



## Council Report

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<b>Report Number:</b>	<b>PLAN2023-012</b>
<b>Meeting Date:</b>	March 21, 2023
<b>Title:</b>	<b>Condominium Description Exemption Application by Aspire Sturgeon Developments Inc.</b>
<b>Description:</b>	Application for Condominium Description Exemption for a 29 lot subdivision on Nipigon Street and Avalon Drive, geographic Township of Verulam
<b>Author and Title:</b>	Richard Holy, Director of Development Services

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### Recommendations:

**That** Report PLAN2023-012, **Condominium Description Exemption Request by Aspire Sturgeon Developments Inc.**, Application D04-2023-001, be received;

**That** the Application for Condominium Description Exemption filed by TD Consulting Inc. on behalf of Aspire Sturgeon Developments Inc. for a 29 lot subdivision on Nipigon Street and Avalon Drive, respecting Lots 1 to 7 inclusive, 9 to 29 inclusive, and Block 33 of Registered Plan No. 638, geographic Township of Verulam, be approved by Council; and

**That** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

**Department Head:** \_\_\_\_\_

**Financial/Legal/HR/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

## **Background:**

The property is located on the north shore of Sturgeon Lake and is accessed through Patterson Road. The subdivision is largely vacant but contains 6 unoccupied dwelling units (see Appendix 'A'). Aspire Sturgeon Developments Inc. (ASDI) has purchased the majority of the lots in this waterfront residential plan of subdivision to construct the homes but is requesting a condominium description to be able to provide access to the waterfront area where docking facilities will be provided to lots forming part of the condominium plan and eventual condominium corporation. The owner has been able to either purchase all lots or negotiate an agreement with the current lot owner to become part of the condominium plan. Therefore, the condominium description will apply to all lots with the exception of Lot 8. It will also be excluded from Blocks 30 to 32 inclusive.

ASDI also proposes to rectify the subdivision deficiencies and develop the lots that it owns. The deficiencies include general ditch restoration, repairing and finishing the existing roads, repairing and completing the street lighting network, and completing the hydro deficiencies. Securities in the amount of \$140,000.00 will be posted by ASDI to rectify these deficiencies. Technically, ASDI will rectify the deficiencies for the entire subdivision, which also benefits the lots not under ASDI ownership.

The original subdivision agreement executed in 1991 required the owner to place all of the open space blocks into communal ownership for use by all lot owners. This was never completed and eventually all of these blocks fell into separate private ownership. ASDI attempted to purchase all of the open space blocks but were only successful in purchasing the water access block. In order to move ahead with the development, the ASDI required some relief from certain provisions in the agreement being:

1. Provisions of the agreement that require the developer to place all open space blocks into common ownership; and
2. A performance standard limiting the size of a pick-up truck that can be parked on any lot to a  $\frac{3}{4}$  ton vehicle.

On May 26, 2020, Council approved an amending agreement to the original subdivision agreement, which grants relief from these requirements. Execution of this amending subdivision agreement is contingent on approval of the condominium description exemption request.

ASDI has also submitted a consent application for approval of an easement over the waterbed to permit the docking to be installed. This is a condition imposed by Trent-Severn Waterway for deeded access over the privately held waterbed.

Owner: Aspire Sturgeon Developments Inc.

Applicant: Tom DeBoer, TD Consulting Inc.

Legal Description: Lots 1 to 7 inclusive, 9 to 29 inclusive, and Block 33 of Registered Plan No. 638, geographic Township of Verulam

Designation: 'Waterfront' on Schedule A-5 of City of Kawartha Lakes Official Plan

Zone: 'Rural Residential Type One (R1) Zone', 'Open Space Exception One (OS-1) Zone', 'Open Space Exception Two (OS-2) Zone', and 'Open Space Exception Three (OS-3) Zone' on Schedule 'A' of the Township of Verulam Zoning By-law No. 6-87, as amended

Lot Area: Approximately 14 hectares [35 acres]

Site Servicing: Private well and septic sewage systems with municipal ditches

Existing Uses: 29 lot rural residential subdivision with 6 unoccupied dwelling units

Adjacent Uses: North: Waterfront residential  
East and South: Sturgeon lake and wetlands  
West: Rural area and woodlands

## **Rationale:**

The property is located on the north shore of Sturgeon Lake and is accessed through Patterson Road. ASDI intends to construct homes on the remaining lots once the amending subdivision agreement and the condominium description are registered on title. Tom DeBoer of TD Consulting Inc. on behalf of Aspire Sturgeon Developments Inc. has filed an Application for a Condominium Description Exemption under c.19, s.9 (3) and (6) of the Condominium Act, Ontario to exempt the description of the ASDI development from Sections 51 and 51.1 of the Planning Act, Ontario and allow for the registration of the Condominium Plan. The applicable Acts allow for exemptions provided that certain planning criteria are met such as conformity with the Official Plan and applicable Zoning By-law, the development has previously undergone a public consultation process under the Planning Act and the development has had the benefit of a comprehensive municipal review through a planning application such as Subdivision Approval.

The request was submitted together with a draft Reference Plan to be used as a basis for the condominium description (Appendix 'B').

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe (Growth Plan):**

As this land is designated for residential development in the City of Kawartha Lakes Official Plan, this condominium exemption request conforms to the 2020 Growth Plan since all of the primary policy considerations have been addressed through the subdivision agreement.

### **Provincial Policy Statement (PPS):**

Similarly, as this land is designated for residential development in the City of Kawartha Lakes Official Plan, this condominium exemption request is consistent with the 2020 Provincial Policy Statement since all of the primary policy considerations have been addressed through the subdivision agreement.

### **Official Plan Conformity:**

The property is designated 'Waterfront' in the City of Kawartha Lakes Official Plan. This condominium exemption request conforms to the policies and designations in both the City of Kawartha Lakes Official Plan since all of the primary policy considerations have been addressed through the subdivision agreement.

### **Zoning By-law Compliance:**

The residential lots are zoned 'Rural Residential Type One (R1) Zone'. The open space blocks are zoned 'Open Space Exception One (OS-1) Zone', which requires these lands to be maintained as a nature reserve in a natural state with no dredging or filling permitted. The water access block is zoned 'Open Space Exception Two (OS-2) Zone' and shall also contain a small 6 space parking lot at least 30 metres from the high water mark. The water lot area is zoned 'Open Space Exception Three (OS-3) Zone' and permits a floating style docking during the boating season. The proposed condominium description request will comply with the relevant provisions of the Township of Verulam Zoning By-law 6-87, as amended.

### **Other Alternatives Considered:**

The applicant could proceed through the draft plan of condominium approval process. Given that the project has been reviewed by the public and various agencies, a further

process would not be recommended. No other alternatives have been considered at this time.

### **Alignment to Strategic Priorities:**

The City's 2020-2023 Kawartha Lakes Strategic Plan identifies the following priorities:

1. Healthy Environment
2. An Exceptional Quality of Life
3. A Vibrant and Growing Economy
4. Good Government

This development aligns with the Vibrant and Growing Economy priority by increasing the supply of new housing options to attract new residents in the City of Kawartha Lakes.

### **Financial/Operation Impacts:**

There are no financial implications regarding Council's consideration respecting the approval or refusal of the Aspire Sturgeon Developments Inc. request. The decision to approve or refuse the application for description exemption cannot be appealed.

### **Servicing Implications:**

The development is serviced by a private well and septic systems with municipal ditches for stormwater management. The development has had the benefit of an executed subdivision agreement and all lots will be developed in accordance with current servicing standards.

### **Consultations:**

No further consultations were undertaken at this time.

### **Development Services Planning Division Comments:**

Section 9 (3) and (6) of the Condominium Act, Ontario allows for Condominium Description Exemptions from Sections 51 and 51.1 of the Planning Act, Ontario provided that the following Planning criteria are met:

**Conformity with the Official Plan and the applicable Zoning By-law:**

The property is located within the 'Waterfront' land use designation in the City of Kawartha Lakes Official Plan, which permits the 29 lot subdivision. The environmentally sensitive portions of the property are designated 'Environmental Protection', which protects the natural features located on the property. The development conforms with the City's Official Plan policies.

The property is zoned 'Rural Residential Type One (R1) Zone,' 'Open Space Exception One (OS-1) Zone', 'Open Space Exception Two (OS-2) Zone', and 'Open Space Exception Three (OS-3) Zone' on Schedule 'A' of the Township of Verulam Zoning By-law No. 6-87. These zones conform with the City's Official Plan and together works to implement the development of the lots, a common docking facility, and protects the environmental features on the property.

**The development has previously undergone a public consultation process under the Planning Act.**

The property was the subject of Zoning By-law Amendment and Draft Plan of Subdivision applications, which were applied for and subject to the public consultation process under the Planning Act on November 23, 1987. Groundwater and environmental impacts were reviewed at the time, which resulted in OS exception zoning that protected environmental features and limited development to the capacity of the land.

**The development has had the benefit of a comprehensive municipal review through a planning application such as Site Plan Approval.**

A Subdivision Agreement between the Corporation of the Township of Verulam and 838227 Ontario Limited was registered on May 28, 1991 and receipted as Instrument No. R287367, which included all development requirements. ASDI will be posting \$140,000.00 in securities to ensure completion of deficient site works.

The applicant has demonstrated that the above planning criteria have been met and that upon Council's approval of the application, the Certificate of Exemption may be signed by the Director and the Condominium Plan registered.

## Conclusions:

The applicant has demonstrated that this 29 lot subdivision has been the subject of appropriate planning applications, public consultation, and municipal review that provide support for the Condominium Description Exemption request. Staff respectfully recommends that the application be approved.

## Attachments:

The following attached documents may include scanned images of Appendices, maps and photographs. If you require an alternative format, please contact Richard Holy, Director of Development Services at 705-324-9411, ext. 1246.

### Appendix 'A' – Location Map



Appendix A to  
PLAN2023-012.docx

### Appendix 'B' – Draft Reference Plan for Condominium Description



Appendix B to  
PLAN2023-012.docx

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**Department Head:** Richard Holy, Director of Development Services

**Department File:** D04-2023-001