

**156 & 160 Evans Avenue and 829, 833, 839 Oxford Street  
– Common Elements Condominium and Part Lot Control  
Applications – Final Report**

<b>Date:</b>	October 15, 2007
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 6 – Etobicoke-Lakeshore
<b>Reference Number:</b>	File Nos: 07 234096 WET 06 CD and 07 234116 WET 06 PL

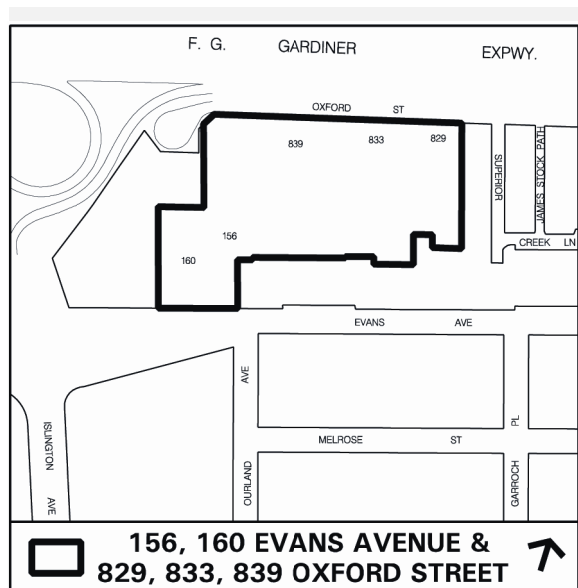
**SUMMARY**

The applications for Draft Plan of Common Elements Condominium and Part Lot Control Exemption were made on June 19, 2007 and are subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

These applications propose 177 townhouse units with a common elements condominium road, visitor parking spaces and public park which are currently under construction at 156 & 160 Evans Avenue and 829, 833, 839 Oxford Street.

The application for common elements condominium is necessary to provide legal access to the individual townhouse units and to ensure ongoing shared ownership and maintenance of the driveway, visitor parking spaces and other shared aspects of the development by the condominium corporation.

This report reviews and recommends approval of the applications for 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 two years after it has been enacted.
3. City Council authorize the City Solicitor to introduce the necessary Bill provided that:
  - (a) Notice of Approval Conditions for Site Plan Approval have been issued;
  - (b) all tax arrears and current taxes owing be paid in full; and
  - (c) 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.
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 September 25, 26, 27, and 28, 2006 City Council authorized amendments to the Official Plan and the former City of Etobicoke Zoning Code to permit the proposed townhouse development.

On December 22, 2006, the Director of Etobicoke York Community Planning Division issued Notice of Site Plan Approval Conditions for Block F consisting of 11 townhouse units fronting onto Evans Avenue. Not all the conditions have been fulfilled to date. The remaining 166 units have not received site plan approval at the time of writing this report, although a Notice of Approval Conditions is anticipated shortly.

## **ISSUE BACKGROUND**

### **Proposal**

The proposal is to grant Part Lot Control exemption to allow the 177 townhouse units currently under construction to be conveyed separately and to approve a plan of common elements condominium for the shared ownership and maintenance of the internal roads, visitor parking spaces and other common elements associated with the townhouses. (See Attachment 3 – Application Data Sheet)

### **Site and Surrounding Area**

The property is located between Oxford Street and Evans Avenue, south of the Gardiner Expressway and east of Islington Avenue. The site was formerly occupied by a number of light industrial uses and is adjacent to the following uses:

North: Gardiner Expressway

East: 3-storey townhouses

South: One and two storey detached houses, office and industrial uses

West: Cool Beer microbrewery and Accident Reporting Centre

### **Official Plan**

The property is designated as Neighbourhoods in the Official Plan and is subject to Site and Area Specific Policy No. 145-2006. Townhouses are a permitted use.

### **Zoning**

The property is zoned R4G with site specific regulations in By-law No. 1096-2006 that amends the former City of Etobicoke Zoning Code.

### **Site Plan Control**

Applications have been made for Site Plan Approval. Notice of Approval conditions have been issued for Block F consisting of 11 townhouses fronting onto Evans Avenue.

## **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Not all comments have been received as yet. Responses received have been used to assist in evaluating the application and to formulate conditions of Approval for the Draft Plan of Common Elements Condominium.

## **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 subject lands are within a registered plan of subdivision, thus exemption from Part Lot Control may be employed as an effective means of further subdividing the lands to create townhouse lots.

To ensure that final Site Plan Approval is given and 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 final Site Plan Approval has been given and 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 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 two years after being enacted. This will provide sufficient time for the completion of the project and the conveyance of the lots.

The proposal complies with the Official Plan and Zoning By-law and was circulated to various Divisions and Agencies for comments. Any required conditions to approval will be addressed or secured as part of the draft plan approval of the common elements condominium.

## **CONTACT**

Wendy Johncox, MCIP, RPP

Senior Planner

Tel. No. (416) 394-8227; Fax No. (416) 394-6063

E-mail: [wjohncox@toronto.ca](mailto:wjohncox@toronto.ca)

## **SIGNATURE**

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

## **ATTACHMENTS**

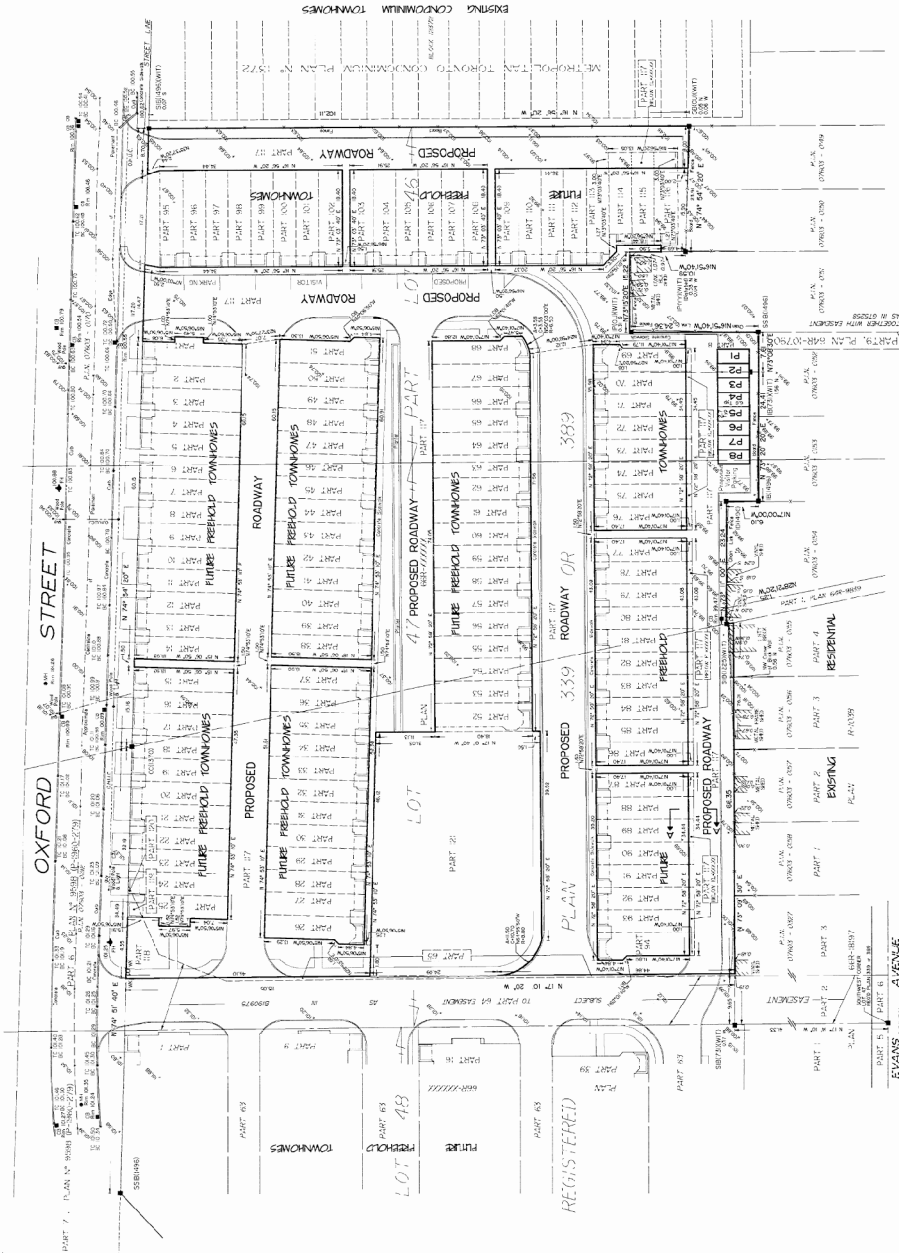
Attachment 1a: Site Plan

Attachment 1b: Site Plan

Attachment 2: Draft Plan of Common Element Condominium Conditions

Attachment 3: Application Data Sheet

# Attachment 1a: Site Plan

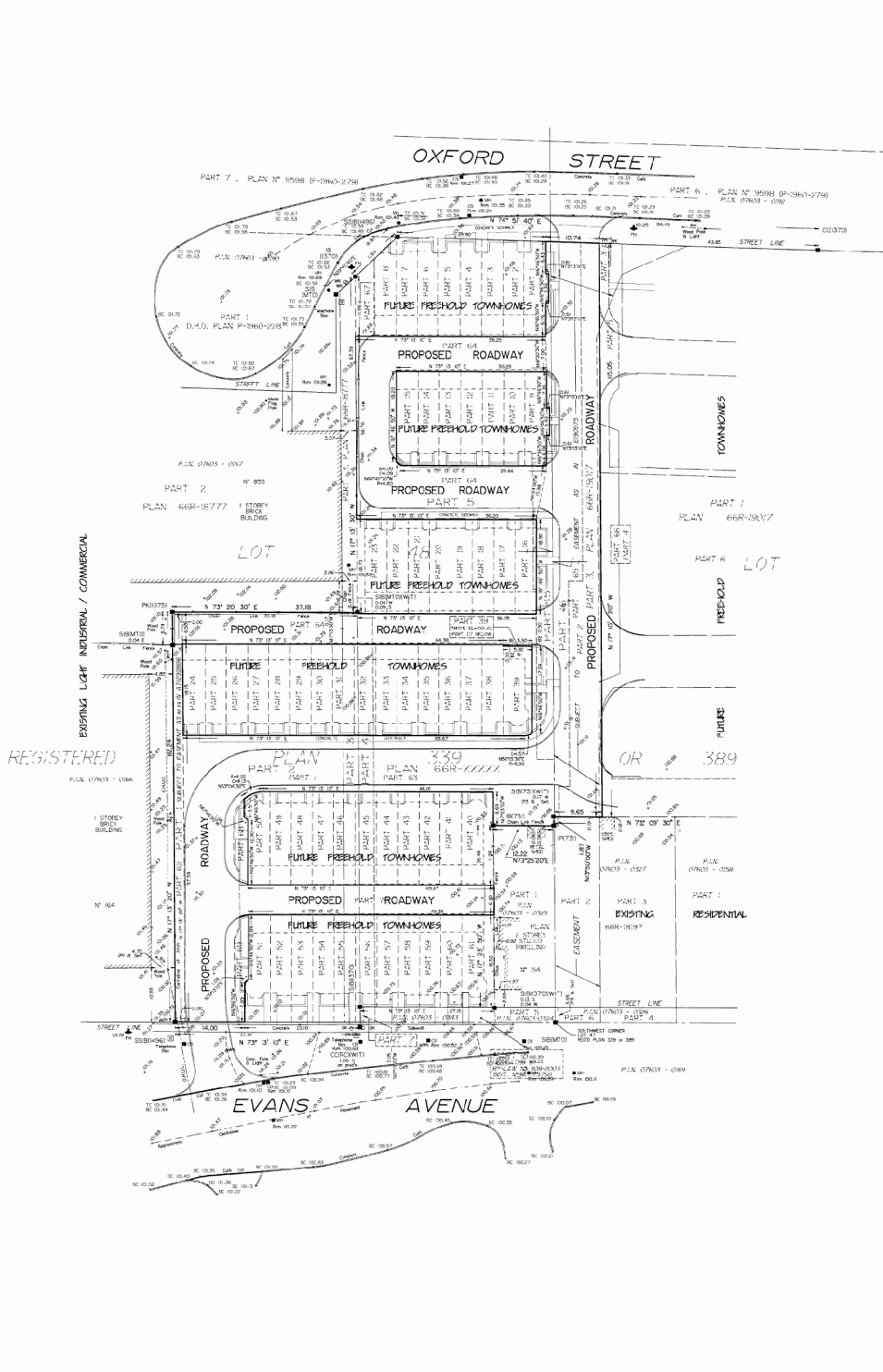


**156 & 160 Evans Avenue**  
**829, 833 & 839 Oxford Street**  
 File # 07\_234096

**Site Plan**  
 Applicant's Submitted Drawing  
 Not to Scale  
 10/06/07



# Attachment 1b: Site Plan



**156 & 160 Evans Avenue  
829, 833 & 839 Oxford Street**

File # 07\_234096

**Site Plan**  
Applicant's Submitted Drawing  
Not to Scale  
10/05/07

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

### **Proposed Conditions for Common Elements Condominium**

1. The owner shall provide to the Director of Community Planning, Etobicoke York District, confirmation 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 of 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, the legal description is correct and the easements mention 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. The owner shall provide a copy of the Declaration and Description for the review and comment of the Executive Director of Technical Services and the Declaration and Description shall include the conditions determined by the Executive Director of Technical Services.
6. 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 the POTL owners or be considered part of the exclusive use portions of the common elements.
7. 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.
8. 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.

9. Prior to the release of the condominium for registration, the owner shall enter into an Encroachment Agreement with the City with respect to the maintenance of the storm sewer and appurtenance.
10. The owner submit a draft reference Plan of Survey, in metric units and integrated with the Ontario Co-ordinate System, showing as separate PARTS thereof the lands for the public accessible park and walkways over which an easement is to be conveyed to the City for public access for the review and approval of the Director of Community Planning, Etobicoke York District, prior to the release of the condominium for registration.
11. The owner shall convey a public access easement over the areas for which an easement is to be conveyed to the City for public access prior to registration of the Common Elements Condominium.
12. The owner agrees to register the proposed internal private road system on-title for mutual use under Common Elements Condominium status.
13. The owner agrees to provide certification in writing from the Noise Control Consulting Engineer to the Director of Community Planning, Etobicoke York District, and the Deputy Chief Building Official, prior to the earlier of occupancy of any premises or registration of the plan of condominium for the development containing the premises, that the measures recommended in the accepted Noise Impact Report related to the premises have been constructed and implemented.
14. The owner shall agree in the Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.
15. Bell Canada requires one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunication facilities are located to the street line.

### Attachment 3: Application Data Sheet

## APPLICATION DATA SHEET

Application Type: Condominium Approval      Application Number: 07 234096 WET 06 CD  
Details: Common Elements      Application Date: June 19, 2007

Municipal Address: 156 EVANS AVE, TORONTO ON M8Z 1H9  
Location Description: PL 389 PR 339 PT LT 48 RO 66R-19017 PT 4,6&8 \*\*GRID W0603  
Project Description: Phase 1 to consist of 61 town homes - Phase 2 to consist of 116 townhomes, Total 177 townhomes. (156-160 Evans & 829/833/839 Oxford St.)

**Applicant:** TOM GIANCOS      **Agent:**      **Architect:**      **Owner:** 1322105 ONTARIO INC

### PLANNING CONTROLS

Official Plan Designation: Neighbourhoods      Site Specific Provision: 1096-2006  
Zoning: R4G Site Specific      Historical Status:  
Height Limit (m): 12.6      Site Plan Control Area: Yes

### PROJECT INFORMATION

Site Area (sq. m):	26096	Height: Storeys:	4
Frontage (m):	0	Metres:	12.6
Depth (m):	0		
Total Ground Floor Area (sq. m):	12261.75		<b>Total</b>
Total Residential GFA (sq. m):	28390	Parking Spaces:	389
Total Non-Residential GFA (sq. m):	0	Loading Docks	0
Total GFA (sq. m):	28390		
Lot Coverage Ratio (%):	46		
Floor Space Index:	1.09		

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo, Freehold	Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m): 28390	0
Bachelor:	0	Retail GFA (sq. m): 0	0
1 Bedroom:	0	Office GFA (sq. m): 0	0
2 Bedroom:	0	Industrial GFA (sq. m): 0	0
3 + Bedroom:	177	Institutional/Other GFA (sq. m): 0	0
Total Units:	177		

**CONTACT:**      **PLANNER NAME:** Wendy Johncox, Senior Planner  
**TELEPHONE:**      (416) 394-8227