

**198 & 202 Finch Avenue East – Common Elements  
Condominium Application and Part Lot Control  
Exemption Application – Final Report**

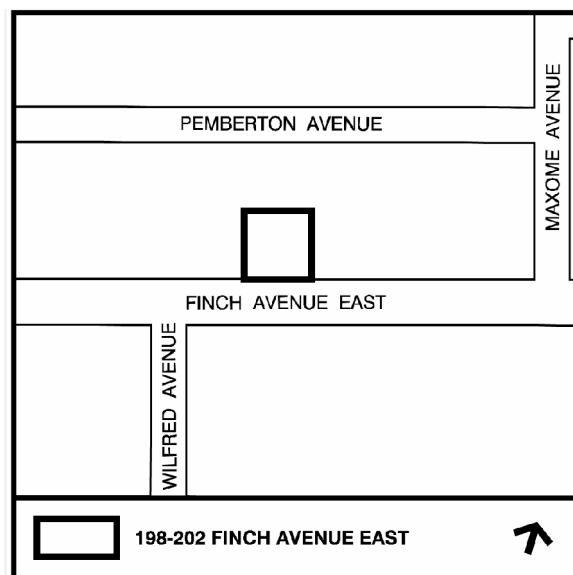
<b>Date:</b>	November 13, 2007
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward No. 24 – Willowdale
<b>Reference Number:</b>	File No.'s 07 248145 NNY 24 CD & 07 248152 NNY 24 PL

**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 new provisions for Draft Plan of Common Elements Condominium now require that a public meeting be held.

The application for a common elements condominium proposes a common driveway and landscape strip on lands known municipally as 198 and 202 Finch Avenue East. The application is required to provide legal access to the individual units and to ensure shared ownership and maintenance of the driveway and landscaping by the condominium corporation.

The requested exemption from the Part Lot Control provisions of the *Planning Act* is required in order to permit the creation of conveyable lots for seven, 3-storey



residential townhouses. In addition, this report recommends that the owner of the lands be required to register a Section 118 Restriction under the *Land Titles Act* agreeing not to convey or mortgage any part of the lands without the prior consent of the Chief Planner or his designate.

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 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 except as otherwise noted must be fulfilled prior to the release of the Plan of Condominium for registration; and
  - (b) any such revisions to the proposed condominium plan or any such additional or modified conditions as the Chief Planner deems to be appropriate to address matters arising from the on-going technical review of this development.
2. City Council enact a Part Lot Control Exemption By-law with respect to the subject lands, to 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 prior to the introduction of the Bill:
  - (a) the owner provides proof of payment to the satisfaction of the City Solicitor of all tax arrears and current property taxes for the subject site; 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 mortgage any part of the lands without the prior written consent of the Chief Planner or his designate.
4. City Council authorize and direct the appropriate City Officials to register the Part Lot Control Exemption By-law on title; and

5. 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.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

On January 31, 2006, City Council approved the application for rezoning of the subject lands to permit seven 3-storey townhouses on the site. (Application No.: 05 109222 NNY 24 OZ; <http://www.toronto.ca/legdocs/2006/agendas/council/cc060131/ny1rpt/cl031.pdf>).

The site plan was approved through delegated authority and the Site Plan Control Agreement was registered on June 26, 2006.

### **ISSUE BACKGROUND**

#### **Proposal**

In accordance with the approved rezoning and Site Plan Control Agreement, the owner consolidated two adjacent residential lots known municipally as 198 and 202 Finch Avenue East and received approval for a redevelopment consisting of seven, 3-storey townhouses. Vehicular access to the site is from Finch Avenue East via a two-way common elements driveway located on the east side of the subject lands. The driveway continues to the rear and provides access to the two parking spaces located behind each of the residential townhouses. A common elements landscape strip is located at the northerly and westerly side of the subject lands.

The subject lands were also subject to a 4.9 metre road widening dedication along the entire Finch Avenue East frontage.

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

The subject lands are located on the north side of Finch Avenue East, between Longmore Street to the west and Maxome Avenue to the east. The subject lands have a frontage of 38.1 metres and a net lot area of approximately 1,295 m<sup>2</sup> after the widening dedication.

Development activity along Finch Avenue has included a number of conversions of existing single detached dwellings to semi-detached dwellings and multiple unit townhouses. Abutting uses are as follows:

North: single detached dwellings;

South: generally single detached and semi-detached dwellings, with a recently built eighteen unit, 3-storey townhouse development as well as a proposal to construct 30 townhouses at 225 to 239 Finch Avenue East;  
East: a 2-storey semi-detached dwelling; and  
West: a 2-storey semi-detached dwelling.

## **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 area 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 Council's planning decisions are required by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe. 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**

The subject lands are designated *Neighbourhood "A"* within the Central Finch Area Secondary Plan. This designation provides for single detached and multiple residential dwellings, public parks and recreational facilities and places of worship. For sites with 30 metres of frontage or more along Finch Avenue, such as the subject lands, the designation permits a maximum density of 1.25 times the lot area, with a maximum height of 3 storeys or 10 metres, whichever is less.

The Secondary Plan encourages the consolidation of lots and the reduction of the number of driveways directly accessing Finch Avenue. The Secondary Plan also requires that the height of any part of the building shall not exceed 70% of the horizontal distance separating that part of the building from the nearest residential property line, provided that the setback is not less than 9.5 metres.

The development presently under construction complies with this designation.

## **Zoning**

The subject lands have been zoned Multiple-Family Dwellings First Density Zone RM1 (64) through site specific Zoning By-law 632-2006.

The development presently under construction complies with this zoning.

## **Site Plan Control**

The site plan was approved through delegated authority and the Site Plan Control Agreement registered on June 26, 2006.

The development presently under construction complies with this approval.

## **Agency Circulation**

The applications were 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.

## **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 6 of Registered Plan 2277. The lifting of Part Lot Control on the subject lands is considered appropriate for the orderly development of the lands and will enable the creation of seven townhouse lots.

To ensure that the creation of the Common Elements Condominium Corporation is completed and registered before the lots are conveyed, it is recommended that the owner of the lands be required to register a Section 118 Restriction under the *Land Tiles 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 expire two years after being enacted. This will provide sufficient time for the completion of the project and the conveyance of the lots.

The development is consistent with the Provincial Policy Statement and Provincial Plans, as well as the Growth Plan for the Greater Golden Horseshoe. The proposed draft plan of Common Elements Condominium for the site is appropriate as the proposal complies with the Zoning By-law and the Official Plan. Upon review by all pertinent City

Divisions 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**

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## **SIGNATURE**

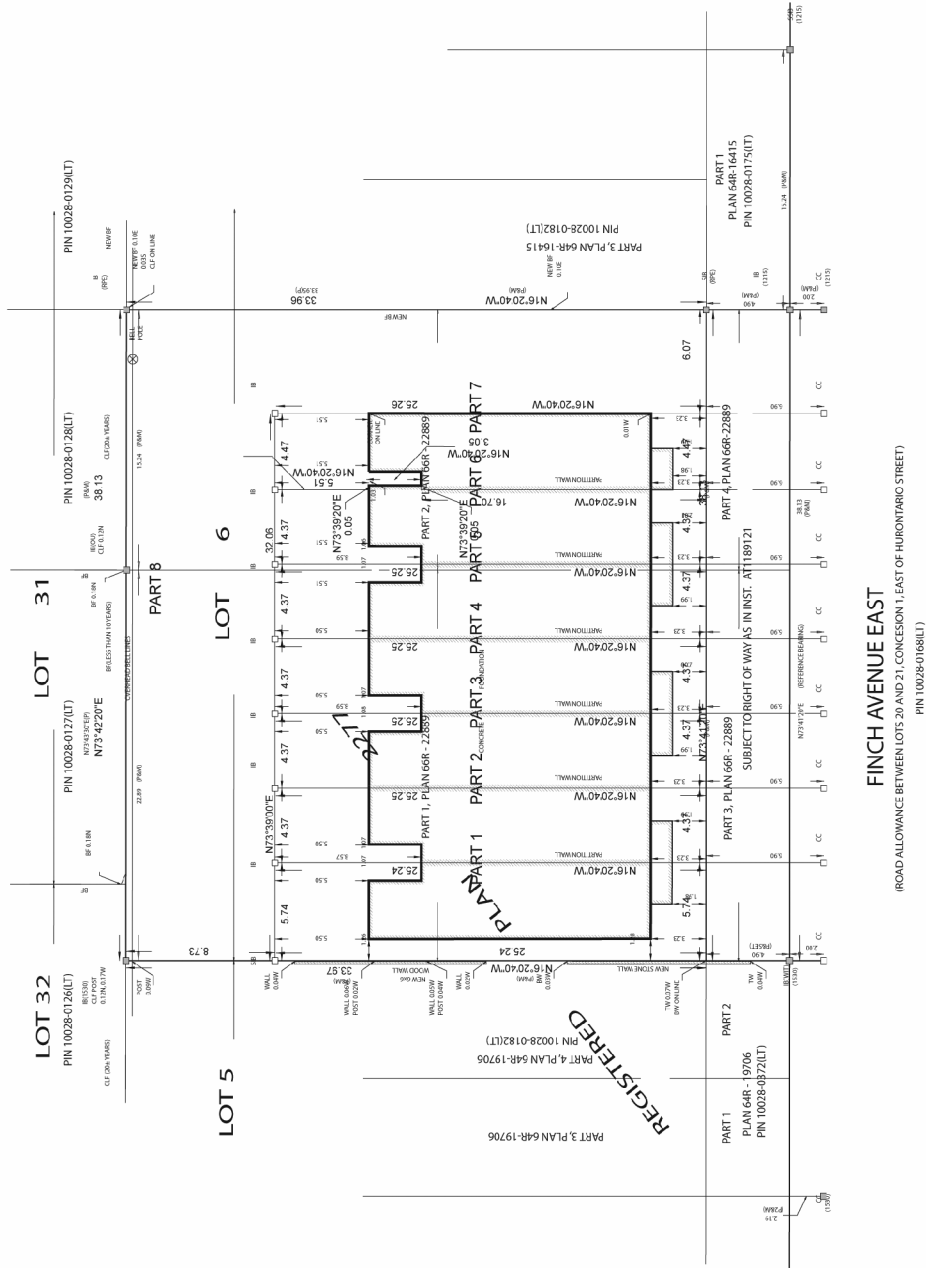
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Thomas C. Keefe, Director  
Community Planning, North York District

## **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



198-202 Finch Avenue East

Plan of Survey  
Applicant's Submitted Drawing

Not to Scale  
10/1/07

File # 07\_248145

## Attachment 2: Draft Plan Approval Conditions

- (1) The owner shall provide to the Director of Community Planning, North York District, confirmation of payment of outstanding taxes to the satisfaction of Revenue Services, Property Taxation & Assessment, 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, North 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, North 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 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) 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	Condominium Approval	Application Number:	07 248145 NNY 24 CD
Details	Common Elements	Application Date:	July 27, 2007

Municipal Address: 198 FINCH AVE E  
 Location Description: PLAN 2277 W PT LOT 6 \*\*GRID N2401  
 Project Description: 7 new freehold townhouse units with a driveway on the east side of the proposed development to access the rear. Concurrent Common Element Condo/Part Lot Control applications.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
INTER-CONTINENTAL HOLDING			INTER-CONTINENTAL HOLDING

#### PLANNING CONTROLS

Official Plan Designation:	NEIGH	Site Specific Provision:	
Zoning:	RM1(64)	Historical Status:	
Height Limit (m):	3 storeys / 10 metres	Site Plan Control Area:	Y

#### PROJECT INFORMATION

Site Area (sq. m):	1295	Height:	Storeys:	3
Frontage (m):	38.13		Metres:	
Depth (m):	38.86			
Total Ground Floor Area (sq. m):	327.94			<b>Total</b>
Total Residential GFA (sq. m):	1165.89		Parking Spaces:	14
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	1165.89			
Lot Coverage Ratio (%):	25.3			
Floor Space Index:	0.9			

#### DWELLING UNITS

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

		Above Grade	Below Grade
Tenure Type:	Condo, Freehold		
Rooms:	0	Residential GFA (sq. m): 1165.89	0
Bachelor:	0	Retail GFA (sq. m): 0	0
1 Bedroom:	7	Office GFA (sq. m): 0	0
2 Bedroom:	7	Industrial GFA (sq. m): 0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m): 0	0
Total Units:	7		

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