

**671 Warden Avenue – Common Elements Condominium and Part Lot Control Exemption Applications – Final Report**

<b>Date:</b>	April 6, 2010
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Director, Community Planning, Scarborough District
<b>Wards:</b>	Ward 35 – Scarborough Southwest
<b>Reference Number:</b>	10 108864 ESC 35 CD and 10 108870 ESC 35 PL

**SUMMARY**

These applications were made after January 1, 2007 and are subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

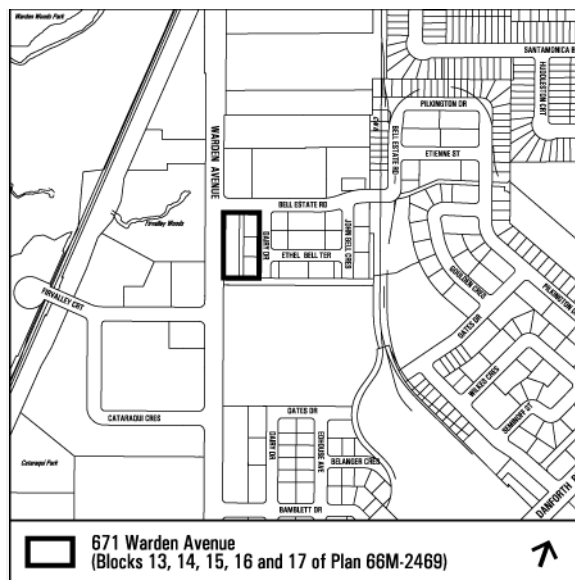
The application for common elements condominium proposes a private common element driveway (Block 17 of Plan M-2469) serving two townhouse developments under construction on the lands municipally known as 671 Warden Avenue.

The requested exemption from the part lot control provisions of the Planning Act proposes the creation of 19 separate conveyable townhouse lots on Blocks 13 to 15 of Plan M-2469.

This report reviews and recommends approval of the draft plan of common elements condominium and part lot control exemption applications.

**RECOMMENDATIONS**

**The City Planning Division recommends that City Council:**



1. In accordance with the delegated approval under By-law 229-2000, as amended, 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 as 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. Enact a part lot control exemption by-law with respect to Blocks 13 to 15 of Plan M-2469, to be prepared to the satisfaction of the City Solicitor and to expire two years following enactment by City Council.
3. Require the owner to provide proof of payment of all current property taxes for the subject lands to the satisfaction of the City Solicitor, prior to the enactment of the part lot control exemption by-law.
4. Prior to the introduction of the part lot control exemption Bill, 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 or charge any part of the lands without the written consent of the Chief Planner or his designate.
5. 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 has been registered.
6. 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**

City Council enacted Zoning By-law No. 153-2006 on February 2, 2006, which rezoned 671 Warden Avenue to permit a residential development and a portion of a stormwater management pond. At the time of rezoning, a total of 174 residential units were approved, consisting of 166 stacked condominium townhouses and 8 freehold street townhouses on the subject lands and lands to the east.

Subsequently, an alternative housing mix was proposed in which the overall unit count was reduced. A total of 115 units are now under construction in the overall subdivision,

including 30 stacked townhouses fronting on Warden Avenue, and 19 lane townhouses on the subject lands.

A draft plan of subdivision application was draft approved on January 16, 2007. The subdivision was registered on October 26, 2009 as Registered Plan M-2469. The development was also subject to a site plan control application which was approved on November 6, 2009.

## **ISSUE BACKGROUND**

### **Proposal**

The proposal is to permit the lifting of part lot control to allow for 19 townhouses currently being constructed on the site (Blocks 13 to 15 of Plan M-2469) 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 private lane (Block 17 of Plan M-2469). This rear lane common elements condominium will provide access to parking for 30 stacked townhouses fronting Warden Avenue and the 19 townhouses fronting Dairy Drive. Refer to Attachment No. 4 for project data.

### **Site and Surrounding Area**

The site is located at 671 Warden Avenue, on the east side of Warden Avenue, between St. Clair Avenue East to the north and Mack Avenue to the south. The surrounding land uses include:

North: a bank at 673 Warden Avenue and Ina Grafton Gage long term care facility at 40 Bell Estate Road;

East: residential development currently under construction on the east side of Dairy Drive;

South: industrial lands at 663 Warden Avenue; and

West: Fir Valley Park on the west side of Warden Avenue.

### **Official Plan**

The block of townhouses under construction fronting Warden Avenue and the common elements rear lane are designated as a Mixed Use Area in the Warden Woods Community Secondary Plan. Mixed Use Areas are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities.

The blocks of townhouses under construction fronting Dairy Drive are designated Neighbourhoods in the Warden Woods Community Secondary Plan. These are considered physically stable areas made up of residential uses in lower scale buildings

such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys.

## **Zoning**

The block of townhouses fronting Warden Avenue are zoned Apartment (A) Residential Zone. The uses permitted in the apartment residential zone include apartment buildings, day nurseries, group homes, nursing homes and senior citizen homes. A private home day care is permitted as an ancillary use.

The blocks of townhouses fronting Dairy Drive are zoned Apartment Residential (A) or Townhouse Residential (TH) Zone. The uses permitted in the townhouse residential zone are townhouse dwellings, correctional group homes and group homes. A private home day care is also permitted as an ancillary use. Refer to Attachment No. 2 for the zoning map.

## **Site Plan Control**

The development is subject to a site plan control application approved on November 6, 2009. This application conforms to the approved site plan.

## **Agency Circulation**

The applications were circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the applications and to formulate appropriate draft plan approval conditions.

## **COMMENTS**

### **Part Lot Control**

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 Blocks 13 to 15 of Plan M-2469 is considered appropriate for the orderly development of the lands and will facilitate the development and conveyance of the 19 townhouses currently under construction.

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 will provide sufficient time for completion of the project.

Also, 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.

## **Common Elements Condominium**

Block 17 of Plan M-2469 is designed to be a 6 metre private common elements rear lane with access from a public road (Bell Estate Road). The private lane will provide access to parking for the two townhouse developments under construction. The application for a common elements condominium is necessary for providing ongoing shared ownership and maintenance of the rear private lane, and is appropriate for the orderly development of the lands. The servicing of the dwellings including garbage pick-up will be undertaken from the adjacent public roads.

## **CONTACT**

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## **SIGNATURE**

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Allen Appleby, Director  
Community Planning, Scarborough District

## **ATTACHMENTS**

Attachment 1: Draft Plan of Common Elements Condominium

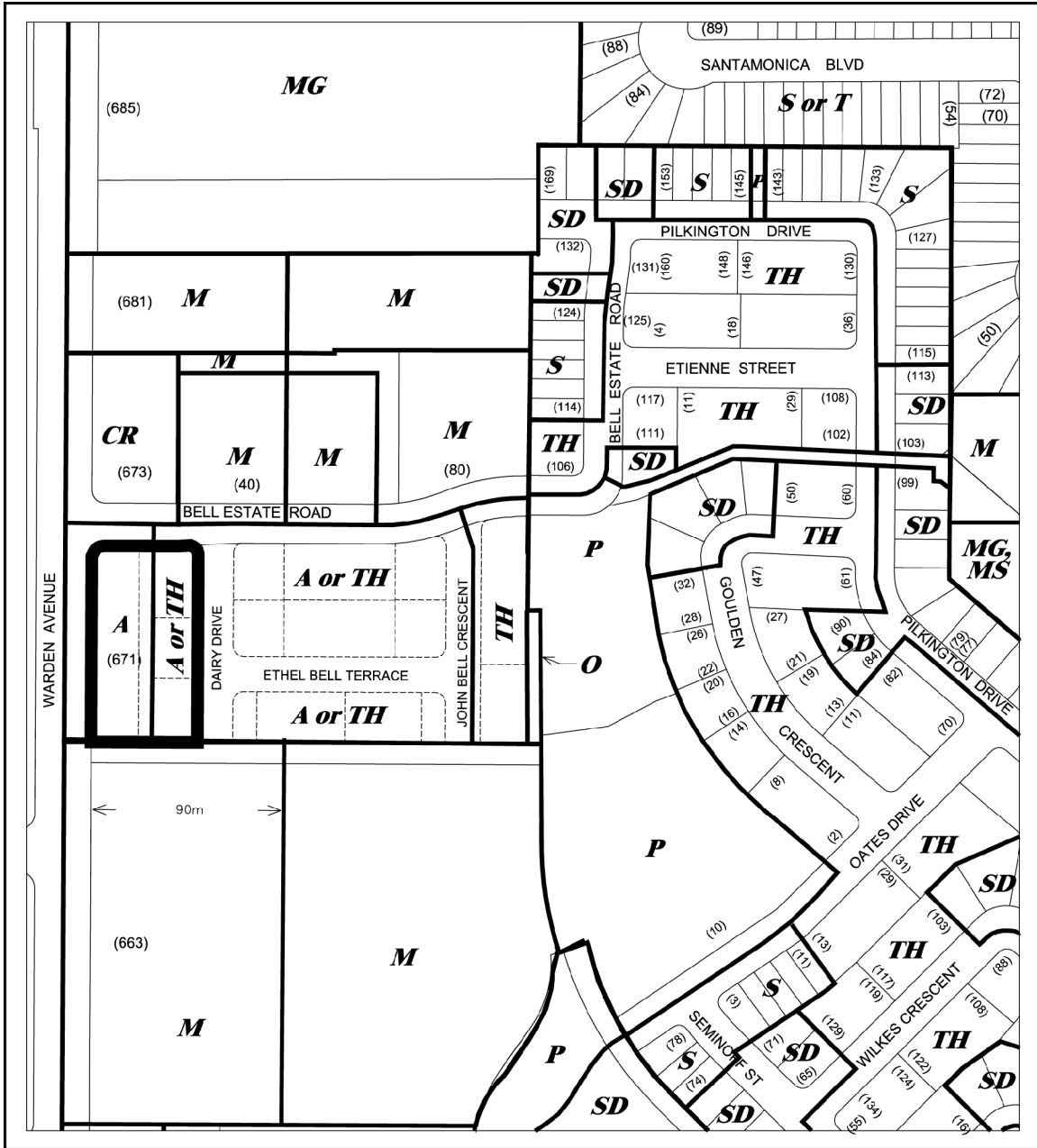
Attachment 2: Zoning

Attachment 3: Draft Plan Approval Conditions

Attachment 4: Application Data Sheet



## Attachment 2: Zoning



**TORONTO** City Planning  
Division  
**Zoning**

Blocks 13, 14, 15, 16 and 17, Plan 66M-2469

File # 10-108864 CD

**S** Single - Detached Residential Zone  
**SD** Semi - Detached Residential Zone  
**TH** Townhouse Residential Zone  
**A** Apartment Residential Zone

**P** Park  
**O** Open Space Zone  
**(H)** Holding Provision

**M** Industrial Zone  
**MG** General Industrial Zone  
**MS** Special Industrial Zone

Warden Woods Community and  
Oakridge Employment District By-laws  
Not to Scale  
↑  
03/31/10

### **Attachment 3: Draft Plan Approval Conditions**

- (1) The owner shall provide to the Director Community Planning, Scarborough District, confirmation of payment of outstanding taxes to the satisfaction of Revenue Services, 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 Community Planning, Scarborough District, a copy of the final Declaration and Description containing all necessary schedules and certifications required by the Condominium Act for registration.
- (4) Together with the final version of the Declaration, the Owner shall provide a solicitor's undertaking indicating that:
  - (i) the Declaration provided to the City is the final Declaration to be submitted for registration, subject only to changes requested by the Land Registrar;
  - (ii) the City will be notified of any required changes prior to registration; and
  - (iii) forthwith following registration of the Declaration, a copy will be provided to the City.
- (5) 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	Condominium Approval & Part Lot Control Exemption	Application Number:	10 108864 ESC 35 CD & 10 108870 ESC 35 PL
Details	Common Elements & Part Lot Control	Application Date:	January 25, 2010

Municipal Address: Formerly 671 WARDEN AVENUE  
 Location Description: Blocks 13 to 15 and 17, Plan M-2469

Project Description: Proposes a private common element driveway (Block 17 of Plan 66M-2469). The application is required to provide legal access to the individual townhouse units on Blocks 13 to 16 of Plan 66M-2469 and to ensure the ongoing shared ownership and maintenance of the driveway and other common elements. The part lot control application will create 19 separate conveyable townhouse lots.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
BROOKFIELD HOMES (ONTARIO) LIMITED			STAFFORD HOMES LTD

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas & Neighbourhoods	Site Specific Provision:
Zoning:	A (Apartment Residential) & TH (Townhouse Residential)	Historical Status:
Height Limit (m):		Site Plan Control Area: Y

### PROJECT INFORMATION

Site Area (sq. m):	20,132	Height:	Storeys:	
Frontage (m):			Metres:	
Depth (m):				
Total Ground Floor Area (sq. m):	1,181.80			<b>Total</b>
Total Residential GFA (sq. m):	3,532.10		Parking Spaces:	19
Total Non-Residential GFA (sq. m):	N/A		Loading Docks	0
Total GFA (sq. m):				
Lot Coverage Ratio (%):				
Floor Space Index:				

### DWELLING UNITS

		FLOOR AREA BREAKDOWN (upon project completion)		
Tenure Type:	Condo		Above Grade	Below Grade
Rooms:		Residential GFA (sq. m):	3,532.10	N/A
Bachelor:		Retail GFA (sq. m):	N/A	N/A
1 Bedroom:		Office GFA (sq. m):	N/A	N/A
2 Bedroom:		Industrial GFA (sq. m):	N/A	N/A
3 + Bedroom:		Institutional/Other GFA (sq. m):	N/A	N/A
Total Units:	19			

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