

271 Morrish Road – Common Elements Condominium Application – Final Report

Date:	June 11, 2007
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward No. 44 – Scarborough East
Reference Number:	File No. 07 114269 ESC 44 CD

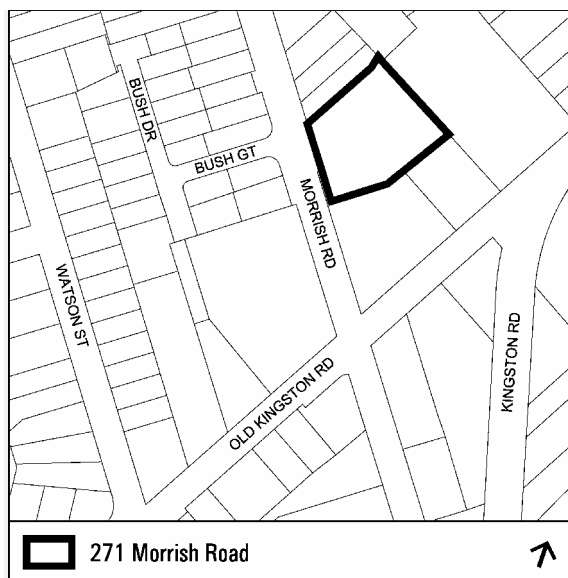
SUMMARY

This application was made on or 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 private roadway, sidewalk, and 3 visitor parking spaces. The applicant is currently constructing a 16 unit residential development that includes 2 semi-detached units and 14 townhouse units divided into 3 blocks.

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 roadway, sidewalk, and visitor parking spaces.

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 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 except as 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

In April 2005 City Council approved Official Plan and Zoning By-law amendments to permit a total of 16 residential dwelling units consisting of 14 townhouses and 2 semi-detached dwelling units on a private road. The subject lands were originally part of 215 Morrish Road. The Committee of Adjustment granted consent to sever the subject lands from 215 Morrish Road in April 2005 after the Official Plan and Zoning amendments had been approved. Site plan approval was also granted for the development in September 2006.

ISSUE BACKGROUND

Proposal

The development consisting of 16 residential units has been approved and is currently under construction. This application is necessary in order to allow the registration of a common elements condominium. The common elements condominium permits legal access to the site and allows for the shared ownership and maintenance of the 6 metre wide (20 feet) private roadway including services within the roadway, a 1.5 metre (5 feet) wide sidewalk, and 3 visitor parking spaces (Attachments 1 and 3). The parcels of land containing the dwelling units would be freehold units. The freehold units and necessary utility easements to each unit are being created separately by consent through the Committee of Adjustment (file number B08/07SC).

Site and Surrounding Area

The residential development site has a frontage of approximately 55 metres (180 feet) along Morrish Road and is approximately 5,098 square metres (54,876 square feet) in area. The common elements condominium portions of the site comprise approximately 892 square metres (9,605 square feet) of the development.

There are single-family homes to the north and across Morrish Road to the west of the site. There is also a place of worship, St. Joseph's Church, located at the northwest corner

of Kingston Road and Morrish Road. To the south, there are commercial uses fronting onto Kingston Road. The southeast portion of the site is adjacent to the Methodist Cemetery.

Official Plan

The property is designated Mixed Use Areas. Mixed Use Areas are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities.

The site is also located within the Highland Creek Secondary Plan area. The core of the Highland Creek Community, which is located in the Highland Creek Village in the vicinity of Kingston and Morrish Roads, is designated as Mixed Use Areas, providing for a variety of uses. The proposal complies with the policies of the Official Plan.

Zoning

The site is zoned Multiple-Family Residential (M) Zone within the Highland Creek Community Zoning By-law (Attachment 4). This zone category permits, amongst other uses, multiple-family and two-family dwellings. The development conforms to the zoning by-law.

Site Plan Control

A site plan control application for the residential development was approved in September 2006 (file no. 05 105857 ESC 44 SA).

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.

COMMENTS

The project is currently under construction. As part of the review of the official plan/zoning by-law amendment application and site plan control application, it was anticipated that the roadway, walkway, visitor parking area and services would form a common elements condominium. The subject condominium application implements the intended shared ownership and maintenance structure for this development.

The layout and the design of the development had been previously reviewed and approved by the City to allow for a private road with door to door garbage collection and snow removal through private service. This application pre-dated the City's Development Infrastructure Policy and Standards (DIPS) requirements.

The site plan agreement registered on title contains a clause advising residents of private collection. Additionally, the conditions of draft plan of condominium approval (Attachment 2) require the applicant to include a warning clause within the condominium declaration advising of the private road and private services. The proposed draft plan of

common elements condominium application is appropriate for the orderly development of the land.

CONTACT

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SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

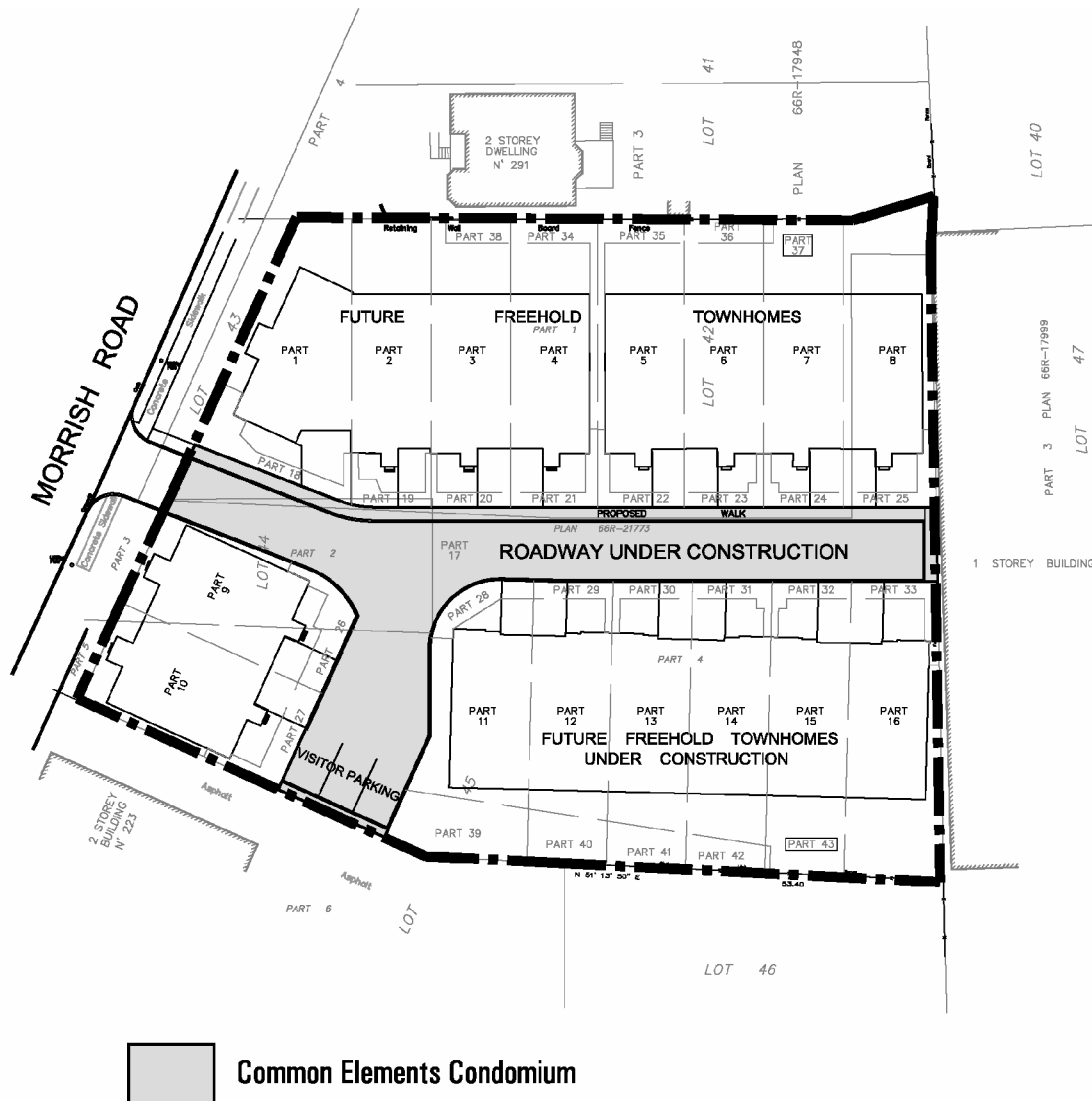
Attachment 1: Draft Plan of Common Elements Condominium

Attachment 2: Draft Plan Approval Conditions

Attachment 3: Application Data Sheet

Attachment 4: Zoning By-law

Attachment 1: Draft Plan of Common Elements Condominium



Draft Plan of Common Elements Condominium
Applicant's Submitted Drawing

271 Morrish Road

Not to Scale
6/8/07



File # 07-114269_CD

Attachment 2: Draft Plan Approval Conditions

This approval applies to Plan Number RC6910A3, prepared by J.H. Moher of Rabideau Czerwinski Ontario Land Surveyors and dated June 1, 2007.

- (1) The City Solicitor shall provide written confirmation that satisfactory arrangements have been made regarding the land division tool to create the freehold parcels (POTL'S) necessary for the registration of the Common Elements Condominium Corporation.
- (2) The owner shall provide to the Director of Community Planning, Scarborough District, confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department, City of Toronto.
- (3) All Site Plan matters and facilities have been completed or financially secured to the satisfaction of the City.
- (4) The owner shall file with the Director of Community, Planning Scarborough District, a copy of the final Declaration and Description containing all necessary schedules and certifications required by the Condominium Act for registration.
- (5) The owner shall file with the Director of Community Planning, Scarborough 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.
- (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 POTL/unit owners or be considered part of the exclusive use portions of the common elements.
- (7) The Condominium Declaration shall include the following warning clause, "The Owner acknowledges and agrees that garbage pick-up, snow removal and that the ownership and maintenance of internal driveways and streets shall remain the sole obligation of the Condominium Corporation. The City of Toronto will not

maintain or assume the private street or provide municipal services, including garbage and snow removal”.

- (8) 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 Type	Condominium Approval	Application Number:	07 114269 ESC 44 CD
Details	Common Elements	Application Date:	March 8, 2007
Municipal Address:	271 MORRISH RD, TORONTO ON M1C 1E9		
Location Description:	RCP 9887 PT LOTS 42,44 AND 45 RP 66R21773 PARTS 1,2 AND 4 **GRID E4404		
Project Description:	The application has been submitted in order to facilitate the common element condominium portion of a development consisting of 16 residential units. The proposed roadway, sidewalk and 3 visitor parking spaces would form the common element condominium. Parts 1 through 16 would become freehold units that are being created through consent application B08/07SC. Any easements would also be created through the associated consent application.		

Applicant:	Agent:	Architect:	Owner:
ARIMAR HOMES INC			ARIMAR HOMES INC

PLANNING CONTROLS

Official Plan Designation:	MUA	Site Specific Provision:	
Zoning:	Multiple-Family Residential	Historical Status:	
Height Limit (m):		Site Plan Control Area:	

PROJECT INFORMATION

Site Area (sq. m):	5098	Height:	Storeys:	N/A
Frontage (m):	54.81		Metres:	N/A
Depth (m):	66.44 (ireg)			
Total Ground Floor Area (sq. m):	N/A			Total
Total Residential GFA (sq. m):	N/A		Parking Spaces:	3
Total Non-Residential GFA (sq. m):	N/A		Loading Docks	N/A
Total GFA (sq. m):	N/A			
Lot Coverage Ratio (%):	N/A			
Floor Space Index:	N/A			

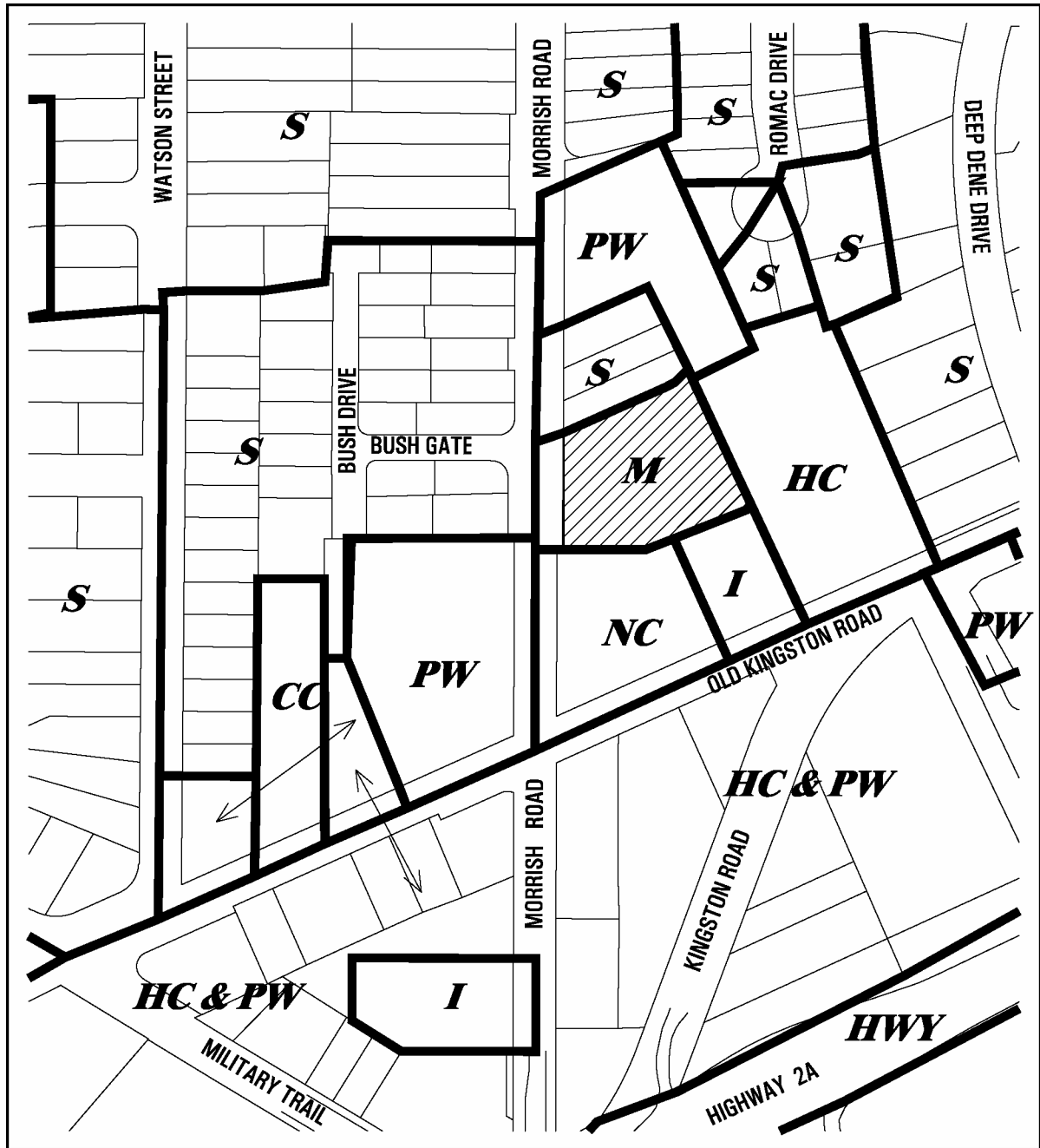
DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

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

CONTACT:	PLANNER NAME:	John Andreevski, Planner
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Attachment 4 – Zoning



TORONTO City Planning Division
Zoning

271 Morrish Road
File # 07-114269 CD

S Single Family Residential	NC Neighbourhood Commercial
M Multiple-Family Residential	CC Community Commercial
I Institutional	HC Highway Commercial
PW Place(s) of Worship	HWY Highway

Highland Creek Community Bylaw
Not to Scale
6/5/07