

April 23rd, 2026

File No.: 2025-09

Lou Pompilii, Director of Planning and Building Services
City of St. Thomas
PO Box 520
545 Talbot St.
St. Thomas, ON
N5P 3V7

**RE: Draft Plan of Subdivision
Draft Plan of Condominium Application (Common Element Condominium)
96 Moore Street, City of St. Thomas**

On behalf of Patriot Properties Inc. ("Owner"), we are pleased to submit a Draft Plan of Subdivision Application and a Draft Plan of Condominium Application ("Applications") for land known municipally as 96 Moore Street, City of St. Thomas ("Site"). The Site is 4.39 hectares in size, with frontage on Moore Street and access via an easement to Ross Street.

The Site is legally described as:

LOTS 69, 70, 71 & 72, PLAN 19; PART OF LOTS 68 & 73, PLAN 19; PART OF LOT 99, S OF MOORE ST PLAN 43; PART OF LOTS 1, 2, 3, 4, 5, 6, 7, 8 & 10, BLOCK A PLAN 122; PART OF LONDON AND PORT STANLEY RAILWAY PLAN 3; PART OF FOREST AVE PLAN 122 CLOSED BY E391809; PART OF MOORE ST PLAN 19 CLOSED BY STH30182 DESIGNATED AS PARTS 1, 2 & 3, 11R-5757 SAVE & EXCEPT PT 4 11R3622; SUBJECT TO AN EASEMENT IN GROSS AS IN CT178226; TOGETHER WITH AN EASEMENT OVER PART FOREST AVE PLAN 122, PARTS 3, 4 & 5 11R10584 AS IN CT179643; SUBJECT TO AN EASEMENT IN GROSS OVER PARTS 1 & 2 PLAN 11R10584 AS IN CT179644; CITY OF ST. THOMAS

The Owner is in the process of constructing three apartment buildings on the Site for rental purposes ("Proposed Development"). The Applications are required to facilitate the project financing and eligibility for Canadian Mortgage and Housing Corporation ("CMHC") funding programs.

The Owner has completed an extensive review and consultation process with the City of St. Thomas and the public to permit the Proposed Development. The Site was subject to Zone Change 89-2018 and Site Plan Approval SPC 08-2018, both of which are approved. The Site is designated as "Residential" in the City of St. Thomas Official Plan and zoned as "Fifth Residential Zone (R5-41)"

The Proposed Development is under construction and consists of:

- Three (3) apartment buildings with a total of 431 dwelling units
- A private internal roadway network connecting the Site
- Surface and underground off-street parking
- Connected pedestrian walkways
- Outdoor amenity areas
- Heritage features, including a forecourt and an amphitheater

1. Project Financing and CMHC Funding

To secure the necessary project financing and qualify for CMHC funding, each of the three buildings on the site must be placed in separate legal ownership. This structure allows each building to obtain its own financing, thereby streamlining and accelerating construction funding.

In addition, the Owner intends to deliver the units as purpose-built rental housing under a CMHC funding program. CMHC requires that each residential building be held under single, unified ownership and that individual dwelling units cannot be created as separate legal titles or sold independently. These requirements ensure that units remain part of the long-term rental housing supply and are not converted to individually owned units or sold to third parties after CMHC funding has been granted.

2. Draft Plan of Subdivision and Draft Plan of Condominium

The first application is a Draft Plan of Subdivision, intended to create the legally describable blocks for land conveyance. A separate block is proposed for each of the three (3) buildings. It is intended that the Plan of Subdivision will be stratified (located above and below grade) to ensure that the appropriate underground parking areas are owned by the respective building that will utilize them.

Blocks on the Draft Plan of Subdivision include:

- Block 1 – environmental lands prohibited from development to be held by the condominium corporation
- Block 2 – residential building to form a Parcel of Tied Land to the Common Element Condominium
- Block 3 – residential building to form a Parcel of Tied Land to the Common Element Condominium
- Block 4 – residential building to form a Parcel of Tied Land to the Common Element Condominium
- Block 5 – natural environment area to be held by the condominium corporation
- Block 6 – lands that will form part of the common elements to the Common Element Condominium
- Block 7 – lands that will form part of the common elements to the Common Element Condominium, but will have restrictions for use for Block 3 and 4. Block 2 does not require access to the underground parking garage in this location

The Draft Plan of Condominium is proposed to be a Common Element Corporation, whereby all common elements to the Proposed Development will be subject to a condominium. The blocks created through the Plan of Subdivision will be Parcels of Tied Land to the Common Element Corporation. The Draft Plan of Condominium include Block 1, 5, 6 and 7 from the Draft Plan of Subdivision.

Please refer to the illustrated version of the plans for ease of reference to the proposed ownership structure.

From a land registry perspective, the Plan of Subdivision will be registered first, followed by the Plan of Condominium and the Parcels of Tied Land to the CEC.

3. Planning Policy Framework

3.1 *Planning Act, R.S.O. 1990, Chapter P.13*

The Planning Act provides provincial legislation that “sets out the ground rules for land use planning in Ontario. It describes how land uses may be controlled, and who may control them.” Section 2 of the Planning Act outlines the matters of provincial interest that the council of a municipality, a planning board and Ontario Land Tribunal shall have regard to in carrying out their responsibilities under the Act.

In our opinion, the Applications have regard for matters of provincial interest, including d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest; g) the minimization of waste; h) the orderly development of safe and healthy communities; and, p) the appropriate location of growth and development.

The creation of a condominium with parcels of tied land does not alter the form of development or use of the Site, and is limited to structuring the required ownership.

3.2 *Provincial Planning Statement, 2024*

The Provincial Planning Statement (“PPS”), 2024, is a province-wide policy document that sets the foundation for regulating development and land use. The PPS is issued under Section 3 of the Planning Act. The PPS “sets the policy foundation for regulating the development and use of land province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.” The document is to be read in its entirety, and all relevant policies must be considered. Municipal official plans are the most important vehicle for implementing the PPS and achieving comprehensive, integrated, and long-term planning.

Section 2.1.6 of the PPS states that “planning authorities should support the achievement of complete communities by accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, long- term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs.”

The PPS provides for the protection of heritage resources (Section 4.6.1).

Based on the foregoing, it is our opinion that the Applications are consistent with the PPS as it provides for purpose-built rental housing within the central area of St. Thomas, where an extensive range of services and amenities are available. As noted below, the proposed Applications do not alter the design of the development and only relate to structuring the required tenure.

3.3 *City of St. Thomas Official Plan, 2018*

The City of St. Thomas Official Plan (“OP”) designates the Site as “Residential” and “Natural Heritage” on Schedule A. Section 2.1.2.9 of the OP sets out the purpose of the policy statement, and states amongst others, that the OP is to “provide sufficient residential land and satisfy housing demands in terms of housing type,

density and cost, taking into account household size and income of new households in accordance with the Provincial Policy Statements.”

A full range of land uses is permitted within the Residential designation, and an evaluation of the Proposed Development in the context of the OP was completed as part of the Zoning By-law Amendment in 2018. Considerations include the protection of natural heritage features and heritage resources.

The proposed Applications provide for the continued long-term protection of these features, by creating specific common element condominium units for said features.

Section 5.1.4.3 of the OP encourages residential development through the use of registered plans of subdivision or condominium. Plans of subdivision and condominium are subject to the following policies:

- i. the arrangement of street patterns must not only consider the need to discourage through traffic but also provide for efficient and economical service by public transit; walkways for transit access and ease of access are encouraged;
- ii. a mixture of dwelling types is encouraged consistent with all other policies of the Plan and the City housing policy of the municipality;
- iii. Planning Board and Council have considered all matter outlined in Section 33(4) of The Planning Act, as amended;
- iv. adequate municipal services are required.

The Draft Plan of Subdivision and the Draft Plan of Condominium Applications solely involve the creation of block and unit boundaries, which are effectively invisible lines on a plan, both horizontally and vertically, without any physical changes, alterations, or demolitions to the existing building. The proposed municipal servicing, access, road pattern and housing form remain as approved by the City of St Thomas.

Based on the foregoing, it is our professional opinion that the proposed Draft Plan of Subdivision and the Draft Plan of alter conformity to the OP.

3.4 City of St. Thomas Zoning By-law

The Site is zoned as “Fifth Residential Zone (R5-41)” in the City of St. Thomas Zoning By-law, which permits apartment dwelling units. Compliance to the R5-41 provisions was demonstrated through the approved Site Plan.

It is noted that the Applications result in the creation of blocks within a plan of subdivision that have frontage on public and private roads. A street is defined as (Section 1.118)::

Means a public highway or public street:

- i. assumed by the Corporation by by-law or by the expenditure of public funds, or
- ii. not assumed by the Corporation but in respect to which the Corporation is a party to an agreement which is not in default and which provides for the servicing of such highway or street and for the eventual assumption of the same by the Corporation, or
- iii. being a King's highway.

Through the Subdivision Agreement and Condominium Agreement, the private roads to be maintained as a street to service the Proposed Development.

Compliance with the Zoning By-law, following the creation of the Parcels of Tied Land and Common Element Condominium is maintained, as set out in Section 4.1.18 of the Zoning By-law:

Where the development of any land is approved under Section 41 of the Planning Act and, pursuant to a consent subsequently given under Section 53 of the Act or pursuant to an approval or exemption subsequently given under Section 50 of the Condominium Act, any part of the land is conveyed or otherwise dealt with, the regulations of this By-law are hereby deemed to apply to the land as a whole and to any building or structure thereon in the same manner and to the same extent as if the consent, approval or exemption was not given, so long as the land and any building or structure thereon are used and continue to be used for the purpose for which the development was approved.

4. Summary

In summary, it is my professional opinion that the Applications are appropriate, in the public interest, and represent good land-use planning. The Applications facilitate the financing and funding for the Proposed Development without any alterations to the design and built-form. The proposed parts on the condominium plan ensure that the existing natural heritage and built heritage features are maintained and protection, along with appropriate access and circulation.

In support of the Draft Plan of Subdivision and Draft Plan of Condominium Applications, please find attached to the electronic submission:

- The completed Draft Plan of Condominium Application Form;
- The completed Draft Plan of Subdivision Application Form;
- Colour coded illustration of the common elements and Parcels of Tied Land;
- The Draft Plan of Subdivision, prepared by Callon Dietz Ontario Land Surveying; and,
- The Draft Plan of Condominium prepared by Callon Dietz Ontario Land Surveying.

The application fees will be hand-delivered.

We trust the request can be accepted and circulated for review. Should you have any questions or comments, please let us know, and we would be happy to discuss further.

Kind regards,



Caroline Baker, MCIP, RPP
Principal

c.c. Owner