

**515 Royal York Road – Common Elements  
Condominium Application and Part Lot Control  
Exemption Application – Final Report**

<b>Date:</b>	September 18, 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's. 07 231026 WET 05 CD & 07 248559 WET 05 PL

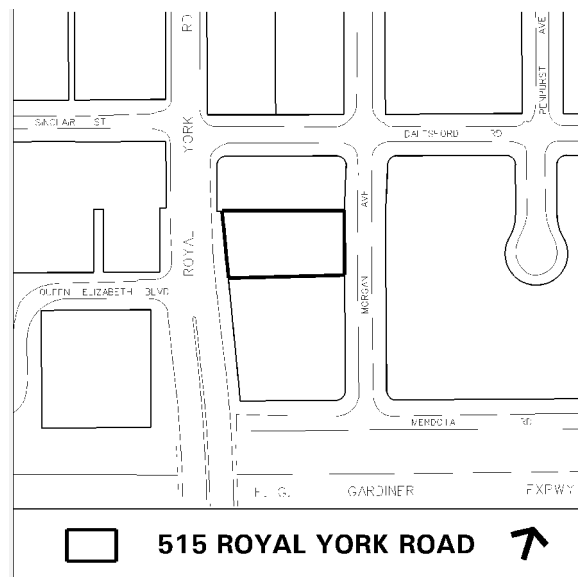
**SUMMARY**

The applications for Draft Plan of Common Elements Condominium and Part Lot Control Exemption were made on or 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 driveway, visitor parking spaces and walkway. The application is required to provide legal access to the individual units as proposed and to ensure shared ownership and maintenance of the driveway, visitor parking spaces and pedestrian walkway by the condominium corporation.

The requested exemption from Part Lot Control provisions of the Planning Act is required to create conveyable lots for 4 townhouses and 6 semi-detached dwellings.

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



## **RECOMMENDATIONS**

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### **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 or his designate 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 unless 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 or his designate 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 one year after it has been enacted;
3. City Council authorize the City Solicitor to introduce the necessary Bill provided that:
  - (a) all tax arrears and current taxes 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 designate;
4. City Council authorize the City Solicitor to take the necessary steps to release the Section 118 restriction at such time as final Site Plan Approval and the Common Elements Condominium Plan has been registered; and
5. City Council authorize and direct the appropriate City Officials to register the Part Lot Control Exemption By-law on title.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

On February 16, 2005, City Council approved the application for Official Plan and Zoning Code amendments to permit six semi-detached dwelling units and four townhouse dwelling units incorporating a listed heritage building on the site. The site plan was approved through delegated authority on June 30, 2005 and the corresponding Heritage Easement Agreement was executed on April 18, 2006. The proposal, as approved, is presently under construction and the Heritage Building is in the process of being designated through Heritage Preservation Services.

## **ISSUE BACKGROUND**

### **Proposal**

Pursuant to the approved Site Plan and Heritage Easement, the proposal consists of six semi-detached dwelling units and four residential townhouse units incorporating a listed heritage building. The 2½ storey heritage building, constructed in 1886, was most recently occupied by Royal Canadian Legion, Branch 217. Two new townhouse dwelling units have been added to the north side of the renovated heritage building to create a block of four townhouse units. The Morgan Street frontage and the area of the site immediately south of the townhouse block have been developed as six semi-detached dwellings.

A total of 18 parking spaces are proposed on-site for this development, including two dedicated visitor parking spaces. Parking for individual units is located either inside attached garages or on surface parking pads located at the rear of units. Dwellings facing Royal York Road have two parking spaces per unit whereas dwellings facing Morgan Avenue have one parking space per unit. Vehicular access to the units is provided from Morgan Avenue by a common elements driveway and pedestrian access is provided to Royal York by a common elements walkway.

### **Site and Surrounding Area**

The 1 855 square metre rectangular parcel is located on the east side of Royal York Road, immediately north of the bridge over the F.G. Gardiner Expressway. The topography of the site is generally flat although the south-west corner of the site is lower than the municipal street, as the roadway inclines southbound over the Expressway.

The surrounding uses are as follows:

North: Two-storey, multi-unit dwellings, fronting on Dalesford Road.

South: Two-storey, multi-unit dwellings, fronting on Morgan Avenue and Royal York Road.

East: Two-storey, multi-unit dwellings, fronting on Morgan Avenue.

West: One and two-storey single detached dwellings, fronting on Royal York Road.

## **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.

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.

City Planning staff are satisfied that the proposal is consistent with the Provincial Policy Statement and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

### **Former Etobicoke Official Plan**

The application was approved and redesignated Medium Density Residential through Official Plan Amendment 126-2005. The development presently under construction complies with this designation.

### **City of Toronto Official Plan**

The site is designated as Neighbourhoods within the in-force Official Plan. This designation provides for a grade related dwellings inclusive of semi-detached and townhouse dwellings. The development presently under construction complies with this designation.

## **Zoning**

The site is zoned Group Area Fourth Density Residential (R4G) subject to site-specific By-law No. 440-2005 within the Etobicoke Zoning Code. The development presently under construction complies with this zoning.

## **Site Plan Control**

Delegated authority approved the associated application for site plan control on June 30, 2005. The development presently under construction complies with this approval.

## **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 of common elements condominium approval and exemption from part lot control conditions.

## **COMMENTS**

Section 50(7) of the Planning Act, R.S.O. 1990, authorizes City Council to adopt a by-law exempting lands within a registered plan of subdivision from Part Lot Control. The property consists of Part of Lot 15 of Registered Plan 83. Thus, exemption from Part Lot Control may be employed as an effective means of further subdividing the lands to create the townhouse lots.

To ensure that the creation of the Common Elements Condominium Corporation is completed and registered before lots are conveyed, 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 designate.

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 thus allowing the lots to be conveyed.

To ensure that Part Lot Exemption does not remain in force indefinitely, it is recommended that the exempting By-law contain an expiration date. In this instance, the By-law should expire one year after being enacted. This will provide sufficient time for the completion of the project and the conveyance of the lots.

The proposed draft plan of common elements condominium for the site is appropriate as the proposal complies with the Zoning Code and the Official Plan. Upon review by all pertinent City Departments and external agencies, no adverse impacts are anticipated to result from this request. As such, the exemption from Part Lot Control and the proposed draft plan of common elements condominium are considered appropriate for the orderly development of the property.

## **CONTACT**

Mark Howard, Planner

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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 of Common Elements Condominium Approval Conditions

Attachment 3: Draft Reference Plan

Attachment 4: Application Data Sheet

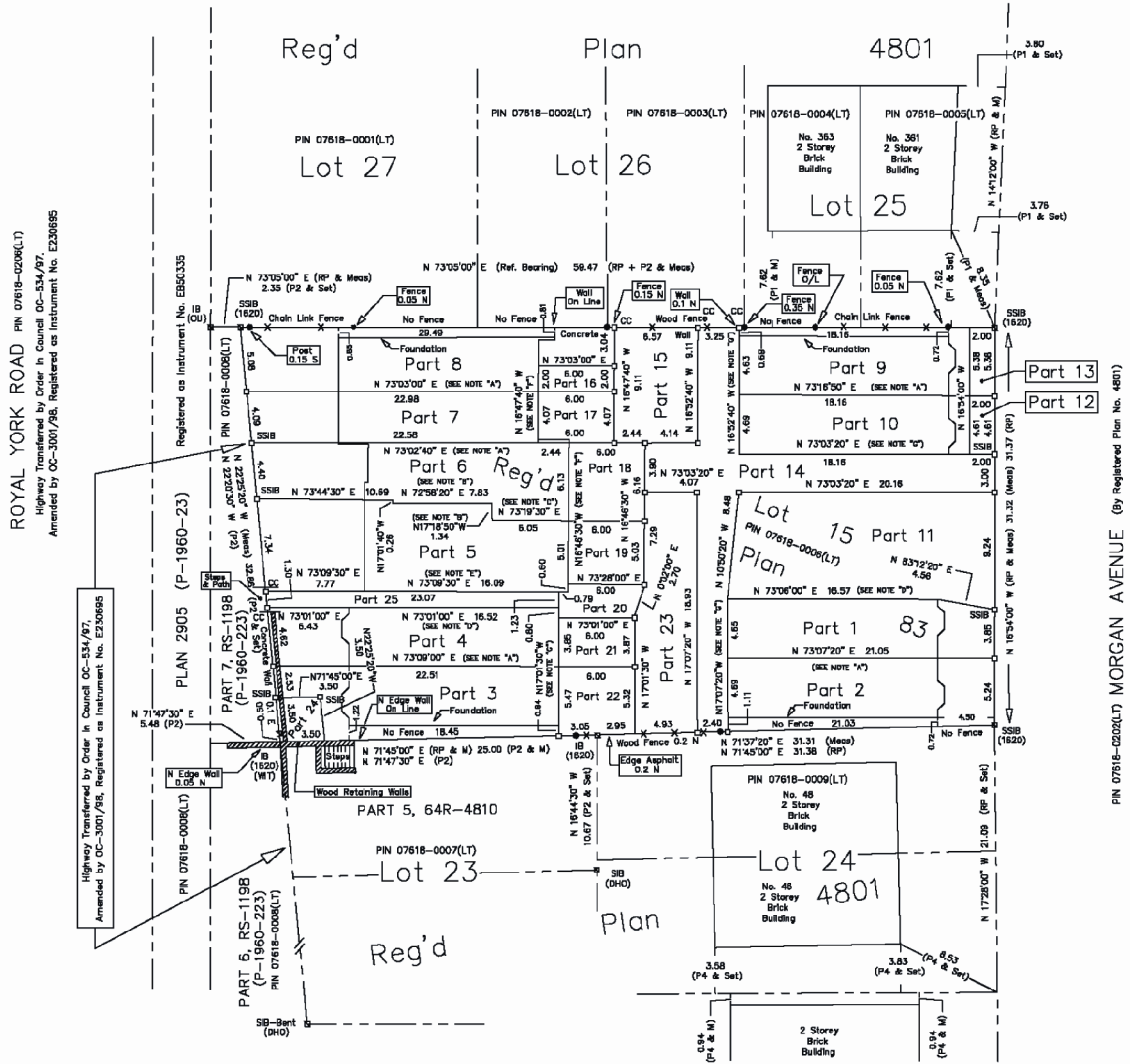


## **Attachment 2: Draft Plan of Common Elements Condominium Approval Conditions**

- (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 owners or be considered part of the exclusive use portions of the common elements. Furthermore, owners/tenants and/or residents are not eligible for on-street parking permits.
- (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) All easements have registered to the satisfaction of Toronto Hydro.
- (8) The owner shall file with the Executive Director of Technical Services a copy of the final Declaration and Description containing a clause clearly specifying that the City of Toronto will not accept, assume and maintain the sanitary and storm sewer systems and the water system, as well as the internal vehicle circulation system and the walkway located on site; and that such systems are to be owned, operated and maintained by the common elements condominium corporation.



# Attachment 3: Draft Reference Plan



## Draft Reference Plan

Applicant's Submitted Drawing

Not to Scale  
09/04/07

## 515 Royal York Road

File # 07\_231026 & 07\_248509

## Attachment 4: Application Data Sheet

### APPLICATION DATA SHEET

Application Type	Common Elements Condominium	Application Number:	07 231026 WET 05 CD
	Part Lot Control Exemption	Application Number:	07 248559 WET 05 PL
Details	Common Elements Condominium	Application Date:	June 12, 2007
	Part Lot Control Exemption	Application Date:	July 30, 2007

Municipal Address: 515 ROYAL YORK RD, TORONTO ON M8Y 2S5  
 Location Description: PL 83 PT LT15 \*\*GRID W0509  
 Project Description: Draft plan of Common Elements Condominium and Part Lot Control Exemption Application for 6 semi-detached units and 4 townhouse units containing a heritage building.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
MURRAY EVANS			KAZANDJI ENERPRISES INC.

#### PLANNING CONTROLS

Official Plan Designation:	Neighbourhood	Site Specific Provision:	439-2005
Zoning:	R4G	Historical Status:	Y
Height Limit (m):	12.79m (A365/06 EYK)	Site Plan Control Area:	Y

#### PROJECT INFORMATION

Site Area (sq. m):	1855.36	Height:	Storeys:	3
Frontage (m):	32.86		Metres:	12.79
Depth (m):	57.88			
Total Ground Floor Area (sq. m):	803.01			<b>Total</b>
Total Residential GFA (sq. m):	1844.84		Parking Spaces:	18
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	1844.84			
Lot Coverage Ratio (%):	43.2			
Floor Space Index:	0.99			

#### DWELLING UNITS

#### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Freehold	Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	1844.8
Bachelor:	0	Retail GFA (sq. m):	0
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	10	Institutional/Other GFA (sq. m):	0
Total Units:	10		

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