



Landpower Newsletter

February 2016

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LANDPOWER'S UPCOMING PROJECTS

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DEVELOPER(S): **PLAZA AND BERKLEY DEVELOPMENTS**
ADDRESS: **7895 JANE STREET, VAUGHAN, CANADA**

EASY ACCESS TO 407 AND 400
CLOSE TO VAUGHAN MILLS, AMC 30, IMAX AND CANADA'S WONDERLAND
MINUTES FROM VAUGHAN METROPOLITAN CENTRE STATION
9 MINUTES TO YORK UNIVERSITY
9' CEILING HEIGHTS ON ALL LEVELS

TOWER UNITS: 522
TOWNHOUSE UNITS: 60

VIP

天源地產



J. DAVIS. HOUSE

YONGE STREET



J. Davis House, is a boutique-style residential condominium located at 1955 Yonge Street in Toronto. on the east side of Yonge, just north of Davisville in one of Best Neighbourhoods in Toronto!

Just steps to the Davisville Subway Station. Developed by By Monarch Mattamy Homes and The Biddington Group.

Building has 9 storeys, and less than 200 units.

HIGHLIGHTS

- Situated at 1955 Yonge Street, J Davis House Condos has a Walk Score of 95 out of 100, Transit Score of 92/100.
- Walk 2 minutes to Davisville station, and 10 minutes to Yonge/Eglinton station
- Nearby parks including Eglinton Park, Oriole Park, Fiona Nelson Parkette, and Al Green Sculpture Park
- Step to the the Eglinton shopping Mall.





MARILYN LINCOLN CONDO Q&A: THE NEW ONTARIO CONDOMINIUM ACT IS HERE ... SORT OF

REGULATIONS STILL NEED TO BE FINALIZED, WHICH COULD TAKE SOME TIME

Q: One of our directors and some of our owners say they remember hearing something about a new condo act that was passed by the Ontario government. When was this passed and are we suppose to be following the new act? Please bring us up to date. Your confirmation would be helpful and thanks for your great columns. Happy New Year!

A: The new act you are referring to is the amendment of Ontario's current Condominium Act, 1998. Bill 106, the Protecting Condominium Owners Act, 2015 was passed and received royal assent on Dec. 3, 2015. However, this new act does not come into force yet.

There are regulations that have to be prepared in order to implement the procedures and requirements of the new act. I have read that this task of hammering out the regulations could be quite complex and require a lot of time to complete. For example, the Condominium Act, 1998 was proclaimed in May of 2001, meaning it took three years for those regulations to be finalized.

There is no estimated time as to when the new regulations will be completed. In fact, many in the condominium industry estimate it could take until 2017 or beyond. In the meantime, all condominium corporations in Ontario must continue to follow the current Condominium Act, 1998.

The new act will come into force on a future date, to be named by proclamation of the Lieutenant Governor of Ontario, once all the regulations for the new act have been finalized.

Marilyn Lincoln is a condo owner, director and author of *The Condominium Self Management Guide 2nd ed.* Email marilyncondoguide@hotmail.com with questions. To order a copy of her guide, send \$39.95 plus \$4.98 shipping and handling to The Condo Guide, 163 Thaler Ave., Suite 302, Kitchener, Ont. N2A 1R4

Sources: Marilyn Lincoln, Special to National Post, January 11, 2016

TD BANK MORTGAGE RATES¹ - provided by Yvonne Tong -

FIXED RATE MORTGAGES	RATES ²	SPECIAL OFFERS ³
1 year	2.990%	2.94%
2 year	2.840%	2.29%
3 year	3.390%	2.54%
4 year	3.890%	2.69%
5 year	4.640%	2.89%
6 year	5.140%	3.79%



ANDREW FRANCIS WALLACE / TORONTO STAR

Heaven and Earth, a monumental sculpture by John McEwen on the Queensway in Etobicoke, was paid for by Cineplex Odeon under a Section 37 agreement.

SECTION 37 — WHAT IT IS, AND WHY EVERYBODY'S FIGHTING ABOUT IT: KEENAN

Mayor John Tory wants a full review of how the city spends developer money traded for deviations from zoning rules. Here's what you need to know.

Mayor John Tory said this week that he wants "a full review" of the use of Section 37 of the provincial planning act, after a CBC report about irate Mimico residents who think their local councillor may have given a developer a break.

The episode brings a long-simmering debate about the clause in provincial legislation to a boil.

In Toronto political circles, there may be no more famous clause in a piece of legislation; like "Catch-22" or "Agent 007," the numbered term "Section 37" is used frequently as shorthand by politicians, journalists and pundits without much explanation. Which can lead to plenty of confusion.

What is Section 37 and why does it exist?

Essentially, Section 37 of the planning act is the one that allows for what other cities call "community benefits agreements." If the owner of a property wants to build something that does not comply with zoning regulations, the owner may voluntarily agree to provide community benefits in cash or amenities in exchange for approval.

These benefits are negotiated by city planning staff and with local councillors in the area where the development will be built. Though the agreements themselves are approved by city council, the use of the funds is largely controlled directly by the local councillor for use in projects inside his or her ward.

The purpose of the section in the act is to offset the problems caused by changes to a neighbourhood when different kinds of developments are added to it, such as to compensate for increased traffic, population, or changes to the streetscape new developments bring.

What is the problem with it?

While many planners and councillors defend it as a valuable tool, several criticisms have been raised about it inside and outside city hall.

The biggest criticism is that its efficacy depends a lot on the skill and creativity of the local councillor.

Since each Section 37 agreement is negotiated separately, there is no real standard or baseline for how it works, how much certain kinds of allowances will cost a developer, or what a community should expect in exchange for a big change on their street. The types of benefits delivered are vulnerable to the same eccentricity, and often depend on the priorities (or “pet projects”) of various politicians.

Some developers have decried it as an unfair shakedown. Often the buildings they propose are types the city wants to encourage — for example, a midrise building on a main avenue of the city — but deliberately restrictive zoning laws mean they need to sit down and play an unpredictable game of “let’s make a deal” with the local city councilor.

And the funds are not evenly distributed around the city. This presents a real fairness problem to the extent that, due to austerity measures imposed by low tax rates, Section 37 funding has become virtually the only source of funding for things such as playgrounds and community centres. By nature, Section 37 funds are spent in the communities where development occurs, which means there is a lot of money to spend in parts of the city where highrise condo development is concentrated. This has led to suggestions, by John Tory among others, that the money should be “pooled” to spend across the city in areas of need.

So, should we just pool the money and spread it around?

The thing is, Section 37 is not meant to serve as a source of pooled revenue for the city. We have other sources of money for that — property taxes, for instance. Specific to new construction, the city has development charges levied against new building projects that are specifically meant to generate revenue, and those could easily be increased if council wants more money for general use. Section 37 agreements are designed to offset changes to a specific neighbourhood that the specific development entering them will make. Pooling that revenue for use in other neighbourhoods would take an arguably flawed process and completely unchain it from its underlying logic.

So should we just leave it alone?

Some councillors suggest Section 37 is needed and works well as is. But a number of experts — including Toronto’s chief planner, Jennifer Keesmaat, respected urban designer and planning expert Ken Greenberg, and a 2013 report from the Munk School’s Institute of Municipal Finance and Governance have suggested some reforms. Given that the system is so arbitrary, often unpredictable, and sometimes seems to provide incentives contrary to what the city’s approved plans claim to want, some revision seems desirable. A “full review,” as the mayor suggests, complete with options for changes to the system, may be the best approach.

