



STAFF REPORT ACTION REQUIRED

50 R and 52 Ryerson Avenue – Common Elements Condominium Application and Part Lot Control Exemption Application – Final Report

Date:	March 21, 2011
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	10 321162 STE 20 CD and 10 321170 STE 20 PL

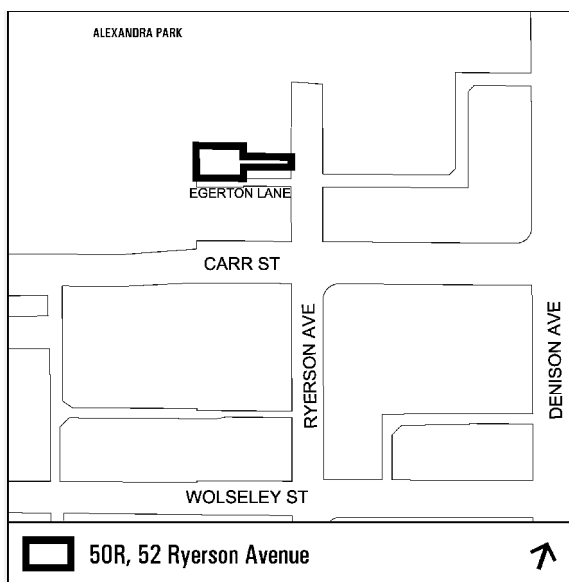
SUMMARY

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

This application for common elements condominium proposes to provide common services for three new detached houses and the existing house at 50R and 52 Ryerson Avenue.

The requested exemption from the Part Lot Control provision of the Planning Act is required in order to permit the creation of three separate conveyable lots for three 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 prior consent of the Chief Planner or his designate.

This report reviews and recommends approval of the Draft Plan of Common Elements Condominium and Part Lot Control Exemption.



RECOMMENDATIONS

The City Planning Division recommends that:

1. In accordance with the delegated approval under By-law 229-2000, as amended, City Council be advised that the Chief Planner intends to approve the draft plan of common elements condominium for the lands at 50R and 52 Ryerson Avenue, as generally illustrated on Attachment 1 to the March 21, 2011, report from the Director, Community Planning, Toronto and East York District, subject to:
 - a. the conditions as generally listed in Attachment 2 to the March 21, 2011, report from the Director, Community Planning, Toronto and East York District, 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. City Council enact a Part Lot Control Exemption By-law with respect to the subject lands at 50R and 52 Ryerson Avenue as generally illustrated on Attachment 1 to the March 21, 2011, report from the Director, Community Planning, Toronto and East York District, to be prepared to the satisfaction of the City Solicitor and to expire two years following enactment by City Council.
3. City Council 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, 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 or charge any part of the lands without the written consent of the Chief Planner or his designate.
5. 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 has been registered.
6. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title.
7. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Part Lot Control Exemption By-law as may be required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The subject site (municipally known as 50R Ryerson Avenue) is a vacant lot created circa 1870, situated at the rear of the property municipally known as 52 Ryerson Avenue. In 2004, the applicant submitted an application to the Committee of Adjustment seeking permission to sever the 50R Ryerson Avenue lot to create three developable lots fronting on to a public lane. Minor variance applications were also submitted for each of the three proposed lots to facilitate the construction of a four-storey detached house on each of the lots. Variances to Zoning By-law 438-86 related to gross floor area, rear, front and side yard setbacks and frontage onto a public highway were required. The application was heard by the Committee of Adjustment on November 17, 2004 and was refused.

The applicant appealed the decision of the Committee of Adjustment to the Ontario Municipal Board and on March 22, 2005, the Board allowed the appeals by Order No. 0674. However, the decision related to the consent portion of the appeal was subject to a number of conditions that had to be satisfied within one year of the decision. This time period lapsed before the conditions were satisfied and the approved consent became void.

The applicant has now submitted an application to lift Part Lot Control in place of the previous consent to sever application. Review of the proposal to construct the three detached houses also revealed that municipal services for the three houses, plus the retained house at 52 Ryerson Avenue, have to be shared, thereby necessitating the application for a Common Element Condominium.

ISSUE BACKGROUND

Proposal

The applicant proposes to develop the existing vacant lot at the rear of 52 Ryerson Avenue with three detached houses containing integral garages with frontage onto a public laneway known as Egerton Lane. Access will be provided off the public laneway

Site and Surrounding Area

The rectangular site is located just north of Queen Street West and East of Bathurst Street.

The site is surrounded by the following uses:

North: two residential properties containing detached houses (58 and 60 Ryerson Avenue) and a municipal park called Alexandra Park.

South: a residential neighbourhood consisting primarily of detached and semi-detached houses. Commercial properties are located on Ryerson Avenue within the block just north of Wolseley Street, extending down to Queen Street West.

East: a residential neighbourhood consisting of detached, semi-detached and row houses plus a six-storey apartment building

West: a residential development containing approximately 190 stacked townhouse units.

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.

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.

City Council's planning decisions are required by the Planning Act, to be consistent with the PPS and to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe. In the opinion of City Planning Staff, the proposal is consistent with the Provincial Policy Statement and conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is designated "Neighbourhoods" in the Official Plan which are physically stable areas containing a variety of low-scale residential uses.

Zoning

The subject lands are zoned R3 Z1.0 under the former City of Toronto Zoning By-law 438-86 which permits low-scale residential uses such as detached, semi-detached and row houses as well as walk-up apartment buildings.

At its meeting of August 25-27, 2010, City Council adopted a new City-wide Zoning By-law for the City of Toronto. By-law 1156-2010 has been appealed in its entirety and is now before the Ontario Municipal Board.

The eastern half of the site containing the existing house to be retained (52 Ryerson Avenue) is also subject to the City-wide Zoning By-law 1156-2010 and is zoned Residential (R). The western half of the subject site (50R Ryerson Avenue) is not subject to Zoning By-law 1156-2010 as any sites for which there was an active site plan application during the time of passing of By-law 1156-2010 are exempt from the provisions of this By-law. At the time of passing of Zoning By-law 1156-2010, there was an active site plan application for the 50R Ryerson Avenue portion of the subject site to permit the development of the three proposed detached houses.

While the By-law is under appeal, the provisions of both the former City of Toronto Zoning By-law and the new City-wide Zoning By-law are in effect. The proposed development complies with both By-laws.

Site Plan Control

The proposal to construct three detached houses at the western portion of the subject site (50R Ryerson Avenue) is subject to site plan control for lane-widening purposes. A site plan application was submitted for 50R Ryerson Avenue on June 3, 2010 and the Notice of Approval Conditions was issued on March 28, 2011. It is anticipated that the Site Plan Agreement will be executed and registered in the near future.

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.

Land Division

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 Part Lot Control Exemption does not remain open indefinitely, it is recommended that the by-law contain an expiration date. In this case, the by-law should expire two years following enactment by City Council. This time frame provides sufficient time for the completion of the proposed development.

Before the Common Elements Condominium is released for registration, the Part Lot Exemption By-law must be enacted in order to create the legal descriptions for each of the parcels of tied lands (the "POTLS"). The Section 118 Restriction is used to prevent the conveyance of the POTLS to the public until the common elements condominium is registered.

This report recommends approval of the Draft Plan of Common Elements Condominium and Part Lot Control Exemption.

CONTACT

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SIGNATURE

Gregg Lintern, Director, MCIP RRP
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Draft Plan of Common Elements Condominium and Part Lot Control Exemption
Attachment 2: Draft Plan Approval Conditions
Attachment 3: Application Data Sheet

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50R Ryerson Avenue

Not to Scale
02/17/2011

File# 10321162CD, 10321170PL

Attachment 2: Draft Plan Approval Conditions

- (1) The owner shall provide to the Director Community Planning, Toronto and East 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, 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) 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) Revise the draft plan of common element condominium to show the coordinate values of the main corner of the subject lands in accordance with the Ontario Coordinate System (3⁰ MTM, Zone 10 NAD 83 CSRS).
- (6) Provide written certification from the architect that the proposed dwelling units will be designed and constructed to the requirements of Part 9 of the 2006 Ontario Building Code.
- (7) 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 3: Application Data Sheet

Application Type	Condominium Approval	Application Number:	10 321162 STE 20 CD
Details	Common Elements	Application Date:	January 11, 2011
Municipal Address:	50R and 52 RYERSON AVENUE		
Location Description:	PL D68 LT20 **GRID S2010		
Project Description:	Common element condominium for common services to service the three new proposed detached houses at 50R Ryerson Avenue and the existing house to be retained at 52 Ryerson Ave. Vehicular and pedestrian access will be provided via the public lane.		

Applicant:	Agent:	Architect:	Owner:
MAX OLIVEIRA	MAX OLIVEIRA	TERENCE VAN ELSLANDER	JOSHUA SHARETSKI

PLANNING CONTROLS

Official Plan Designation: Neighbourhoods	Site Specific Provision:
Zoning: R3 Z1.0	Historical Status:
Height Limit (m): 12.0	Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	468.2	Height:	Storeys:	4
Frontage (m):	27.82		Metres:	11.6
Depth (m):	37.8			
Total Ground Floor Area (sq. m):	262			Total
Total Residential GFA (sq. m):	826.4		Parking Spaces:	4
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	826.4			
Lot Coverage Ratio (%):	56			
Floor Space Index:	1.8			

DWELLING UNITS

Tenure Type:	Freehold
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	4
3 + Bedroom:	0
Total Units:	4

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	826.4		0
Retail GFA (sq. m):	0		0
Office GFA (sq. m):	0		0
Industrial GFA (sq. m):	0		0
Institutional/Other GFA (sq. m):	0		0

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