

567 Shuter Street - Part Lot Control Application – Final Report

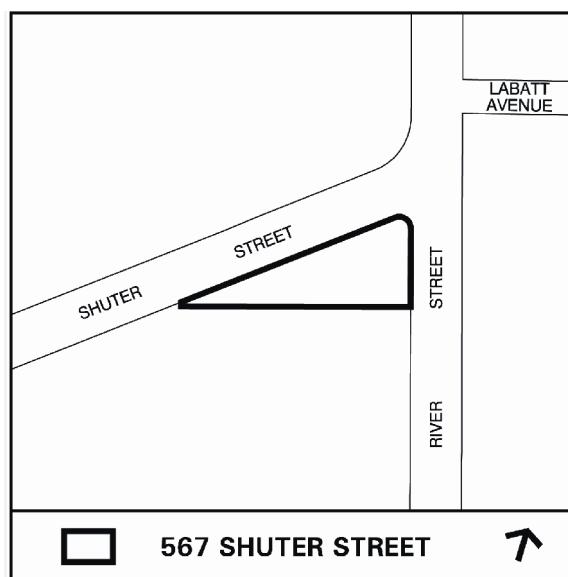
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| Date: | August 20, 2007 |
| To: | Toronto and East York Community Council |
| From: | Director, Community Planning, Toronto and East York District |
| Wards: | Ward 28 – Toronto Centre-Rosedale |
| Reference Number: | File No. 07 161224 STE 28 PL |

SUMMARY

This application was made after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application has been submitted to permit the lifting of Part Lot Control at the municipal address known in 2006 as 567 Shuter Street. This report reviews and recommends approval of the application to lift Part Lot Control to permit the division of the property into 16 free-hold townhouse with common elements condominium.

An exemption from Part Lot Control is appropriate as the related City development approvals are in place. 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.



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 Bill 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 and direct the appropriate City officials to register the by-law on title;
6. City Council authorize the City Solicitor to take the necessary steps to release the Section 118 Restriction from title upon receipt of confirmation that the Common Elements Condominium Plan has been registered; and
7. City Council authorize the City Solicitor shall be authorized to make such stylistic and technical changes to the Part Lot Control Exemption By-law as may be required.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

On June 30, 2005 the City Planning Division issued Site Plan Approval for 567 Shuter Street. A Statement of Approval/Undertaking (No. U109970) was subsequently signed on July 14, 2005 by the owner.

On January 3, 2007, the City Planning Division approved a draft plan of condominium with conditions to be fulfilled by the applicant. Once the development is constructed, Technical Services staff will conduct a site inspection and City Planning staff will subsequently ensure all draft conditions of approval have been completed before registration of the common elements condominium with the Land Registry Office.

ISSUE BACKGROUND

Proposal

This application is for 16 freehold townhouses with a common element condominium. The common element condominium comprises the main access driveway off River Street behind the townhouses, landscaping and parking areas. Future municipal addresses (16) have been reserved by Survey and Mapping Services as 547-573 Shuter Street and 66-72 River Street once the lots are legally created.

Site and Surrounding Area

The site is a 0.17 hectare vacant property at the southwest corner of Shuter and River Streets.

To the north of the site, across Shuter Street, are low-rise residential dwellings (two-storey row townhouses). The properties to the east, across River Street, are low-rise commercial buildings and a vacant lot. The property to the south, which abuts the site, is a three-storey residential building. There are no abutting buildings to the west; however there is a parkette just west of the site along Shuter Street.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

COMMENTS

Section 50(7) of the Planning Act, R.S.O. 1990, authorizes City Council to adopt a by-law to exempt 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 is considered appropriate for the orderly development of these lands and will enable the creation of 16 lots for townhouses and a lot for the development's common elements (driveway, landscaping and parking).

To ensure that the creation of the Common Elements Condominium Corporation is completed and registered before townhouse 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 Part Lot Exemption does not remain open indefinitely, it is recommended that the exemption by-law contain an expiration date. In this instance, the by-law should expire one year after being enacted. The one year time frame should provide sufficient time for the completion of the project.

CONTACT

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SIGNATURE

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

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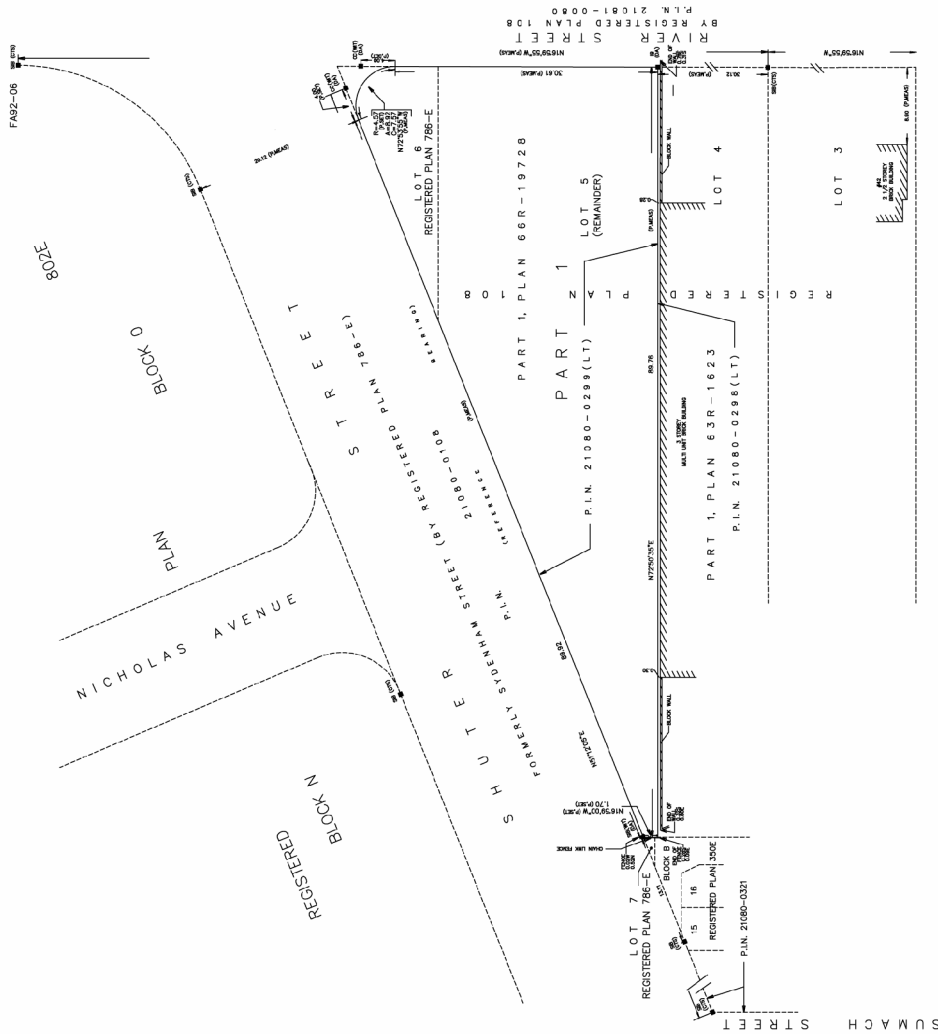
Attachment 1: Site Plan

Attachment 2: Survey

567 Shuter Street

Not to Scale
05/01/07

File # 07_161224



Registered Plan of Survey

Applicant's Submitted Drawing

Not to Scale
05/01/07



5667 Shuter Street

File # 07_161224