

**1400 Eglinton Ave West - Part Lot Control Application –
Final Report**

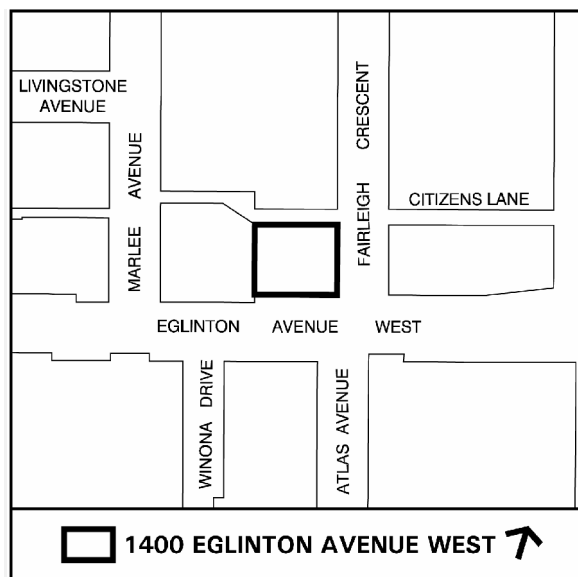
Date:	August 21, 2008
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 21 – St. Paul's
Reference Number:	08 141111 STE 21 PL

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 has been submitted to permit the lifting of Part Lot Control at the municipal address known in 2008 as 1400 Eglinton Avenue West. This report reviews and recommends approval of the application to lift Part Lot Control to permit the division of the property into 13 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 2 more years 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.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

On June 9, 2008, 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 13 freehold townhouses with a common element condominium for the main access driveway off Fairleigh Crescent.

Site and Surrounding Area

The site is a 884.61 m² property at the northwest corner of Eglinton Avenue West and Fairleigh Crescent. The site has an existing lot frontage of 32.25 m, and existing lot depth of 2743 m.

To the east of the site are 2-storey offices and a row of townhouses on the north side of Eglinton Avenue. To the west of the site are 1-storey retail stores and offices. Detached dwelling houses are immediately north of the site on Fairleigh Crescent and an 11-storey apartment building is on the south side of Eglinton Avenue, opposite 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.

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 13 lots for townhouses and a lot for the development's common elements.

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 two years after being enacted. The two year time frame should provide sufficient time for the completion of the project.

CONTACT

Sipo Maphangoh, Assistant Planner

Tel. No. 416-338-5747

Fax No. 416-392-1330

E-mail: smaphan@toronto.ca

SIGNATURE

Raymond David, Acting Director
Community Planning, Toronto and East York District

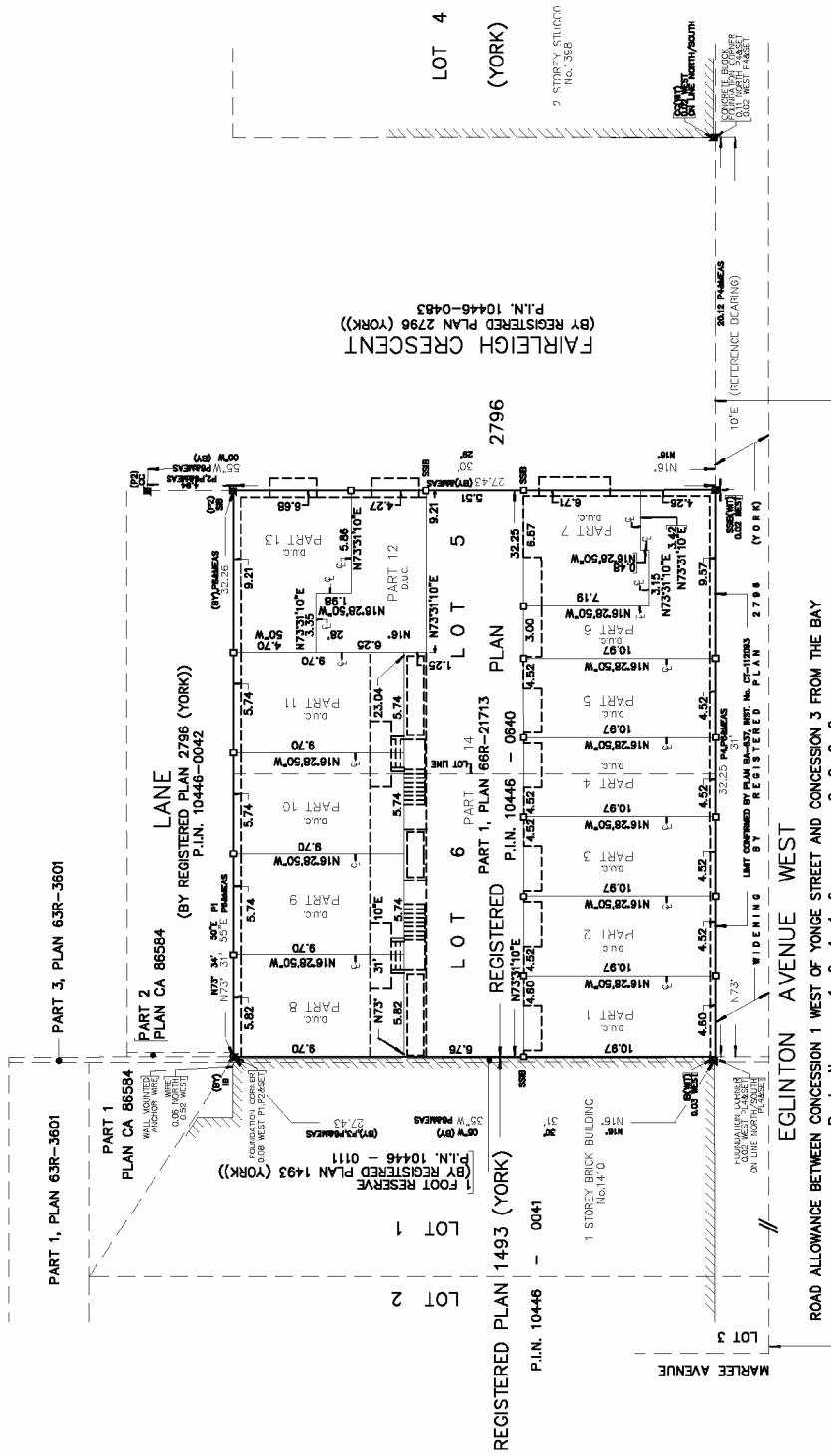
(p:\2008\Cluster B\pln\teycc23295463055) - es

ATTACHMENTS

Attachment 1: Survey

Attachment 2: Draft Plan of Common Elements Condominium

Attachment 1: Survey

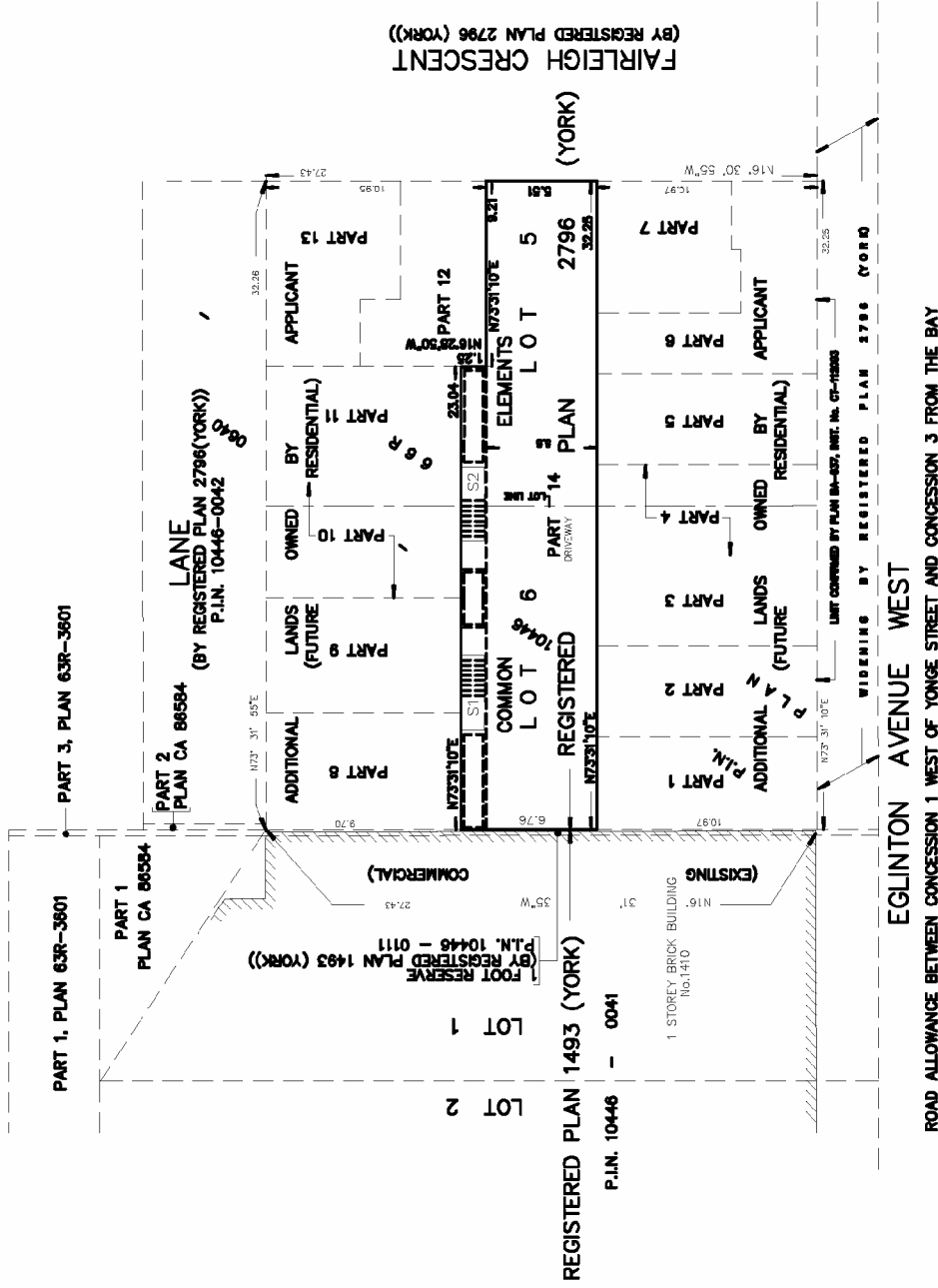


Registered Plan of Survey
 Applicant's Submitted Drawing
 Not to Scale
 08/28/08

1400 Eglinton Avenue West

File # 08_141111

Attachment 2: Draft Plan of Common Elements Condominium



Draft Plan of Common Elements Condominium

Applicant's Submitted Drawing
 Not to Scale
 08/28/08



File # 08_141111

1400 Eglinton Avenue West