

**COMMUNICATION C1.  
ITEM NO. 3  
COMMITTEE OF THE WHOLE  
(WORKING SESSION)  
April 6, 2022**

# **Stratified Title Arrangements Update**

**Committee of the Whole – Working Session**

April 6, 2022



# Presentation Agenda

- What is Strata
- VMC Secondary Plan Policy
- Guiding Principles of Strata for Roads and Parks
- Current Strata Proposals
- Jurisdictional Review
- Interdepartmental Workshop
- Next Steps

# What is Strata?

When arrangements consider accommodating infrastructure such as parks, boulevards, roads, services and sidewalk above other infrastructure such as a parking garages, these situations are called Strata because of the ownership above or below grade.

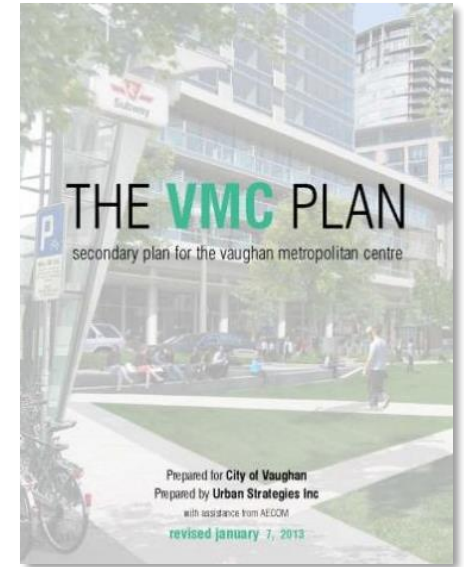
# VMC Secondary Plan Policy

## Street Network policy 4.3.6

- Office component of greater than 10,000 sqm
- City strata ownership of the public street/mews over the privately owned underground structure
- Limited to under the boulevards of the new street/mews or within entire road width depending on significant infrastructure.

## Parks policy 6.2.10

- Only be considered where the parkland is provided at grade, is publicly accessible.
- The park, together with the air rights above it, shall be in public ownership as dedicated parkland.
- The City will retain sole and unencumbered control of the surface lands above the strata title.
- All surface strata to be conveyed to the City for use as public parkland should be free and unencumbered.
- All other park policies apply.



# **Council Approved Guiding Principles and Next Steps**

**Presented at VMC Sub-Committee on April 11, 2013  
and Council approved on June 4, 2013**

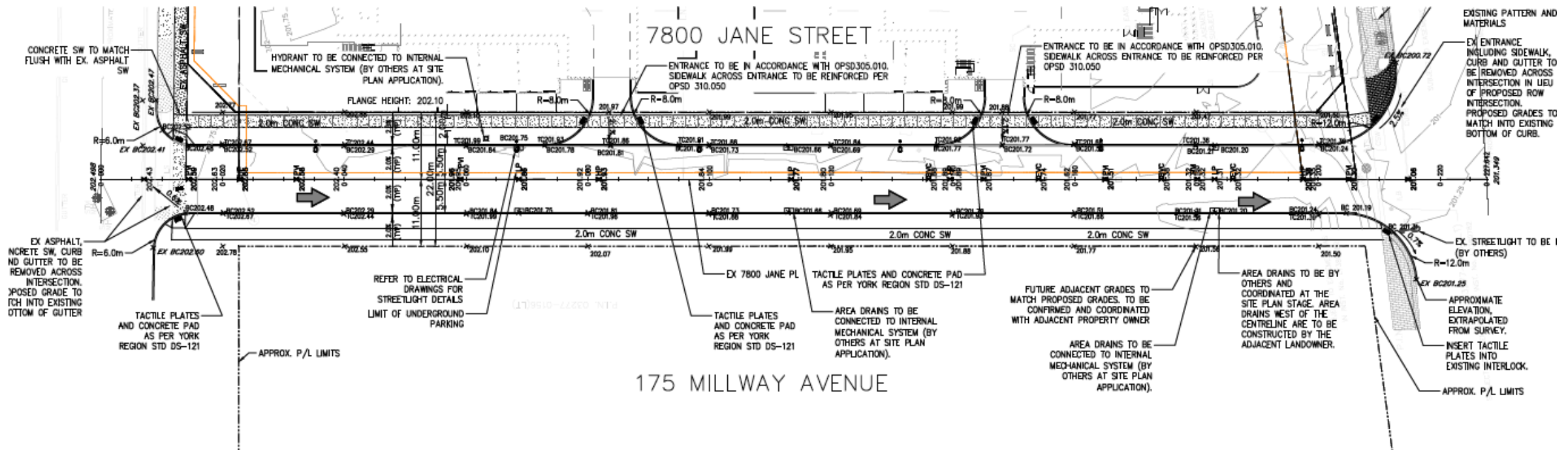
- Reviewed on a case-by-case basis
- City/Applicant enter in legally binding agreement or reciprocal operating agreement
- City should not be responsible or liable for any present or future costs associated with maintenance and remediation
- Applicant should be financially responsible for incremental capital, maintenance, life cycle and renewal costs associated with municipal infrastructure based on a 20 year time frame
- Achieved through one time monetary payment and/or annual recurring monetary payment to the City into a dedicated reserve fund
- The City should avoid multiple Strata Title Arrangements across a single property and only be conducted with one partner at a time

# **Council Approved Guiding Principles and Next Steps**

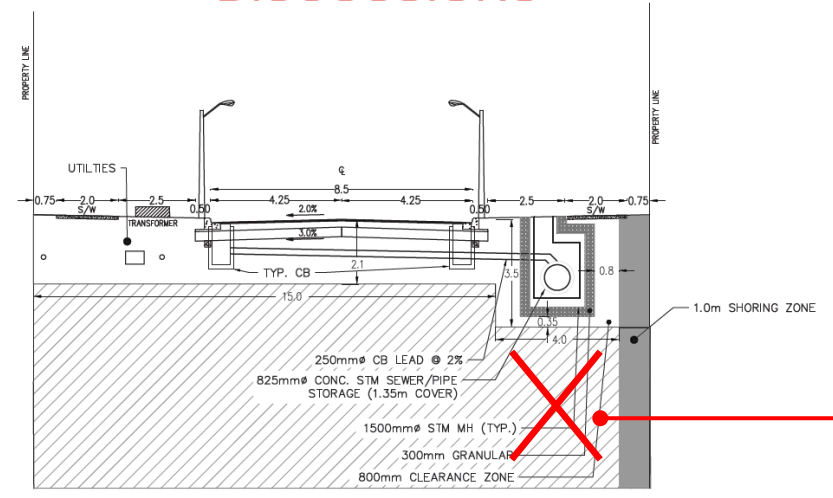
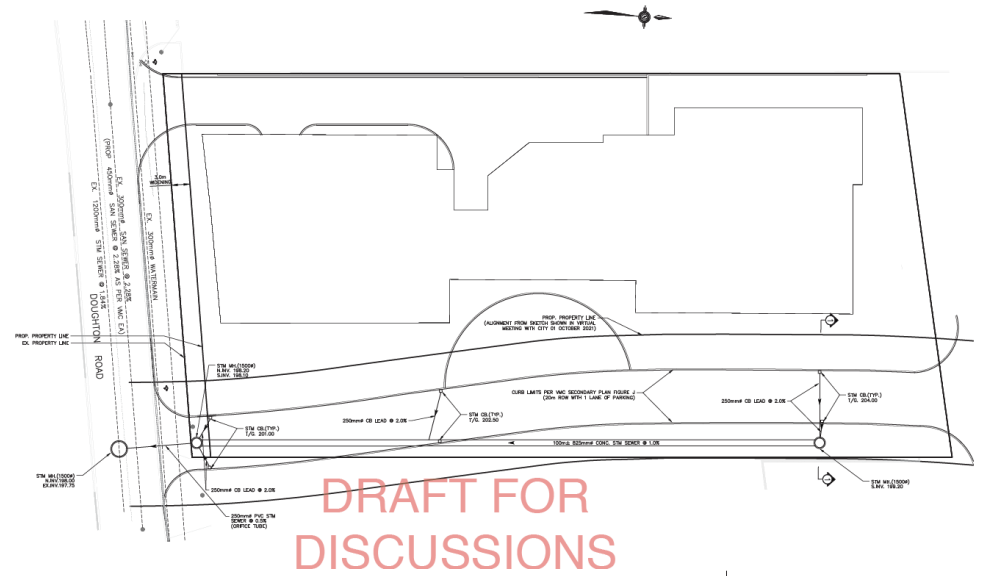
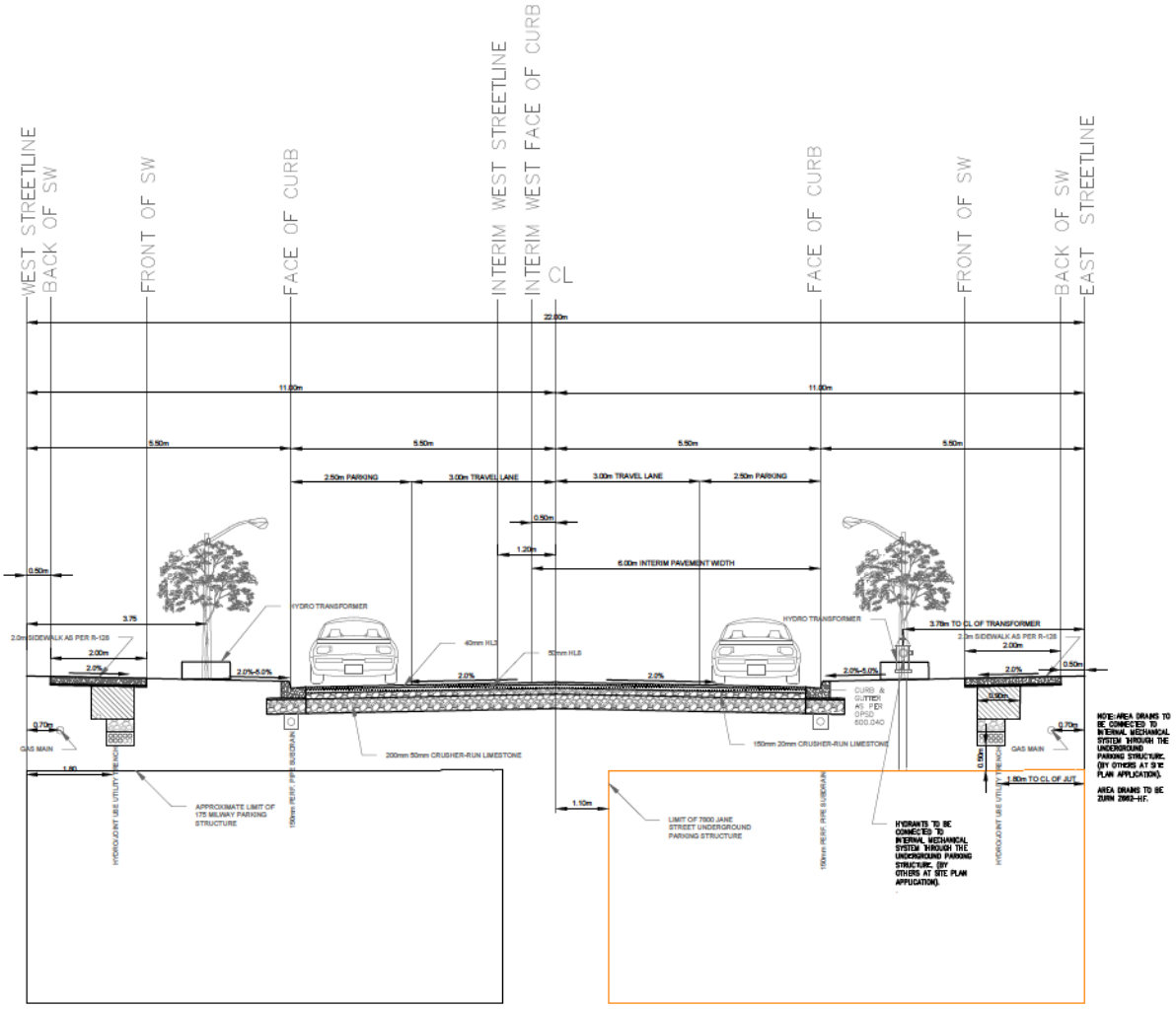
- Feasibility
- Risks and Benefits
- Implementation Guidelines and Processes
- Landowner Contributions
- Establish Policies
- Agreements
- Alternative Options



# Current Strata Proposals (DRAFT)



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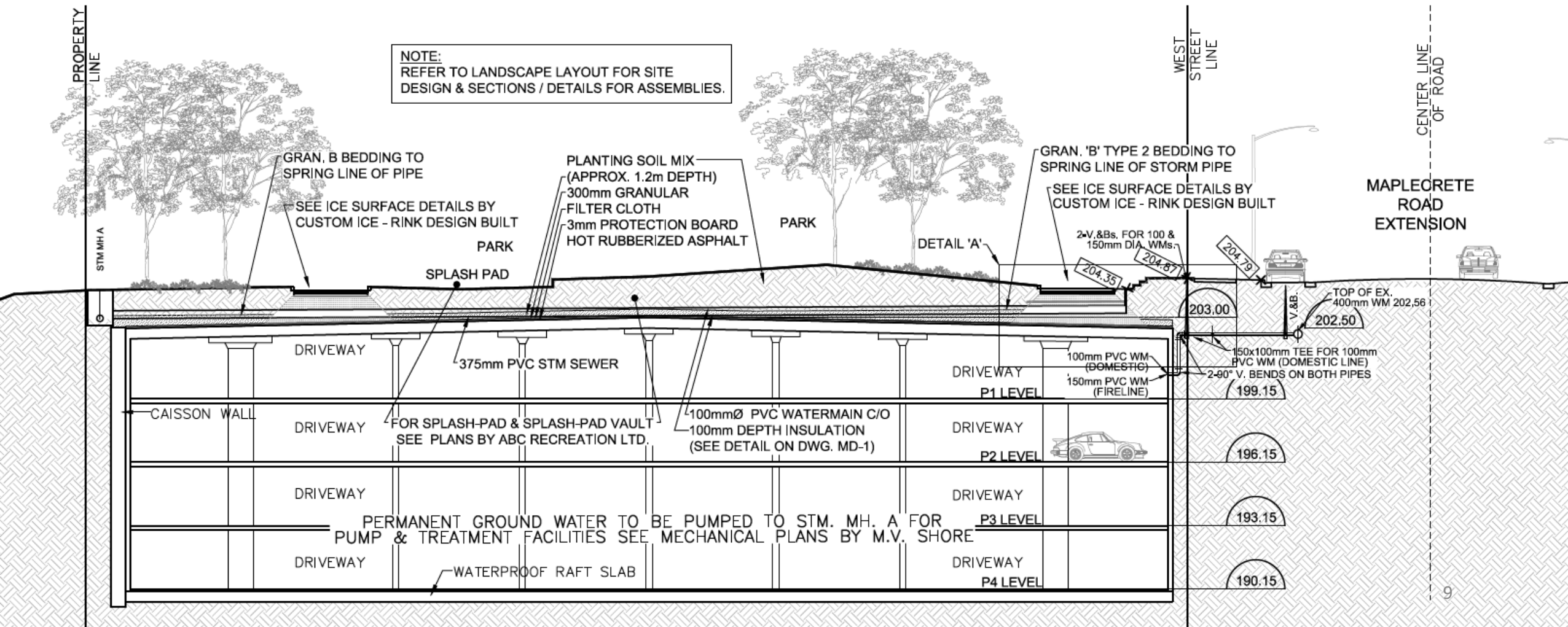


**No strata proposed under boulevard**

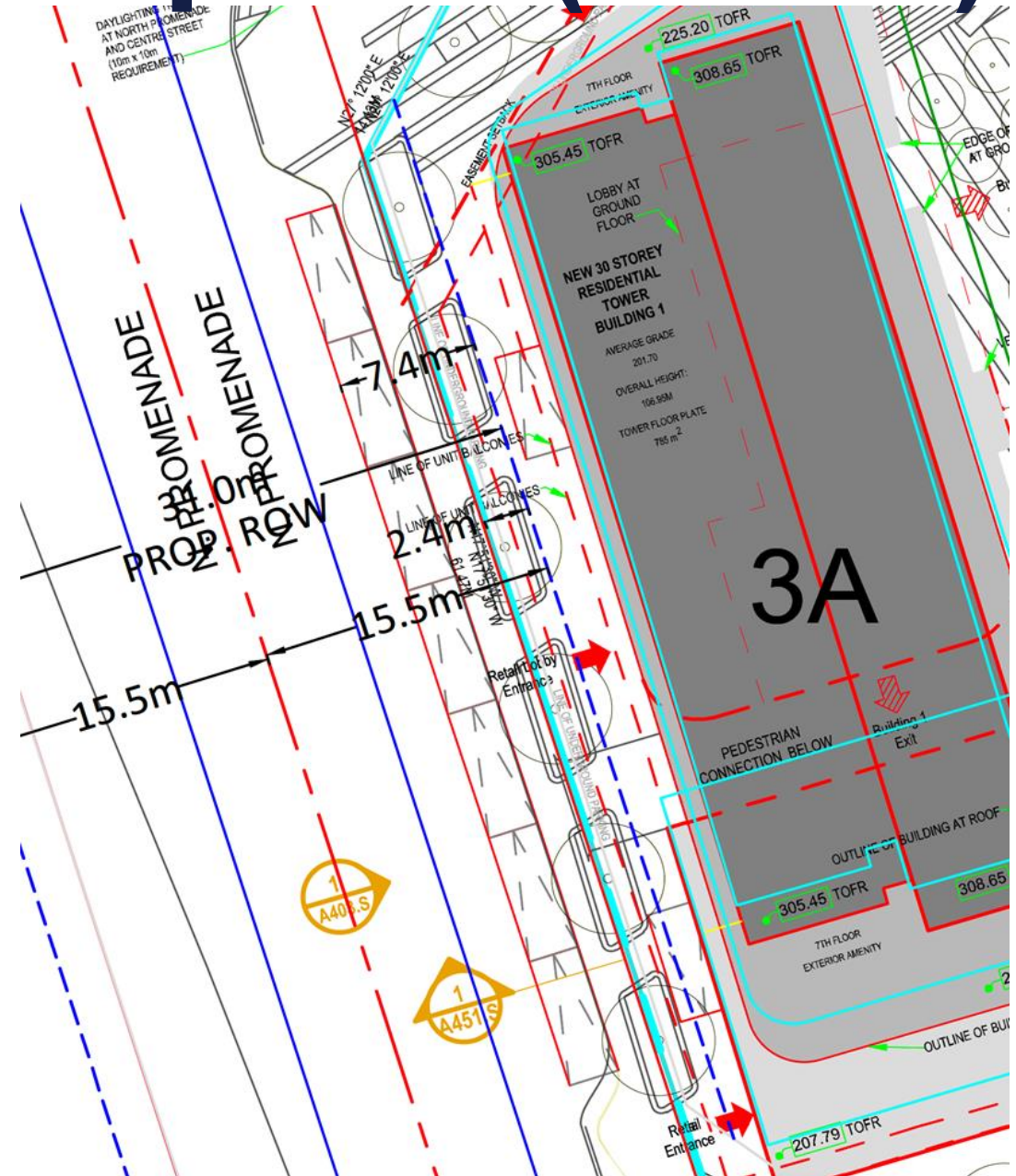
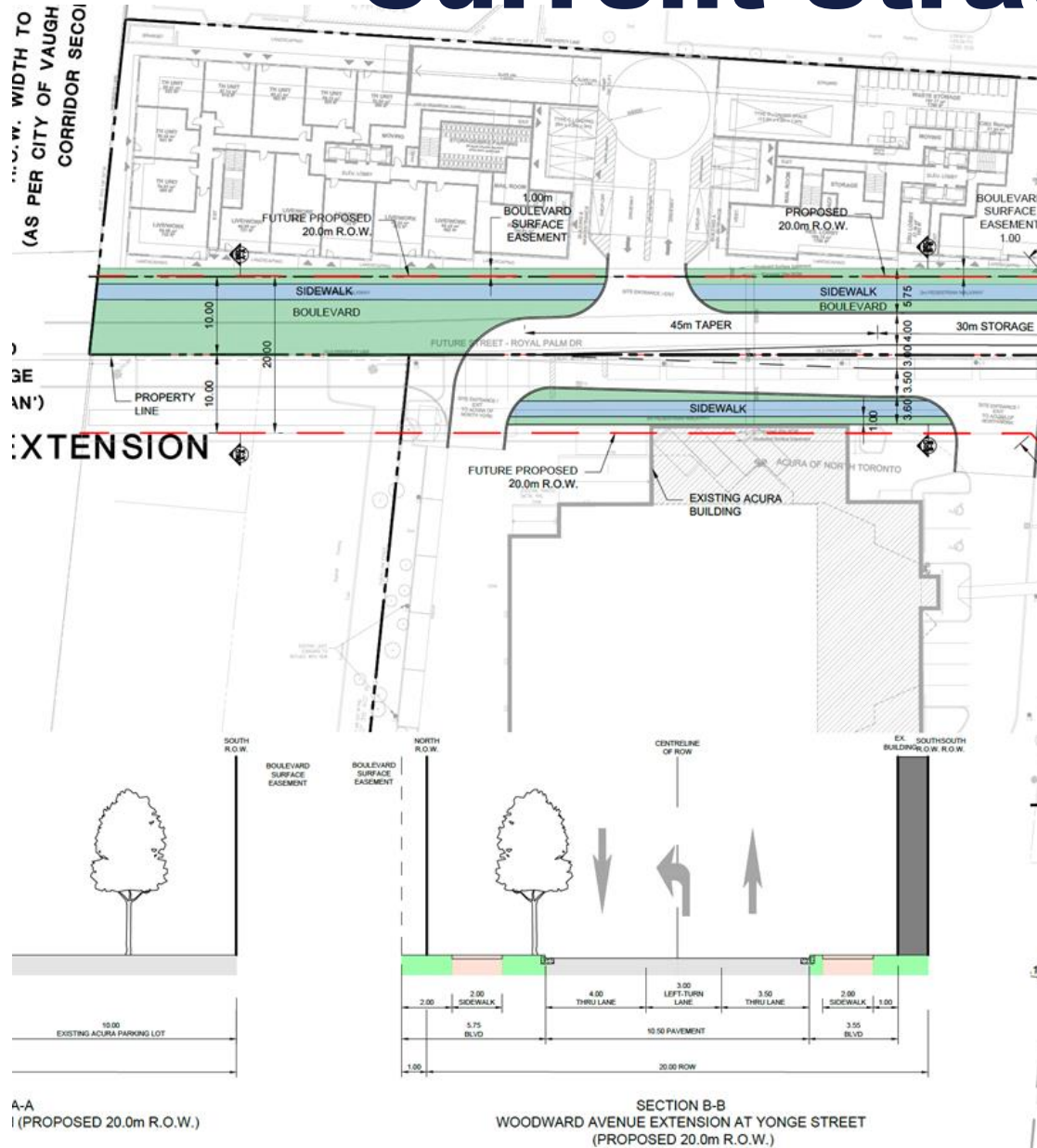
1-1 CONCEPTUAL 20.0m R.O.W.  
FUTURE ROAD  
1:100



# Current Strata Proposals (DRAFT)



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# Jurisdictional Review

## City of Toronto

- Complete control above and below streets to ensure no limitations when replacing services and infrastructure
- Encourage transit use and active transportation by reducing parking
- Does not permit stratified title arrangements for public roads
- Permit the use of pedestrian tunnels underneath roads connecting to subway or walkways through License Agreements or Encroachment Agreements
- Developers save money by constructing less levels of U/G parking, City can benefit from these savings
- Underground parking garages don't last forever, linear membrane has limited life. Repairs/leaks cost a lot of money and if condo corps. lobby the City to intervene it could be troublesome
- Toronto mostly has parks that are unencumbered by strata or easements.

# Jurisdictional Review

## City of Richmond Hill

- Started study end of 2019, project team consisted of Legal, Parks, Policy Planning, and Engineering staff
- Alternative Ownership Arrangement / Stratification and Public Easement Study.
- Site by site basis using an intake evaluation matrix
  - Does application conform to OP and policies?
  - Can a traditional method be provided to the City?
  - Is application within the Yonge Street intensification area?
  - Is there only one corporation of ownership?
- Four categories
  - Full or partial strata
  - Public access easement
  - POPs
  - Private encroachment – permanent or temporary
- Next step is to engage a Legal firm

# Jurisdictional Review

## Other Municipalities

- City of Mississauga – not permitted, no policies
- City of Ottawa – land registry office refused to register strata agreements on title, has a team to track and monitor strata applications
- City of Markham – not permitted
- City of Pickering – has strata policy on parkland only
- Town of Newmarket – exploring strata early stages
- No other municipalities have any formal policy

# Interdepartmental Workshop

Focus on **opportunities** and **challenges** from various departments when planning, approving, implementing, and maintaining potential strata roads and parks.

The following departments were consulted:

- Development Engineering
- Infrastructure Delivery
- Public Works
- Legal Services
- Planning and Urban Design
- Policy Planning
- Parks Development



# Interdepartmental Workshop

Opportunities	Challenges
Flexibility for land use to provide a better design and more parking supply if needed	Risks and liabilities associated with private/public shared ownerships
City road ownership and maintain public assets	Private U/G garage membranes are susceptible to leaks causing water damage
Protect for public parking spaces in private U/G garages	Hinders City's abilities for upgrading or maintenance of underground servicing
Potential to accommodate U/G walking connections and/or retail	Requires complex Legal Agreements and Strata Title Agreements
Provides possible solutions for providing U/G parking where a site is limited by high groundwater restricting the number of parking levels.	Green Infrastructure might not be possible where strata arrangements exist (loading tolerance on U/G structure, does sufficient soil volume exist above the structure to support the planting of trees)
	Multiple condo ownerships and registering Agreements on title

# Next Steps

THAT Council approve staff to further evaluate the use of Strata in the City and determine the financial obligations to retain an external consultant to obtain expert advice associated with Strata Title Arrangements

**Thank you**



DOWNTOWN

**vaughan**

METROPOLITAN CENTRE