

Subject: Delegation of Condominium Approval and Part Lot Control Approval**Recommendation:**

BE IT RESOLVED THAT Council receive Report #2020-0127;

AND THAT Council approve the Delegation of Authority By-law that delegates approval authority to the Director of Community Planning for Condominium approval and lifting of Part Lot Control approval.

Background:

The purpose of this report is provide Council with two initiatives to streamline reporting and approval process that are technical in nature, specifically to delegate condominium approval to the Director of Community Planning and Development where the condominium development has already received zoning and site plan approval from Council and secondly to delegate lifting part lot control approval to the Director where the part lot control is in compliance with zoning and subdivision approvals that were also previously received.

Analysis:

The majority of the municipalities in Niagara have delegated a number of technical approvals to staff in order to streamline Council and Committee meetings. Council has expressed some degree of frustration over the length of the agendas and the volume of material that it has to consider and that Council members are responsible to read. The delegation of the technical approvals associated with condominium approval and lifting of part lot control approval to the Director of Community Planning and Development are two such approvals that can be delegated staff without impacting on Council's decision making authority on the actual development as these two approvals deal only with the tenure and the facilitation of land transfer aspects of the development and not the physical development proposals. Approval of the physical development proposal will still rest with Council through site plan control approvals, subdivision approvals and zoning by-law amendment approvals. The condominium and lifting of part lot control approvals follow after the development approvals have been granted and occur after construction has

commenced and often very close to the completion of construction.

The Condominium Act contains provisions permitting an application for a plan of condominium to proceed directly to final approval, bypassing the requirements for draft plan approval which are normally part of the approval processes under the *Planning Act*. Council can exempt by by-law the classes of condominiums, i.e. vacant land condominium and standard condominiums, that can be exempted from draft approval and delegate final approval to the Director. This typically occurs for those condominium developments that have a site plan agreement registered on title which addresses all matters related to the form and function of the development and the requirement for securities. The applicant however is still responsible for the preparation of the final plans, obtaining clearances from relevant agencies, if required, and payment of all fees. Staff would still undertake the necessary technical review of the final plans to ensure that they comply with the site plan and zoning approvals given, and ensure all clearances from agencies have been met prior to granting final condominium approval. The proposed delegation By-law provides that if there is a dispute between the applicant and an agency in the granting or refusal of condominium approval or if there are objections to the condominium approval that cannot be resolved, then in those circumstances, final approval still rests with Council.

Similar consideration can also be given with regards to lifting part lot control exemption as the *Planning Act* does provide for the delegation of part lot control approval as well. If the delegation of lifting part lot control approval is provided to the Director, the applicant is still responsible for the preparation of the reference plan, the application fee, and staff will still undertake the technical review to ensure that the proposal complies with the zoning and subdivision approvals that have been granted and if that is the case, a By-law is prepared for Council adoption.

Financial Considerations:

There are no financial implications with the delegation of condominium approval and part lot control approval to the Director. The applicant is still responsible for the applicable application fees.

Alternatives Reviewed:

The alternative is to maintain the status quo resulting in Council receiving and approving technical reports for development that have already been approved through other processes, i.e. site plan approval, zoning approval and subdivision approval. This would result in more reports for Council to consider and adds bureaucracy to decision making process.

Strategic Plan Relationship: Risk Management

Due to the technical approvals associated with final approval condominium approval and lifting of part lot control, there is minimal risk to the Town in delegating this authority to the Director of Community Planning and Development. In all instances Council would have approved the development through other means such as draft plan of condominium approval, site plan approval, zoning approval and subdivision approval.

Consultation:

Planning staff have consulted with other Niagara municipalities and the majority of the Councils have delegated authority of condominium approval and part lot control approval to administration, i.e. Director Community Planning and Development or similar position.

Other Pertinent Reports/Attachments:

n/a

Prepared and Recommended by:

Barbara Wiens, MCIP, RPP
Director of Community Planning and Development

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer