

**82 Daniels Street – Common Elements Condominium  
Application – Final Report**

<b>Date:</b>	June 11, 2007
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward No. 5 – Etobicoke-Lakeshore
<b>Reference Number:</b>	File No. 07 111003 WET 05 CD

**SUMMARY**

This application was made after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes a common elements condominium consisting of a common private street and services.

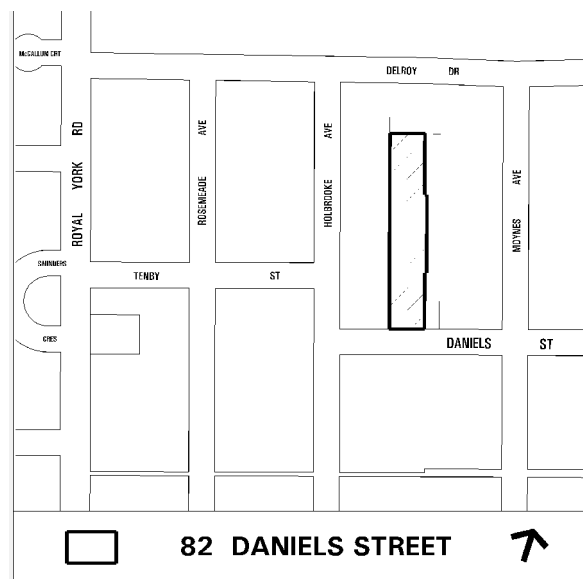
The application for common elements condominium is necessary to provide legal access to the individual residential dwellings and to ensure ongoing shared ownership and maintenance of the private road and services.

This report reviews and recommends approval of the Draft Plan of Common Elements Condominium.

**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 2, 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.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

The development was subject to a rezoning application that was approved by Council on April 12, 13 and 14, 2005 and amended on July 19, 20, 21 and 26, 2005. Site Plan Approval was granted in April 2006. A Part Lot Control application to create the individual development parcels (lots) was approved by Council on September 25, 26 and 27, 2006.

<http://www.toronto.ca/legdocs/2005/agendas/council/cc050412/et3rpt/cl009.pdf>

<http://www.toronto.ca/legdocs/2006/agendas/council/cc060925/et7rpt/cl028.pdf>

### **ISSUE BACKGROUND**

#### **Proposal**

The proposal is to allow for the registration of a common elements condominium to allow for the shared ownership and maintenance of the private road that provides access to the proposed 6 single family dwellings being built on-site. Refer to Attachment 3 for the project data.

#### **Site and Surrounding Area**

The site is a long, narrow, remnant parcel with frontage on Daniels Street. The property is located one block north of The Queensway, east of Royal York Road. The site has an existing listed heritage home on the property which the applicant is currently renovating as part of the rezoning application.

The surrounding uses are as follows:

North:	Single detached dwellings fronting on Delroy Drive.
South:	Single detached dwellings fronting on Daniels Street.
East:	Single Detached dwellings fronting on Moynes Drive.
West:	Predominantly single detached dwellings fronting on Holbrooke Drive

## **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 City Planning staff, the proposal is consistent with the Provincial Policy Statement.

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 conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The property is designated as Neighbourhoods in the Official Plan. Single Family dwellings are permitted in Neighbourhoods.

## **Zoning**

The site is subject to a site specific zoning by-law that permits the development of the six new single family dwellings and the existing heritage-designated dwelling fronting onto Daniels Street.

## **Site Plan Control**

The applicant has obtained Site Plan approval for the subject proposal.

## **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate draft plan approval conditions.

## **Draft Conditions of Approval**

The proposed draft conditions of approval are attached to this report (Attachment 2). Additional conditions may be required upon further staff review of the application.

## **CONTACT**

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## **SIGNATURE**

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

## **ATTACHMENTS**

Attachment 1: Draft Plan of Common Elements Condominium  
Attachment 2: Draft Plan Approval Conditions  
Attachment 3: Application Data Sheet

**Attachment 1: Draft Plan of Common Elements Condominium**



**82 Daniels Street**

File # 07\_111003

**Condo Plan**

Applicant's Submitted Drawing

Not to Scale  
05/29/07



## **Attachment 2: Draft Plan Approval 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 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, 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.
- (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.

**Attachment 3: Application Data Sheet**  
**APPLICATION DATA SHEET**

Application Type	Rezoning	Application Number:	04 144524 WET 05 OZ
Details	Rezoning, Standard	Application Date:	June 8, 2004
Municipal Address:	82 DANIELS ST, Toronto ON		
Location Description:	PL M141 BLK A PL 3660 LT42 TO 46 PT LT47 **GRID W0509		
Project Description:	Proposal to rezone a 4250 square metre residential property to maintain an existing heritage building and to permit six two storey freehold residential units with common elements for roads and services		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
BETTENCOURT DESIGNS LTD. GREG BETTENCOURT		BETTENCOURT GREG	DUPONT VICTORIAN HOMES

**PLANNING CONTROLS**

Official Plan Designation:	LD Residential	Site Specific Provision:	
Zoning:	R2	Historical Status:	Y
Height Limit (m):	9.5	Site Plan Control Area:	Y

**PROJECT INFORMATION**

Site Area (sq. m):	4256.74	Height:	Storeys:	2
Frontage (m):	27.43		Metres:	8
Depth (m):	151.89			
Ground Floor GFA (sq. m):	642.14		<b>Total</b>	
Residential GFA (sq. m):	1392.61	Parking Spaces:		20
Non-Residential GFA (sq. m):	0	Loading Docks		0
Total GFA (sq. m):	1392.61			
Lot Coverage Ratio (%):	15%			
Floor Space Index:	0.32			

**DWELLING UNITS**

Tenure Type:	Freehold, Other
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	6
Total Units:	7

**FLOOR AREA BREAKDOWN**

	Above Grade	Below Grade
Residential GFA (sq. m):	1392.61	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

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