
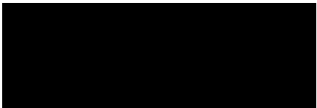



1 and 2 Melrose Correspondence

As of: January 29, 2025

Name and Contact	Comment	Staff Response
<p>Shasta Esposito</p> 	<p>Jan 23, 2025</p> <ul style="list-style-type: none"> • Concerns about their rights as a tenant that lives in one of the apartment buildings on site. No public notice was received, other than the sign posted on the property. • Would like some information related to progress of application. 	<ul style="list-style-type: none"> • City Staff sent resources detailing applicant-provided tenant information and rights under Residential Tenancies Act (RTA) and other resources provided by the applicant at the tenant meeting held in January 2024. • City Staff noted the public meeting date to caller and let them know that the public notice Staff have sent has instructions on how to attend and speak at public meetings. <p>Please see below attachments for the materials provided to all inquirers.</p>
<p>Joan Rushton</p> 	<p>Jan 23, 2025</p> <ul style="list-style-type: none"> • Concerns about their rights as a tenant that lives in one of the apartment buildings on site. No public notice to tenants were received, other than the sign posted on the property. • This caller also noted on a later date (Jan 28, 2025) that there was a public notice posted in the common area, that did not show how to attend the public meeting. 	<ul style="list-style-type: none"> • City Staff sent resources detailing applicant-provided tenant information and rights under Residential Tenancies Act (RTA) and other resources provided by the applicant at the tenant meeting held in January 2024. • City Staff noted the public meeting date to caller and let them know that the public notice Staff have sent has instructions on how to attend and speak at public meetings. • City Staff also noted that the information related to the public notice being posted in common area will be conveyed to the applicant.

		Please see below attachments for the materials provided to all inquirers.
Susan Place 	Jan 24, 2025: <ul style="list-style-type: none">• Comments regarding the intent of the applicant to evict tenants.	<ul style="list-style-type: none">• City Staff sent resources detailing applicant-provided tenant information and rights under Residential Tenancies Act (RTA) and other resources provided by the applicant at the tenant meeting held in January 2024.• Staff noted that intent of applicant cannot be spoken to, however, all existing tenants have rights. Staff recommended to reach out to a legal clinic for legal assistance/advice. <p>Please see below attachments for the materials provided to all inquirers.</p>



NOTICE OF A COMPLETE APPLICATION

IN ACCORDANCE WITH SECTIONS 51(19.1) OF THE PLANNING ACT, R.S.O., 1990, AS AMENDED, THE CITY OF BRANTFORD, AS APPROVAL AUTHORITY FOR PLANS OF CONDOMINIUM HAS DEEMED THE APPLICATION FOR DRAFT PLAN OF CONDOMINIUM TO BE COMPLETE ON JULY 16, 2024 FOR THE PURPOSES OF SECTION 51(17) AND 51(18) OF THE PLANNING ACT.

Regarding:	Notice of Public Meeting regarding a Draft Plan of Condominium Application		
Place:	Council Chambers, City Hall, 58 Dalhousie Street, Brantford ON	Date of Meeting:	February 13, 2025
File No.:	29CD-24501	Time:	9:30 a.m.
Applicant:	Andrew Head	Location of Lands:	1 and 2 Melrose Street
Agent:	Dryden, Smith & Head Planning Consultants Inc.		
Owner:	Braco Award Limited		

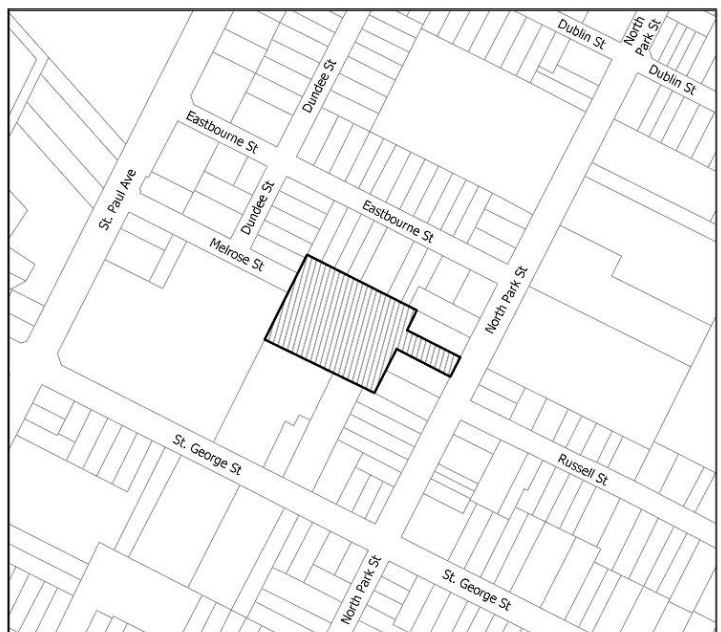
PURPOSE OF PROPOSED DRAFT PLAN OF CONDOMINIUM APPLICATION

An application has been received for a Draft Plan of Condominium (Conversion from Rental to Condominium), for the lands municipally known as 1 and 2 Melrose Street.

The applicant is proposing to convert the existing 60 apartment dwellings from rental units to condominium ownership. No changes or modifications are proposed to the existing buildings or general layout of the structures. There are currently 82 parking spaces on site, with one parking space proposed to be unitized per dwelling unit. The Subject Lands are designated "Neighbourhoods" under Schedule 1: Growth Management, and "Residential" under Schedule 3: Land Use Plan in the City of Brantford Official Plan. The lands are also zoned "Residential Medium Density Type B Zone" R4B (60U) as per the City of Brantford Zoning By-law 160-90, and "Residential Mid-Rise" (RMR) as per the City of Brantford Zoning By-Law 124-2024.

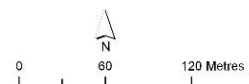
LOCATION MAP

Application: 29CD-24501
1 & 2 Melrose Street



Legend

 Subject Land



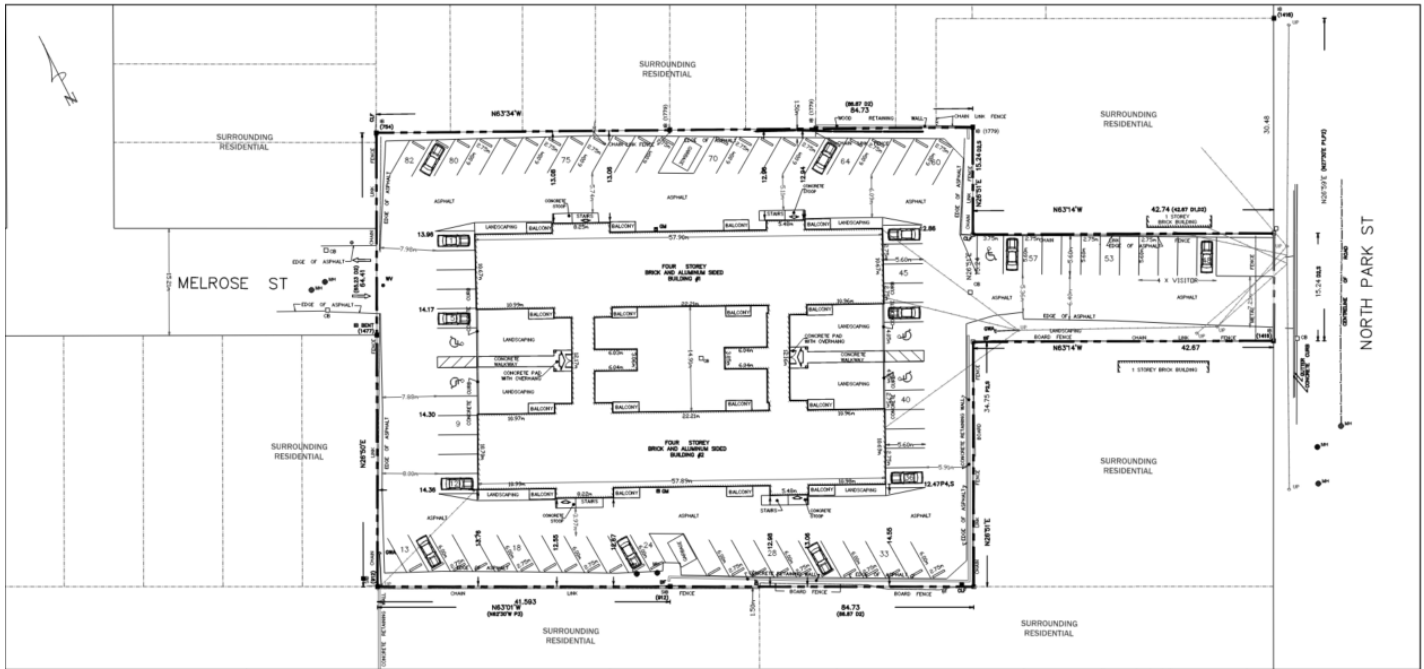
ADDITIONAL INFORMATION

Additional information regarding the proposed Draft Plan of Condominium is available to the public for inspection at the Planning Department, 2nd Floor, City Hall, 58 Dalhousie Street, Brantford, ON N3T 5R7 between 8:30 a.m. and 4:30 p.m., Monday to Friday or by contacting Mila Masic, Intermediate Planner at 519-759-4150, ext. 5058 or mmasic@brantford.ca. Written comments can also be sent to the address noted above.

If you wish to be notified of the decision of the City of Brantford you must make a written request to the Clerk, City of Brantford, City Hall, 58 Dalhousie Street, Brantford ON N3T 5R7.

Personal information collected and recorded at the Public Information Meeting or through written submissions on this subject, is collected under the authority of the *Municipal Act*, 2001, as amended, and the *Planning Act*, 1990 R.S.O. 1990, c.P.13 and will be used by Members of Council or Committee and City of Brantford staff in their consideration of this matter. The written submissions, including names and contact information and the associated reports arising from the public participation process, will be made available to the public, including publishing on the City's website. Video recordings of the Public Participation Meeting may also be posted to the City of Brantford's website. Questions about this collection should be referred to the City Clerk, 58 Dalhousie St., Brantford ON, N3T 5R7, or at 519-759-4150.

NOTICE DATED: January 22, 2025



PLAN OF CONDOMINIUM (EXISTING CONDITIONS)
 1 & 2 MELROSE ST.
 CITY OF BRANTFORD
 PART OF LOTS 3 AND 4,
 WEST OF NORTH PARK STREET
 IN THE JAMES KERBY SURVEY

ZONING: R4B Residential Med. Density

	REQUIRED	PROVIDED	COMPLIANCE
LOT AREA	167.0 m ² / unit	6,141.5 m ² (302.4 m ² per unit)	LNC.
LOT WIDTH	30.0 m	15.24 m	LNC.
LOT COVERAGE	35 %	23.2 %	-
BUILDING HEIGHT	4 storeys	4 storeys (10.6 m)	-
FRONT YARD SETBACK	7.5 m	12.47 m / 12.86 m	-
REAR YARD SETBACK	10.0 m	14.30 m / 14.0 m	-
SIDE YARD SETBACK	7.5 m	12.55 m / 12.94 m	-
GROSS FLOOR AREA	40.0 m ² / unit	Approx 85m ² / unit	-
LANDSCAPED O. SPACE	30 %	24.8 %	LNC.
PARKING SCHEDULE	1.5 /unit (90 spc)	84 spaces/cars	LNC.

PROPOSED RENTAL TO CONDOMINIUM CONVERSION

- The subject lands currently contain two (2) existing apartment buildings, with a total of 60 existing residential units.
- Proposing a phased conversion of the 60 existing units from Rental to Condominium tenure (Condo Conversion).

Note: All items shown on Plan are classified as Existing Conditions. No new construction is proposed at this time.

UNIT SCHEDULE	R.T.O. #1	EXISTING
Unit 1	1	1
Unit 2	2	2
Unit 3	3	3
TOTAL		30

UNIT SCHEDULE	R.T.O. #2	EXISTING
Unit 1	1	1
Unit 2	2	2
Unit 3	3	3
TOTAL		30

PARKING SCHEDULE	EXISTING
Unit 1	1
Unit 2	2
Unit 3	3
TOTAL	60



ORIG. DATE: JUNE 13, 2024
 DWG. FILE: MELROSEST_SKETCH
 JOB NO.: 16750
 FILE NO.: 16750

REVISIONS:

DRYDEN SMITH & HEAD
 Planning Consultants Ltd.



PUBLIC INPUT GUIDE

APPLICATION FOR DRAFT PLAN OF CONDOMINIUM

This guide contains important information for interested parties regarding the notification and public input process for Draft Plan of Condominium applications.

1. In order to gain input from surrounding property owners and others regarding a proposed Draft Plan of Condominium, a notification sign is posted on the property soon after the application is submitted. Members of the public may contact the Planning Department for further information regarding the proposal. An informal Ward Meeting may also be held to give the public an opportunity to review the proposal.
2. Prior to Planning Committee dealing with the application, a Notice of Public Meeting (included in this mailing) is forwarded to the following:
 - i. The applicant (and agent, if any),
 - ii. Assessed owners of the subject lands,
 - iii. Assessed owners within 120 metres (400 feet) of the subject lands,
 - iv. Other persons who have submitted a written request for notice or who have individually provided their name and address to the Department of Planning and Economic Development in response to the Public Notification Sign.
 - v. A variety of agencies as set out in the regulations.
3. In the case of a petition, only the author of the petition is notified of the Public Meeting, over and above those normally notified as set out in Item 2. above.
4. Persons receiving a Notice of Public Meeting are not obligated to submit written comments or provide comment as part of the Public Meeting. Parties who wish to submit written comments should do so as early as possible prior to the Public Meeting so that it can be included with the Agenda for perusal by Planning Committee in advance of the Public Meeting.
5. A copy of the Staff Report regarding the proposed Draft Plan of Condominium will be available to interested parties through a written request to the Clerk, City of Brantford, City Hall, 58 Dalhousie Street, PO Box 818, Brantford, ON N3T 5R7 or via email: clerks@brantford.ca. The report is available to the Clerk for forwarding at noon on the Friday before the Public Meeting date. The report will also be available on the City of Brantford website the Friday before the meeting.
6. City of Brantford Public Meetings are being held by a hybrid of in person and virtual attendance. Usually, a number of different development applications are scheduled on a single Public Meeting Agenda, so the specific time of commencement of a particular application will depend upon the meeting progress.
7. Interested parties may participate in the Public Meeting by making comments and asking questions of Planning Committee, Applicant, or Agent. Please review the enclosed Public Participation Guide if you would like to participate.
8. Notice of the Decision of Brantford Council regarding the application for Draft Plan of Condominium is available to interested parties through written request to the Clerk, City of Brantford, City Hall, 58 Dalhousie Street, PO Box 818, Brantford ON N3T 5R7 or via email: clerks@brantford.ca.



City of Brantford Public Participation Guide for Hybrid Meetings

[Article 18 in the City of Brantford's Procedural By-law](#) provides rules for Electronic Participation in Meetings. Registration to attend the meeting in person is not necessary. Members of the public can watch meetings live online by visiting the [City of Brantford YouTube Channel](#) or brantford.ca/virtualcouncil.

Providing comments or participating in a statutory public hearing

Members of the public who would like to participate in a statutory public hearing are encouraged to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing clerks@brantford.ca any time prior to the meeting or by mail to City Clerk, City of Brantford, 58 Dalhousie Street, P.O. Box 818, Brantford, ON N3T 5R7. Comments can also be placed in the drop box which is available at the front of City Hall. All comments received prior to the meeting, will be relayed at the public hearing.

Attending the meeting in person, to speak at a public hearing:

To speak in person at a public hearing, please attend City Council Chambers at 58 Dalhousie Street. The Chair will call for members of the public in attendance to speak to the item. Pre-registration for in-person participants is not required.

How to Register to participate (to speak at a public hearing) virtually:

To register to participate via Zoom, members of the public should [City Council calendar](#) and click the unique registration link for the meeting. Upon registering for a meeting, members of the public will be emailed a link for the Zoom meeting. The link must not be shared with others as it is unique to the registrant.

Members of the public can also participate in the meeting via telephone, but they must register in advance by calling 519-759-4150. Registration must be received by 9 a.m. on the day of the meeting. If necessary, please leave a voicemail including your name, phone number, meeting date and item you would like to speak to. A member of Staff will reach out to you to complete your registration.

NOTICE TO ALL TENANTS

from BRACO AWARD LIMITED

November 29, 2023

PURPOSE OF THIS NOTICE

This notice is to invite you to a meeting taking place on January 17, 2024, from 4 p.m. to 7 p.m., at The Rope Factory Event Hall, 111 Sherwood Drive, Brantford, to discuss **the owner's intention to convert** (i.e., change) **this building into a condominium.**

As explained later in this notice, "condominium" is a way of owning property. It changes the way Braco Award Limit owns the property but does not change its use. The proposed conversion to a condominium does not mean that you will have to move, or that your tenancy will be terminated or changed.

The meeting will include a presentation by the owner's planner that will explain,

- a. When the application for condominium conversion will be made, and how you can participate in and remained informed about that process,
- b. what improvements are proposed to the building, when they are proposed to be done, and how they might affect you, and
- c. the effect of relevant provisions of the *Residential Tenancies Act, 2006*, that protect your tenancy.

The presentation will be followed by a question-and-answer session.

MEETING PLACE:	THE ROPE FACTORY EVENT HALL 111 Sherwood Drive, Brantford
MEETING DATE/TIME:	JANUARY 17, 2024, 4 p.m. – 7 p.m.

SOME INTRODUCTORY INFORMATION

FIRST: WHAT IS A CONDOMINIUM?

As mentioned above, the word, "condominium," doesn't refer to a type of property (building, townhomes, mall, etc.) but to *a way of owning property*. So, a condominium is not a "thing" so much as it is an idea used in law. Condominiums can be created on any land and for any purpose (residential, commercial, recreational, industrial, etc.). They can be high-rise or low-rise buildings, townhomes, detached homes, strip malls, office buildings, warehouses, factories or even empty parcels of land. In short, *any property can become a condominium to be used for virtually any purpose*. The effect of creating a condominium is to split up the pieces of the property into "units" (that can be individually owned) and "common elements" that are shared. It allows each individual unit in a development to be separately owned, rather than requiring there to be just one ownership of the whole property.

SECOND: WHAT IS A CONDOMINIUM CONVERSION?

Usually, condominiums are made on empty land, where the developer then builds the kind of condominium they want. But, again, a condominium is not a "thing" but an idea and way of owning property. So, it is also

possible to turn an *existing development* (like an already built and lived-in apartment) into a condominium. That is called a “conversion” because it is changing the way the property is owned.

SO, WHAT IS CHANGING?

The *only* thing that necessarily changes when an existing property is converted to condominium, is the way the property is owned. For example, with your apartment building, right now Braco Award Limited owns the whole property – the whole building and the land it is on. When it is converted to condominium, Braco Award Limited will instead own each individual dwelling unit, and all the rest of the building (the hallways, stairwells, front entrance, etc.) become “common elements”.

SO, WHY DO IT?

There can be many reasons why a person would want to convert their property to condominium. It can be because they want to sell the individual units to different owners. It can also be to move financing around so that some units are financed, and others are free of financing. It can be part of their “estate planning,” looking ahead to when their children, other relatives, or other people might inherit the property from them. There can be other reasons too.

HOW DOES A CONDOMINIUM WORK?

Once converted, the property must be managed in accordance with the Condominium Act, 1998. This means that, amongst other things:

- The condominium must have a board of directors elected by the unit owners; *(There must be at least three directors; this could mean an increase the number of people who are actively involved in and responsible for managing the property.)*
- The job of the board of directors is to manage the affairs of the condominium and ensure that this is done in accordance with the Condominium Act, 1998 and other law; *(This imposes many strict controls on property management that are not covered by or that amplify provisions of the Residential Tenancies Act, 2006, so that condominium conversion can actually provide tenants with greater protection than they have in a non-condominium rental property.)* and
- An adequate reserve fund must be maintained by the condominium to ensure there is money for major repairs and replacements of common element components of the property, such as the roofs, public services, roads, building exterior walls, and so forth. *(Although it is a requirement of the Residential Tenancies Act, 2006, for a landlord to make those repairs, that legislation does not impose an obligation to save a set amount of money for the work that needs to be done. The reserve fund provisions of the Condominium Act, 1998, can and should provide residents of the condominium with greater confidence that the property can be well maintained for many years into the future.)*

What conversion does not mean, though, is that you will *have* to move out of your home.

PROTECTING TENANTS

There are provisions of the *Residential Tenancies Act, 2006*, that protect your rights as tenants during the conversion process. For people (like you) who are tenants of the units at the time the conversion takes place, these protections include:

- **That the landlord cannot evict a tenant simply because the property is converted to a condominium.**
A landlord can terminate a tenancy because of major renovations. However, **it is not the owner’s intention to require tenants to end their tenancies on account of proposed renovations to the building.** During the meeting there will be information about the proposed renovations and the extent to which they might impact tenants’ lifestyle, noise, and other matters.
- **That the landlord cannot evict a tenant even if there is a buyer who wishes to purchase the tenant’s unit and live in it.** Eviction is still possible for things like causing damage and non-payment of rent, but not simply because someone else wants to live in the unit.
- **That the landlord must give the tenant a “right of first refusal” when an individual buyer offers to purchase their unit.** This means the tenant has the right to purchase the unit instead, at the same price and on the same terms that the buyer offers.



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APPLICANT PROVIDED MATERIALS IN
JANUARY 2024 MEETING

What Happens to Tenants when a Rental Building is Converted to Condominium? (An Information Sheet for Tenants)



This memorandum is provided for information only and does not constitute legal advice.

Tenants in Ontario have special rights that arise when the rental complex in which they live is “converted” to condominium. This memo outlines these rights.

What is a Condominium “Conversion”?

Sometimes people make the mistake of thinking that a “condominium” is a certain kind of building. In larger cities, such as Toronto, the word “condominium” makes people think of skyscrapers with luxury suites owned by the wealthy. However, a “condominium” can be *any* type of property, from apartments to townhomes to retail stores and factories.

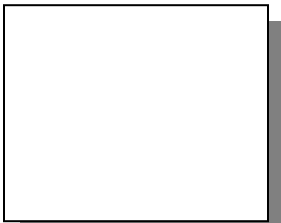
The legislation that governs condominiums in Ontario (the *Condominium Act, 1998*) allows for a wide variety of styles of condominium that can suit many different purposes.

Outside of larger municipalities like Toronto, a significant number of condominiums are built as townhome projects and are marketed to lower income and first-time homebuyers. These condominiums often represent an affordable introduction into home ownership for people who otherwise could not afford to purchase a home.

Even more beneficial in this way is a “condominium conversion” where, instead of being a newly constructed building, the condominium is an already existing building that is simply “converted” to “condominium”.

Confusion about what this means arises in part because not many people understand that what makes something a condominium is not *what it is* but *how it is owned*.

For example, imagine that the box below this sentence is a piece of land

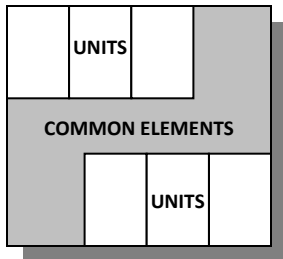


This box represents one division of land that can be owned by only one person or group. If the owner of that land wants to sell it, he or she or they must sell the whole piece of land. But perhaps the owner wants to be able to sell the land in smaller pieces. To do this, he she or they must “subdivide” the land into smaller parcels that can be sold.

This can only be done with the approval of government bodies, such as the municipality. One of the ways that this can be done is to convert the land to condominium.

Once the land is made into a condominium it is divided into "units" and "common elements". Units are sections of the land that can be owned individually (such as a townhome or apartment unit). The common elements are those parts of the land of which each of the unit owners owns a share. (That share is called a "common interest".)

For example, if the land represented by the box pictured above (on the previous page) was divided as a condominium, it might look something like this:



Why Convert to Condominium?

A typical reason for converting an existing property to condominium is to be able to sell small parts of the land as units. However, this is not the only reason for converting property to condominium.

Another reason is for efficiency in dealing with financing. Where a property is converted to condominium, it is not necessary for the owner to place financing (i.e., a mortgage) over the whole of the property, but he or she can finance individual units and in that way free-up more of the land.

Yet another reason is that there can be some tax savings when converting property to condominium. While this is not guaranteed, a land owner might be entitled to certain savings when property is converted to condominium and managed in accordance with the *Condominium Act, 1998*.

Also, even if the owner does not intend to sell the units, converting the property to condominium can give the owner flexibility to deal with the land differently in the future, and therefore can be a consideration in estate planning.

All these and other reasons might lead a land owner to consider converting his or her property to condominium.

How Does a Condominium Work?

Converting a property to condominium can help improve the way property. Once converted, the property must be managed in accordance with the *Condominium Act, 1998*. This means that, amongst other things:

- The condominium must have a board of directors elected by the unit owners; *(There must be at least three directors; this could mean an increase the number of people who are actively involved in and responsible for managing the property.)*
- The job of the board of directors is to manage the affairs of the condominium and ensure that this is done in accordance with the *Condominium Act, 1998* and other law; *(This imposes many strict controls on property management that are not covered by or that amplify provisions of the Residential Tenancies Act, so that condominium conversion can actually provide tenants with greater protection than they have in a non-condominium rental property.)* and
- An adequate reserve fund must be maintained by the condominium to ensure there is money for major repairs and replacements of common element components of the property, such as the roofs, public services, roads, building exterior walls, and so forth. *(Although it is a requirement of the Residential Tenancies Act, 2006, for a landlord to make those repairs, that legislation does not impose an obligation to save a set amount of money for the work that needs to be done. The reserve fund provisions of the Condominium Act, 1998, can and should provide residents of the condominium with greater confidence that the property can be well maintained for many years into the future.)*

How Will Condominium Conversion Affect Your Tenancy?

Your tenancy is protected at the time of condominium conversion because of certain provisions in the *Residential Tenancies Act, 2006*. If you are the tenant at the time that the property is converted to condominium, you cannot be forced to move from your home simply because of condominium conversion, or because the unit is being sold (even if it is being sold to someone who hopes to live in the unit). Also, if your unit is being sold, you may have the right to buy the unit before anyone else is permitted to buy it. (This is not the case where the unit is being sold to someone who is purchasing more than one unit of the complex.) The following table sets out and explains the relevant provisions of the *Residential Tenancies Act, 2006*:

Residential Tenancies Act, 2006	Explanation
<p>Conversion to Condominium, Security of Tenure</p> <p>51 (1) If a part or all of a residential complex becomes subject to a registered declaration and description under the <i>Condominium Act, 1998</i> or a predecessor of that Act on or after June 17, 1998, a landlord may not give a notice under section 48 or 49 to a person who was a tenant of a rental unit when it became subject to the registered declaration and description.</p> <p>Proposed units, security of tenure</p> <p>51 (2) If a landlord has entered into an agreement of purchase and sale of a rental unit that is a proposed unit under the <i>Condominium Act, 1998</i> or a predecessor of that Act, a landlord may not give a notice under section 48 or 49 to the tenant of the rental unit who was the tenant on the date the agreement of purchase and sale was entered into.</p> <p>Non-application</p> <p>51 (3) Subsections (1) and (2) do not apply with respect to a residential complex if no rental unit in the complex was rented before July 10, 1986 and all or part of the complex becomes subject to a registered declaration and description under the <i>Condominium Act, 1998</i> or a predecessor of that Act before the day that is two years after the day on which the first rental unit in the complex was first rented.</p> <p>Assignee of tenant not included</p> <p>51 (4) Despite subsection 95 (8), a reference to a tenant in subsection (1), (2) or (5) does not include a person to whom the tenant subsequently assigns the rental unit.</p> <p>Conversion to condominium, right of first refusal</p> <p>51 (5) If a landlord receives an acceptable offer to purchase a condominium unit converted from rented residential premises and still occupied by a tenant who was a tenant on the date of the registration referred to in subsection (1) or an acceptable offer to purchase a rental unit intended to be converted to a condominium unit, the tenant has a right of first refusal to purchase the unit at the price and subject to the terms and conditions in the offer.</p> <p>Same</p> <p>51 (6) The landlord shall give the tenant at least 72 hours notice of the offer to purchase the unit before accepting the offer.</p> <p>Exception</p> <p>51 (7) Subsection (5) does not apply when,</p> <ul style="list-style-type: none"> (a) the offer to purchase is an offer to purchase more than one unit; or (b) the unit has been previously purchased since that registration, but not together with any other units. 	<p><i>After a property is converted to condominium, the landlord cannot simply terminate a tenancy for personal use of the unit by the landlord or for personal use of the unit by the purchaser of a unit, if the tenant was the tenant at the time of conversion.</i></p> <p><i>The same is true before conversion while the condominium approval application is in process.</i></p> <p><i>This section exempts certain properties from the foregoing two paragraphs.</i></p> <p><i>The protections set out apply to the tenant and not a sub-tenant or assignee of the lease.</i></p> <p><i>If someone offers to purchase a unit that is being rented, and if the tenant was the tenant at the time that the property was converted to condominium, then the tenant must be given the first right to purchase the unit instead of the person who made the offer.</i></p> <p><i>The landlord has to give the tenant at least 3 days to decide whether to purchase the unit. After 3 days, the landlord can accept the offer of the other person.</i></p> <p><i>This "right of first refusal" does not apply if:</i></p> <ul style="list-style-type: none"> (1) <i>the person offering to purchase your unit is purchasing at least one other unit; or</i> (2) <i>the unit has already been purchased at least one other time by someone who purchased only that one unit (in which case the tenant would have already been granted the right of first refusal and not taken advantage of it to purchase the unit).</i>