

**19 to 25 and 27 rear and 29 rear Maughan Cres –
Common Elements Condominium Application and Part
Lot Control Exemption Application – Final Report**

Date:	March 23, 2011
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 32 – Beaches-East York
Reference Number:	10 266805 STE 32 PL and 10 266813 STE 32 CD

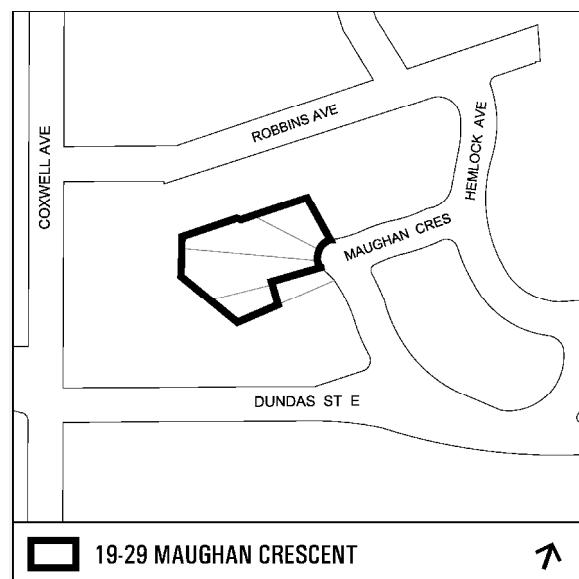
SUMMARY

These applications 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.

This application proposes a common elements condominium to establish the driveway at 19 to 25 and 27 rear and 29 rear Maughan Crescent. The common elements condominium is required to provide vehicular and pedestrian access to 18 townhouse units and to the rear of 2 pre-existing detached houses and to ensure shared ownership and maintenance of the driveway by the condominium corporation.

The requested exemption from the part lot control provisions of the *Planning Act* is required to permit the creation of conveyable lots for the 18 townhouse units fronting onto the common elements driveway.

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

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 19 to 25 and 27 rear and 29 rear Maughan Crescent, as generally illustrated on Attachment 1 to the report dated March 23, 2011, from the Director, Community Planning, Toronto and East York District, subject to:
 - a. the conditions as generally listed in Attachment 2 to the report dated March 23, 2011, 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 19 to 25 and 27 rear and 29 rear Maughan Crescent as generally illustrated on Attachment 3 to the report dated March 23, 2011, from the Director, Community Planning, Toronto and East York District, to be prepared to the satisfaction of the City Solicitor and to expire one year 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

In its order issued on October 14, 2008, the Ontario Municipal Board approved the Rezoning and Site Plan to permit the development of 18 townhouses fronting onto a common elements private road.

ISSUE BACKGROUND

Proposal

The applicant consolidated 4 single lots known municipally as 19 to 25 Maughan Crescent, along with the rear portions of the lots known municipally as 27 and 29 Maughan Crescent and received approval from the Ontario Municipal Board for a redevelopment consisting of 18, 3-storey townhouses.

The townhouses are under construction and will be organized in two blocks, each containing 9 townhouse units, all of which will be served by a private common element driveway providing vehicular access to garages located at the front of each unit.

Site and Surrounding Area

The property is located on Maughan Crescent, north of Dundas Street East. The previously approved 18 townhouse development is under construction on the site.

The properties to the north facing onto Robbins Avenue contain semi-detached houses. The properties to the east contain detached and semi detached houses. A City owned park is located to the south. A police station is located immediately to the west of the property.

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 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 *Places to Grow Act*, 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.

Official Plan

The subject lands are designated as *Neighbourhoods* in the Official Plan. *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings such as single and semi-detached dwellings, townhouses and interspersed walk-up apartments that are no higher than four storeys. Parks, low scale institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*.

The Official Plan policies state that development in *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood. The Plan also states that no changes will be made through rezoning that are out of keeping with the neighbourhood.

Zoning

The subject lands are subject to By-law No. 506-2009 (OMB) which permits the proposed townhouse development.

Site Plan Control

The site plan control application for this development was approved by the Ontario Municipal Board and the Site Plan Agreement was registered on January 23, 2009.

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

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 one year 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.

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 thus allowing the lots to be conveyed.

The proposed draft plan of Common Elements Condominium for the site is appropriate as the proposal conforms to the Official Plan and complies with the Zoning By-law, and is consistent with the approved Site Plan Control Application. As such, the exemption from Part Lot Control and the proposed draft plan of Common Elements Condominium are considered appropriate for the orderly development of the property and are recommended for approval.

CONTACT

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SIGNATURE

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

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ATTACHMENTS

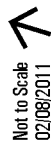
Attachment 1: Draft Plan of Common Elements Condominium

Attachment 2: Draft Plan Approval Conditions

Attachment 3: Part Lot Control Exemption Plan

Attachment 4: Application Data Sheet

File # 10_266805 PL, 10 266813 CD



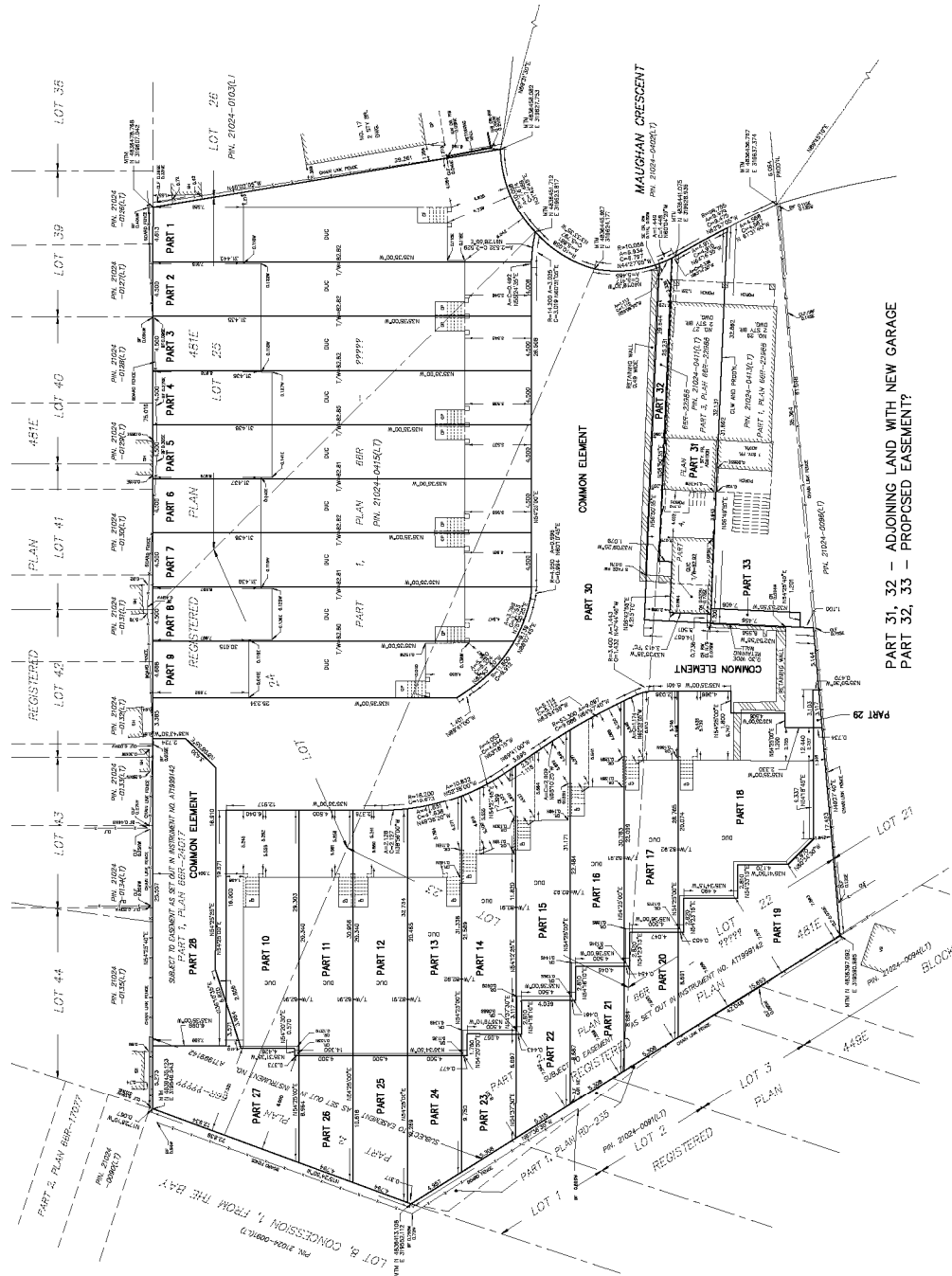
Attachment 2: Draft Plan Approval Conditions

- (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) The Condominium Declaration shall include a clause that the residential units within this project are not eligible to receive City refuse and recycling collection because the development does not comply with the standards adopted by Council regarding Development Infrastructure Policy and Standards Review and that it will be provided with private refuse collection services, at the expense of the condominium corporation;
- (6) The Owner shall advise all future owners of the parcels of tied lands, in the Condominium Declaration and Description, that the City will not accept, assume or maintain any facilities located within the site including the internal driveway, lighting, water distribution, sanitary or storm systems and appurtenances and that such systems are to be owned, operated and maintained under a common elements condominium corporation;
- (7) The Condominium Declaration shall include a clause stating that the Condominium Corporation be granted an easement for the maintenance and repair of the storm sewer that traverses the rear of Buildings 1 and 2;
- (8) The Owner shall provide certification to the Executive Director, Technical Services, from the Professional Engineer who designed and supervised the construction, that the wording, as set out under (6) above, is included in the Condominium Declaration;
- (9) Prior to or upon the registration of the draft plan of condominium, the Owner, shall provide the Owner of Premises Nos. 27 and 29 Maughan Crescent with rights of ingress and egress over the proposed common element road, in accordance with Site Plan Agreement Condition No. 30, of Site Plan Agreement AT1999141, dated January 23, 2009;

- (10) The Owner shall provide certification to the Executive Director, Technical Services from the Professional Engineer who designed and supervised the construction confirming that the stormwater management facilities and site grading have been constructed in accordance with the accepted Stormwater Management and Site Services Report prepared by Politis Engineering, revised September 25, 2008 and Site Servicing and Grading Plan, Drawing No.SS-1 and SS-2, last revised September 25, 2008, prepared by Politis Engineering Ltd.
- (11) The Owner shall provide certification to the Executive Director, Technical Services from the Professional Engineer who designed and supervised the construction, confirming that the site servicing facilities have been constructed in accordance with the accepted Site Servicing and Grading Drawing SS-1 and SS-2, prepared by Politis Engineering Ltd. last revised September 25, 2008.
- (12) The Condominium Declaration shall include the following warning clause for all or part of lots 10 through 18 as shown on the approved plans and drawings listed at Schedule “B” of Site Plan Agreement AT199141:

“Purchasers/tenants are advised that there is an overland flow easement benefitting the City of Toronto. During storm events, the rear yards of lots 10 through 18 (adjacent to the 55 Division Police station) will experience overland storm water flows and/or ponding of up to approximately 900 millimetres in depth. Re-grading of rear yards, construction of structures such as sheds or solid fences, or any other action likely to obstruct or alter the natural flow of water through the yards within the area of the City’s overland flow easement lands, as further specified in the easement agreement registered as AT1999142 on January 23, 2009, is expressly forbidden.”
- (13) Pursuant to Condition 2. of Site Plan Agreement AT1999141, receipted on January 23, 2009, the Owner shall submit revised plans, showing the elimination of the garage on Premises No. 29 Maughan Crescent and show all retaining walls, as more particularly shown on the Draft Plan of Condominium, date stamped by City Planning on February 22, 2011, relative to 27 and 29 Maughan Crescent.
- (14) The owner shall advise all future owners of the parcels of tied lands that the City will not accept, assume or maintain any facilities located within the site including the internal driveway, lighting, water distribution, sanitary or storm systems and that such systems are to be owned, operated and maintained under a common elements condominium corporation.
- (15) 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: Part Lot Control Exemption Plan



19-27 Maughan Crescent

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Part Lot Control Exemption

Applicant's Submitted Drawing

Not to Scale
02/08/2011

Attachment 4: Application Data Sheet

Application Type	Part Lot Control/Common Elements Condominium	Application Number:	10 266805 STE 32 PL 10 266813 STE 32 CD
Details		Application Date:	September 28, 2010
Municipal Address:	19 to 25 and 27 rear and 29 rear MAUGHAN CRES		
Location Description:	PLAN 481E PT LOTS 24 & 25 **GRID S3208		
Project Description:	Part Lot Control Exemption Application for 18 freehold townhouse units together with Common Element Condominium driveway.		

Applicant:	Agent:	Architect:	Owner:
SOLICITOR DAVID CHONG			TERRA MODA BEACHES INC

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	506-2009 (OMB)
Zoning:	R2 Z0.6	Historical Status:	NA
Height Limit (m):	10	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	3704.9	Height:	Storeys:	3	
Frontage (m):	0		Metres:	10	
Depth (m):	0				
Total Ground Floor Area (sq. m):	1296.2				Total
Total Residential GFA (sq. m):	3392.5		Parking Spaces:	18	
Total Non-Residential GFA (sq. m):	0		Loading Docks	0	
Total GFA (sq. m):	3392.5				
Lot Coverage Ratio (%):	34.99				
Floor Space Index:	0.92				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Freehold		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	3392.5	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	18	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	18			

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