

**55 Howie Avenue – Common Elements Condominium Application and Part Lot Control Exemption Application – Final Report**

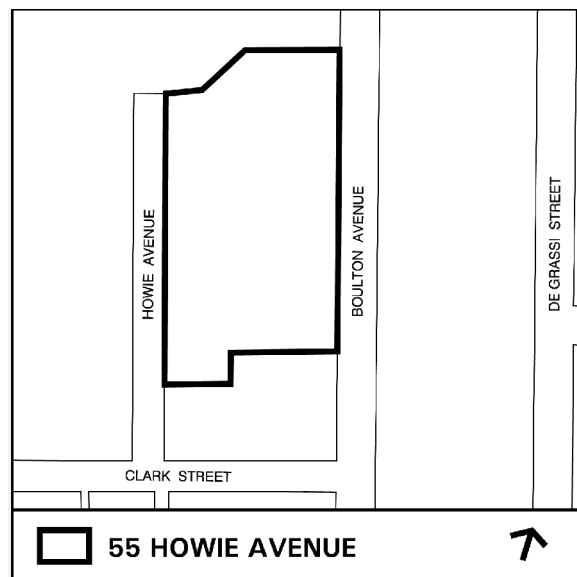
<b>Date:</b>	May 23, 2013
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 30 – Toronto-Danforth
<b>Reference Number:</b>	13-140107 STE 30 PL and 13-140100 STE 30 CD

**SUMMARY**

This application proposes a common elements condominium for the private driveway and laneway system, visitor parking areas, walkways and hydro pad area on the lands at 55 Howie Avenue in order to provide legal access to 42 residential townhouse units and to ensure shared ownership and maintenance of the common elements 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 42 residential dwellings.

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 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 intends to approve the draft plan of common elements condominium for the lands at 55 Howie Avenue, as generally illustrated on Attachment 1 to the report (May 23, 2013) from the Director, Community Planning, Toronto and East York District, subject to:
  - (a) the conditions as generally listed in Attachment 2 to the report (May 23, 2013) 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 55 Howie Avenue as generally illustrated on Attachment 3 to the report (May 23, 2013) 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 her designate.
5. Prior to obtaining the written consent of the Chief Planner or her designate, as provided for in Recommendation No. 4, City Council require that the owner of the subject lands shall demonstrate to the satisfaction of the Chief Planner, in consultation with the City Solicitor and the Executive Director of Engineering and Construction Services, that appropriate agreements have been executed and registered on title to secure, among other things, the maintenance of the shared access driveways, storm sewers and appurtenances, and the fire hydrant and watermain.

6. 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.
7. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title.
8. 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 March, 2012, City Council enacted Zoning By-law 338-2012 to permit the proposed townhouse development at the site. City Council's decision and associated staff report can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.TE13.11>

### **ISSUE BACKGROUND**

#### **Proposal**

The 42 three-storey townhouses are under construction and are organized in two blocks, 22 townhouses fronting on Howie Avenue and 20 townhouses fronting on Boulton Street, all of which will be served by a private driveway and laneway system, visitor parking areas, three walkways and a hydro pad area.

#### **Site and Surrounding Area**

The subject site is located on the east side of Howie Avenue and has a frontage of approximately 115.9 metres, a lot depth of 68.0 metres and an area of 7869.6 square metres.

Uses surrounding the site include:

- North: Two schools located directly north of the site fronting on Dundas Street East;
- East: Boulton Avenue and residential uses (primarily row houses, detached and semi-detached dwellings);
- South: Residential uses and further south, Queen Street East; and
- West: Howie Avenue and residential uses (primarily semi-detached dwellings).

## **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 lands are designated *Neighbourhoods* in the City of Toronto Official Plan. *Neighbourhoods* are physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as walk-up apartments no taller than four storeys. Neighbourhoods may also contain parks, low-scale institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses.

## **Zoning**

The subject lands are subject to By-law No. 438-86 and Site Specific By-law No. 338-2012 which permits the proposed townhouse use. The development presently under construction complies with this zoning.

## **Site Plan Control**

An application for Site Plan Control was filed with the City on March 25, 2011 and is currently undergoing review.

## **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.

## **CONTACT**

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## **SIGNATURE**

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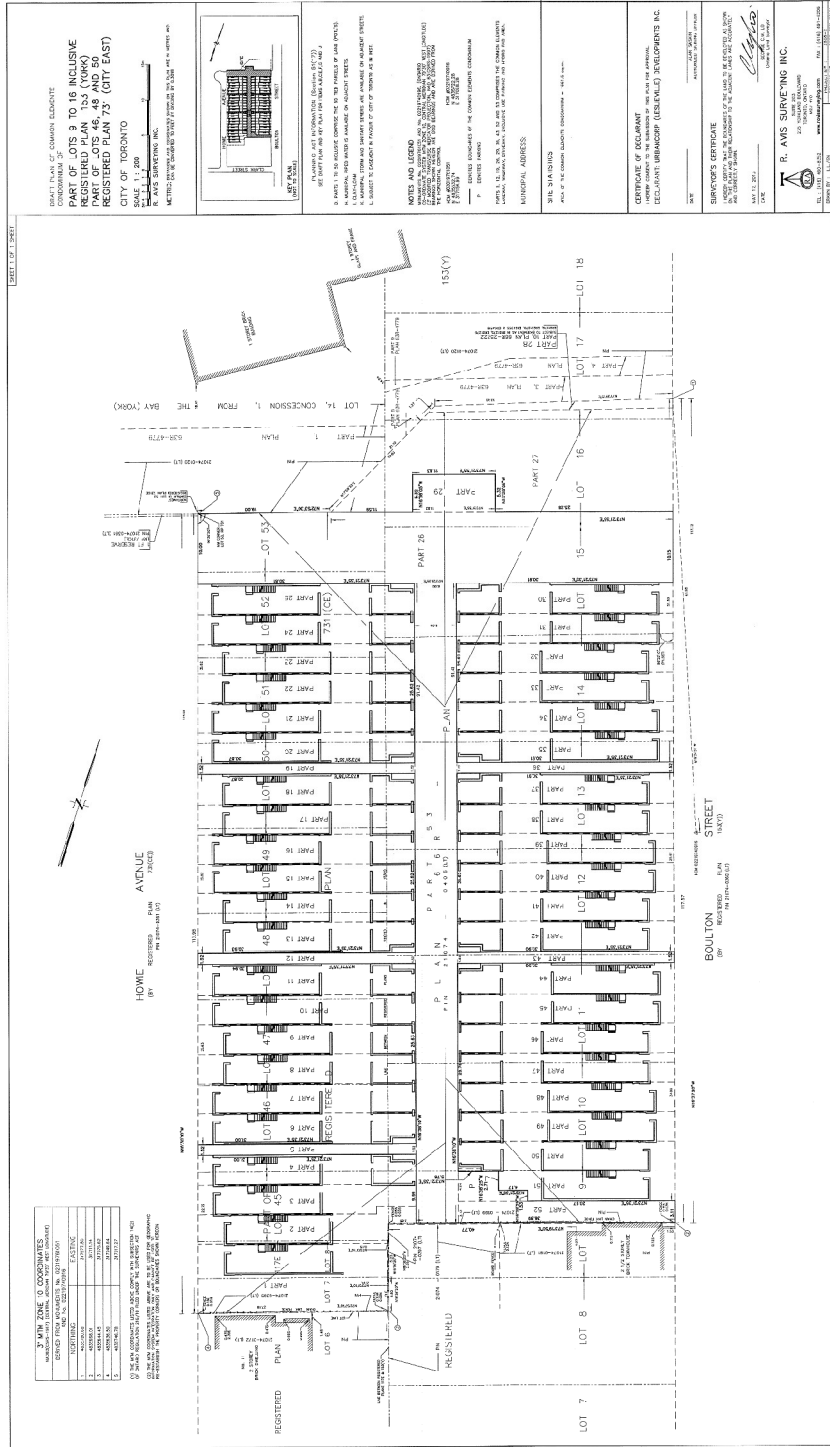
Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

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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 1: Draft Plan of Common Elements Condominium



55 Howie Avenue

Draft Plan of Common Elements Condominium

Applicant's Submitted Drawing

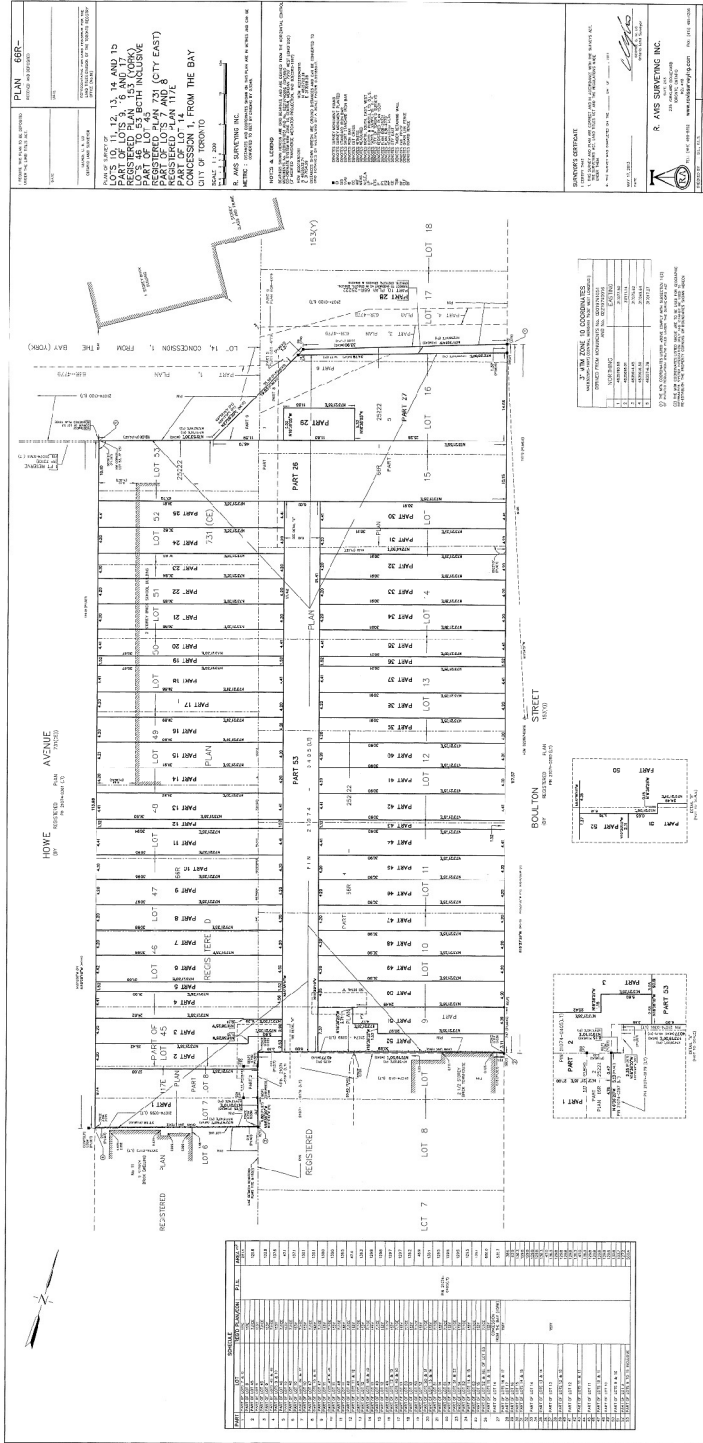
Not to Scale  
05/21/2013

File # 13 140107 PL & 13 140100 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) 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.
- (3) 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.
- (4) Visitors parking spaces will be clearly delineated on the condominium plan to be registered.
- (5) 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**  
 Applicant's Submitted Drawing  
 Not to Scale  
 05/21/2013

**55 Howie Avenue**  
 File # 13 140107 PL & 13 140100 CD



### Attachment 4: Application Data Sheet

Application Type	Part Lot Control Exemption	Application Number:	13 140107 STE 30 PL
Details		Application Date:	March 25, 2013
Municipal Address:	55 HOWIE AVE		
Location Description:	CON 1 FTB PT LOT 14 PLAN 117E PT LOTS 7 AND 8 PLAN 731 LOTS 46 TO 53 PT LOT 45 PLAN 153 LOTS 10 TO 12 PT LOTS 15 TO 17 RP 66R25222 **GRID S3007		
Project Description:	Part Lot Control in connection with a Common Elements Condominium application to permit the redevelopment of the lands for an infill residential project consisting of 42 3-storey dwellings.		
<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Urbancorp Communities Inc			Urbancorp (Leslieville) Dev Inc

#### PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:
Zoning:	R3 Z1.0 and Site Specific 338-2012	Historical Status:
Height Limit (m):	12	Site Plan Control Area: Y

#### PROJECT INFORMATION

Site Area (sq. m):	7869.6	Height:	Storeys:	3
Frontage (m):	114.1		Metres:	12
Depth (m):	68			
Total Ground Floor Area (sq. m):	2910			<b>Total</b>
Total Residential GFA (sq. m):	7984.2		Parking Spaces:	51
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	7984.2			
Lot Coverage Ratio (%):	37			
Floor Space Index:	1.01			

#### DWELLING UNITS

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

Tenure Type:	Freehold		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	7984.2	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:	42	Institutional/Other GFA (sq. m):	0	0
Total Units:	42			

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