



Meeting Date: February 26, 2025

Prepared By: Marion-Frances Ramos Cabral, Planner

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Report No: PLA-16-2025

Subject: Application for Plan of Condominium Exemption for Timberwalk Subdivision “Phase 5” – Block 56 (File: 39T-MC-CDM2302); Filed by Sifton Properties Limited on behalf of 1960634 Ontario Inc.

Recommendation:

THAT Council passes a resolution in support of the requested exemption from the condominium approval process as set out in 9(6) and 9(10) of the Condominium Act for the lands legally described as 33M-836, Block 56, Municipality of Middlesex Centre, and that the resolution be forwarded to Middlesex County Council for consideration of the exemption request.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding the condominium exemption request in lieu of the full Plan of Condominium review process.

The proposed Condominium Plan is included as Attachment 2.

Development Proposal:

Through the provisions of the *Planning Act* and *Condominium Act*, the applicant has requested exemption from the requirement to submit a *Planning Act* application for approval of a draft plan of condominium and proceed directly to final approval of the site plan, where appropriate. This type of exemption is typically considered for proposals that have already undergone significant planning processes.

The development has a single vehicular access from Timberwalk Trail south of 97 Timberwalk Trail. The development for consideration is a townhouse development on full municipal services comprised of 10 blocks totalling 50 units. A new private internal road network is proposed to service all units. Each townhouse unit has a single car garage and driveway to accommodate a total of 2 spaces. Five visitor parking spaces are proposed

throughout the development. No parking is permitted along the internal streets as they are designated as fire routes.

Common areas, including the driveway, central mailbox, and amenity space is landscaped with sod and new tree plantings. Tree plantings are also proposed for individual units in the front, rear or side yards. Fencing is proposed by the developer surrounding a central garbage collection area and along the limits of the development. Fencing materials consist of solid board fencing abutting residential development and wrought iron fencing abutting Timberwalk Trail. Individual fencing between units will be determined by the builder.

The maximum height of the proposed townhouses are 8.43 m or 2-storeys. An enhanced elevation is provided for Unit 1 that sides onto Timberwalk Trail. The site is to be developed with municipal services.

Background:

Block 56 is part of Phase 5 of the Timberwalk subdivision (File: 39T-MC1901) and is legally described as 33M-836, Block 56, Municipality of Middlesex Centre.

The subject property is approximately 1.37 ha (3.39 ac) in area. The lands abut existing single detached residences located to the north and west on Arrowwood Path, and new residential uses located to the east on Timberwalk Trail. A significant woodlot abuts the subject property to the south.

A location map is included as Attachment 1.

A public meeting and subsequent meetings were held on March 20, 2019, June 24, 2020, September 23, 2020 and November 25, 2020 led to the draft approval of the Plan of Subdivision (39T-MC1901) and approval the zoning by-law amendment (File: ZBA-3/2019). Another public meeting and a following meeting were held on February 21, 2024 and April 17, 2024 in relation to the minor variance application (File: A-2/2024) which was approved by the Ontario Land Tribunal on January 20, 2025.

The site plan approval application (File: SPA9-2024) is currently under review by staff. The preliminary site plan is shown as Attachment 3.

Legislation and Policy Regulation:

Condominium Act, 1998:

The *Condominium Act* contains provisions within Section 9 to authorize the approval authority, the County of Middlesex, to grant an exemption from the full *Planning Act* approval process for a plan of condominium contained in Section 51 of the *Planning Act*, where it is appropriate.

An exemption would be appropriate in circumstances where an application has already undergone various approval processes, and where there would be no benefit from requiring the applicant to undertake further approvals and where there are no onerous conditions that are normally found within a draft approved plan of subdivision agreement. Through this process detailed site design would be addressed during site plan approval and a condominium agreement would be executed for the proposed development.

As this application does not require circulation to agencies or stakeholders, the County seeks the advice of the Municipality. If the municipality supports the requested exemption through resolution, the request will then be considered by County Council to provide a decision on the exemption request.

Comments:

Municipal staff and agencies, including St. Clair Region Conservation Authority, have not provided comments related to the requested exemption. Detailed comments are provided through the site plan review application.

Analysis:

The request for exemption from *Planning Act* approval for a plan of condominium can be considered appropriate where proposals have previously undergone a complete evaluation, generally comply with the Zoning By-law and where no further conditions of approval are required by the municipality or any agencies.

The applicant requested an exemption from draft plan of condominium for development on Block 56 as the medium density residential development had been considered during the draft plan approval for the Timberwalk plan of subdivision (39T-MC1901), through the approved zoning by-law amendment and minor variance, and during site plan review. Municipal staff are currently addressing outstanding engineering matters through site plan review and it will be reflected within a condominium agreement.

Planning staff are satisfied that an exemption is appropriate for the development of Block 56 and in circumstances such as this where there would be no benefit from requiring the applicant to undertake further approvals under the *Planning Act*. Further, this approach will streamline concurrent planning approvals between the Municipality and County. Lastly, prior to issuing final approval, Planning Staff will confirm that a condominium agreement has been executed between the applicant and the Municipality, and that all necessary on-site and off-site work has been completed by the proponent.

As a result of the above, Planning Staff recommend that Council pass a resolution showing support of the exemption from draft plan of condominium approval for the subject land and that it be forwarded for consideration by Middlesex County Council.

Financial Implications:

None.

Strategic Plan:

This matter aligns with following strategic priorities:

- Balanced Growth

Attachments:

Attachment 1 – Location Map

Attachment 2 – Condominium Plan

Attachment 3 – Site Plan