

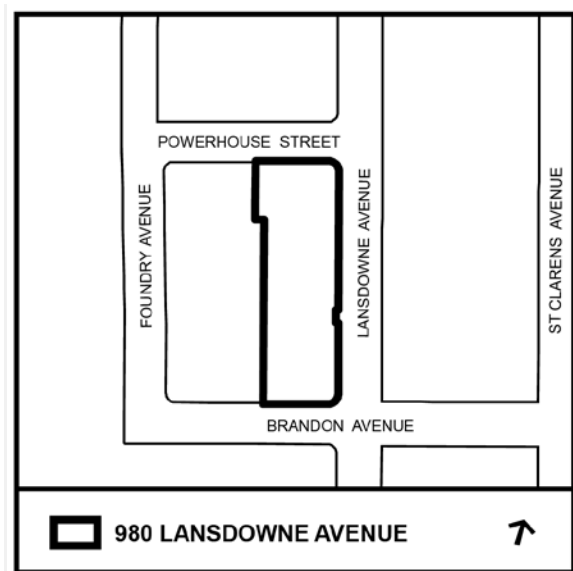
**980 Lansdowne Avenue – Draft Plan of Common Elements  
Condominium and Part Lot Control Exemption  
Applications – Final Report**

<b>Date:</b>	January 30, 2017
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 17 – Davenport
<b>Reference Number:</b>	16 197627 WET 06 CD and 16 233465 WET 17 PL

**SUMMARY**

Two applications have been submitted to facilitate the proposed townhouse development at 980 Lansdowne Avenue. One application proposes a common elements condominium for a shared driveway, walkways, meter room and landscaped areas to provide legal access to the 56 townhouse units and to ensure shared ownership and maintenance of the common elements by the condominium corporation. The other application requests exemption from the Part Lot Control provisions of the *Planning Act* to permit the creation of conveyable lots for the 56 residential dwellings.

This report advises that the Chief Planner and Executive Director, City Planning intends to approve the Draft Plan of Common Elements Condominium application, subject to conditions, and recommends approval of the Part Lot Control Exemption application. 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 and Executive Director, City Planning or her designate.



## RECOMMENDATIONS

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### 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 and Executive Director, City Planning intends to approve the Draft Plan of Common Elements Condominium for the lands at 980 Lansdowne Avenue, as generally illustrated on Attachment 1, subject to:
  - (a) The Conditions as generally listed in Attachment 2 to the January 26, 2017 report from the Director, Community Planning, Etobicoke 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 Common Elements Condominium or any such additional or modified conditions as the Chief Planner and Executive Director, City Planning 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 980 Lansdowne Avenue as generally illustrated on Attachment 3 to the January 26, 2017 report from the Director, Community Planning, Etobicoke 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 By-law 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 and Executive Director, City Planning or her 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.

## ISSUE BACKGROUND

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### Proposal

The lands subject to this application represent Phase 7 of the redevelopment of the former General Electric site. While this site is the final phase in a multi-phased development in the Davenport Village Area, Phase 6 is proposed to be developed in the future. Each of the other phases have been completed. The site is located at the southwest corner of Lansdowne Avenue and Powerhouse Street.

The proposal is to permit a Common Elements Condominium for a 56 unit, 3-storey townhouse development at 980 Lansdowne Avenue. A concurrent application proposes exemption from the Part Lot Control Provisions of the *Planning Act* to create conveyable lots. The townhouses are to be located within two blocks. The townhouses are to be freehold units, while the driveway, walkways, meter room and landscaped areas are to be shared and form part of a Common Elements Condominium. Refer to Attachment 4 for project data.

### Site and Surrounding Area

The subject site is rectangular in shape and roughly 0.4 ha in size. The 56 townhouse units are presently under construction.

Uses surrounding the site include:

- North: Foundry Lofts apartment building (Phase 2), stacked townhouses (Phase 1), and heritage building No. 15 (municipally known as 30 Powerhouse Street).
- South: A new public road (Brandon Avenue extension) connecting Foundry Avenue to Lansdowne Avenue and the future Phase 6 lands, which are currently vacant.
- East: Lansdowne Avenue and townhouses on the east side of Lansdowne Avenue.
- West: Stacked townhouses (Phase 5) and heritage building No. 10 (municipally known as 31 Powerhouse Street).

### Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required by the *Planning Act* 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 *Planning Act* to conform with the Growth Plan for the Greater Golden Horseshoe.

The proposal is consistent with the Provincial Policy Statement 2014 and conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The Official Plan designates the subject site as *Mixed Use Areas*, as identified on Map 17 – Land Use Plan. The site is also subject to the policies of the Davenport Village Secondary Plan which establishes a vision for the development of the lands bounded by Davenport Road to the north, the Canadian Pacific rail line to the south, a CN rail line to the west, and Lansdowne Avenue to the east. It permits the larger site to be developed in phases and provides for up to 1,400 dwelling units. The Secondary Plan encourages a mix of uses including a park, new roads, residential units, live-work units and commercial uses. Section 12 of the Secondary Plan contains policies to provide for the orderly development, appropriate infrastructure and servicing of the site. It also provides for the use of a Holding (H) symbol by implementing a site specific Zoning By-law and the conditions that are required to be satisfied to lift the Holding (H) symbol. The Holding (H) symbol for the Phase 7 lands was lifted on March 10, 2016.

## **Zoning**

The lands bordered by Powerhouse Street, Lansdowne Avenue, and Brandon Avenue are subject to former City of Toronto Zoning By-law No. 438-86 and Site-Specific Zoning By-law No. 728-2006. The site is zoned Residential District 4 (R4), which permits the proposed townhouses. In accordance with the established transition protocol, this site is excluded from Toronto Zoning By-law No. 569-2013 because the larger development parcel was the subject of a complete Zoning By-law Amendment application prior to the passage of this Zoning By-law.

## **Site Plan Control**

A Site Plan Control application for the lands was approved on May 12, 2016 (File No. 15 129274 WET 17 SA). The proposed Common Elements Condominium and Part Lot Control Exemption applications are consistent with the approved site plan.

## **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 of Common Elements Condominium approval conditions.

## **COMMENTS**

### **Common Elements Condominium**

The application for a Draft Plan of Common Elements Condominium is necessary to provide legal access to the townhouse units and ensure shared ownership and maintenance of the driveway, walkways, meter room and landscaped areas by the condominium corporation. The subject application provides for satisfactory access to all townhouse units and ensures that the common elements will be equally owned and maintained by the owners of the townhouse units.

Section 9 of the *Condominium Act* states that applications for condominium approval are to follow the processes for the approval of subdivisions established in Sections 51 and 51.1 of the *Planning Act*, with necessary modifications. A Public Meeting is required prior to the City's approval of the Common Elements Condominium.

## **Land Division**

Section 50(7) of the *Planning Act* 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 their development.

To ensure 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 Control Exemption By-law must be enacted 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.

## **Conclusion**

The proposed Draft Plan of Common Elements Condominium and exemption from Part Lot Control are considered appropriate for the orderly development of the lands and are recommended for approval.

## **CONTACT**

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## **SIGNATURE**

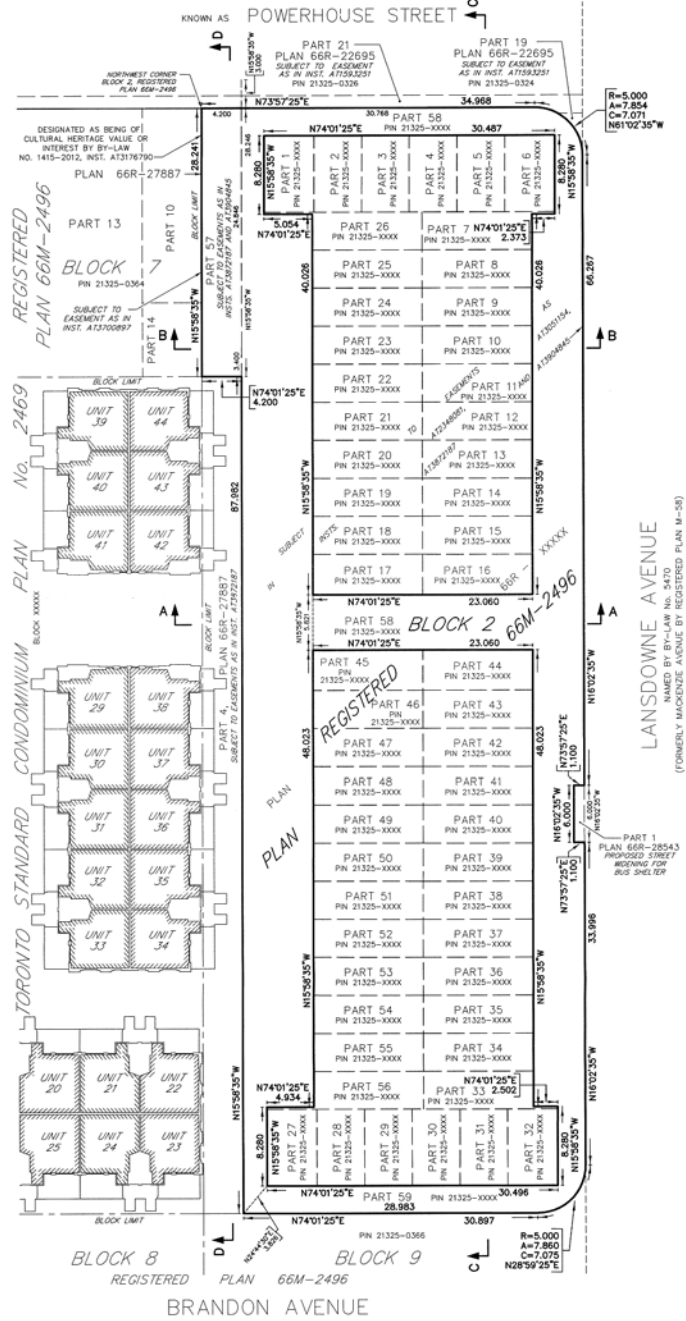
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Neil Cresswell, MCIP, RPP  
Director, Community Planning  
Etobicoke York District

## **ATTACHMENTS**

Attachment 1: Draft Plan of Common Elements Condominium  
Attachment 2: Draft Plan of Common Elements Condominium Approval Conditions  
Attachment 3: Part Lot Control Exemption Plan  
Attachment 4: Application Data Sheet

# Attachment 1: Draft Plan of Common Elements Condominium



## Draft Plan of Common Element Condominium

980 Lansdowne Avenue

Applicant's Submitted Drawing

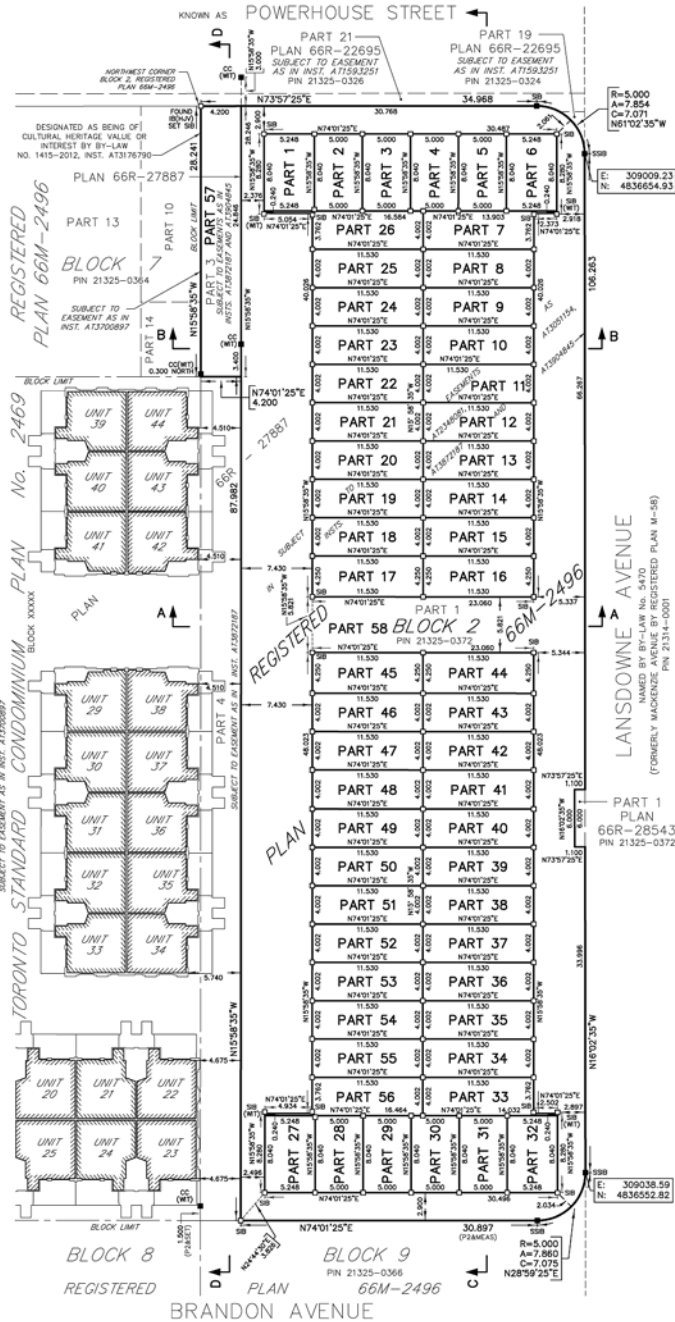
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File #s 16 197627 & 16233465

## **Attachment 2: Draft Plan of Common Elements Condominium Approval Conditions**

- (1) The owner shall provide to the Director of 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 of 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.

# Attachment 3: Part Lot Control Exemption Plan



## Part Lot Control Exemption Plan

## 980 Lansdowne Avenue

Applicant's Submitted Drawing

Not to Scale 

File #s 16 197627 & 16233465



### Attachment 4: Application Data Sheet

Application Type	Condominium Approval	Application Number:	16 197627 WET 17 CD
Details	Common Elements	Application Date:	July 27, 2016

Municipal Address: 980 LANSDOWNE AVENUE  
 Location Description: PLAN M208 PT BLK O RP 66R21150 PARTS 10 AND 11 \*\*GRID W1706  
 Project Description: Draft Plan of Condominium (Common Elements and Part Lot Control) relating to Davenport Village Phase 7. This phase contains 56 3-storey townhouses with a shared driveway.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
DONALD ROSS MCKERRON <a href="mailto:drmckerron@neudorfercorp.com">drmckerron@neudorfercorp.com</a> Work: 416-483-1066 Fax: 416-483-1068			EMSATEC CANADA INC

**PLANNING CONTROLS**

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	728-2006,438-86 R4H23.0	Historical Status:	
Height Limit (m):	23	Site Plan Control Area:	Yes

**PROJECT INFORMATION**

Site Area (sq. m):	4,274	Height:	Storeys:	3
Frontage (m):	0		Metres:	14.1
Depth (m):	0			
Total Ground Floor Area (sq. m):	2,502			<b>Total</b>
Total Residential GFA (sq. m):	8,489		Parking Spaces:	63
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	8,489			
Lot Coverage Ratio (%):	58.5			
Floor Space Index:	1.98			

**DWELLING UNITS**

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

			Above Grade	Below Grade
Tenure Type:				
Rooms:	0	Residential GFA (sq. m):	8,489	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:	56	Institutional/Other GFA (sq. m):	0	0
Total Units:	56			

**CONTACT:**      **PLANNER NAME:**      **Derek Brunelle, Assistant Planner**  
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