



STAFF REPORT ACTION REQUIRED

252, 270, 272 and 276 Bering Avenue – Common Elements Condominium Application and Part Lot Control Application – Final Report

Date:	June 11, 2007
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward No. 5 – Etobicoke-Lakeshore
Reference Number:	File No. 07 105083 WET 05 CD and 07 105080 WET 05 PL

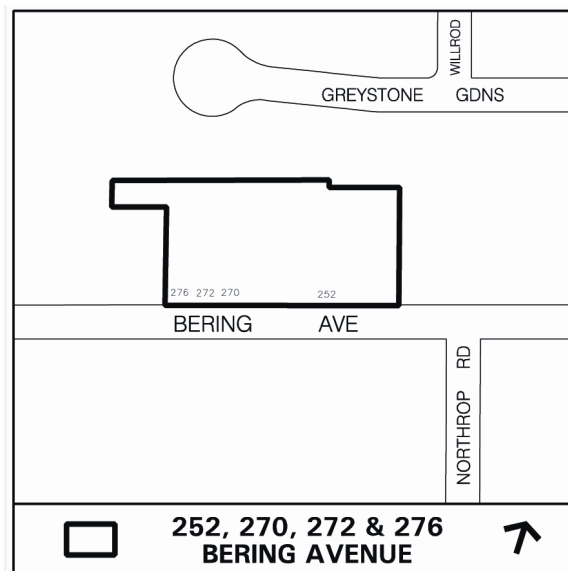
SUMMARY

The applications for Draft Plan of Common Elements Condominium and Part Lot Control Exemption were made after January 1, 2007 and are subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

The applications propose a common elements condominium consisting of a common roadway and visitor parking spaces to service the 73 townhouse units and permission to permit the lifting of Part Lot Control to create 73 separate townhouse lots at 252, 270, 272 and 276 Bering Avenue.

The application for common elements condominium is necessary in order to provide the individual townhouses with legal access and to ensure ongoing shared ownership and maintenance of the common elements.

This report reviews and recommends approval of the Draft Plan of Common Elements Condominium and approval of the application to lift Part Lot Control.



RECOMMENDATIONS

The City Planning Division recommends that:

1. In accordance with the delegated approval under By-law No. 229-2000, City Council be advised that the Chief Planner intends to approve the Draft Plan of Common Elements Condominium, as generally illustrated on Attachment 1, subject to:
 - (a) the conditions as generally listed in Attachment 3, which otherwise noted must be fulfilled prior to the release of the plan of condominium for registration; and
 - (b) such revisions to the proposed condominium plan or such additional or modified conditions as the Chief Planner may deem to be appropriate to address matters arising from the on-going technical review of this development.
2. City Council direct that a Part Lot Control Exemption By-law with respect to the subject lands be prepared to the satisfaction of the City Solicitor, and that such By-law shall expire two years after it has been enacted;
3. City Council authorize the City Solicitor to introduce the necessary Bill for a Part Lot Control Exemption By-law provided that:
 - (a) the owner provide proof of payment to the satisfaction of the City Solicitor that all tax arrears and current taxes for the subject site owing be paid in full; and
 - (b) the owner of the subject lands has registered, satisfactory to the City Solicitor, a Section 118 restriction under the Land Titles Act agreeing not to transfer or charge any part of the lands without the prior written consent of the Chief Planner or his delegate;
4. City Council authorize the City Solicitor to take the necessary steps to release the Section 118 restriction at such time as the Common Elements Condominium Plan has been registered;
5. The owner must place notifications on title of each residential lot which state that using the visitor and disabled parking stalls for resident parking purposes is prohibited, and that the internal streets and alleys are privately-owned and the City neither maintains them nor clears them of snow and ice.
6. City Council authorize and direct the appropriate City Officials to register the By-law on title.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On June 14, 2006, City Council approved the application for Official Plan and Zoning Code amendments to permit the development of 74 townhouse units on the site. On June 29, 2006, City Council enacted the amending by-laws to permit the townhouse development.

City Council approved in principle, a site plan application for 73 townhouse units on the site. City Council also delegated back to the Chief Planner or his designate the authority to issue Site Plan Approval. On January 26, 2007, Planning staff issued Site Plan Notice of Approval Conditions. Final Site Plan Approval will be issued by staff once the applicant has satisfied the required conditions of the Notice of Approval.

ISSUE BACKGROUND

Proposal

The proposal is to allow the lifting of Part Lot Control to permit the 73 townhouses on the site to be sold separately and for the registration of a common elements condominium to accommodate the shared ownership and maintenance of the roadway and visitor parking spaces. The townhouse units will be marketed as freehold units. Attachment No. 2 is the draft reference plan submitted with the Part Lot Control application for the proposal. Refer to Attachment No. 4 for project data.

Site and Surrounding Area

The site is located on the north side of Bering Avenue, west of Islington Avenue. The site is generally rectangular and flat. A portion of the site located in the northwest corner is situated between semi-detached dwellings to the north and detached dwellings to the south and is bounded on the west by a City of Toronto Works Yard, a joint operation facility used by a number of City divisions. Townhouses are currently being constructed on the site.

The surrounding uses are as follows:

North: semi-detached residential dwellings on Graystone Gardens

South: industrial uses across Bering Avenue

East: detached and semi-detached residential dwellings on Bering Avenue

West: three detached residential dwellings and a City of Toronto Works Yard

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy

foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS. In the opinion of Planning staff, the proposal is consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. The proposal does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is designated Neighbourhoods in the Official Plan. Townhouses are permitted within the Neighbourhoods designation.

Zoning

The site is zoned Group Area Fourth Density Residential (R4G) subject to site-specific By-law No. 569-2006 within the Etobicoke Zoning Code. The R4G zone permits a maximum of 74 townhouses on the site.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the applications and preparing appropriate recommendations and draft plan of common elements condominium approval conditions.

COMMENTS

Section 50(7) of the Planning Act, R.S.O.1990, as amended, authorizes City Council to adopt a by-law exempting lands within a registered plan of subdivision from Part Lot Control. The subject lands are within a registered plan of subdivision (Registered Plan 1553).

To ensure that the creation of a Common Elements Condominium Corporation is completed and registered before lots are sold, it is recommended that the owner of the lands first register a Section 118 Restriction under the Land Titles Act. The Restriction requires the owner to agree not to convey or mortgage any part of the lands without the prior written consent of the Chief Planner or his delegate. Once confirmation is received from the owner that the Common Elements Condominium Plan has been registered, the City Solicitor will take the necessary steps to delete the Section 118 Restriction from the title of the lands.

To ensure that Part Lot Control does not remain open indefinitely, it is recommended that the exempting By-law contain an expiration date. In this instance, the By-law should expire two years after being enacted. A two year time frame normally provides sufficient time for the completion of the project.

An exemption from Part Lot Control is appropriate as the townhouse development conforms to the Official Plan and the Zoning Code permits 73 townhouses on the site.

Conditions of approval for draft plan of common elements condominium for the proposal are shown in Attachment No. 3. Condition 9 in Attachment 3 will ensure that the creation of the Common Elements Condominium Corporation is completed and registered on title of the lands only upon satisfying the requirements of any Part Lot Control approval for the townhouse proposal.

The proposed draft plan of common elements condominium for the site is appropriate as the proposal is consistent with the site plan incorporated in the Site Plan Notice of Approval Conditions and is appropriate with the related Official Plan and Zoning Code amendments for the site which are in full force and effect.

CONTACT

Greg Hobson-Garcia, Planner

Tel. No. (416) 394-2615

Fax No. (416) 394-6063

E-mail: ghobson@toronto.ca

SIGNATURE

Gregg Lintern, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

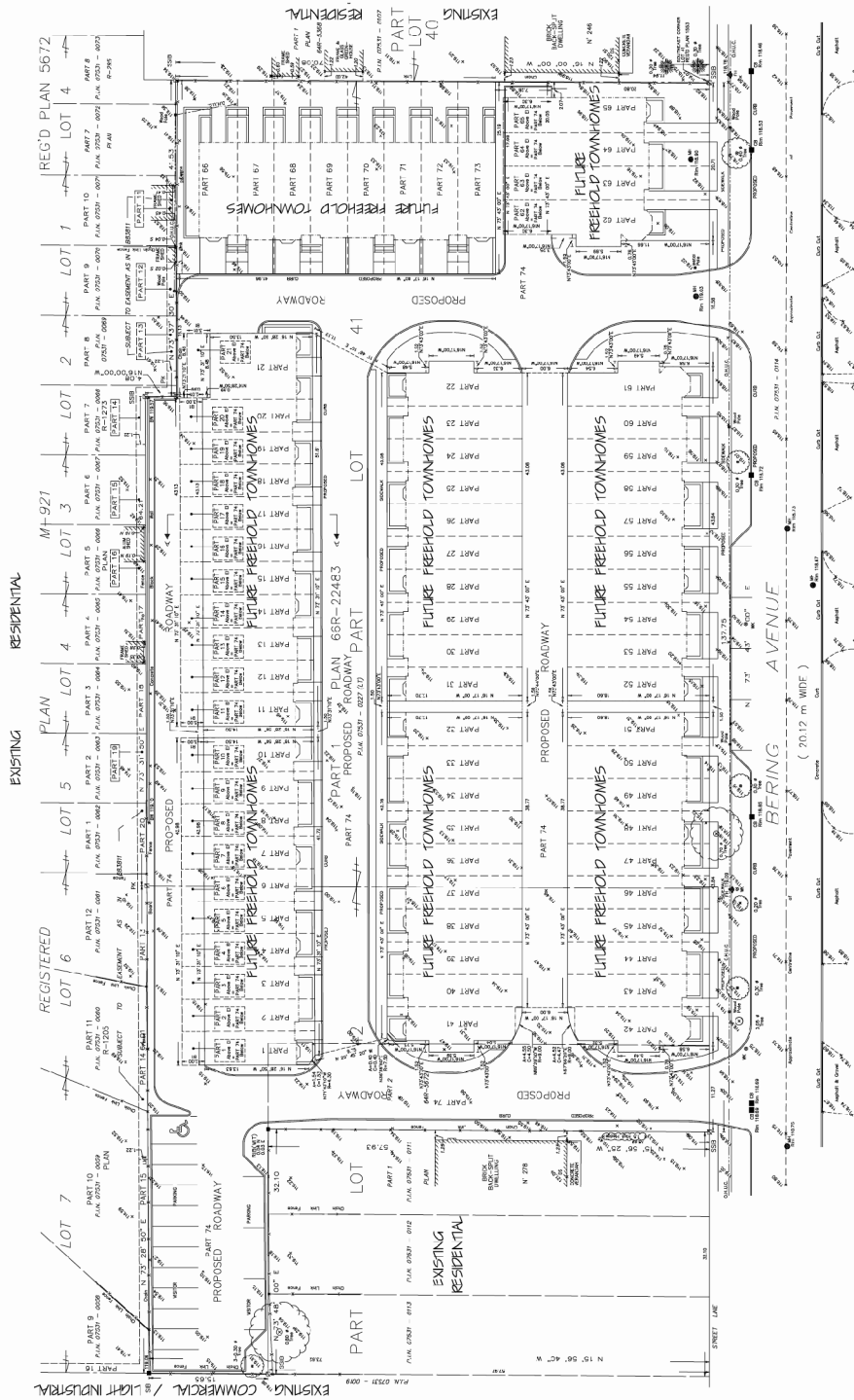
Attachment 1: Draft Plan of Common Elements Condominium

Attachment 2: Draft Reference Plan

Attachment 3: Draft Plan of Common Elements Condominium Approval Conditions

Attachment 4: Application Data Sheet

Attachment 1: Draft Plan of Common Elements Condominium



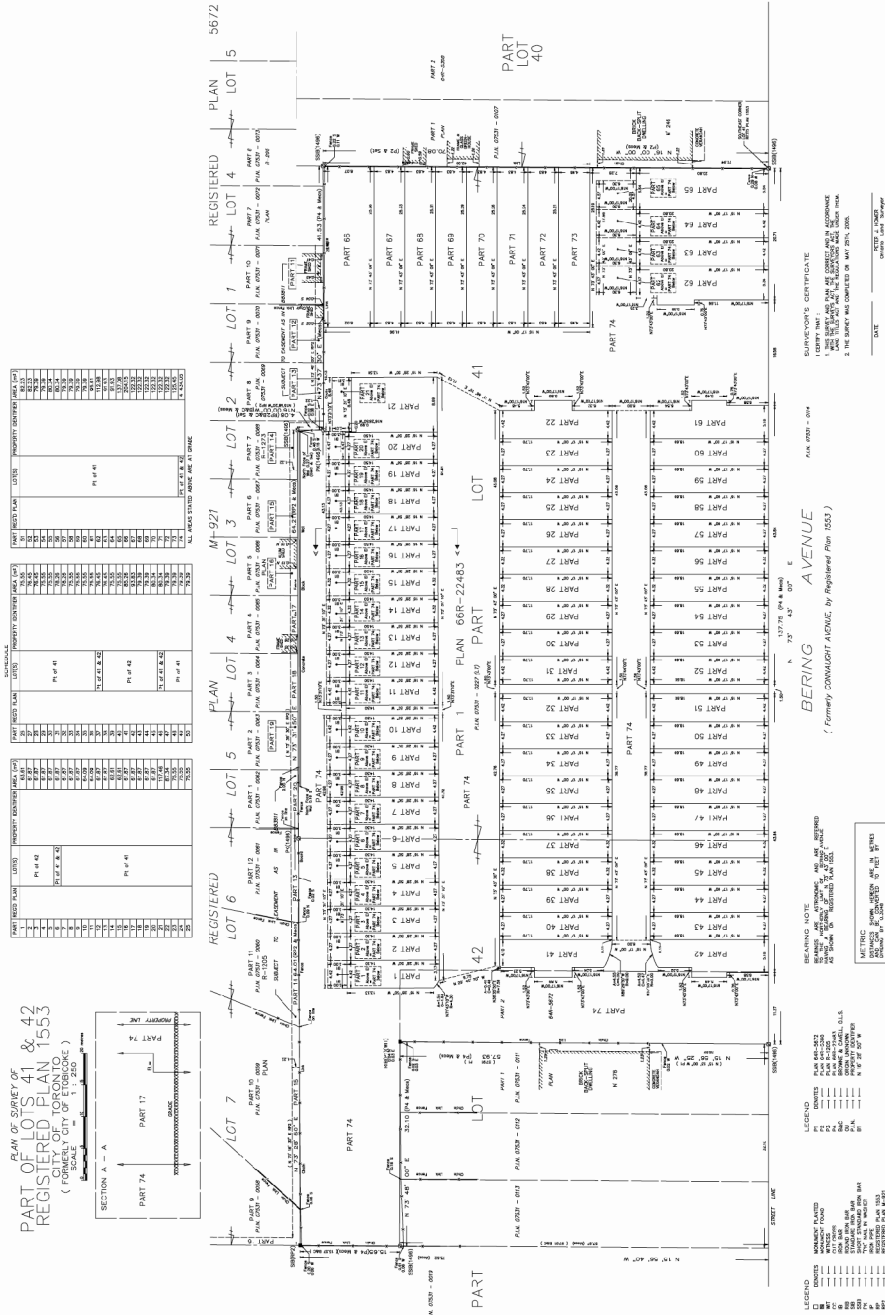
252,270,272 and 276 Bering Avenue

Condo Plan
Applicant's Submitted Drawing

File # 07 105083

Not to Scale
05/23/07

Attachment 2: Draft Reference Plan



Draft Reference Plan
 Applicant's Submitted Drawing
 Not to Scale
 05/23/07

252,270,272 and 276 Bering Avenue

File # 07_105080

Attachment 3: Draft Plan of Common Elements Condominium Approval Conditions

File No. Condominium Approval Application 07 105083 WET 05 CD

Owner: Dunpar Developments Inc.

Location: 252, 270, 272 and 276 Bering Avenue

Ward: Etobicoke-Lakeshore, Ward No. 5

The Chief Planner's approval applies to the plan prepared by Rabideau Czerwinski Ontario Land Surveyors, certified by Peter J. Homer, Ontario Land Surveyor on May 8, 2007 and subject to the following conditions:

- (1) The owner shall provide to the Director Community Planning, Etobicoke York, District, confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department, City of Toronto (statement of account or Tax Clearance Certificate);
- (2) All Site Plan matters and facilities have been completed or financially secured to the satisfaction of the City;
- (3) The owner shall file with the Director, Community Planning, Etobicoke York, District, a copy of the final Declaration and Description containing all necessary schedules and certifications required by the Condominium Act for registration;
- (4) The owner shall file with the Director of Community Planning, Etobicoke York, District, a complete copy of the final version of the Declaration and Description to be registered, which includes the following schedules:
 - (i) Schedule "A" containing a statement from the declarant's solicitor that in his or her opinion, based on the parcel register or abstract index and the plans and drawings recorded in them, that the legal description is correct and the easements mentioned in the schedule will exist in law upon the registration of the Declaration and Description; and
 - (ii) Schedule "G" being the certification of the project engineer and/or architect that all buildings and structures have been constructed in accordance with the regulations made under the Condominium Act.

When the owner files a copy of the declaration with the City, it shall be accompanied with a letter of undertaking, stating that, "This is our Undertaking to register the Declaration in the same form and content as was provided to you, subject to any changes the Land Registrar may require. This is also our undertaking to provide you with a registered copy of the Declaration once it is registered. If the Land Registrar requires any amendments to the declaration, we will advise you."

- (5) Visitors parking spaces will be clearly delineated on the condominium plan to be registered and the declaration shall contain a clause clearly specifying visitors parking shall form part of the common elements and neither be used by or sold to POTL (unit owners) or be considered part of the exclusive use portions of the common elements.
- (6) If the condominium is not registered within 5 years of the date of draft plan approval, then this approval shall be null and void and the plans and drawings must be resubmitted to the City for approval.
- (7) Prior to release of the condominium for registration, the declarant's consulting engineer shall certify to the Executive Director of Technical Services that the water and sewer services for the site have been constructed and are operable and that the road has been constructed to base course asphalt.
- (8) The Condominium Declaration and Description shall provide that visitor and disabled parking stalls are for the exclusive use of residential visitors and include an effective enforcement mechanism to deter residents of the development from parking in the visitor parking stalls.
- (9) The Part Lot Control application must be finalized (certificates issued) prior to the registration of the Common Elements Condominium.

Attachment 4: Application Data Sheet

Application Type	Condominium Approval and Part Lot Control Exemption	Application Numbers:	07 105083 WET 05 CD 07 105080 WET 05 PL
Details	Common Elements	Application Date:	January 26, 2007

Municipal Address: 252, 270, 272 and 276 BERING AVE, TORONTO ON M8Z 3A3

Location Description: PL 1553 PT LTS 41 42 **GRID W0506

Project Description: This application is for a common elements roadway to service 73 townhouse units and to create 73 separate townhouse lots at 252, 270, 272 and 276 Bering Avenue.

Applicant:	Agent:	Architect:	Owner:
DUNPAR DEVELOPMENTS INC.			1322104 ONTARIO INC

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	By-law: 569-2006
Zoning:	R4G	Historical Status:	N/A
Height Limit (m):	10 and 12.6	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	10,525	Height:	Storeys:	3
Frontage (m):	138		Metres:	12.6
Depth (m):	74			
Total Ground Floor Area (sq. m):	3,999.48			Total
Total Residential GFA (sq. m):	11,473.82		Parking Spaces:	161
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	11,473.82			
Lot Coverage Ratio (%):	38			
Floor Space Index:	1.09			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	73
Total Units:	73

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	11,473.82	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT: PLANNER NAME: Greg Hobson-Garcia, Planner
TELEPHONE: (416) 394-2615