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COMMUNICATION
CW (PH) - <u>April 5/16</u>
ITEM - <u>1</u>

From: Beauchamp, Alexandra
Sent: April-05-16 11:28 AM
To: Bellisario, Adelina
Subject: FW: Committee of the Whole - Public Meeting - April 5, 2016 -Stateview Homes (S. Collection) Inc.

From: Moore, Kathryn
Sent: Tuesday, April 05, 2016 11:21 AM
To: Clerks@vaughan.ca
Subject: FW: Committee of the Whole - Public Meeting - April 5, 2016 -Stateview Homes (S. Collection) Inc.

Hello,

Please see below for correspondence from a local resident.

File number: 19CDM-15V008

Thanks,
Kathryn

Kathryn Moore, BSc, MSc, MRTPI
Planner
905-832-8585 ext. 8813 | kathryn.moore@vaughan.ca

City of Vaughan | Development Planning Department
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From: Joanne Federici [<mailto:jofederici@hotmail.com>]
Sent: April-01-16 2:57 PM
To: Moore, Kathryn; Peverini, Mauro; Caputo, Mary
Subject: Committee of the Whole - Public Meeting - April 5, 2016 -Stateview Homes (S. Collection) Inc.

TO: KATHRYN MOORE
AND TO: MAURO PEVERINI AND MARY CAPUTO

Re; Draft Plan of Condominium (Common Elements)
File 19CDM-15V008
Stateview Homes (S. Collection) Inc.
Ward 2 - Vicinity of Islington Avenue and Hartman Avenue

I am writing in response to the report posted March 31, 2016 on the Agenda for the Committee of the Whole (Public Hearing) for meeting to be held Tuesday, April 5, 2016 at 7:00 pm.

Firstly Ms. Moore, I was advised by you in February that this report would be available a week or two in advance of the meeting. The meeting is set for Tuesday, April 5 and we had access to the report on line March 31(yesterday) which only gives us today and Monday to review and make comments and provide something in writing to the Clerk's Department in time for the meeting. This is not much time afforded to us. We were put in this same situation when this application came forth and the Public Meeting was set we only found out about it approx. 10 days prior and had to ingest what was going on, research and prepare a report for the Public Meeting. We are at a loss as to how these things are handled and such little time is given to respond to such important matters.

In any event onto the important issues at hand.

We looked over the report and note that *not all the items are covered in the report* that should be included in the Condominium Documents to be registered and form part of the common elements.

Of the items that are covered in the report, we have the following comments:

1. **Pipeline/catchbasin:** The pipe runs the full length of the southerly lot line to convey storm water from a catch basin located at the southeast corner of the property to the storm water sewer on Islington Avenue. It is stated in this report that "a small portion of this pipe would form a common element as it is located under the private road with the balance, including the catch basin, being located on the future lots identified as Parts 5 and 12 on Attachment #3, and the responsibility of the future lot Owners".

You also state that this will be reviewed.

COMMENTS:

A. The catch basin/pipe is not only for the benefit of the future owners of Parts 5 and 12, but the catch basin/pipe system is for the benefit of, for the most part, the future owners of Parts 6, 7, 8, 9, 10, 11 and 12, if not the whole subdivision, as the runoff from these other lots flow to the catch basin placed on the southeasterly lot to catch all these flows. So why would you put this burden on the future owners of Parts 5 and 12.

What happens if there is a backup/overflow from this catch basin and these future owners do not agree or are unable for whatever reason to deal with and fix the problem, the result would be a flooding on their lands and to the lands of the adjoining land owners which would include and directly affect us, our property and our vegetation, what then? This could become quite a disastrous situation.

It is our opinion that it would not be appropriate to put the burden of being responsible for the pipe/catch basin onto the future owners of Parts 5 and 12, but the responsibility of the pipe/catch basin system and whatever else is connection with this system to be of the Condominium Corporation and to included in the Condominium Agreement and Condominium Declaration to make this part of the common elements and/or of the City of Vaughan. However, an Easement should be registered against the section of property where it is located against the future owners property of Parts 5 and 12 in favor of and form part of the condominium common elements and/or the City of Vaughan in order to have access to maintain/repair etc. this pipe/catch basin and whatever other connections that are included with this system.

2. **Landscaped Area:** The landscaped area between the two townhouse buildings and the south lot line as shown on Attachment #4. There are substantial plantings in this area, which is stated that it was part of the

negotiations between the City, the applicant and the landowners to the immediate south. Also that the "Landscaped Area" is to be used only for this purpose of soft landscaping and a retaining wall.

COMMENTS:

Firstly, Attachment 4 does not specifically note the "Landscaped Area" on the copy that I have of Attachment 4 (Catch Basin and Storm Water Pipe are clearly set out). To clarify the "Landscaped Area" being referred to is the area running the full length along the southerly lot line and between lots Parts 5 and 12 which contain the landscaping and as shown in the Landscaping Plan.

A. We agree with your comment that "the entire landscaped area should form part of the condominium common elements and a clause to be included in the Condominium Agreement and Condominium Declaration to ensure it is maintained the future condominium corporation in accordance with the approved landscape plan.

It is our opinion that it would not be appropriate to put the burden of being responsible for the "Landscaped Area" (or part thereof) on the future owners of Parts 5 and 12, being that this area is for the benefit of the whole subdivision and for the benefit of the adjoining properties. It would be difficult to enforce the proper upkeep of this area on the new property owners and to keep the intent of of the implementation of this ``Landscaped Area`` in the first place.

B. As mentioned that Zoning By-law 073-2015 includes a specific provision that this area be used only for the purpose of soft landscaping and a retaining wall.

In order to comply with this provision, this provision would be required to form part of the Condominium Agreement and Condominium Declaration and this area be part of the common elements in order to keep the intent of implementation of this provision which is also to ensure that no structures are introduced into this area that could potentially eliminate landscaping along the area.

Items not covered in the report to the Committee of the Whole (Public Meeting) for April 5, 2016, which need to be included in the Condominium Agreement and the Condominium Declaration as specifically set out the in either the Approved Council Report #12 of the Committee of the Whole (adopted without amendment by the Council of the City of Vaughan on March 24, 2015) (referred to as the "Approved Report") and the registered Site Plan Agreement as No. YR2324168 for this project (referred to as "Site Plan"), which information I provided to Kathryn Moore in email dated February 18, 2016:

1. The Approved Report, 3. b) i) (Item 22, CW Report No. 12-Page 3) states as follows:

Easement:

that the Owner and future Condominium Corporation shall agree to grant an access easement over the proposed condominium road in favour of landowners ...to the south when these lands develop, and that the requirement to grant the easement be included in the Condominium Agreement, Condominium Declaration and all Offers of Purchase and Sale or Lease to ensure that the Condominium Corporation and all future Owners are aware of this requirement.

COMMENTS: This is important to include in the Condominium Documents as it pertains to the future use of these lands and would be an agreement that the Condominium Corporation would have to be a party of.

2.

The Approved Report 3. b) vi) (Item 22, CW Report No. 12-Page 3) , states as follows:

Windows/Balcony Screens:

a) that a clause be included in the Purchase and Sale Agreement for Units #5 and #12 and in the Condominium Agreement and Declaration advising all future purchasers of these units that all south facing windows shall remain as fritted glass and that the privacy screens on the rear balconies shall remain in place and in good repair

b) Also set out on page 13 under b) Building Elevations:

The Vaughan Planning Department...recommend that the final plans clearly identify that all south facing windows in Blocks 1 and 3, (Units 5 and 12), as shown of Attachment #3 utilize fritted glass. This requirement implements an agreement made by the Owner to the adjacent residents.

Also set out in the registered Site Plan #24, states as follows:

“The following warning clauses shall be included in all Offers of Purchase and Sale or Lease and in the Condominium Agreement and Declaration for Units 5 and 12: All future purchasers of these units that all south facing windows shall remain as fritted glass and that the privacy screens on the rear balconies shall remain in place and in good repair.”

COMMENTS: The above clauses are required to be included in the Condominium Documents.

3. Fencing:

Another item that has not been included and should be discussed with a view to include in the Condominium Documents and form part of the common elements is the fencing that runs along the southerly lot line from east to west. This is the same discussion as with the landscaping and the pipe/catch basin.

Part of the fencing would be in the privately owned properties of Parts 5 and 12, as you have advised and part would form part of the lands under the Condominium Corporation and would be considered common elements. It would become difficult to maintain and have any consistency of repair and upkeep with multiple owners of this fence. The fence to be installed on this southerly limit is to be 2.4m, how will that height be required to be maintained in the future if it is not a common element and included in the Condominium Agreement and Declaration in order to form part of the common elements? The fencing maintenance, repair, maintenance of height when replacing to be maintained as 2.4m need to be included in the registered Condominium Documents.

We spent a whole year in meetings with the City of Vaughan staff, hours and hours of their time and our time and loss of income from time away from work in order to attend all of these meetings and substantial amounts of time of City Staff to come up with a Report to include all these details in order to satisfy the applicant and adjoining land owners in order to move forward with this project. This in turn was approved by a Committee of Councillors, and subsequently registered a Site Plan Agreement, filed By-law containing these provisions.

These provisions need to be included in the Condominium Documents (Agreement and Declaration) and form part of the common elements in order to comply with what has been agreed upon.

We did not object to this application for this project specifically because these provisions/conditions, etc. were to be implemented.

We have spent another year since this project has commenced it's construction process reporting many issues that have not been complied with, i.e. hoarding of trees, the erection of the plywood fence , the fritted glass windows that are yet to be installed and a number of other issues. As these items were not completed and enforced to date , there has been unnecessary damage caused to our property and land and undue disruption because of this. These issues are currently being looked into.

This is the point where the Condominium Documents are going to be set up and we are expecting that you enforce all these issues as was recommended by City Staff, approved by City Council, agreed to by the applicant and because these items were specifically included we, the adjoining land owners, did not object to the project as we had an understandable and unquestionable expectation that these items would be implemented.

We would look forward to your response to the above.

We will be preparing a similar correspondence to be provided to the Clerk's Department for the Public Meeting to be held on April 5, 2016 at 7:00 pm.

Sincerely,

Joanne Federici