

81 Florence Street Part Lot Control Application – Final Report

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| Date: | June 7, 2007 |
| To: | Toronto and East York Community Council |
| From: | Director, Community Planning, Toronto and East York District |
| Wards: | Ward 18 - Davenport |
| Reference Number: | File No. 05 105197 STE 18 PL |

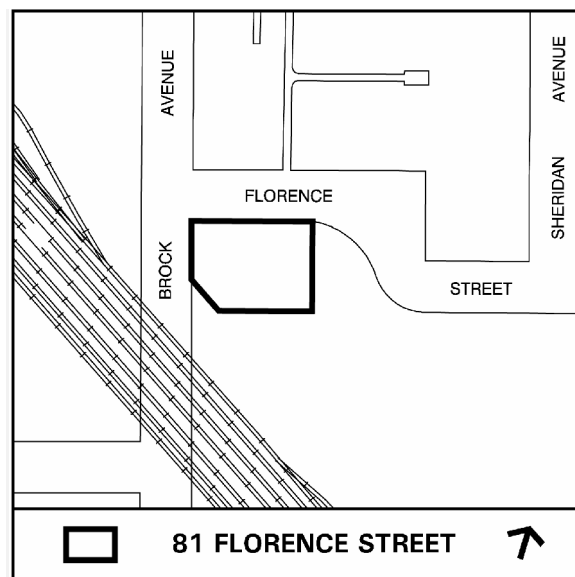
SUMMARY

This report reviews and recommends approval of an application by Action Planning consultants to lift Part Lot Control, in order to permit the division of the subject lands into eleven parcels to facilitate the development of eleven freehold townhouses.

RECOMMENDATIONS

The City Planning Division recommends that:

1. 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;
2. City Council authorize the City Solicitor to introduce the necessary Bills in Council for a Part Lot Control Exemption By-law to expire (1) year from the date of enactment;
3. City Council require the owner to provide proof of payment to the



- satisfaction of the City Solicitor that all current property taxes for the subject site prior to registration of the Part Lot Control Exemption By-law;
4. City Council require the owner to register, to the satisfaction of the City Solicitor, a Section 118 Restriction under the Land Titles Act agreeing not to convey or mortgage any part of the lands without the written consent of the Chief Planner or his designate prior to the introduction of Bills in Council;
 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; and
 6. City Council authorize and direct the City Solicitor to register the by-law on title.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of February 4, 2003, City Council enacted By-law 5-2003, approving the application for rezoning to permit the construction of an eleven unit townhouse development on the property known as 81 Florence Street. The City Planning Division granted site plan approval for the development on January 10, 2005.

ISSUE BACKGROUND

Proposal

The applicant is requesting exemption from Part Lot Control in order to create separate parcels for the 11 proposed dwelling units on the property. The units will be marketed as freehold units. There are a total of 11 units proposed, with all units fronting onto Florence Street. A private driveway will provide vehicular access to garages in the rear of each of the proposed units. This driveway will be a common element condominium. A separate condominium application has been submitted to the City. A number of conditions will be required by the City as part of the approval of a Common Elements Condominium Plan.

Site and Surrounding Area

The property is located on the south west corner of Florence Street and Brock Avenue. Immediately to the north of the site is an established residential neighbourhood. Across the street to the west is an industrial use, while to the east along Florence Street is a mix of industrial and residential uses. To the south is a vacant parcel of land. The Canadian National Railway is located to the southwest of the site.

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 by-law standards.

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 lands subject to this application are lots 3 and 4 within the registered plan of subdivision 256 York or 300 York. The lifting of Part Lot Control on the subject lands is considered appropriate for the orderly development of the lands and will facilitate the development.

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

To ensure that Part Lot does not remain open 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. The one year time frame normally provides sufficient time for the completion of the project.

An exemption from Part Lot control is appropriate as the related Zoning By-law amendments for the development is in full force and effect. In addition, this report recommends that the owner of the lands 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 will help to ensure the creation of the Common Elements Condominium Corporation is completed and registered in title. The lifting of Part Lot control for a period of one year is considered appropriate for the orderly development of the lands.

CONTACT

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SIGNATURE

Gary Wright, Director
Community Planning, Toronto and East York District

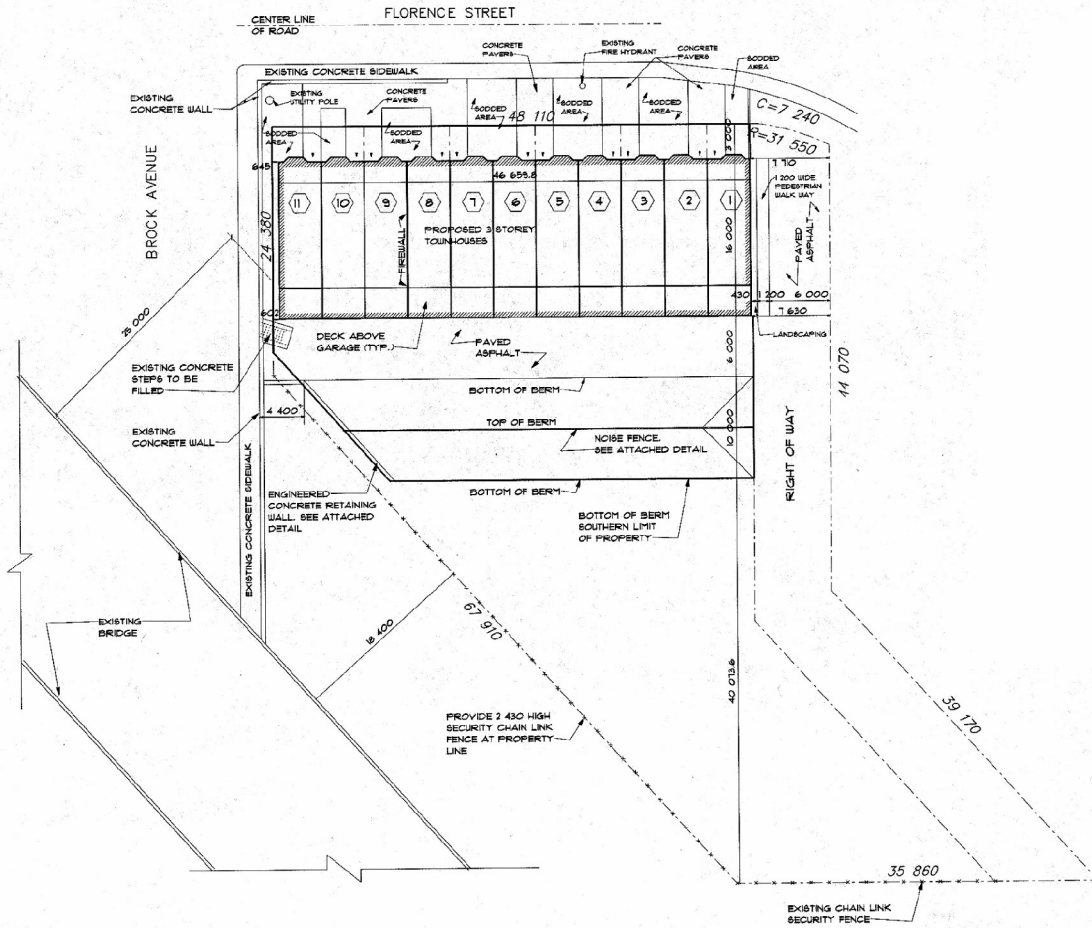
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ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Plan of Survey

Attachment 1: Site Plan



Site Plan

81 Florence Street

Applicant's Submitted Drawing

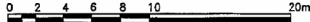
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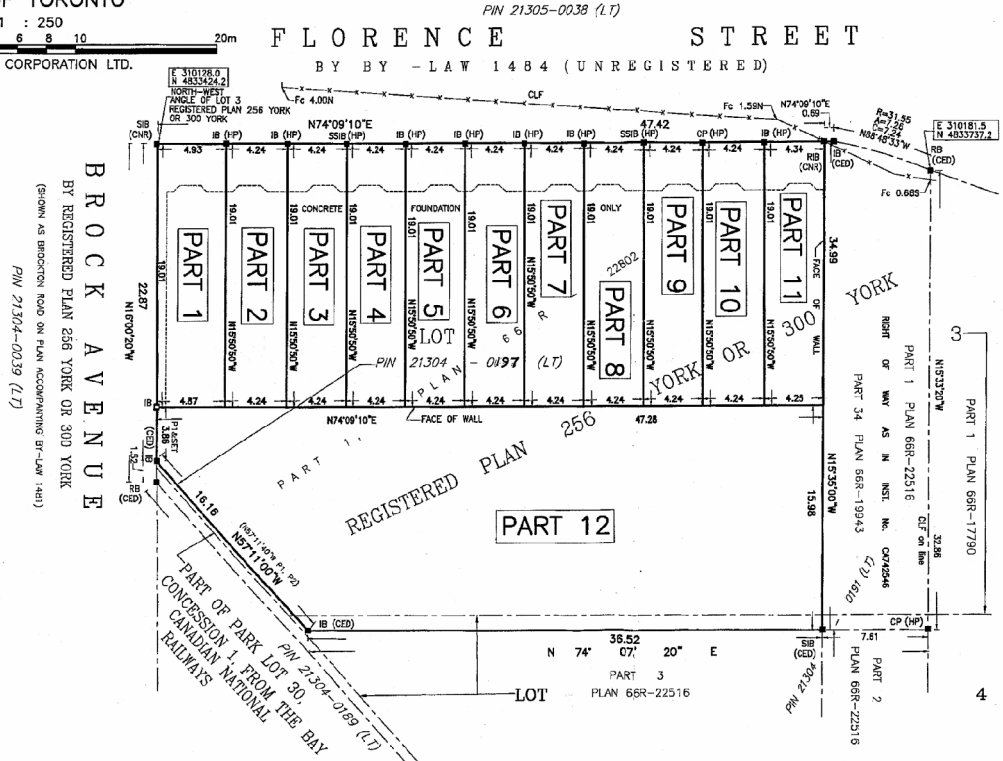
Attachment 2: Plan of Survey

PLAN OF SURVEY OF
 PART OF LOTS 3 AND 4
 REGISTERED PLAN 256 YORK
 OR 300 YORK
 CITY OF TORONTO

SCALE 1 : 250



H. PILLER CORPORATION LTD.



Plan of Survey

81 Florence Street

Applicant's Submitted Drawing

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