

**Final Report
Part Lot Control Application
2261, 2263 and 2265 Gerrard Street East**

Date:	December 18, 2006
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 06-180114 STE 32 PL

SUMMARY

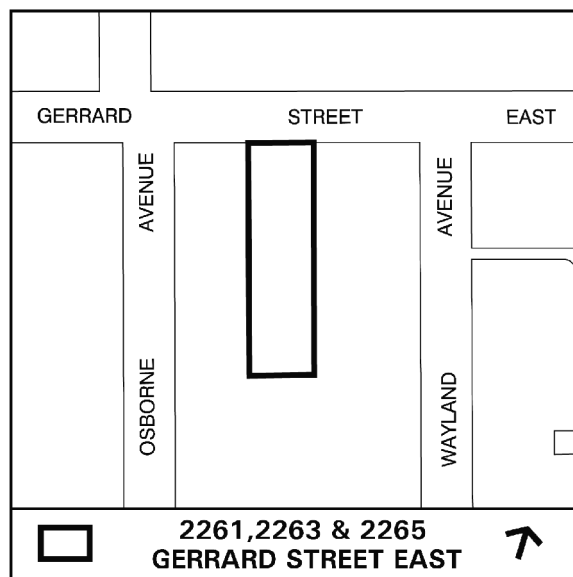
An application has been submitted to permit the lifting of Part Lot Control at 2261, 2263 and 2265 Gerrard Street East.

This report reviews and recommends approval of the application to lift Part Lot Control.

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

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

At its meeting of March 3, 2004, City Council enacted By-law 201-2004, approving the application for rezoning to permit the construction of a 10 unit townhouse development on the property known as 2261 Gerrard Street East. At its meeting of July 21, 2005, City Council enacted By-law 677-2005, approving the application for rezoning to permit the construction of an 8 unit townhouse development on the properties known as 2263 and 2265 Gerrard Street East. The two approved developments are being built as one development.

ISSUE BACKGROUND

Proposal

The applicant is requesting exemption from Part Lot Control in order to create separate parcels for the 18 proposed dwelling units on the property. The units will be marketed as freehold units. There are a total of 18 units proposed, with 3 fronting onto Gerrard Street East and 15 fronting onto a private driveway internal to the site. The private driveway will give vehicular access to all of the proposed units. 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 side of Gerrard Street East, mid-block between Osborne Avenue and Wayland Avenue. The pre-existing houses on the site have been demolished and the new houses are under construction.

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 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 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

Leontine Major, Senior Planner
Ph: (416) 397-4079
Fax: (416) 392-1330
E-mail: lmajor@toronto.ca

SIGNATURE

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

(p:2006\upd\pln\33491125080.doc) – smc