court. The sewer pipe size appears to be smaller than the minimum MOE and City of Vaughan standard. The current material and installation cost to upgrade the sewer is estimated at \$70,000.

Storm Sewer

The storm sewer is also located under the pavement. The system also includes several rear lot catch basins.

Street Lighting

There are three decorative street lights on alternating sides of Amalfi Court, two on the north and one on the south side of the roadway located on designated lots. The location of the street light conductor to power the lights is unknown. The fixtures on this site have been in place for 12 years.

Previous Councils have dealt with similar requests from the residents to assume the services in this complex and/or provide additional municipal services to it.

Staff reports concerning this complex were presented to Council on November 28, 2005, and again on September 25, 2006. In 2005, the request was to provide municipal snow clearing services, as well as curbside waste collection. The 2005 staff report also noted that the cost to install new sub-drains under the curb, and the cost of new curbs and gutters, along with a new hydrant set would cost approximately \$75,000.

In 2006, Council received a report in which staff re-iterated that snow clearing was to be provided by the Condominium Corporation, as per section 15 of the Site Plan agreement, and that *“the City does not provide services to any underground infrastructure such as water mains, service connections, sewers, drains etc., or any above ground infrastructure such as street lights, to this development.”* Staff also provided memoranda to Council concerning the assessment and the tax charges on these properties compared to other residential properties in the area. These memoranda were sent from the Director or Legal Services, dated September 22, 2006, and from the Manager of Property Tax and Assessment, dated September 25, 2006.

Amalfi Court is one of many condominium and private roads in the City.

There are currently 51 other condominium roads in the City which have underground infrastructure that is not maintained by the City. These include such roads as Promenade Circle, Noam Court, Nova Star Circle, Cordoba Drive, etc.

In addition to above noted private roads, there are also:

- 18 high rise condominium sites;
- 14 townhome developments;
- 2 high rise / town home mix locations;
- 8 retirement developments;
- 2 seniors' facilities;
- 11 mixed use residential facilities; and,
- 7 long term care facilities currently in the City.

The City of Vaughan staff has not estimated the collective costs or analyzed the implications of considering City assumption of all or part of the private infrastructure associated with these developments.

None of the above listed development locations have underground infrastructure assumed by the City. The above figures do not include the numerous commercial and institutional developments with private underground infrastructure.

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City staff have not undertaken a thorough analysis of the financial or legal implications of potential City assumption of all or parts of the infrastructure servicing such earlier developments. Nor has the City undertaken the analysis of the implications of such a policy change for future development approvals.

Although such an analysis would undertake significant City and/or consultant resources. City staff have discussed some of the legal implications with Amalfi Court residents.

Request by owners to have Condominium Corporation dissolved will not change the status of the road or services.

A meeting was held in August attended by five owners of units in the condominium. They advised that the owners want this development to be like a regular subdivision and they did not want it to be a condominium corporation any longer. While condo owners can decide to terminate the condominium and take the property out of the ambit of the Condominium Act, it will leave them as owners of the individual units as well as tenants-in-common owners of the road and services, but now without any formal governing body or rules with respect to the maintenance, repairs or funding (ongoing funding as well as reserve funds) for the road and services, unless the City assumes the road and services. The legal process of Condominium dissolution would also likely require considerable time and expense as the individual lots would have to be created and any mortgagees would have to be involved.

Assumption of a Condominium Corporation's "Common Elements" would also be subject to application of the Condominium Act requirements.

In the event that the owners decided they wanted to retain the condominium corporation structure but have only the common elements conveyed to and assumed by the City, then this procedure would also require considerable time and expense in order to amend the legal description of the condominium and comply with the Condominium Act requirements.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities previously set by Council and ties into the following Vaughan Vision 20/20 Goals and Objectives:

Goal: Organizational Excellence
Objective: Ensure Financial Sustainability

Regional Implications

There are no Regional implications as a result of the recommendations contained in this report.

Conclusion

Staff have considered the possibility of the City assuming only the underground services along Amalfi Court, and have presented some of the financial and legal implications above.

Past Council considerations have reflected the development history as a Condominium site, with responsibilities for services and ownership' reflective of Ontario Condominium Act requirements. Staff is not in a position to recommend assumption of any of the existing services. Furthermore, the Amalfi Court situation is comparable to numerous other developments in the City.

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Attachments

1. Location Map
2. Communication C16, dated October 15, 2012
3. Communication C1, dated November 5, 2012

Report prepared by:

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Heather Wilson, Director of Legal Services, Ext 8389
Brian T. Anthony, Director of Public Works, Ext 6116

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)