

Council Report

Report Number: PLAN2025-039

Meeting Date: July 22, 2025

Title: **Condominium Description Exemption Application for 2000 Lindsay Street North, Lindsay – Fernbrook Homes, Hygge Towns Subdivision**

Description: Application to facilitate development of 55 dwelling units in Hygge Towns Subdivision by exempting from Condominium Description for Block 2, Plan 57M-815, former Town of Lindsay, City of Kawartha Lakes

Author and Title: Nicolas Smith, Planner II

Recommendations:

That Report PLAN2025-039, **Condominium Description Exemption Application for 2000 Lindsay Street North, Lindsay – Fernbrook Homes, Hygge Towns Subdivision** be received for information;

That Condominium Description Exemption Application for 2000 Lindsay Street North, Lindsay – Fernbrook Homes, Hygge Towns Subdivision, be approved by Council on the basis that a Subdivision Agreement has been registered on title; and

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

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

The site is located at 2000 Lindsay Street North in Lindsay (see Schedule 'A'). Fernbrook Homes Hygge Towns Subdivision – Phase 1, was approved by Council on April 18, 2023 and registered as Plan 57M-815 on June 24, 2024. The developer is requesting an exemption from the normal condominium approval process, which would include preparation and registration of a condominium agreement, as the City has already processed rezoning and subdivision applications, and has entered into a subdivision agreement with the developer, through which the City has secured all necessary development obligations, including securities, for development of the site. A condominium agreement therefore is not needed.

Owner:	Fernbrook Homes (Lindsay 2021) Construction Ltd.
Applicant:	GHD Ltd. c/o Christian Jatten
Legal Description:	Block 2, Plan 57M815; Subject To An Easement In Gross As In O11646; Subject To An Easement As In KL209302; Subject To An Easement In Gross As In KL222693; Subject To An Easement As In KL224901; Subject To An Easement As In KL224919; City Of Kawartha Lakes
Official Plan:	'Urban Settlement Area', City of Kawartha Lakes Official Plan (2012); 'Residential', Lindsay Secondary Plan Schedule F-1 (2024)
Zoning:	Residential Multiple Two Special Exception Twenty (RM2-S20) and Open Space (OS) Zone under the Town of Lindsay Comprehensive Zoning By-Law 2020-044
Area:	1.98 ha (4.88 ac)
Site Servicing:	Full municipal water, sanitary, and storm sewer services
Existing Uses:	Vacant land
Adjacent Uses:	North – Vacant land (zoned Future Residential) East – Closed Lindsay landfill site and small community park (Pioneer Park) South – Residential lots fronting Cottingham Crescent West – Victoria County Rail Trail and residential lots fronting William Street North

Rationale:

The developer has applied for a Condominium Description Exemption under c.19, s.9 (3) and (6) of the Condominium Act to exempt the description of the development from Sections 51 and 51.1 of the Planning Act and allow for the registration of the condominium plan. Following the current exemption process, the developer will pursue the necessary condominium declaration to complete the project.

The Condominium Act provides one of two ways to obtain condominium approval. The first involves a process similar to an application for draft plan of subdivision where, after appropriate circulation, a proposal receives 'draft' approval, which is contingent on the applicant satisfying conditions prior to final approval and registration. The second process is where the approval of the condominium application is exempt from the draft or 'conditional' approval stage. The exemption process can be applied when the proposal has undergone a complete evaluation (i.e. Zoning By-law and/or Official Plan amendments, site plan approval) and no further conditions of approval are required by the municipality for the development to proceed.

The proposed 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 planning applications such as a Zoning By-law amendment application approval and a subdivision application.

Provincial Planning Statement, 2024 (PPS):

The Provincial Planning Statement, 2024 requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns. Section 2.1.3.4 and 2.1.3.5 prescribes that planning authorities promote the appropriate development standards to facilitate intensification as well as establish and implement minimum targets for intensification within built-up areas, based on local conditions.

Section 2.4.3 states that planning authorities should provide for an appropriate range and mix of housing options and densities to meet projected needs by establishing development standards for residential intensification and new residential development while minimizing the cost of housing and facilitating a compact built form.

The requested condominium description exemption is consistent with the PPS since all of the primary policy considerations are addressed through the subdivision agreement.

City of Kawartha Lakes Official Plan, 2012:

The City of Kawartha Lakes Official Plan (Official Plan) was adopted by Council in September 2010 and approved by the Minister of Municipal Affairs and Housing (MMAH) in 2012. Following a series of appeals that were ultimately resolved, the Official Plan is in full force and effect. The Official Plan includes the entire subject property in the Urban Settlement Boundary of Lindsay.

The 'Urban Settlement Area' designation policies of the Official Plan provide guidance on the form of development under this designation. Per 18.2, the designation is intended to permit a wide range of uses and guide responsible growth. Predominant land use shall be residential, commercial, institutional, recreational, cultural, and industrial uses.

Housing objectives in the Official Plan aim to accommodate the present and future population by providing a wide choice of affordable housing proportionate to the overall growth of the City as detailed in Section 5.1. Section 5.2 provides that residential growth should occur on full municipal services and should occur at densities that are appropriate based on the surrounding community context.

The nature of the residential development conforms with the land use and development policies of the Official Plan.

Lindsay Secondary Plan:

The site is located within the Lindsay Secondary Plan Area, designated as 'Residential'.

The Lindsay Secondary Plan came into force and effect in February 2024 with the Minister's approval of the City's by-law repealing the Town of Lindsay Official Plan. The 'Residential' designation provides that row or block townhouses shall be permitted in the Medium Density Residential Use. The minimum density for medium density uses shall be between a minimum density greater than 25 units per net hectare to a maximum density of 60 units per net hectare.

The application conforms to the Lindsay Secondary Plan.

Zoning By-Law Compliance:

The property is subject to a zoning by-law amendment under the Town of Lindsay Zoning By-law through the file D06-2019-007. The subject lands are Residential Multiple Two Special Exception Twenty (RM2-S20) Zone and Open Space (OS) Zone per the site-specific Zoning By-law 2020-044. The proposed lots for the townhouse dwellings are in the RM2-S20 Zone, which permits only multiple attached dwellings on tied lots subject to the provisions of Zoning By-law 2020-044.

The proposal complies with the lot provisions in the Zoning By-law 2020-044.

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

For reference the four strategic priorities within the 2024-2027 Kawartha Lakes Strategic Plan are:

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

This application aligns with the 'Exceptional Quality of Life' priority by continuing to allow new development, which provides new housing stock; and aligns with the 'Healthy Environment' priority by promoting sustainable development through the utilization of Low Impact Development (LID) techniques where possible to protect and enhance water quality.

Financial/Operation Impacts:

There are no financial or operational impacts regarding Council's consideration pertaining to the approval or refusal of the request. The decision to approve or refuse the application for description exemption cannot be appealed.

Consultations:

No further consultations were undertaken at this time.

Development Services Planning Division Comments:

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

1. The proposal conforms with the Official Plan and the applicable Zoning By-law;
2. The proposal has previously undergone a public consultation process under the Planning Act, such as a Zoning By-law Amendment;
3. The proposal has had the benefit of a comprehensive municipal review through a planning application such as Site Plan Approval.

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.

Conclusion:

The applicant has demonstrated that the plan of condominium has been subject of appropriate planning applications, public consultation and municipal review to provide support for the Condominium Description Exemption request. Since a further condominium approval process would bring no additional public benefit, Staff respectfully recommends that the application be approved.

Supplementary Schedules:

The following documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please email Wendy Ellis at wellis@kawarthalakes.ca

Appendix A – Location Map



PLAN2025-039
Appendix A Key Map

Appendix B – Survey for Condominium Description



PLAN2025-039
Appendix B Survey for

Department Head e-mail: lbarrie@kawarthalakes.ca

Department Head: Leah Barrie, Director of Development Services

Department File: D04-2025-002