



**The Corporation of the
Town of Tecumseh**

Development Services

To: Mayor and Members of Council

From: Brian Hillman, Director Development Services

Date to Council: Tuesday, February 11, 2025

Report Number: DS-2025-05

Subject: Exemption from Draft Plan of Condominium Approval
County of Essex File No. 37-CD-24007
Carsten Manor – 215 Lesperance Road
OUR FILE: D12 215LES

Recommendations

It is recommended:

That Report DS-2025-05, titled “Exemption from Draft Plan of Condominium Approval, County of Essex File 37-CD-24007, Carsten Manor – 215 Lesperance Road”, **be received;**

And that the proposed plan of condominium application to the County of Essex (the Approval Authority) filed by Suburban Construction & Management Ltd. (County of Essex File No. 37-CD-24007) to create 24 condominium units within four apartment buildings containing six residential units each, situated on a 0.38-hectare (0.94 acre) parcel of land at the southwest corner of Lesperance Road/Dillon Drive intersection, **be supported;**

And further that the request to the County of Essex to exempt the proposed plan of condominium from the requirement for draft approval, in accordance with Section 9 of the Condominium Act, **be supported;**

And further that the County of Essex **be advised** of Council’s support for the exemption from the requirement for draft approval for the proposed plan of

condominium and that the Town of Tecumseh does not have any additional conditions that it wishes to be imposed on the approval of the application.

Background

Property Location and Past Development Approvals

In October of 2022, after extensive public consultation, Council adopted Zoning By-law Amendment 2022-057 to facilitate the construction of a residential development consisting of four, six-unit dwellings situated on a 0.38-hectare (0.94 acre) parcel of land at the southwest corner of the Lesperance Road/Dillon Drive intersection (see Attachment 1).

Subsequently, in June of 2023, Town Administration approved a site plan control agreement for the proposed development. The site plan control agreement included a site plan (see Attachment 2) along with associated servicing/grading plans, a landscape plan, and a stormwater management plan/study. In addition, financial security was provided by the Owner to ensure that all requirements of the site plan agreement are fulfilled. That security will not be returned to the Owner until the development of the lands are complete and all requirements identified by the site plan agreement are completed.

Proposed Draft Plan of Condominium

At present, construction is underway on two of the four buildings. The Owner of the property has recently made application to the County of Essex (the Approval Authority) for an exemption to the standard draft plan of condominium approval process. As part of this request, a draft plan of condominium has been prepared (see Attachment 3) identifying the following:

- 24 apartment residential units;
- associated exclusive use patio/veranda areas; and
- associated exclusive use, on-site parking spaces

Request to County of Essex for Exemption under the Condominium Act

Under the *Condominium Act* (Section 9), there is the ability to seek an application for an exemption from the draft plan approval component of the condominium process under certain circumstances. An exemption, pursuant to Section 9(7) of the *Condominium Act*, essentially means that there is no draft plan approval (with associated conditions)

required, and therefore there is no recirculation to agencies or public meeting/process. The application is moved directly to final approval.

Comments

An application for an exemption recognizes that the proposed development has recently undergone *Planning Act* approvals (i.e. zoning by-law amendments and site plan control approval in the case of the subject development) and that sufficient safeguards are in place due to the existence of a registered site plan control agreement. As noted, the development is currently underway, and the Town holds financial security to ensure that any outstanding works are completed in accordance with the registered site plan control agreement. There are no concerns related to the development of the property in accordance with the approved site plan agreement. Building permits have been issued and the development of the property is progressing well.

To permit an exemption, the County of Essex needs to be assured that the municipality will support the exemption request from the Owner. Normally, this means that the municipality will not require any additional conditions that would typically apply to a draft plan approval. As noted above, an executed and registered site plan agreement applies to the lands and the construction of the apartment buildings and associated works is currently underway.

To affect this exemption process, the Owner made a written request to the County along with supporting rationale for the exemption. The County is prepared to accommodate this request, subject to a Council resolution supporting it along with an acknowledgement that no additional conditions are required.

Once the County has received the Town's support, along with confirmation from other agencies that they have no concerns and do not require further conditions, it will provide correspondence indicating that the exemption has been granted. At that point, the applicant will submit the final condominium plan for signature and delivery to the Registry Office.

Summary

In summary, Town Administration has no concerns with the requested exemption from draft plan of condominium approval that the Owner has made to the County. As noted above, the development is progressing well in accordance with the registered site plan control agreement and the current zoning that applies to the property. Further, the Town holds sufficient securities to ensure compliance with the requirements of the site plan control agreement. Therefore, no additional conditions of approval are required by the Town.

Based on the foregoing, it is appropriate that Council support the requested exemption from the plan of condominium approval process and that this support be forwarded to the County.

Consultations

County of Essex

Financial Implications

Link to Strategic Priorities

Applicable	2023-2026 Strategic Priorities
<input checked="" type="checkbox"/>	Sustainable Growth: Achieve prosperity and a livable community through sustainable growth.
<input type="checkbox"/>	Community Health and Inclusion: Integrate community health and inclusion into our places and spaces and everything we do.
<input checked="" type="checkbox"/>	Service Experience: Enhance the experience of Team Tecumseh and our citizens through responsive and respectful service.

Communications

Not applicable

Website

Social Media

News Release

Local Newspaper

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Enrico DeCecco, BA (Hons), MCIP, RPP
Director Development Services

Reviewed by:

Chad Jeffery, MA, MCIP, RPP
Manager Planning Services & Local Economic Development

Reviewed by:

Brian Hillman, MA, MCIP, RPP
Director Development Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1.	Property Location Map
2.	Approved Site Plan
3.	Draft Plan of Condominium