

**999 Dundas Street East – Common Elements  
Condominium Application and Part Lot Control  
Exemption Application – Final Report**

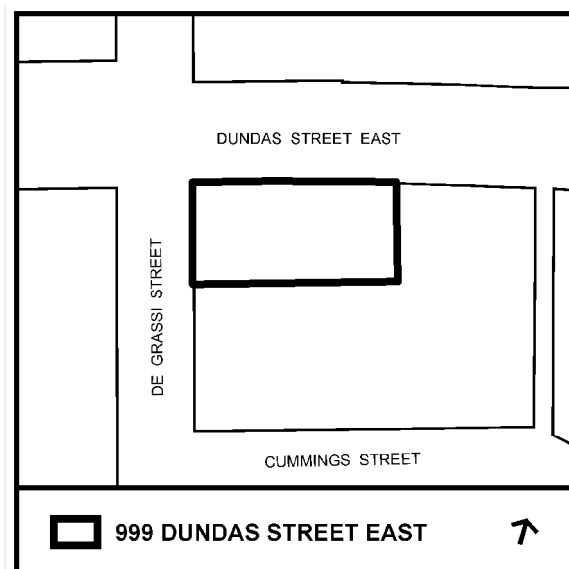
<b>Date:</b>	October 11, 2012
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 30 – Toronto-Danforth
<b>Reference Number:</b>	10 319739 STE 30 PL and 12 228992 STE 30 SD

**SUMMARY**

This application proposes a common elements condominium for the driveway on the lands known municipally as 999 Dundas Street East to provide legal vehicular access to ten 3-storey residential townhouse units 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 in order to permit the creation of conveyable lots for the 10 townhouse units fronting onto the common elements driveway.

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

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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 intends to approve the draft plan of common elements condominium for the lands at 999 Dundas Street East as generally illustrated on Attachment 1, subject to:
  - a. the conditions as generally listed in Attachment 2, 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 as generally illustrated on Attachment 3, 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 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**

### **Proposal**

The townhouses are under construction and are organized in one block containing 10 townhouse units, all of which will be served by a private common element driveway providing vehicular access to garages located at the rear of the units.

### **Site and Surrounding Area**

The subject lands are located on the south side of Dundas Street, east of De Grassi Street. The site has a frontage of approximately 42 metres and an area of 861 metres.

Adjacent uses are as follows:

North: De Grassi Street Parkette. Further north there is low density residential.

South: 2-storey and 3-storey townhouses.

East: Semi detached and single detached dwellings.

West: 3-storey townhouses.

### **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 Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

### **Official Plan**

The subject site is designated "*Mixed Use Areas*" in the City of Toronto Official Plan. This designation permits a broad range of commercial, residential and institutional uses and includes policies and development criteria to guide development and the transition between areas of different development intensity and scale.

## **Zoning**

The subject lands are subject to By-law No. 438-86 which permits the proposed townhouse use. The development presently under construction complies with this zoning.

## **Site Plan Control**

The Site Plan Agreement was registered on July 12, 2012. The Site Plan Control application was approved through delegated authority on October 3<sup>rd</sup>, 2012.

## **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 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**

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Gregg Lintern, MCIP, RPP  
Director, 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



## **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) forth with 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.





