

## 450-452 Dawes Road – Common Elements Condominium Application and Part Lot Control Application – Final Report

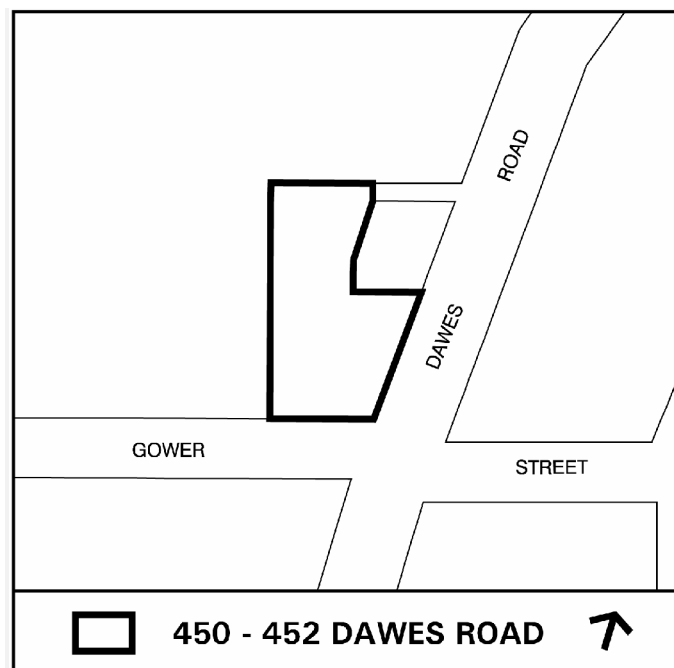
<b>Date:</b>	March 27, 2009
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 31 – Beaches-East York
<b>Reference Number:</b>	08-221412 STE 31 CD and 08-221413 STE 31 PL

### 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 private common element driveway, a public walkway and other common elements on the lands municipally known as 450-452 Dawes Road. The application is required to provide legal access to the individual townhouse units and to ensure the ongoing shared ownership and maintenance of all the common elements.

The requested exemption from the Part Lot Control provisions of the Planning Act is required in order to permit the creation of 20 separate conveyable townhouse lots. 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 Part Lot Exemption.

## **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 3, 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; and
7. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title.

## **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

The Rezoning application was approved by the Ontario Municipal Board (OMB) in 2007. The development was also subject to a Site Plan Approval application and the Site Plan Agreement was registered on August 17, 2007.

## **ISSUE BACKGROUND**

### **Proposal**

The proposal is to permit the lifting of Part Lot Control to allow for 20 townhouses 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, walkway and other common elements. Refer to Attachment 4 for project data.

### **Site and Surrounding Area**

The property is located at 450-452 Dawes Road, at the northwest corner of Dawes Road and Gower Street.

The properties to the north, east, and west of the subject site contain a mix of residential uses, including high-rise apartments with local retail uses at grade. The south adjacent properties along Gower Street contain medium density mixed use buildings, as well as low-rise residential uses.

### **Official Plan**

This site is designated “Apartment Neighbourhoods” in the Official Plan, which permits townhouses in addition to apartment buildings, and low-rise retail and office uses.

### **Zoning**

The site is zoned R2A.42, which permits the 20 townhouse units 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**

Emily Caldwell, Assistant Planner  
Tel. No. 416-392-4237  
Fax No. 416-392-1330  
E-mail: ecaldwe@toronto.ca

## **SIGNATURE**

---

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

(P:\2009\Cluster B\pln\teycc5234533013.doc) - smc

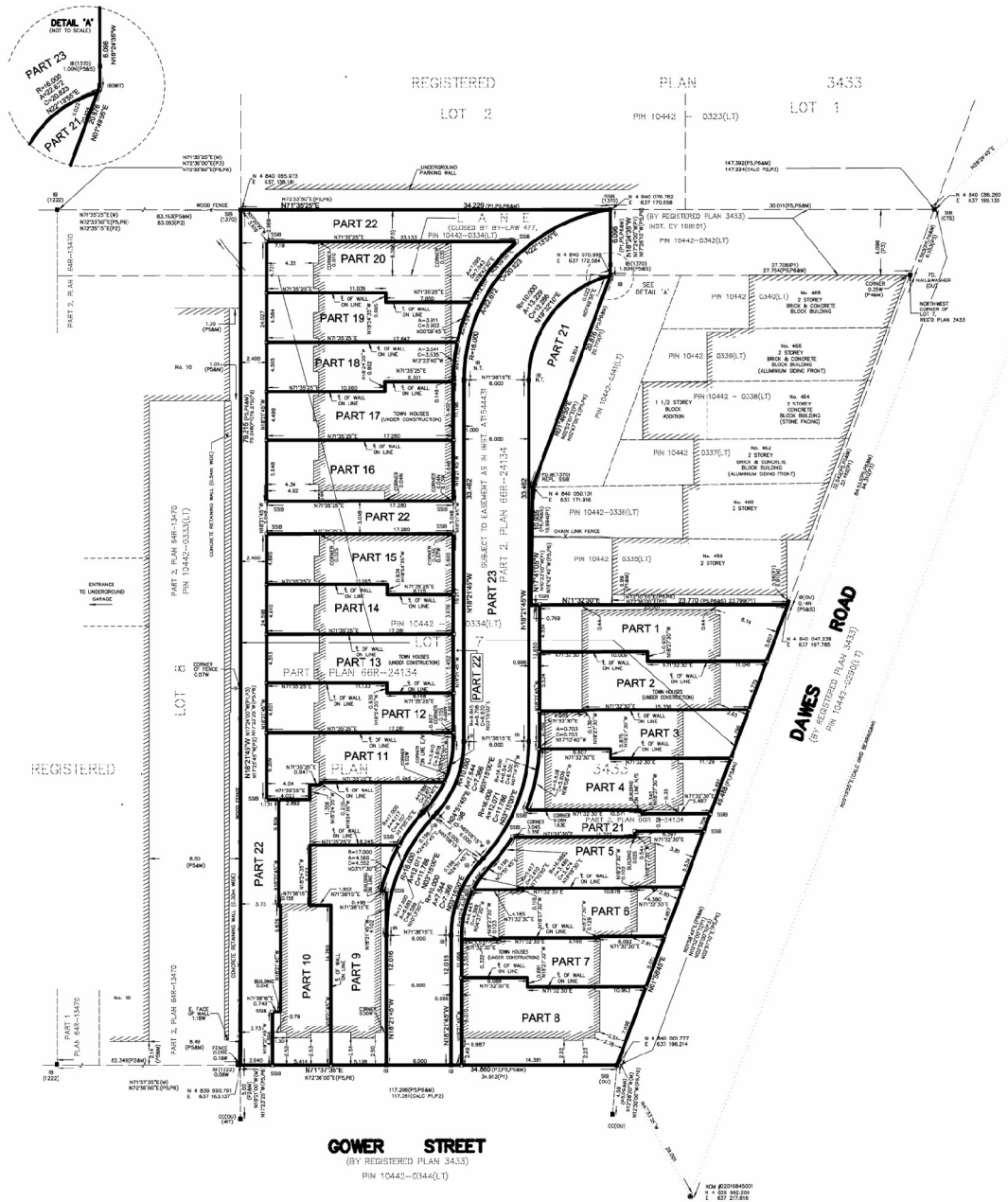
## **ATTACHMENTS**

Attachment 1: Draft Plan of Common Elements Condominium  
Attachment 2: Draft Plan of Reference  
Attachment 3: Draft Plan Approval Conditions  
Attachment 4: Application Data Sheet

[illegible]

## File # 08 221412

# Attachment 2: Draft Plan of Reference



Draft Plan of Survey

450 - 452 Dawes Road

Applicant's Submitted Drawing

Not to Scale  
01/26/09



File # 08\_221412 / 08\_221413

### **Attachment 3: 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.

#### Attachment 4: Application Data Sheet

Application Type	Common Element Condominium and Part Lot Control Exemption	Application Numbers:	08 221412 STE 31 CD 08 221413 STE 31 PL
Details		Application Date:	November 13, 2008
Municipal Address:	450-452 DAWES RD		
Location Description:	PL 3433 PT LT7 **GRID S3106		
Project Description:	Applications propose a Common Elements Condominium consisting of a common driveway, a private walkway and other common elements, and exemption from Part Lot Control for the purpose of creating 20 separate townhouse lots for conveyance.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
2166534 Ontario Ltd.			2166534 Ontario Ltd.

#### PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:	488-2007
Zoning:	R2A.42 (Site Specific)	Historical Status:	
Height Limit (m):	12.0	Site Plan Control Area:	Y

#### PROJECT INFORMATION

Site Area (sq. m):	2933	Height:	Storeys:	3
Frontage (m):	35		Metres:	10.21
Depth (m):	79.2			
Total Ground Floor Area (sq. m):	1257			<b>Total</b>
Total Residential GFA (sq. m):	2793.9		Parking Spaces:	30
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	2793.9			
Lot Coverage Ratio (%):	42.8			
Floor Space Index:	0.95			

#### DWELLING UNITS

#### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Freehold		<b>Above Grade</b>	<b>Below Grade</b>
Rooms:	0	Residential GFA (sq. m):	2793.9	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:	20	Institutional/Other GFA (sq. m):	0	0
Total Units:	20			

**CONTACT: PLANNER NAME: Emily Caldwell, Assistant Planner**  
**TELEPHONE: 416-392-4237**