

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 10, 2013

Item 30, Report No. 52, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on December 10, 2013, as follows:

By approving the following:

- 1. That the recommendation contained in the resolution of Councillor Shefman and Councillor Carella, dated November 26, 2013, be approved; and***
- 2. That staff provide a report to a future Committee of the Whole (Working Session) on this subject matter.***

30 FINAL REPORT OF THE TASK FORCE OF RESIDENTIAL CONDOMINIUMS

The Committee of the Whole recommends that consideration of this matter be deferred to the Council meeting of December 10, 2013.

Member's Resolution

Submitted by Councillor Alan Shefman and Councillor Tony Carella

Whereas, the form of residential ownership known as a condominium has become increasing common in recent years, and will continue to be so well into the foreseeable future; and

Whereas, to address issues within the jurisdiction of the City of Vaughan with regard to residential condominiums that have developed along with the growth in the number of residential condominiums; and

Whereas, in May of 2012, Council created a task force to examine these issues and make recommendations to the City of Vaughan in respect of said issues; and

Whereas, the members of the said task force have worked diligently over the past year and a half to develop the recommendation listed in the attached report;

NOW THEREFORE BE IT RESOLVED

That the Committee of the Whole receive the attached report with thanks; and

That the report be referred to a future Committee of the Whole (Working Session), to permit a detailed review of the report and its recommendations, and the development of a final set of recommendations for adoption by Council of the City of Vaughan.

Attachments

1. Letter of Transmittal
2. Final Report

(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.)



MEMBER'S RESOLUTION

Date: NOVEMBER 26, 2013 – COMMITTEE OF THE WHOLE

Title: FINAL REPORT OF THE TASK FORCE OF RESIDENTIAL CONDOMINIUMS

Submitted by: COUNCILLOR ALAN SHEFMAN AND COUNCILLOR TONY CARELLA

Whereas the form of residential ownership known as a condominium has become increasing common in recent years, and will continue to be so well into the foreseeable future; and

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Whereas in May of 2012, Council created a task force to examine these issues and make recommendations to the City of Vaughan in respect of said issues; and

Whereas the members of the said task force have worked diligently over the past year and a half to develop the recommendation listed in the attached report;

NOW THEREFORE BE IT RESOLVED

That the Committee of the Whole receive the attached report with thanks; and

That the report be referred to a future Committee of the Whole (Working Session), to permit a detailed review of the report and its recommendations, and the development of a final set of recommendations for adoption by Council of the City of Vaughan.

Respectfully submitted,

Tony Carella, FRSA
Councillor, Ward 2 / Woodbridge West
Co-Chair

Alan Shefman
Councillor, Ward 5 / Thornhill
Co-Chair

Attachments - 2

LETTER OF TRANSMITTAL

November 26, 2013

Mayor and Members of Council
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Dear Mayor and Members of Council,

We are pleased to provide you with the final report of the Task Force on Residential Condominiums, containing eleven recommended actions to be taken by the City of Vaughan.

We take this opportunity to thank community members of the Task Force who gave so tirelessly of their time, talents, and experience as condominium owners in distilling these recommendations. These include:

Amek Adler, Frank Brown, Robert Buckler, David Burstyn, Christopher Cerone, Morley Daiter, Serenella Del Peschio, Rosanna Ferlito, Sam Grossman, David Kroft, Solly Lewis, Pat Merlina, Anna Mychajlowycz, Sony Rai and Regional Councillor Gino Rosati.

We would also like to thank members of the staff of the City who participated in our deliberations, including:

Paul Jankowski, Commissioner of Engineering and Public Works, Leo Grellette, Director of Building Standards, Brian Anthony, Director of Public Works and Maureen Zabiuk, Manager, Property Tax & Assessment.

We look forward to Council's considerations of these recommendations.

Yours truly,

TASK FORCE ON RESIDENTIAL CONDOMINIUMS

Tony Carella, FRSA
Councillor, Ward 2 / Woodbridge West
Co-Chair

Alan Shefman
Councillor, Ward 5 / Thornhill
Co-Chair

FINAL REPORT

TASK FORCE ON RESIDENTIAL CONDOMINIUMS

RECOMMENDATIONS REGARDING OPPORTUNITIES FOR CHANGES WITHIN THE CITY'S JURISDICTION

MANDATE

In May of 2012 the City of Vaughan Council established a Task Force on Residential Condominiums, to the following purpose:

. . . to consider the variety of issues important to residents living in condominiums (including but not limited to service levels, taxation, safety, environmental sustainability, etc.); [directing]

That the Task Force, in its report, give consideration to:

- (1) the current situation of condominium residents, as well as*
- (2) issues that may arise with the increasing popularity of this form of residential intensification, and*
- (3) how the City of Vaughan may better address issues related to residential condominiums,*

BACKGROUND

When the Task Force began meeting in the fall of 2012, it was determined that, as a result of the provincial review of the Condominium Act (1998) then underway, the Task Force should first turn its attention to preparing comments and making recommendations on those issues relevant to that review. To that end, a report of the Task Force was submitted to the Province after it was approved by City Council in March of 2013.

Over the course of its deliberations the Task Force developed an extensive list of issues identified as a result their experiences as members of the boards of condominiums, or through professional involvements in the operation and management of condominiums. Some members also canvassed residents in their buildings to assist them in identifying key issues.

The Task Force also heard from different experts, including members of City staff, lawyers, representatives of the Municipal Property Assessment Corporation (MPAC), and from one of its own members who has substantial experience in the management of condominiums.

As a result of the various deliberations and the insights provided by these experts, the issues were divided into two lists---those under the jurisdiction of the Province (through the Act) and those under municipal jurisdiction. Once the report to the province was submitted, the Task Force turned its attention to the second list, and in that regard makes the following recommendations.

RECOMMENDATIONS

The Task Force on Residential Condominiums hereby submits the following eleven recommendations for the consideration of Council.

Recommendation 1: That the City of Vaughan issue an annual tax credit to residential condominium owners, representing the value, as calculated by the City, of those services that such owners are not receiving from the City (e.g., waste collection, snow clearing, etc.).

This recommendation can best be understood if it is first acknowledged that no city-provided service, paid for by property taxes, is used to the same degree by all residents.

For instance, a family with five children will no doubt generate considerably more waste and recyclables than a single individual living alone. Similarly, some residents use the public library regularly, while others may not even know where the closest branch is located. These use-patterns are based on more or less conscious choices: "I want to live alone, and I prefer buying books to borrowing them," or "We have five children and we cannot afford to purchase all the books they should read." Yet, when it comes to condominium living, the Task Force has not succeeded in identifying anyone who prefers to forego publicly-paid-for garbage collection and snow removal in favour of privatized services. Only condominium dwellers are denied this choice.

To respond that living in a condominium effectively represents a choice not to have these public services is disingenuous. Why should condominium dwellers be the only class of residents who suffer such consequences simply because they select one form of home ownership over another?

Recommendation 2: (alternative to Recommendation 1): That the City provides such services, recognizing that in some situations different equipment---sized to the widths of standard condominium roadways---will need to be utilized.

Much has been made of the fact that City-owned and City-contracted waste collection and snow clearing vehicles cannot be accommodated within typical condominium road allowances, where such private roadways exist. This recommendation would require the use of equipment capable of servicing these residential building within the parameters of their infrastructure.

Recommendation 3: That the City of Vaughan request that the Province of Ontario establish a property tax category specific to condominium residences that would allow differential tax rates (from other forms of residential property) for condominiums.

This would be an alternative means of achieving the goal of Recommendation 1.

Recommendation 4: That the City develop a policy that would ensure parks and other related open spaces are built to reflect the density of population in intensified areas (i.e., where condominium apartments are by definition clustered).

The current alternative---requiring cash in lieu payments that may wind up being spent outside the area in question---is unacceptable because it fails to ensure that the residents in such areas have access to an adequate number of appropriately-sized parks or other recreation spaces.

As a possible alternative to this recommendation we suggest that where cash in lieu is assessed, that a minimum of 80% of the funds collected should be directed to the immediate area of the new development. In addressing the unique nature of high density residences, alternative amenities---such as the purchase by the City of space within a condominium building (centrally located in relation to neighbouring condominiums) for use as a mini-fitness centre or mini-library open to the general public---be required.

Recommendation 5: That City planners ensure an adequate amount of day-time, on-street parking spaces be provided in areas where condominium apartments are clustered. Furthermore, that the City conduct a study of the impact of lower parking requirements for new condominium buildings on the area around where such new developments are located

Any increase in residential density, particularly where ground floor commercial is a by-product of such development, increases demand for on-street day-time parking that is not being universally accommodated in new condominium neighbourhoods. One positive example of a variant on such accommodation is the parking lot behind the commercial units at the Terraces on Woodbridge Avenue. The lot is conveniently at grade level, covered but not gated, and easily accessed from the street by means of a shared driveway leading to the residents' underground garage. What it does lack is signage on the street indicating that public parking is available behind the commercial units.

Recommendation 6: That City planners and traffic engineers conduct a study on the impact of intensification on local city roads in high-density areas, particularly where regional planners are not allowing direct access onto regional roads from these developments.

A typical feature of post-World War II planning in formerly rural areas of the Greater Toronto Area is the limited number of entry/egress points for each block (these blocks being areas formerly defined by the concessions and lines that still divide most of southern Ontario). Thus, for instance, for the block bounded by Yonge Street, Steeles Avenue West, Bathurst Street, and Centre Street (approximately 2.5 km square), there are only eighteen such points, or on average 4.5 points per side. Given the population within the block and the number of vehicles owned, each of these points is effectively a choke-hold on traffic flow (Note that a comparable area of mid-town Manhattan has approximately 32 such points on *each* of its east and west borders and 12 on its north and south borders, for a total of 88 (!) ways to get into and out of an area equivalent to the Yonge-Steeles W.-Bathurst-Centre block). Future blocks where intensification is likely should have many more entry/egress points than is now the case.

Recommendation 7: In recognition of the actual versus the planned traffic situation in high density areas, once the area is built out, a comprehensive traffic and parking study be conducted by the City to assist in understanding the current issues and to provide for a plan to adjust traffic measures to reflect the real situation.

Attention needs to be paid to any measure that may relieve the traffic congestion at the borders of existing and intensifying blocks (i.e., on regional roads which typically form the boundaries of these blocks, or any city roads that do so).

This recommendation requires the City to readjust the traffic plan for an intensified area once the actual (rather than projected) traffic patterns are established.

Recommendation 8: (further to Recommendation 3 above) That the powers that Section 37 of the Planning Act confers on the City be used so as to provide benefit to the residents in the immediate area of the development from which the funding is obtained.

Section 37 permits bonusing (e.g., additional floors or density) in return for pre-specified amenities that would enhance the local environment. In assessing a Section 37 arrangement, whatever is being offered should be considered from the perspective of services or amenities that will improve the immediate community.

Recommendation 9: That the City reconsider the maintenance of areas owned by condominiums that are effectively public space.

The current situation around the Promenade Mall is an example: the entire area--- including parking lots, the ring road, internal roadways, and internal walkways are privately owned by the mall. However, the sidewalks on the outer side of the ring road that abut fences that appear to (but do not in fact) define the limit of several condominium properties are actually owned by those condominiums. Yet they are used for the most part by the general public.

Recommendation 10: That the City of Vaughan formally request that the Province of Ontario provide a resource centre or facility to assist the owners of residential condominiums on issues related to their responsibilities under the Condominium Act.

Apparently, this recommendation is being considered for inclusion in the amended Act.

Recommendation 11: That the City of Vaughan implement a policy such that condominium properties (including parking spaces and lockers) in respect of which taxes are in arrears not be put up for sale/disposal by public auction (conducted by the City of Vaughan) without the City's Finance Department first contacting the condominium corporation's property management and/or board of directors to verify whether the said property(ies) may be offered to other unit owners prior to being offered to the public.

Non-resident access to the premises of the condominium is an on-going safety concern for residents. Informing the condominium board and/or the property manager of the pending sale of a unit or portion thereof, in advance of such sale---while not formally establishing a right of first refusal---would go a long way to addressing this concern.