



**STAFF REPORT
ACTION REQUIRED**

**2276 to 2284 Gerrard Street East – Common Elements
Condominium Application and Part Lot Control
Application – Final Report**

Date:	June 5, 2007
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 32 – Beaches-East York
Reference Number:	File No. 07-114888 STE 32 CD and File No. 07-225931 STE 32 PL

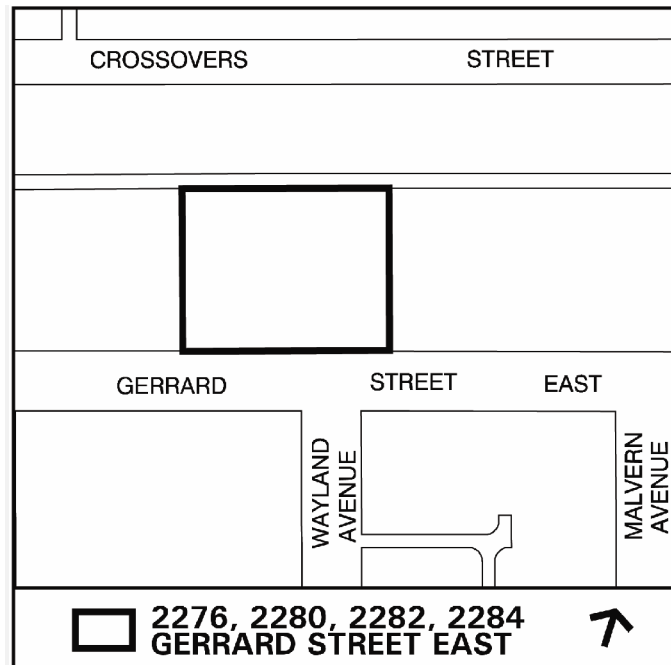
SUMMARY

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 walkways and permission to permit the lifting of Part Lot Control to create 36 separate conveyable townhouse lots at 2276 to 2284 Gerrard Street East.

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.

This report reviews and recommends approval of the Draft Plan of Common Elements Condominium



and approval of the application to lift Part Lot Control.

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 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 may deem 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;
3. 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;
4. 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 enactment of the Part Lot Control Exemption By-law;
5. 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 transfer and charge any part of the lands without the written consent of the Chief Planner or his designate prior to the introduction of Bills in Council;
6. City Council authorize the City Solicitor to take the necessary steps to release the Section 118 Restriction from title at such time as confirmation is received that the Common Elements Condominium Plan has been registered; and
7. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The development was subject to an Official Plan Amendment and Rezoning application that was approved in 2004 and Site Plan Approval application was approved in 2005.

ISSUE BACKGROUND

Proposal

The proposal is to allow the lifting of Part Lot Control to allow for the 36 townhouses currently being constructed on the site to be sold separately and for the registration of a common elements condominium to accommodate the shared ownership and maintenance of the driveway, visitor parking spaces and other common elements. Refer to Attachment No. 3 for project data.

Site and Surrounding Area

The property is located on the north side of Gerrard Street East, mid-block between Ted Reeve Drive and William Hancocks Avenue, at the terminus of Wayland Avenue.

The properties located to the north are a relatively new subdivision known as the Upper Beach Neighbourhood. Houses are located to the south of the site on the south side of Gerrard Street East. The property to the east of the site is used for light industrial purposes and the property to the west of the site is vacant.

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. In the opinion of City Planning staff, the proposal is consistent with the Provincial Policy Statement.

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. The proposal conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The property is designated as Neighbourhoods in the Official Plan. Townhouses are permitted in Neighbourhoods.

Zoning

The site is subject to a site specific zoning by-law that permits the development of the 36 townhouses currently under construction on 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 conditions of approval.

COMMENTS

Section 50(7) of the Planning Act, R.S.O. 1990, as amended, 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. 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 be required to 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 the Part Lot Control Exemption 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 on title. The lifting of the 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

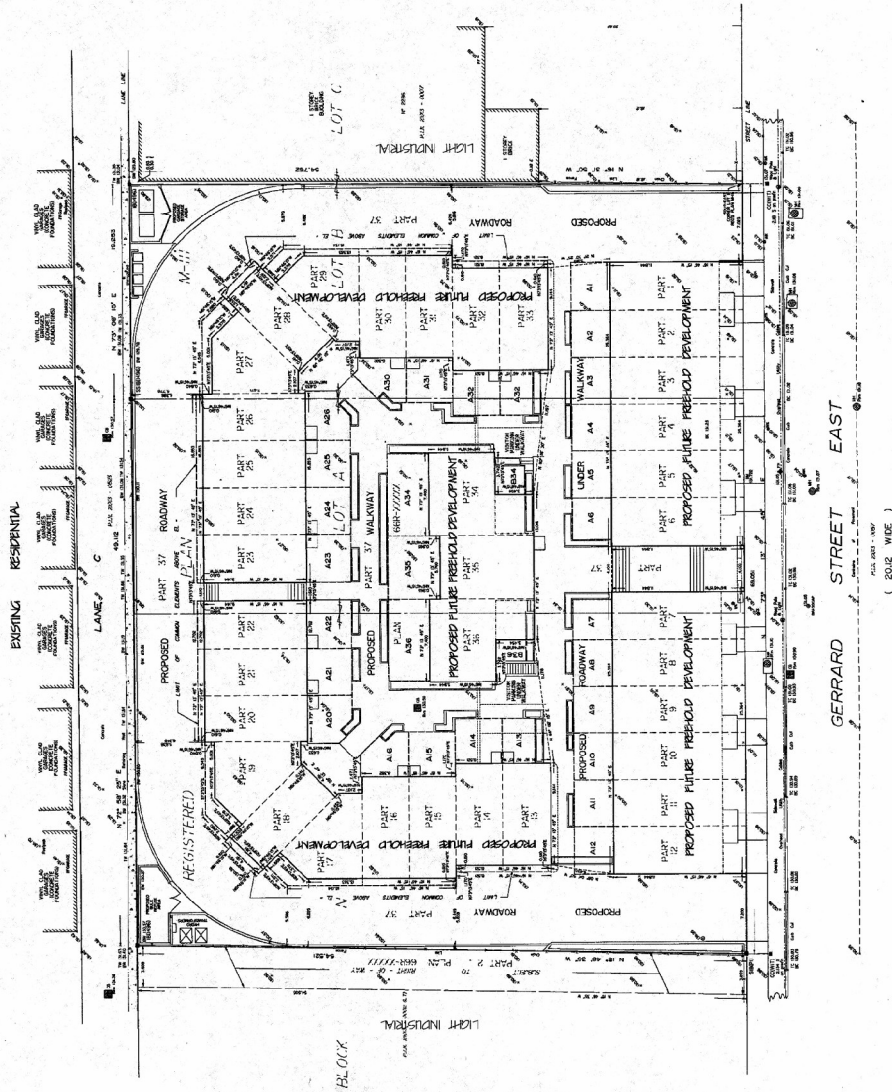
Gary Wright, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: 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



Draft Plan of Common Elements Condominium 2276, 2280, 2282 & 2284 Gerrard Street East

Applicant's Submitted Drawing

Not to Scale
MM/DD/YY

File # 07_114888

Attachment 2: Draft Plan Approval Conditions

- (1) The owner shall provide to the Director Community Planning, Toronto and East 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 Toronto and East 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, Toronto and East 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 Parcels of Tied Land (POTL) owners or be considered part of the exclusive use portions of the common elements.
- (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) The owner shall provide a name for the private roadway in accordance with the City of Toronto Street Naming Policy and apply for and obtain revised municipal numbering.

Attachment 3: Application Data Sheet

Application Type	Condominium Approval	Application Number:	07 114888 STE 32 CD
Details	Common Elements	Application Date:	March 9, 2007

Municipal Address: 2276 to 2284 GERRARD ST E, TORONTO ON M4E 2E1
 Location Description: << Structure Address for 2270 GERRARD ST E **GRID S3203
 Project Description: Common Element Condominium for 36 unit townhouse development

Applicant:	Agent:	Architect:	Owner:
Meyer Wassenaar & Banach, LLP			Watermark Developments Li

PLANNING CONTROLS

Official Plan Designation:	NEIGH	Site Specific Provision:	NA
Zoning:	I1 D2 & R4 Z1.0	Historical Status:	Yes
Height Limit (m):	14	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	3755.3	Height: Storeys:	3
Frontage (m):	69.1	Metres:	12.85
Depth (m):	54.5		
Total Ground Floor Area (sq. m):	1521.1		Total
Total Residential GFA (sq. m):	4698.1	Parking Spaces:	42
Total Non-Residential GFA (sq. m):	0	Loading Docks	0
Total GFA (sq. m):	4698.1		
Lot Coverage Ratio (%):	40.5		
Floor Space Index:	1.25		

DWELLING UNITS

Tenure Type:	Freehold
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	36
Total Units:	36

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	4698.1	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

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