

## 700 Trethewey Drive – Common Elements Condominium Application – Final Report

<b>Date:</b>	August 17, 2011
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 12 – York South-Weston
<b>Reference Number:</b>	11 221614 WET 12 CD

### SUMMARY

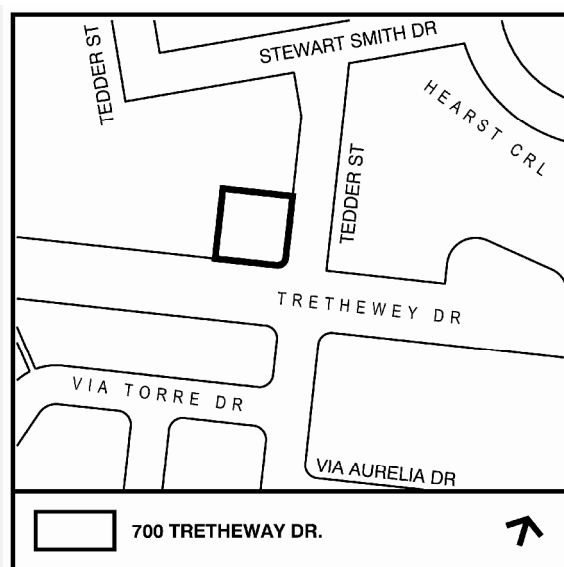
This application proposes to create a common elements condominium consisting of a common driveway accessing 12 parking spaces for 8 freehold townhouse units located at 700 Trethewey Drive. The proposed condominium is necessary to provide parking and access for each of the townhouse units.

This report reviews and recommends approval of the Draft Plan of Common Elements Condominium.

### 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 for the lands at 700 Trethewey Drive, as generally illustrated on Attachment 1, subject to:
  - (a) the conditions as generally listed in Attachment 3 which



except 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. Confirmation be provided by the applicant and verified by the City Solicitor that a Section 118 restriction under the Land Titles Act has been registered for the lands.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

The proposed Common Elements Condominium is associated with the following approved applications for:

- i) Minor Variance (File Nos. A-97/03 HY and 03 114413 000 00 MV):  
Approved by OMB Order 0808 issued on April 23, 2004 and amended by OMB Order 1257 issued on April 27, 2006 to grant additional variances identified through the site plan process.
- ii) Site Plan Control (File No. 04 200526 WET 12 SA):  
Approved on November 30, 2007.

An application for Consent (File No. B28/11 EYK) has been submitted to sever the property into 9 parcels for the development of 8 freehold townhouse lots and one common elements condominium lot. An easement and/or a right-of-way is to be created on each proposed townhouse lot in favour of the other lots for the purposes of a rear walkway abutting the parking area. The application was approved on August 11, 2011 subject to the owner making satisfactory arrangements with the City Solicitor regarding registration of the common elements condominium.

### **ISSUE BACKGROUND**

#### **Proposal**

The applicant proposes to create a Common Elements Condominium that would own and maintain the parking area for an 8 unit freehold townhouse development. The parking area, located at the rear of the townhouse lots, will contain a drive aisle and 12 parking spaces. Ten parking spaces will be allocated for the exclusive use of the 8 townhouse units, one for each middle unit and two for each end unit. Two of the parking spaces will be reserved and signed for visitor parking only, in accordance with the Site Plan Agreement registered on title as Instrument No. AT1621274.

The condominium will also have a right-of-way for access over and maintenance of the concrete sidewalk adjacent to the parking area but located on the individual townhouse lots. Refer to Attachments 1 and 4 for project data.

### **Site and Surrounding Area**

The site is located east of Jane Street on the north west corner of Trethewey Drive and Tedder Street.

Surrounding land uses are:

North: surface parking area and landscaped open space associated with adjacent apartment building to the west;

East: detached dwellings;

South: semi-detached dwellings and Trethewey Park; and,

West: apartment buildings.

### **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.

The proposal is consistent with the Provincial Policy Statement (PPS). Section 1.1.3.3 of the PPS states: "Planning authorities shall identify and promote opportunities for *intensification* and *redevelopment* where this can be accommodated..." The proposed townhouse development represents a minor form of intensification and the proposed Common Elements Condominium facilitates the development of the site.

### **Growth Plan for the Greater Golden Horseshoe**

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 and does not conflict with the Growth Plan for the Greater Golden Horseshoe. Policy 2.2.2.1(a) indicates that population growth will be accommodated by "directing a significant portion of new growth to the *built-up areas* of the community through *intensification*." The proposed townhouse development represents minor infill intensification. The proposed Common Elements Condominium is a necessary component of the townhouse development.

## **Official Plan**

The site is designated *Apartment Neighbourhoods* on Land Use Map 14 of the Official Plan. Apartment Neighbourhoods are made up of apartment building and parks, local institutions, cultural and recreational facilities and small-scale retail, service and office uses that serve the needs of area residents. All land uses provided for in the Neighbourhoods designation such as the proposed townhouses are also permitted in the Apartment Neighbourhoods.

## **Zoning**

The site is zoned General Commercial Zones (C1) in the former City of North York Zoning By-law 7625. All residential uses permitted in a R5 and RM5 zone such as the proposed townhouses and parking area are also permitted in a C1 zone. In addition, minor variances were granted to facilitate the townhouse development and proposed common element condominium and parking area.

## **Site Plan Control**

Site Plan Approval was granted through delegated authority on November 30, 2007 and the Site Plan Agreement was registered on title on November 1, 2007 as Instrument No. AT1621374.

## **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 draft plan approval conditions.

## **COMMENTS**

The applicant has obtained approval from the Committee of Adjustment for consent to sever the subject property for the purpose of creating 9 separate parcels that would include 8 freehold townhouse lots and a Common Elements Condominium lot that would contain the parking area for the townhouse units. As a condition to the approval of the consent application, the applicant is to make satisfactory arrangements with the City Solicitor regarding registration of the Common Elements Condominium. This condition is necessary, as the applicant will be required to register a restriction pursuant to Section 118 of the *Land Titles Act*. This restriction is used to prevent the conveyance of the Parcels of Tied Lands (POTLS) until the Common Elements Condominium is registered. Once confirmation has been received from the owner that the Common Elements Condominium Plan has been registered, the City Solicitor will take the necessary steps to remove the Section 118 restriction from the title of the lands thus allowing the lots to be conveyed.

The location and design of the parking area has been approved through the Site Plan process. The proposed Draft Plan of Common Elements Condominium is a suitable method of providing parking and access for the townhouse residents.

The proposed Draft Plan of Common Elements Condominium for the site conforms to the Official Plan and complies with the Zoning By-law, and is consistent with the approved Site Plan Application. As such, the proposed Draft Plan of Common Elements Condominium is considered appropriate for the orderly development of the property and is recommended for approval, with conditions as generally listed in Attachment 3.

## **CONTACT**

Luisa Galli, Planner

Tel. No. (416) 394-6007

Fax No. (416) 394-6083

E-mail: lgalli@toronto.ca

## **SIGNATURE**

---

Thomas C. Keefe  
Director, Community Planning  
Etobicoke York District

## **ATTACHMENTS**

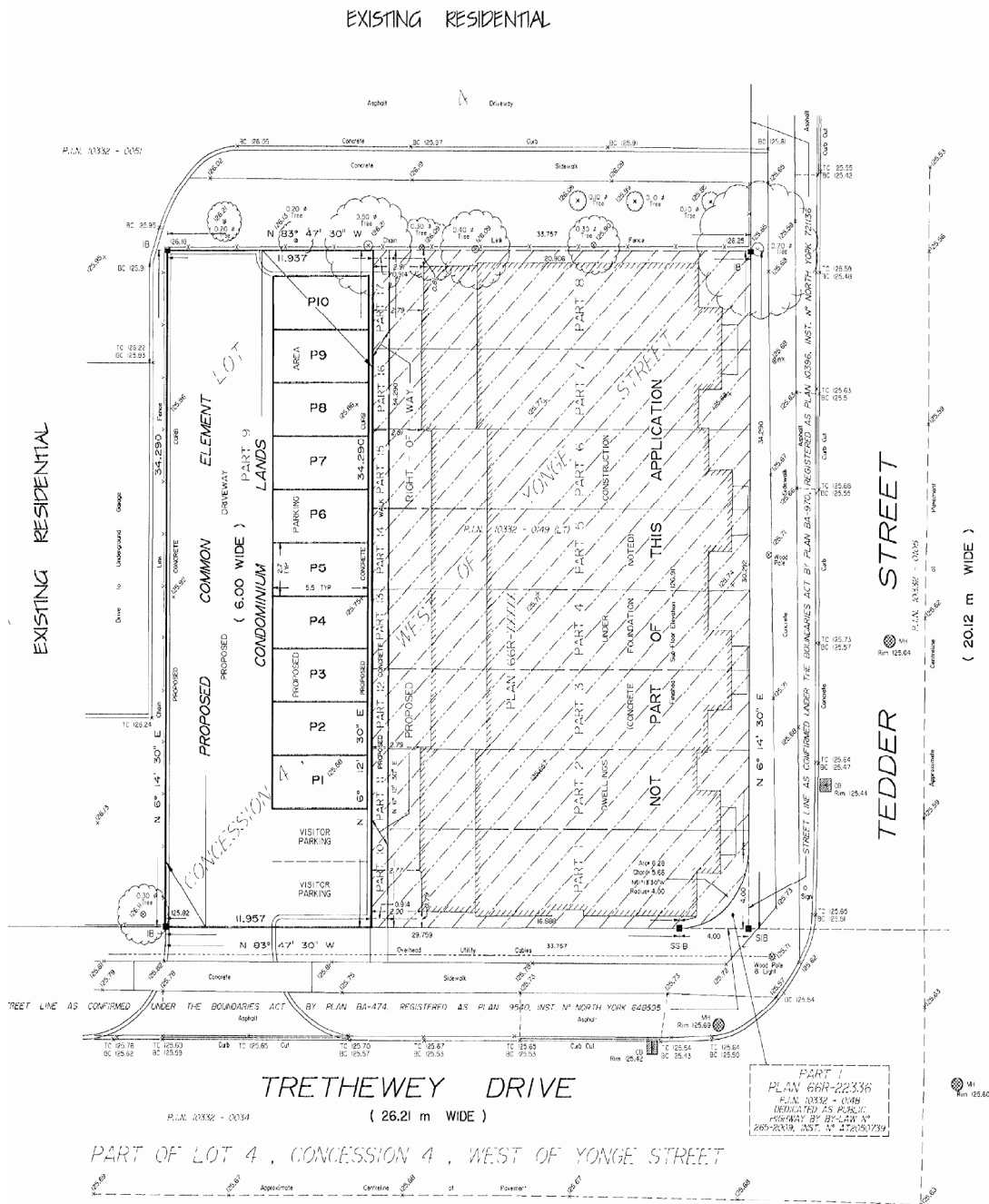
Attachment 1: Draft Plan of Common Elements Condominium

Attachment 2: Site Plan

Attachment 3: Draft Plan Approval Conditions

Attachment 4: Application Data Sheet

# Attachment 1: Draft Plan of Common Elements Condominium



## Draft Condominium Plan

700 Trethewey Dr

Applicants Submitted Drawing

Not to Scale  
07/21/2011



File # 11\_221614

CONCRETE SIDEWALK



File # 11 221614

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

- (1) The owner shall provide to the Director Community Planning, Etobicoke York 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, Etobicoke York 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) Visitors parking spaces will be clearly delineated on the condominium plan to be registered.
- (6) 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.
- (7) Prior to release of the condominium for registration the owner is required to fulfill the following conditions to the satisfaction of the Executive Director of Technical Services, Etobicoke York District:
  - (i) The proposed parking areas must be striped with pavement markings that reflect the layout and dimensions illustrated on the draft plan of common elements condominium.
  - (ii) Provide notification on-title to each dwelling unit stating that residents are not eligible for on-street parking permits.



- (iii) The applicant's consulting engineer shall certify that the installation of the internal water and sewer servicing and the grading of the site have been carried out in accordance with the approved Site Servicing and Grading plans.
- (8) The Condominium Declaration and Description shall provide the following to the satisfaction of the Executive Director of Technical Services, Etobicoke York District:
  - (i) A minimum of one (1) resident parking stall must be assigned to each of the proposed eight (8) townhouse dwelling units.
  - (ii) The two (2) proposed visitor parking stalls must be individually signed for the exclusive use of visitors to this development.

## Attachment 4: Application Data Sheet

### APPLICATION DATA SHEET

Application Type	Condominium Approval	Application Number:	11 221614 WET 12 CD
Details	Common Elements	Application Date:	June 17, 2011

Municipal Address:	700 TRETHEWEY DR
Location Description:	CON 4 WYS PT LOT 4 RP 66R21852 PT PART 1 **GRID W1203
Project Description:	Draft plan of common elements condominium for the parking area of an eight unit townhouse development. The Condominium will provide parking and access for the townhouse units.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
TOM CZERWINSKI			TRETHEWEY BATES DESIGN INC

#### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	CI	Historical Status:
Height Limit (m):		Site Plan Control Area: Yes

#### PROJECT INFORMATION

Site Area (sq. m):	1157.53	Height:	Storeys:	2
Frontage (m):	34.29		Metres:	10.287
Depth (m):	33.757			
Total Ground Floor Area (sq. m):	433.36			<b>Total</b>
Total Residential GFA (sq. m):	846.9		Parking Spaces:	12
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	846.9			
Lot Coverage Ratio (%):	36.5			
Floor Space Index:	0.73			

#### 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):	846.9	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:	8	Institutional/Other GFA (sq. m):	0	0
Total Units:	8			

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Luisa Galli, Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 394-6007</b>