

Date: August 25, 2020

Report To: Planning and Development Executive Committee

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: Syncor Request to Retract SPCA From Title

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The Planning and Development Executive Committee may recall that in 2016 the Town of Fort Frances sold various parcels of land bound by Front Street, Mosher Avenue and Nelson Street to Syncor Contracting Ltd. for the purpose of developing five townhomes with future potential of constructing five additional for a total of ten (see attached site map). Syncor subsequently completed construction of five townhomes in 2018.

A request has come forward from Rene Larson, solicitor acting on behalf of Syncor Contracting, asking for retraction of the Site Plan Control Agreement from the titles of PINs 56018-0199 and 56018-2279. The request outlines that Syncor's future endeavors do not foresee that it will be able to develop the lands into a second five-unit residential townhome complex. The Site Plan Control Agreement is also registered on the lands that are occupied by the constructed townhomes being PINs 56018-2277, 56018-2278, 56018-2281, 56018-2282 and 56018-2283.

The intent for the request for retraction of the agreement from the title of PINs 56018-0199 and 56018-2279 is a condition as part of a potential sale from Syncor to another interested party. The deadline for the condition of removal is October 6, 2020. The formal request via email is attached with this report.

The request has been made aware to the Town's solicitor with the following comments were made:

- Have the Works in paragraph 6 and Schedule 2 been completed to the satisfaction of the Municipality?
- After the above Works have been installed, Syncor has also agreed to maintain them until the agreement is amended or otherwise released from title.
  - a. Are these Works completed to the satisfaction of the Municipality? Is the town ready to release Syncor from this commitment?
  - b. In paragraph 6(g) Syncor also guarantees the workmanship and materials for the construction and installation of the external Works and to maintain the same free from defects for a period of 2 years from the date of certification by the Municipality of substantial completion.

- Has it been two years since the date of certification by the municipality of substantial completion such that Syncor can be released from its obligations with respect to the Works?

A follow up on the solicitor's comments finds the following:

- The works outlined in paragraph 6 and schedule 2 of the agreement have generally been conformed to.
- These works were completed in 2016 and inspected to the satisfaction of the municipality. We are now beyond the 2-year maintenance period.

Discussions with the Public Works department find that there is no objection on their end.

The building and planning department is in support of the removal of the agreement from the title of the vacant lands with the condition that all costs associated are borne by Syncor. Additionally, it should be noted that depending on the future development scope a new site plan control agreement may be required. The building and planning department does not recommend retracting the agreement from the title of the occupied lands.

The Planning and Development Executive Committee may wish to recommend the following:

- To approve the request by Syncor Contracting to retract to site plan agreement from the title of PINs 56018-0199 and 56018-2279 and that all costs associated be borne by Syncor Contracting.

OR

- To reject the request by Syncor Contracting to retract to site plan agreement from the title of PINs 56018-0199 and 56018-2279

Respectfully submitted

A handwritten signature in black ink, appearing to read 'Cody Vangel', with a stylized flourish at the end.

Cody Vangel, EIT  
Chief Building Official & Municipal Planner