

508 Eastern Ave – Common Elements Condominium Application and Part Lot Control Application – Final Report

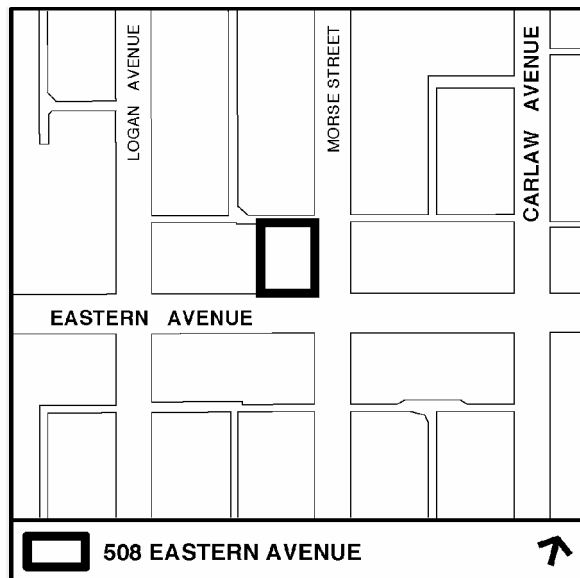
Date:	October 24, 2008
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 30 – Toronto-Danforth
Reference Number:	08-100879 STE 30 CD and 08-192446 STE 30 PL

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 application for common elements condominium proposes a common driveway on lands municipally known as 508 Eastern Avenue. The application is required to provide legal access to the individual townhouse units and the pair of semi-detached houses and also to ensure the ongoing shared ownership and maintenance of the driveway and other shared aspects of the development.

The requested exemption from the Part Lot Control provisions of the *Planning Act* is required in order to permit the creation of 8 separate conveyable townhouse lots and 2 separate conveyable lots for the pair of semi-detached houses. In addition, this report recommends that the owner of the lands be required to 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 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. any such revisions to the proposed condominium plan or any 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 any necessary Bills in Council for a Part Lot Control Exemption By-law to expire (2) years 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 an 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;
7. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title; and

8. Prior to introduction of the Part Lot Control Exemption By-law, the owner shall submit a revised Draft Reference Plan, to the satisfaction of the Executive Director of Technical Services, to show:
 - a. Grid bearings and distances;
 - b. the co-ordinate values of the main corners of the subject lands, integrated with the Ontario co-ordinate system; and
 - c. a list of the referenced horizontal control monuments with their respective values.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The development was subject to an Official Plan Amendment and a Rezoning application which were approved in 2005 and a Site Plan Approval application that was approved through delegated authority. The Site Plan Agreement was registered on November 9, 2007.

ISSUE BACKGROUND

Proposal

The proposal is to permit the lifting of Part Lot Control to allow for 8 townhouses and a pair of semi-detached dwellings currently being constructed on the site to be sold separately. The proposal is also to allow for the registration of a common elements condominium to accommodate the shared ownership and maintenance of the driveway and other common elements. Refer to Attachment 3 for project data.

Site and Surrounding Area

The property is located at 508 Eastern Avenue, on the northwest corner of Morse Street and Eastern Avenue.

The northeast, southeast and southwest corners of Eastern Avenue and Morse Street contain commercial buildings and parking lots. The adjacent blocks contain a mix of residential, commercial and industrial uses, with residential buildings along Morse Street adjacent to the site.

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

This site is designated “Neighbourhoods” in the Official Plan. Townhouses and semi-detached dwellings are permitted in Neighbourhoods.

Zoning

The site is subject to site specific zoning by-law 351-2007 that permits the development of the pair of semi-detached dwellings and 8 townhouses that are 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 Draft Plan 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 the 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 two years after being enacted. The two year time frame normally provides sufficient time for completion of the project.

CONTACT

Joanna Kimont, Assistant Planner

Tel. No. 416-392-7216

Fax No. 416-392-1330

E-mail: jkimont@toronto.ca

SIGNATURE

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

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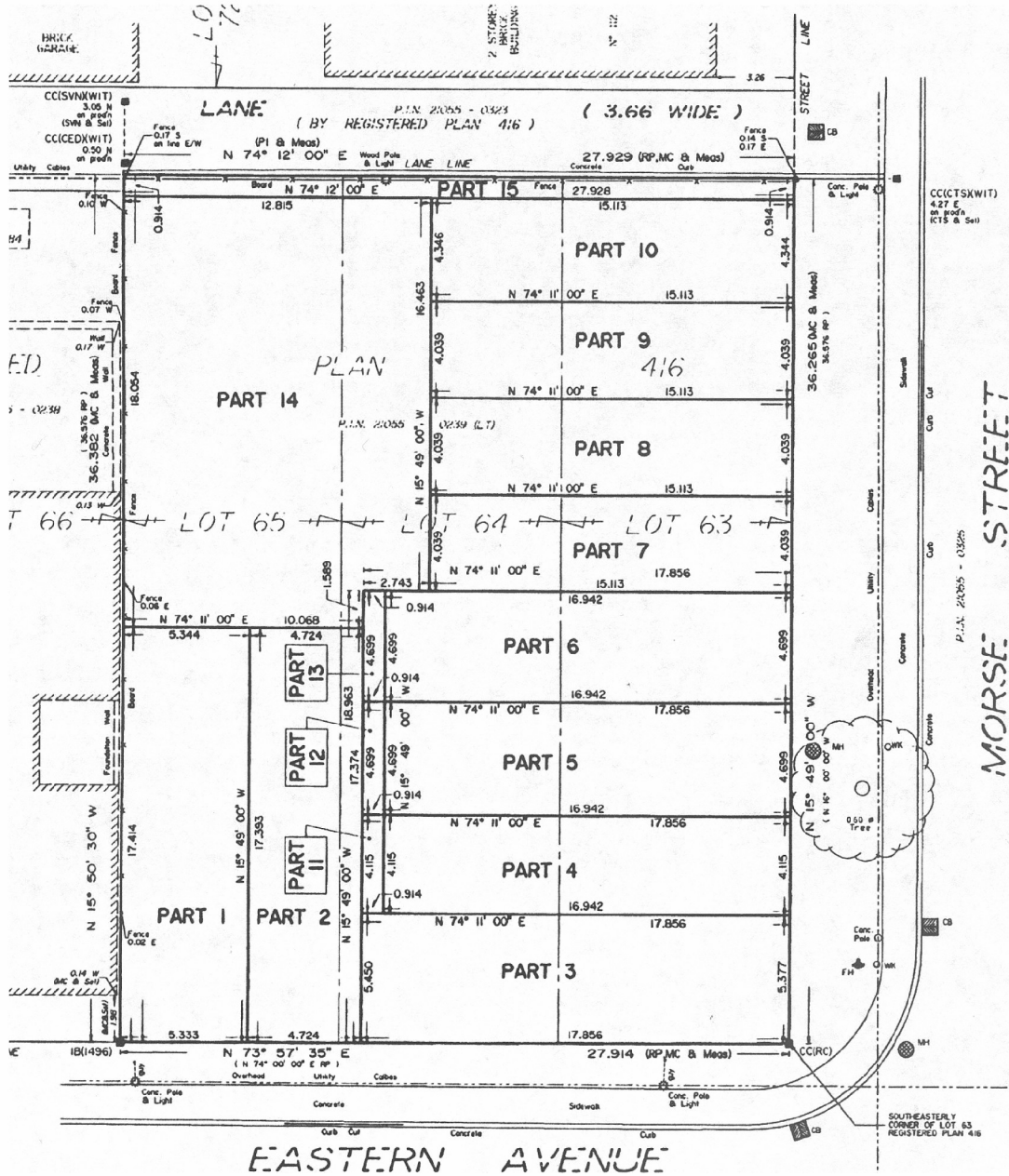
ATTACHMENTS

Attachment 1: Draft Plan of Common Elements Condominium

Attachment 2: Draft Plan of Approval Conditions

Attachment 3: Application Data Sheet

Attachment 1: Draft Plan of Common Elements Condominium



Draft Plan of Common Elements Condominium

508 Eastern Avenue

Applicant's Submitted Drawing

Not to Scale
10/03/03



File # 08_100879

Attachment 2: Draft Plan Approval Conditions

- (1) The owner shall provide to the Director of 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 of 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) 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.
- (5) The owner shall submit an application to the General Manager of transportation Services for approval of the concrete stairs within the Morse Avenue public right-of-way and enter into an Encroachment Agreement with the City in respect of the approved encroachment.

Attachment 3: Application Data Sheet

Application Type	Common Elements Condominium and Part Lot Control exemption	Application Number:	08 100879 STE 30 CD 08 192446 STE 30 PL
Details		Application Date:	January 7, 2008

Municipal Address: 508 EASTERN AVE

Location Description: PL 416 LTS 63 TO 65 **GRID S3013

Project Description: Applications propose a Common Elements Condominium consisting of a common driveway and exemption from part lot control for the purpose of creating 10 individual lots to support the previously approved development of a pair of semi-detached units and 8 freehold townhouse units.

Applicant:	Agent:	Architect:	Owner:
Greg Bettencourt			1268738 Ontario Ltd

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	351-2007, 1361-2007
Zoning:	I2 D2	Historical Status:	
Height Limit (m):	14	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1012.4	Height: Storeys:	2.5
Frontage (m):	27.91	Metres:	11.28
Depth (m):	36.27		
Total Ground Floor Area (sq. m):	629.23		Total
Total Residential GFA (sq. m):	1586.97	Parking Spaces:	10
Total Non-Residential GFA (sq. m):	0	Loading Docks	0
Total GFA (sq. m):	1586.97		
Lot Coverage Ratio (%):	62.2		
Floor Space Index:	1.57		

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Freehold		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	1586.97	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	10	Institutional/Other GFA (sq. m):	0	0
Total Units:	10			

CONTACT: PLANNER NAME: Joanna Kimont, Assistant Planner
TELEPHONE: 416-392-7216