



Planning, Building and By-law Services

Prepared for: Council-in-Committee

Report: PBBS-13-2026

Meeting Date: April 13, 2026

1. Title

Extension of Draft Plan of Common Elements Condominium Approval
Recommendation Report for 0-19829 Walden Avenue (formerly part of 315 Garrison Road)

2. Recommendations

That: Council extends draft plan approval for the 0-19829 Walden Avenue Draft Plan of Common Elements Condominium for two years, until March 12, 2028, and the Owner and Regional Municipality of Niagara be so advised.

3. Relation to Council's Corporate Strategic Plan

Priority: Sustainable and managed growth

4. List of Stakeholders

Prahant Construction (Vijaykumar Patel) – Owner
PLW Consulting (Leigh Whyte) – Agent
Typical external agencies (e.g. Niagara Region, Niagara Peninsula Conservation Authority, Public Utilities, etc.)
Residents and Property Owners in Fort Erie

5. Purpose of Report

The purpose of this report is to provide a recommendation to Council regarding a request to extend draft plan approval for the 315 Garrison Road Draft Plan of Condominium. The Agent, Leigh Whyte of PLW Consulting, submitted the extension request on behalf of the Owner, Vijaykumar Patel of Prahant Construction. A Location Map of the subject lands is attached as Appendix 1.

6. Analysis

6.1 Background

The subject lands, 0-19829 Walden Boulevard, which were formally part of 315 Garrison Road, are located on the south side of Walden Boulevard, east of Concession Road in the Gateway Neighbourhood. The area of the subject lands is 1.32 hectares.

On December 12, 2022, the Town approved an Official Plan Amendment (OPA) and Zoning By-Law Amendment (ZBA) to permit the development of the proposed townhouses. [By-law 8-2023](#) (OPA) and [By-law 9-2023](#) (ZBA) were adopted by Council on January 23, 2023.

Also on December 12, 2022, Council approved a Draft Approval for Condominium for the subject lands, attached as Appendix 2, and Conditions of Draft Approval, attached as Appendix 3.

A Holding provision was applied to the subject lands through By-law 9-2023 which prohibited development until the Owner completed the transaction to purchase part of the adjacent Town-owned laneway off Walden Boulevard. The purchase and transaction of the laneway was completed on June 2, 2023. Consequently, [By-law 126-2023](#) was passed on August 28, 2023, to remove the holding provision from the subject lands.

The Town entered into the Site Plan Agreement with the Owner for the proposed townhouses on December 1, 2023.

The Town entered into a Subdivision Agreement with the Owner on August 26, 2025 to create the individual townhouse blocks and private roadway block.

6.2 Extension of Draft Plan Approval

The Draft Plan of Condominium application was set to lapse on December 12, 2025. On November 28, 2025, the Town provided a 3-month temporary extension of draft approval, attached as Appendix 5, bringing the lapsing date to March 12, 2026. A few months later, the Town temporarily extended draft plan approval another three months, attached as Appendix 5, to facilitate the processing of a two (2) year extension request, bringing the current lapsing date to June 12, 2026.

The Agent provided the Town a letter on March 4, 2026, attached as Appendix 6, to formally request a two (2) year draft plan extension from Council. The reasons for extension involve allowing for sufficient time for the registration of the Condominium Corporation and unfavorable market conditions which contributed to project timing delays.

To date, the Town has cleared all conditions of approval, except Conditions 3, 4, and 5:

3. *That the Applicant/Developer register the individual Transfers creating each of the POTLs.*
4. *That the Applicant/Developer receive approval of a Common Element Condominium Plan and register the Common Element Condominium Plan.*
5. *The Applicant/Developer register the Common Element Condominium Declaration.*

The Owner's solicitor has advised that the condominium corporation and declaration cannot be registered until the individual townhouse lots have been created, which will become the parcels of tied land (POTLs). Typically, individual townhouse lots are created through part-lot control exemption after site services and building foundations have been constructed. The Owner is currently in consultation with the Town to submit building permits for site servicing. Therefore, these three conditions cannot be cleared at this time.

Staff anticipate that the proposed extension is a reasonable timeframe to allow for the outstanding conditions to be fulfilled.

7. Financial, Staffing and Accessibility (AODA) Implications

Commented [JJ1]: No comments

All costs associated with the development of the draft Plan of Condominium are the responsibility of the Owner and have been incorporated into the Site Plan and Subdivision Agreements. The future condominium agreement would require the condominium corporation to assume the responsibilities of the Site Plan Agreement.

No impediments to the AODA legislation are expected to be developed through the requested extension.

8. Policies Affecting Proposal

Development of this Plan of Condominium is set out in accordance with the requirements of the Planning Act, R.S.O. 1990, c. P.13.

9. Comments from Departments, Community and Corporate Partners

N/A.

10. Alternatives

Council may decide to deny the extension of the Draft Approved Plan of Subdivision, extend draft approval for a different length of time, or modify the conditions of approval.

11. Communicating Results

No additional communication is required at this time.

12. Conclusion

Staff recommend that Council approve a two (2) year extension of draft plan approval to June 12, 2028, as requested by the Agent.

13. Report Approval

Prepared by:
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Reviewed by:
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Submitted by:
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Director, Planning, Building, and By-Law Services

Approved by:

Chris McQueen, MBA
Chief Administrative Officer

14. Attachments

- Appendix 1 – Location Map
- Appendix 2 – Approved Draft Plan of Condominium
- Appendix 3 – Conditions of Draft Plan Approval
- Appendix 4 – Notice of Temporary Extension to March 12, 2026
- Appendix 5 – Notice of Temporary Extension to June 12, 2026
- Appendix 6 – Extension Request Letter

Commented [RA2]: Helie will provide Appendix 1 on Friday March 27.

Commented [MI3]: Update on escribe.