

567 Shuter Street – Extension of By-law 1147-2008 Exempting the Lands from Part Lot Control – Final Report

Date:	March 6, 2009
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	07 161224 STE 28 PL

SUMMARY

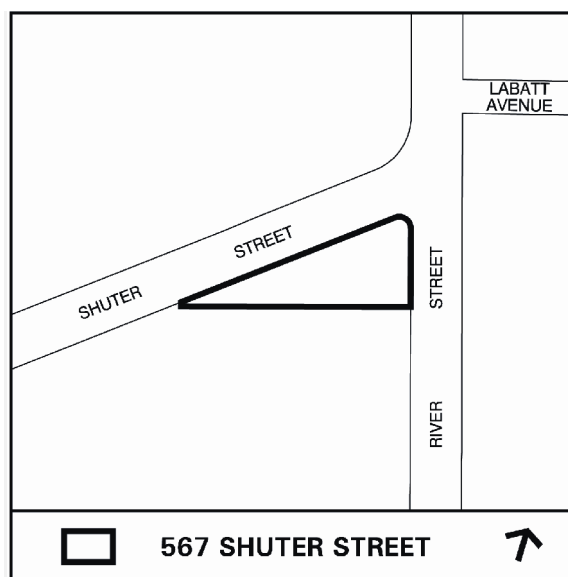
This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This report recommends that By-law No. 1147-2008 be extended for an additional one year period to allow the unsold lots formerly known as 567 Shuter Street to be exempt from Part Lot Control thus allowing additional time for the sale and conveyance of the unsold lots to individual purchasers.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council enact a By-law to extend the term of By-law No. 1147-2008 to allow the unsold lots formally known as 549 and 551 Shuter Street [Part of Lot 5 (west side of River Street), Registered



Plan 108, designated as Parts 4 & 6 on Plan 66R-23568] to be exempt from Part Lot Control for an additional one year period substantially in accordance with the draft By-law included as Attachment 2 of this report.

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft By-law as may be required.
3. City Council authorize and direct the appropriate City Officials to register the By-law on title.

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. These conditions were fulfilled and the final Common Element Condominium was registered on Monday September 29, 2008 as Toronto Common Element Condominium Plan No. 1964.

On September 27, 2007, City Council adopted By-law No. 1028-2007, to permit the exemption from Part Lot Control for 567 Shuter Street (File No. 07 161224 STE 28 PL) with a one-year expiration date. On September 27, 2008, the expiration date elapsed before the applicant could transfer the parcels of land to their respective owners.

On October 29 and 30, 2008 City Council adopted By-law No. 1147-2008 to exempt the lands municipally known as 567 Shuter Street from Part Lot Control for a period of six months. The By-law was enacted on October 30, 2008 and will expire on April 30, 2009.

ISSUE BACKGROUND

Proposal

The applicant originally requested exemption from Part Lot Control in order to create separate lots for 16 freehold townhouses with a common element condominium.

Two units have remained unsold and unconveyed during the six month stipulation of By-law 1147-2008 as approved by Council on October 30, 2008.

To allow for the conveyance of the remaining lots, an extension of the exemption from Part Lot Control is required with respect to those lots [Part of Lot 5 (west side of River

Street), Registered Plan 108, designated as Parts 4 & 6 on Plan 66R-23568] which will allow them be sold and subdivided from the existing property.

COMMENTS

Section 50(7) of the Planning Act, R.S.O 1990, authorizes Council to adopt a by-law exempting lands within a plan of subdivision from Part Lot Control. The subject properties are within a registered plan of subdivision. Thus, exemption from Part Lot Control may be employed as an effective means of further subdividing the lands. 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.

In order to ensure that the Part Lot Control was not lifted indefinitely, By-law 1147-2008 was to expire on April 30, 2009, six months from the date of its enactment. The applicant has advised that two townhouse units remain unsold and are unlikely to be sold prior to the expiration of the By-law. Thus, the applicant has requested that By-law No. 1147-2008 be extended for an additional one year period to allow sufficient time for the dwelling units to be sold, closed and conveyed to the individual purchasers.

Staff has no objection to the request.

CONTACT

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SIGNATURE

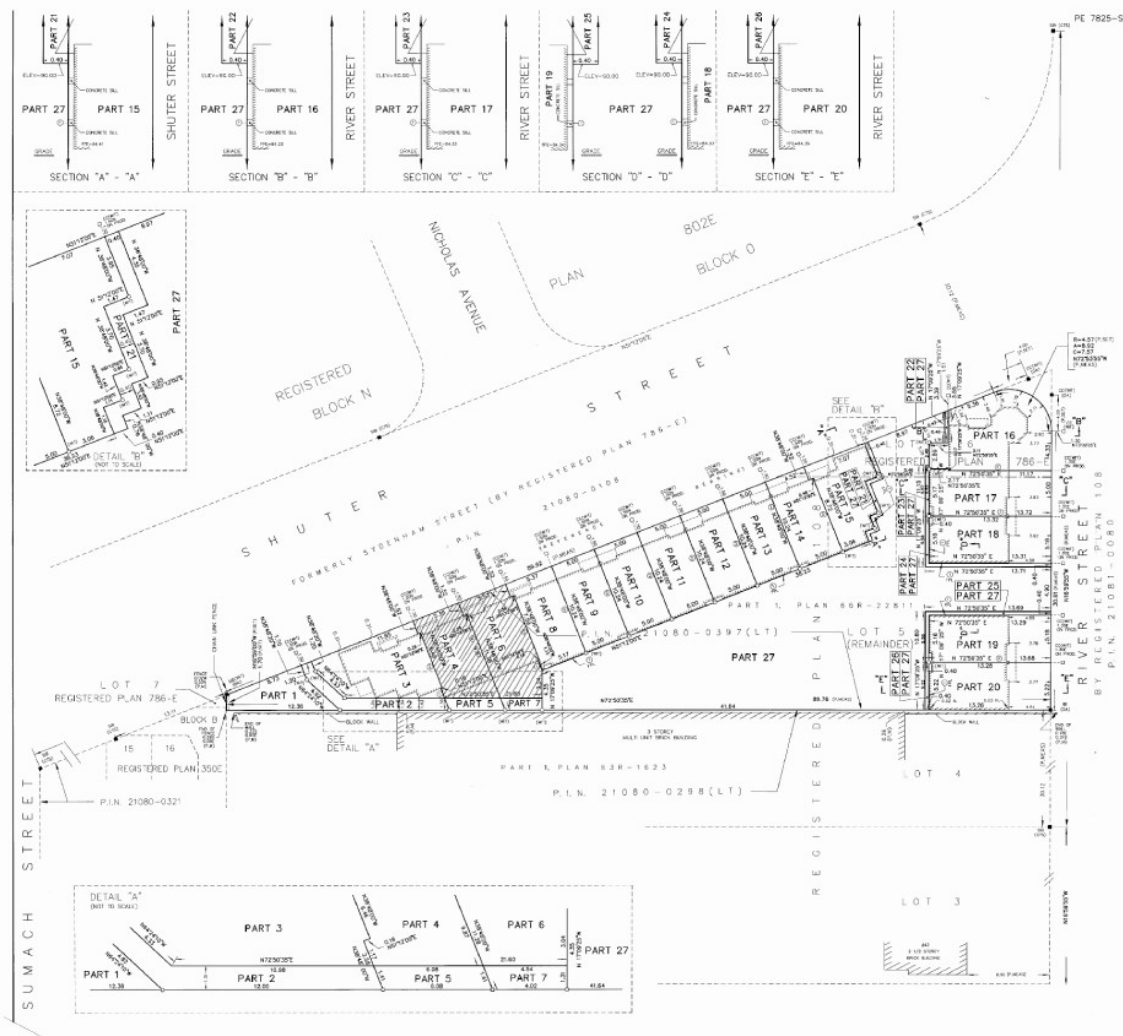
Raymond David, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Part Lot Control Plan
Attachment 2: Draft By-law

Attachment 1: Plan of Survey




Plan of Survey

Applicant's Submitted Drawing

Not to Scale
03/09/09



 Parts subject to extension of Part Lot Control

567 Shuter Street

File # 07_161224

Attachment 2: Draft By-law

Authority: Toronto and East York Community Council Report No.~, as adopted by City of Toronto Council on ~, 2009

Enacted by Council: ~,2009

CITY OF TORONTO

Bill No.~

BY-LAW No. ~-2009

To amend City of Toronto By-law Number 1147-2008 being a By-law to exempt lands municipally known in 2007 as 567 Shuter Street from Part Lot Control.

WHEREAS authority is given to Council by subsection 50(7) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law, and

WHEREAS Council on October 30, 2008 passed By-Law No. 1147-2008 to exempt lands municipally known as 567 Shuter Street from Part Lot Control for a period of six months from the date of its passing; and

WHEREAS authority is given to Council by subsection 50(7.4) of the *Planning Act*, R.S.O. 1990, c.P 13, as amended, to extend the time period specified for the expiration of the by-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. That Section 2 of the City of Toronto of City of Toronto By-law No. 1147-2008 is deleted and the following is substituted for it:

This By-law expires eighteen months from the date of its enactment by Council.

2. That Schedule A of the City of Toronto By-law No. 1147-2008 is deleted and the following is substituted for it:

Legal Description:

In the City of Toronto and Province of Ontario, in the Land Titles Division of the Toronto Registry Office (No. 66) being composed of:

FIRSTLY: Part of Lot 5 (west side of River Street), Registered Plan 108, designated as Parts 4 & 6 on Plan 66R-23568.

ENACTED AND PASSED this ~ day of ~, A.D. 2009.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)