

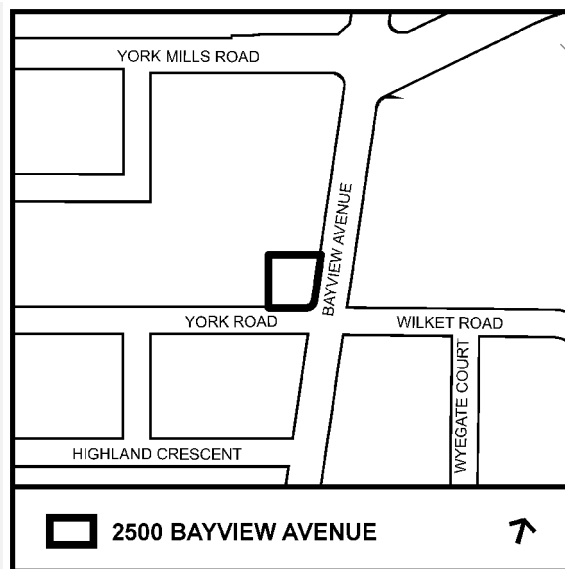
**2500 Bayview Avenue - Common Elements  
Condominium Application and Part Lot Control  
Exemption Application – Final Report**

<b>Date:</b>	May 30, 2014
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 25 – Don Valley West
<b>Reference Number:</b>	13 184316 NNY 25 CD & 13 184327 NNY 25 PL

**SUMMARY**

This application for Draft Plan of Condominium proposes the creation of a common element condominium comprised of a driveway and a walkway, associated with eight townhouse units. A concurrent application proposes exemption from the Part Lot Control provisions of the *Planning Act* to allow for the creation of conveyable lots for these eight townhouse units.

This report reviews and recommends approval of the Draft Plan of Common Elements Condominium and approval of the 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, 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 2500 Bayview Avenue, as generally illustrated on Attachment 1 to this report, subject to:
  - (a) the conditions as generally listed in Attachment 2 to this report, 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 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 2500 Bayview Avenue as generally illustrated on Attachment 3 of this report, 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. 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**

On October 11, 2006, the Committee of Adjustment approved an application for consent (B0062/06NY) to sever the subject site for the purpose of creating one additional building lot. The existing dwelling was proposed to be maintained on the lands to be retained, while a two-storey dwelling was proposed to be constructed on the lands to be severed. This approval was not acted upon.

On January 13, 2009, the applicant submitted applications for Official Plan Amendment and Zoning By-law Amendment (09 102185 NNY 25 OZ), to allow for the construction of eight townhouse units on the whole of 2500 Bayview Avenue.

On July 23, 2009, the applicant submitted an appeal to the Ontario Municipal Board (OMB) citing City Council's failure to make a decision with respect to the ongoing applications for Official Plan Amendment, and Zoning By-law Amendment within the prescribed time period under the *Planning Act*. The applicant subsequently filed an application for Site Plan Control (09 175411 NNY 25 SA), stating that it was their intention to consolidate all matters before the OMB.

An order issued by the OMB, dated May 17, 2010, approved the applications for Zoning By-law Amendment, and Site Plan Control, and determined that the application for Official Plan Amendment was not required (Board Order: PL090658). This allowed the subject lands to be developed with eight, three-storey townhouse units fronting onto Bayview Avenue, with a shared driveway at the rear of the property, accessed by York Road. The Board Order can be found at the following link:  
<http://www.omb.gov.on.ca/e-decisions/pl090658-May-17-2010.pdf>.

On December 31, 2013, the applicant submitted an application for Site Plan Control to amend the agreement registered on January 28, 2013 (13 175411 NNY 25 SA). The amendment was to allow for the modification of the previously approved sewer servicing design. The Notice of Approval Conditions for this application was issued on April 28, 2014.

## **ISSUE BACKGROUND**

### **Proposal**

This application for Draft Plan of Condominium proposes the creation of a common element condominium comprised of a driveway and a walkway. A concurrent application proposes exemption from the Part Lot Control provisions of the *Planning Act* to allow for the creation of conveyable lots.

These applications are associated with one block of eight, three-storey townhouses fronting Bayview Avenue, which are currently under construction. The development has a total gross floor area of 1911 square metres, and a Floor Space Index (FSI) of 1.1.

Vehicular access will be provided from York Road by way of a 6 metre private driveway. A total of 16 parking spaces (2 spaces per unit) will be provided in attached garages, located at the rear of the dwellings. A 4.5 metre landscape buffer will be provided at the rear of the property, adjacent to the residential property to the west. Refer to Attachment No. 4 of this report for project data.

## **Site and Surrounding Area**

The subject lands are located at the northwest corner of Bayview Avenue and York Road. The site contains one block of eight, three-storey townhouses, currently under construction. The lands have an area of approximately 1,743 square metres, a frontage of 44.6 metres and an average depth of 36.4 metres.

Land uses surrounding the site are as follows:

North: Mixed Use (York Mills Shopping Centre)

South: Neighbourhoods (detached dwellings)

East: Neighbourhoods (detached dwellings), and Parks (Irving Paisley Park and York Mills Arena)

West: Neighbourhoods (detached dwellings)

## **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 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 to conform, or not conflict, 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**

Pursuant to the OMB Order of May 17, 2010, an Official Plan Amendment was not required, as the proposal was deemed to meet the policies of the Toronto Official Plan *Neighbourhoods* designation. *Neighbourhoods* are considered to be stable areas, where new development will respect and reinforce the existing physical character of the area.

## **Zoning**

The subject property is zoned RM1(85): Multiple Family Dwelling First Density Zone, pursuant to OMB Order PL090658. This site specific zoning permits the construction of multiple attached dwellings, to a maximum of eight units.

## **Site Plan Control**

A Site Plan Agreement for the construction of eight townhouse units at 2500 Bayview Avenue was registered on January 28, 2013 (AT3225329).

A Site Plan Control Amendment application (13 175411 NNY 25 SA) was submitted on January 28, 2014. The Notice of Approval Conditions has been issued for this application.

## **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**

The proposed common elements condominium would allow shared ownership and responsibility for maintenance of the common driveway, walkway and storm and sanitary sewers serving the eight unit townhouse development. The proposed Draft Plan of Common Elements Condominium complies with the Zoning By-law.

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.

## **CONCLUSIONS**

The proposed Draft Plan of Common Elements Condominium and the 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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Fax No. (416) 395-7155

E-mail: mcorcor@toronto.ca

## **SIGNATURE**

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Allen Appleby, Director  
Community Planning, North York District

## **ATTACHMENTS**

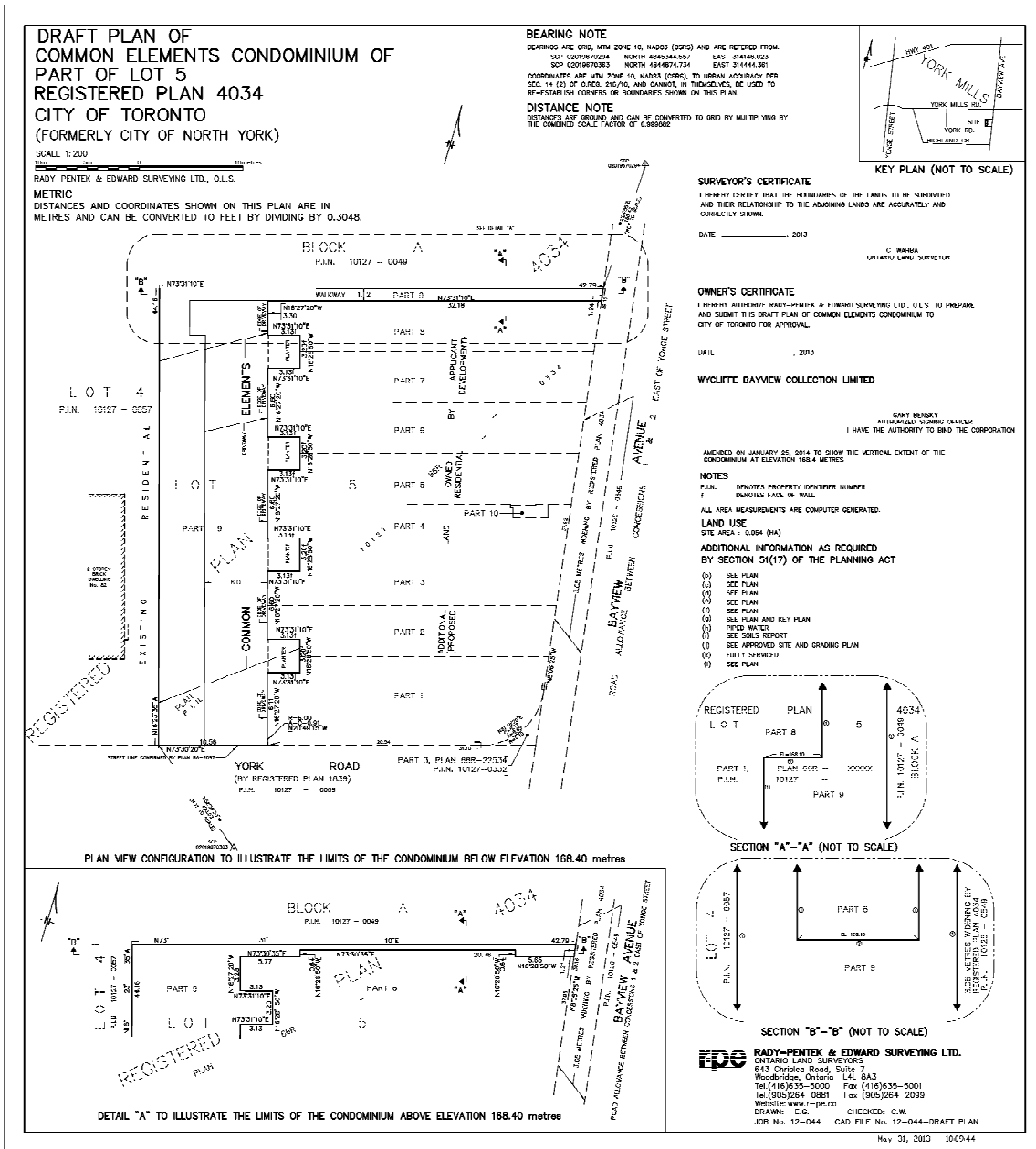
Attachment 1: Draft Plan of Common Elements Condominium

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



Draft Plan of Common Elements

2500 Bayview Avenue

Applicant's Submitted Drawing

Not to Scale  
 09/16/2013

File # 13 184316 NNY 25 CD

## **Attachment 2: Draft Plan Approval Conditions**

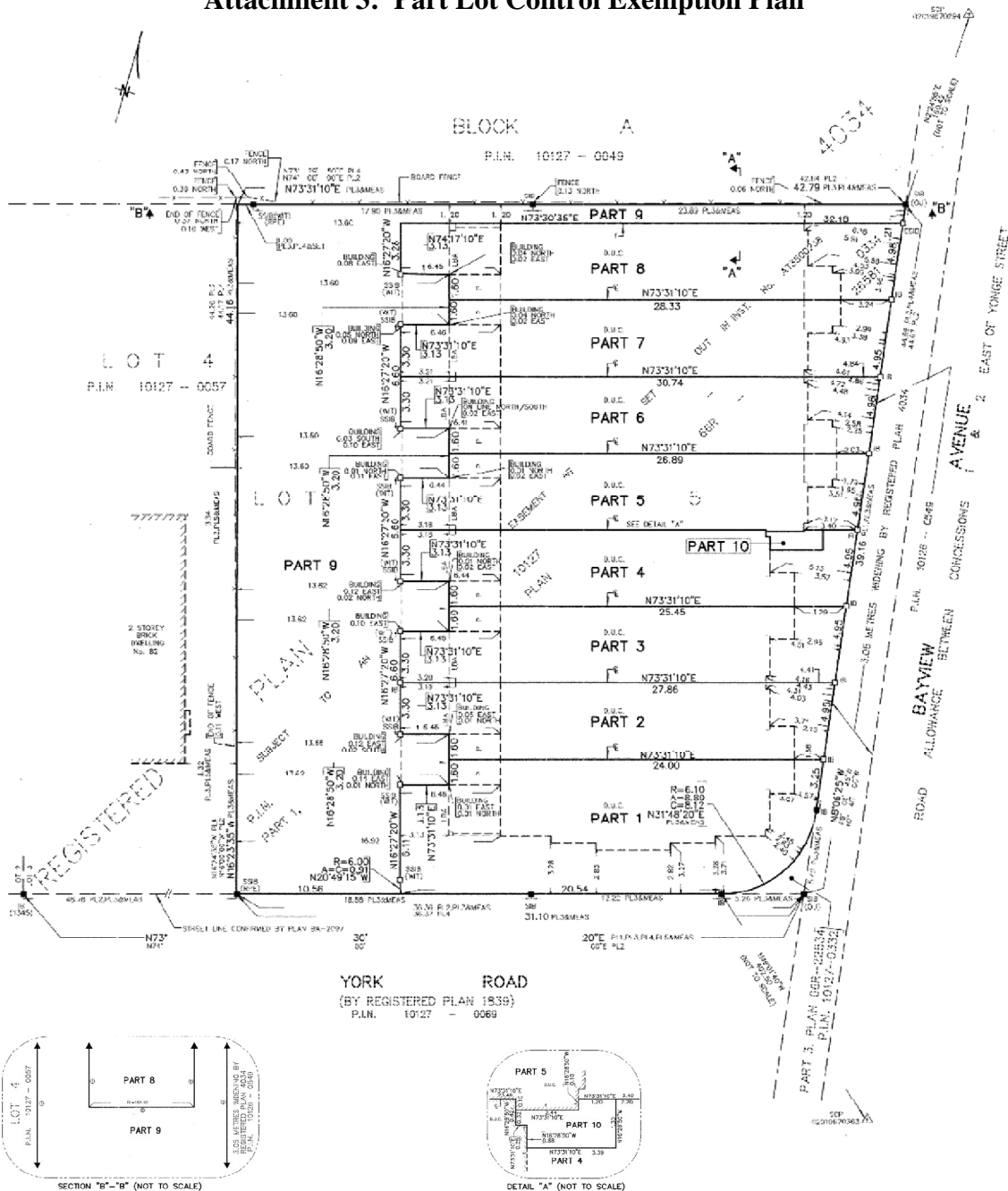
- (1) The owner shall provide to the Director Community Planning, North York District, confirmation of payment of outstanding taxes to the satisfaction of Revenue Services, City of Toronto (statement of account or Tax Clearance Certificate).
- (2) All Site Plan matters and facilities have been completed or financially secured to the satisfaction of the City.
- (3) The owner shall file with the Director Community Planning, North 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.
- (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.

### ENGINEERING AND CONSTRUCTION SERVICES – Marco Bertoia, 416-395-6345

- (7) Provide a copy of the Declaration that contains the necessary wording to grant rights-of-way/easements to provide for access to, and the use of, the shared facilities including the Storm and Sanitary Sewers between the condo and the freehold unit owners shown as Part-9 on the R-Plan.
- (8) The Owner is required to certify that the unit owners and their successors in title will be responsible for the provision, construction, maintenance, and repair of the common elements through the provisions of the Common Elements Condominium Act.
- (9) Provide a copy of the Declaration that contains the necessary wording to grant access along the common element driveway to access the driveways with provisions for maintenance.



# Attachment 3: Part Lot Control Exemption Plan



## Part Lot Plan

## 2500 Bayview Avenue

Applicant's Submitted Drawing

Not to Scale  
09/16/2013

File # 13 184316 NNY 25 CD

## Attachment 4: Application Data Sheet

### APPLICATION DATA SHEET

Application Type	Draft Plan of Condominium Part Lot Control Exemption	Application Number:	13 18416 NNY 25 13 184327 NNY 25 PL
Details		Application Date:	June 10, 2013

Municipal Address: 2500 BAYVIEW AVE  
 Location Description: PLAN 4034 LOT 5 \*\*GRID N2503  
 Project Description: Creation of a common element condominium comprised of a driveway and a walkway, and exemption from Part Lot Control.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
RADY-PENTEK & EDWARD SURVEYING LTD <b>PLANNING CONTROLS</b>	GEORGE PIETRACCI		WYCLIFFE BAYVIEW COLLECTION LIMITED

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	N
Zoning:	RM1(85)	Historical Status:	N
Height Limit (m):		Site Plan Control Area:	Y

#### PROJECT INFORMATION

Site Area (sq. m):	1744	Height:	Storeys:	3
Frontage (m):	44.65		Metres:	11
Depth (m):	36.39			
Total Ground Floor Area (sq. m):			<b>Total</b>	
Total Residential GFA (sq. m):	1911		Parking Spaces:	16
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	1911			
Lot Coverage Ratio (%):	41.3			
Floor Space Index:	1.1			

#### DWELLING UNITS

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

Tenure Type:	Freehold		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	1911	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:	8	Institutional/Other GFA (sq. m):	0	0
Total Units:	8			

**CONTACT: PLANNER NAME: Michelle Corcoran, Planner**  
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