

CONDOMINIUM APPLICATION GUIDE

Standard Condominium Conversion Residential

A condominium application is required for tenure purposes and identifies individual ownership of units, common elements and exclusive use common elements. A Standard Condominium can either be new construction or the conversion of an existing rental building to condominium tenure. This guide applies to Standard Condominium Conversion Residential applications.

Required Submission Material for a Condominium Application

1. Condominium Application Form
 - Must be fully completed including the applicant's affidavit and registered owner's certificate
2. Condominium Declaration prepared by Applicant's solicitor
 - A draft is acceptable
3. Draft Plan of Condominium
 - Condominium Drawing Requirement Checklist (attached) lists the drawing requirements

Zoning By-law Compliance

At the time of application submission, if available or prior to draft approval, the Zoning Section, Building Division requires the following to confirm zoning compliance with the Zoning By-law:

Surveyor's Real Property Report (As Built Survey)

- Indicate all buildings and structures including setback dimensions from all property lines. Dimension all parking spaces and aisles to curbs. Indicate and dimension landscaped buffers.
- Provide a separate survey for below grade structures (parking garage) where applicable.
- Where the site specific zoning of the property includes an exception schedule (please refer to the zoning of your property, <http://www.mississauga.ca/portal/residents/zoningbylaw>) include all relevant zoning information as depicted on the exception schedule.

New Construction

- Any new construction/amendments proposed as part of the condominium conversion must be in compliance with the current zoning by-law, as amended.

Zoning by-law deficiencies or contraventions

- Must be dealt with prior to condominium draft approval.
- The applicant will be required to amend plans/documents to reflect zoning compliance, as per the site plan or approved building permit drawings, or a minor variance must be approved for every non-compliance issue prior to condominium draft approval.

Information Matrix

- A matrix is required identifying municipal address unit numbers, proposed condominium unit numbers, and unit breakdown by number of bedrooms and where applicable the Gross Floor Non-Residential for each unit.

Building Permit application

- Any existing building permit applications which have been applied for, but not approved for a Building Permit must be issued prior to condominium draft approval.
- If the applicant does not intend to proceed with an ongoing/open application, it must be cancelled.
- Cancellation requests will not be accepted in instances where work has commenced.
- Written requests to cancel a permit/certificate must be made to the Supervisor, Permit Administration. For further information please contact 311 or 905 -615-4311 outside city limits.

City Planning Strategies

- Conversion of residential rental to condominium tenure will require a Section 99.1 permit as required by the Rental Housing Protection By-law
<http://www.mississauga.ca/portal/residents/rental-housing-protection>
- Conditions imposed on a Section 99.1 permits include (as per #21 of the Rental Housing Protection By-law):
 - (1) Requirements to replace the **Rental Units** proposed for **Demolition**, or retention of proposed converted units as **Rental Units**, at similar rents and for a defined term;
 - (2) Requirements that the owner of the **Residential Rental Property** notify any tenants who reside in **Rental Units** affected by the approval of the relevant provisions in the **Residential Tenancies Act, 2006**;
 - (3) Requirements that the owner of the **Residential Rental Property** provide information from time to time sufficient to verify that the terms of an agreement are being met;
 - (4) Requirements securing tenants' right to return to the replaced or retained rental units at similar rents, and associated notification requirements;
 - (5) Provisions concerning the applicant's entitlement to claim or act under any of the following until the conditions imposed have been satisfied or secured, to the satisfaction of the **Commissioner**:
 - (a) A permit under subsection 8(1) or section 10 of the **Building Code Act, 1992** for construction, **Demolition** or **Conversion** of a building.
 - (b) A consent or permit to alter part of a property or to demolish or remove a building or structure under section 34, 34.5 or 42 of the **Heritage Act**.
 - (c) Approval or registration of a description for a proposed condominium under section 51 of the **Planning Act**, or an exemption from approval for a condominium, under section 9 the **Condominium Act, 1998**.
 - (d) A consent under section 53 of the **Planning Act**, except for provisional consent that is conditional on receiving a **Section 99.1 Permit** under this By-law.
 - (6) Any other requirements or provisions reasonably related to minimizing the impact of the **Demolition** or **Conversion** on the City's rental housing supply.

Acknowledgement

An applicant for a **Section 99.1 Permit** shall provide proof of notice of the application to the tenants of the **Residential Rental Property** to the satisfaction of the **Commissioner** within 14 days after the **Commissioner** has advised that the application is complete or within such other time period as determined by the **Commissioner**:

- indicating that all tenants have been notified that the owner proposes to convert the existing rental residential development to condominium tenure and that the tenants have been made aware of their rights under the *Residential Tenancies Act, 2006*

Transportation and Works Department

Detailed comments and conditions will not be provided by the Transportation and Works Department until it is in receipt of, and has reviewed, a physical evaluation report with the information as set out below.

Applicants are to contact the Transportation and Works Department at TWDEVENG@mississauga.ca prior to commencing any remedial works.

Internal Pavement Structure, Curb, Sidewalk, Walkways and Retaining Walls Condition Assessment

- Internal roads and parking areas for the proposed condominium conversion site shall be rendered in compliance with design standards identified in Section 6 of the Transportation and Works Development Requirements Manual.
- The applicant's geotechnical consultant will be required to provide an evaluation of the existing asphalt pavement condition and structure.
- The evaluation report is to include a condition assessment of the existing pavement structure (supported by testing in addition to visual assessment) and based on results, to recommend any remedial works required to achieve the City's minimum design standards for internal roads and parking areas.
- The report is also to include an evaluation of the existing curbs, sidewalks and walkways and recommend any proposed remediation. All concrete curbing, sidewalks and walkways, which are cracked, displaced, or broken, will require replacement.
- Standard curbs will be required on both sides of the access road and parking areas.
- Upon completion of any remedial works, the geotechnical consultant will be required to submit a pavement construction certificate confirming that the as-constructed pavement structure meets or exceeds the approved design standards, as noted above.

Site Grading and Drainage

- All landscaped areas will be reviewed to ensure that positive drainage and vegetative cover is provided.
- The applicant's engineering consultant will be required to provide an existing/proposed Site Grading Plan with the condominium application. This plan is to be signed and stamped by the responsible professional, and reflect the recommendations of the evaluation report, including a delineation of the areas where curbs, walkways and sidewalks are to be replaced; retaining walls that are to be replaced; and the areas where full or partial reconstruction of pavement is required. The proposed pavement structure is also to be shown on the drawing.
- Upon completion of any required site remediation works, the consulting engineer will be required to submit a Final Grading Certificate certifying that the site grading (including paved parking areas) conforms to the approved lot grading plan, and that proper drainage has been achieved in all areas.

- The Final Grading Certificate shall include confirmation of the structural adequacy of any retaining walls and/or fencing works associated with the site. In some cases, a separate retaining wall structural certification may be required.

Existing and Proposed Easements

- The applicant shall provide copies of the necessary legal documentation (Registered Instruments and Reference Plans) describing any and all servicing, access, and utility easements required for proper servicing of the lands intended for condominium conversion.
- Any existing/proposed easement is to be shown on the Grading/Service Plan and labelled with the associated parts, reference plan number(s) and instrument number(s).
- The application review process will include a requirement that the applicant's engineer, surveyor, and solicitor certify that the necessary and appropriate easements; rights-of-way; agreements for the use and maintenance of all internal services; utilities; and access ways, which may be capable of separate ownership; have been prepared, executed, delivered, and where appropriate, registered on title.

Environmental Site Screening Questionnaire and Declaration (ESSQD)

- Prior to the provision of detailed comments and conditions for condominium registration, the property owner will be required to provide an ESSQD, fully completed and sworn before a commissioner for the taking of affidavits.

Fire & Emergency Services, Fire Prevention Division

Contact Fire & Emergency Services Fire Prevention Division at 905-896-5908 to schedule a full Ontario Fire Code inspection of the building. Prior to registration of the condominium, confirmation is required that a final inspection to all applicable Codes, By-laws and standards has been conducted and that all noted deficiencies have been rectified.

Fees

City of Mississauga

- Refer to Planning Act Processing Fee By-law for up to date fees.
- Legal Services Fee shall be payable in accordance with the City's General Fees and Charges By-law. The applicant will be made aware of the applicable fee following Legal Services review of the file.
- A full Ontario Fire Code inspection of the building will be required and the associated fees will be established based on the Fees and Charges Bylaw applicable at the time of inspection.

Region of Peel

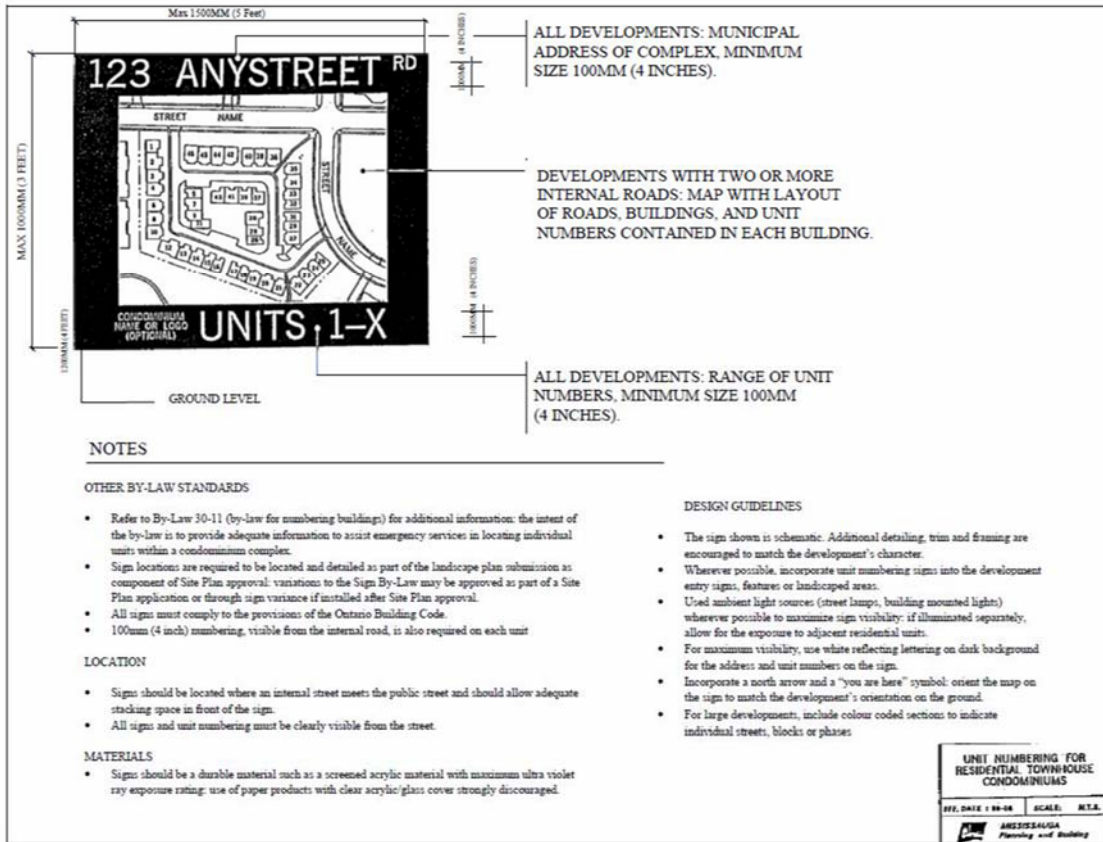
- Separate cheque made payable to the Region of Peel in the amount of \$3,000

Other Fees

- If the property is located within a conservation authority (Credit Valley, Halton Region or Toronto Region) screening area the application will be circulated to the applicable conservation authority. The applicable conservation authority will advise of the fee amount payable once the application has been received by the authority.

Footnote

- ⁽¹⁾ A draft plan of condominium is used here as a general term to refer to and incorporate all documents included within a 'description' as referred to in Section 8 of the *Condominium Act* and the relevant regulations regarding 'description'.



Condominium Drawing Requirement Checklist

Section 51(17) of the *Planning Act, R.S.O., 1990* requirements

- a) Boundaries of the land proposed to be subdivided, certified by an Ontario Land Surveyor
- b) Locations, widths and names of the proposed highways within the proposed condominium and of existing highways on which the proposed condominium abuts
- c) On a small key plan, having a scale of not less than one centimeter to 100 meters, all adjacent land that is owned by the applicant or in which the applicant has an interest, every condominium adjacent to the proposed condominium and the relationship of the boundaries of the land to be subdivided to the boundaries of the township lot or other original grant of which the land forms the whole or part
- d) Purpose for which the proposed lots are to be used
- e) Existing uses of all adjoining lands
- f) Approximate dimensions and layout of the proposed plan
- f.1) If any affordable housing units are being proposed, the shape and dimensions of each proposed affordable housing unit and the approximate location of each proposed affordable housing unit in relation to other proposed residential units
- g) Natural and artificial features such as buildings and other structures or installations, railways, highways, watercourses, drainage ditches, wetlands and wooded areas within or adjacent to the land proposed to be subdivided
- h) Availability and nature of domestic water supplies
- i) Nature and porosity of soil
- j) Existing contours or elevations as may be required to determine grade of highways and drainage of lands to be subdivided
- k) Municipal services available or to be available to the land proposed to be subdivided
- l) Nature and extent of any restrictions affecting the land proposed to be subdivided, including restrictive covenants or easements

- Drawn to scale with boundaries certified by an Ontario Land Surveyor and include owner's certificate
- Municipal address
- Legal description
- Property zoning
- Building setbacks (in metric), including setbacks to all buildings, structures, porches, decks, stairways, etc. in accordance with the applicable zone
- Lot coverage (m²)
- Development area (m²)
- Building gross floor area (m²) ⁽¹⁾⁽²⁾
- Minimum open space (m²)
- Paved area (m²)
- Road widths
- Unit count
- Parking count-required and provided
- Parking space dimensions and aisle widths
- Accessible Parking required and provided ⁽³⁾
- Loading required and provided
- Street Furniture such as hydrants, hydro transformers, community mailboxes, etc.
- Fencing
- Common elements, exclusive use areas

Notes:

(1) Include gross floor area floor by floor (below and above ground) where applicable

(2) Gross Floor Area statistics to indicate the total building GFA (as per Zoning By-law definition and a separate breakdown indicating the total GFA-Non-Residential (as per Zoning By-law definition) with area calculation plans to show those areas being deducted

(3) Accessible Parking in accordance with current Provincial standards and Zoning By-law requirements for correct size and type (A/B)