

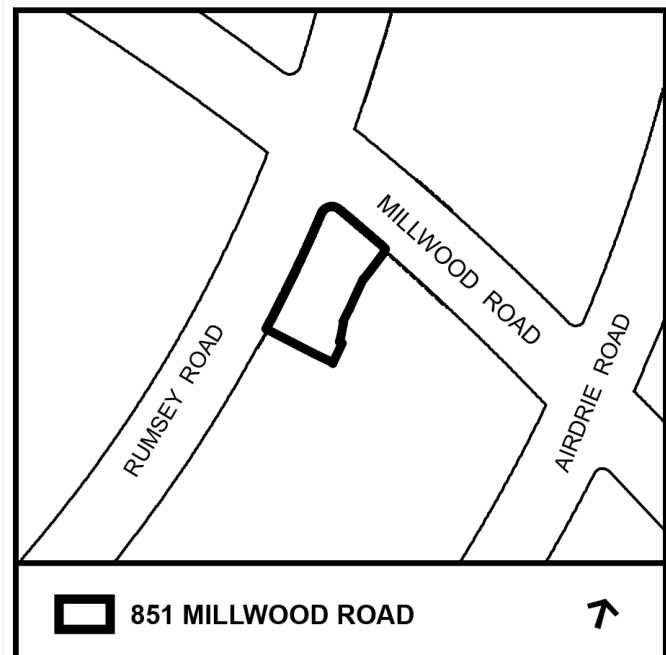
**851 Millwood Road – Common Elements Condominium Application and Part Lot Control Exemption Application – Final Report**

<b>Date:</b>	June 25, 2014
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 26 – Don Valley West
<b>Reference Number:</b>	14 141502 NNY 26 CD and 14 141498 NNY 26 PL

**SUMMARY**

This application for Draft Plan of Condominium proposes the creation of a common element condominium comprised of a driveway and a day-lighting triangle, associated with five 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 five 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, as amended, City Council be advised that the Chief Planner intends to approve the Draft Plan of Common Elements Condominium for the lands at 851 Millwood Road, as generally illustrated on Attachment 1, Draft Plan of Common Elements Condominium Plan, dated April 7, 2014, and revised May 29, 2014, 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 at 851 Millwood Road as generally illustrated on Attachment 3, Part Lot Control Exemption Plan, dated May 14, 2014, 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 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**

On March 18, 2003, an application for Zoning By-law Amendment (03 035114 SMI 26 OZ), to allow for the construction of five townhouse units on at 851 Millwood Road, was submitted. On April 7, 2003, an application for Site Plan Control (03 035165 SMI 26 SA) was submitted. The application for Zoning By-law Amendment was adopted on December 7, 2005, and enacted by City Council on February 14, 2006. The Statement of Approval for the Site Plan Control application was issued on November 28, 2012.

On January 30, 2013, applications for Minor Variance (A073/13NY, A074/13NY, A075/13NY, A076/13NY, and A077/13NY) were submitted, which sought to allow the construction of a deck at the rear of each of the proposed units. These applications were approved by the Committee of Adjustment on March 6, 2013.

## **ISSUE BACKGROUND**

### **Proposal**

This application for Draft Plan of Condominium proposes the creation of a common element condominium comprised of a driveway and a daylighting triangle. 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 five, three-storey townhouses fronting Millwood Road, which are currently under construction. The development has a total gross floor area of 1,267 square metres, and a Floor Space Index (FSI) of 1.7. Vehicular access will be provided from Millwood Road by way of a 5.8 metre private driveway. A total of 10 parking spaces (2 parking spaces per unit) will be provided in attached garages, located at the rear of the dwellings. Refer to Attachment No. 4 of this report for project data.

Through the Site Plan Control application (03 035165 SMI 26 SA), the owner conveyed a sightline easement to the City of Toronto, in order to ensure no structures are erected at the corner of Rumsey Road and Millwood Road that could visually obstruct the intersection. Pursuant to the registered Site Plan Agreement (AT1576880), the owner of the land is to obtain commercial general liability insurance with respect to this easement. In order to ensure that the responsibility of obtaining and maintaining the liability insurance lies with the Condominium Corporation rather than the owner of Part 5 only, the applicant proposes to include the daylighting triangle as part of the common element.

### **Site and Surrounding Area**

The subject lands are located at the northeast corner of Millwood Road and Rumsey Road. The site contains one block of five, three-storey townhouses, currently under construction. The lands have an area of approximately 737 square metre, a frontage on Rumsey Road of approximately 38.8 metres and a depth of approximately 21.3 metres.

Land uses surrounding the site are as follows:

North: Neighbourhoods (retail, detached dwellings, and semi-detached dwellings), and Parks (Trace Manes Park)

South: Neighbourhoods (detached dwellings)  
East: Neighbourhoods (apartment building and detached dwellings)  
West: Neighbourhoods (apartment building, townhouses, and 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**

The subject property is designated *Neighbourhoods* in the Toronto Official Plan. *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 R2B.4, under Leaside Zoning By-law No. 1916. This site specific zoning permits the construction of multiple attached dwellings, to a maximum of five units.

## **Site Plan Control**

A Site Plan Agreement for the construction of five townhouse units at 851 Millwood Road was registered on September 17, 2007 (AT1576880).

## **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, and daylighting triangle, associated with the five-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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## **SIGNATURE**

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Allen Appleby, Director  
Community Planning, North York District

## **ATTACHMENTS**

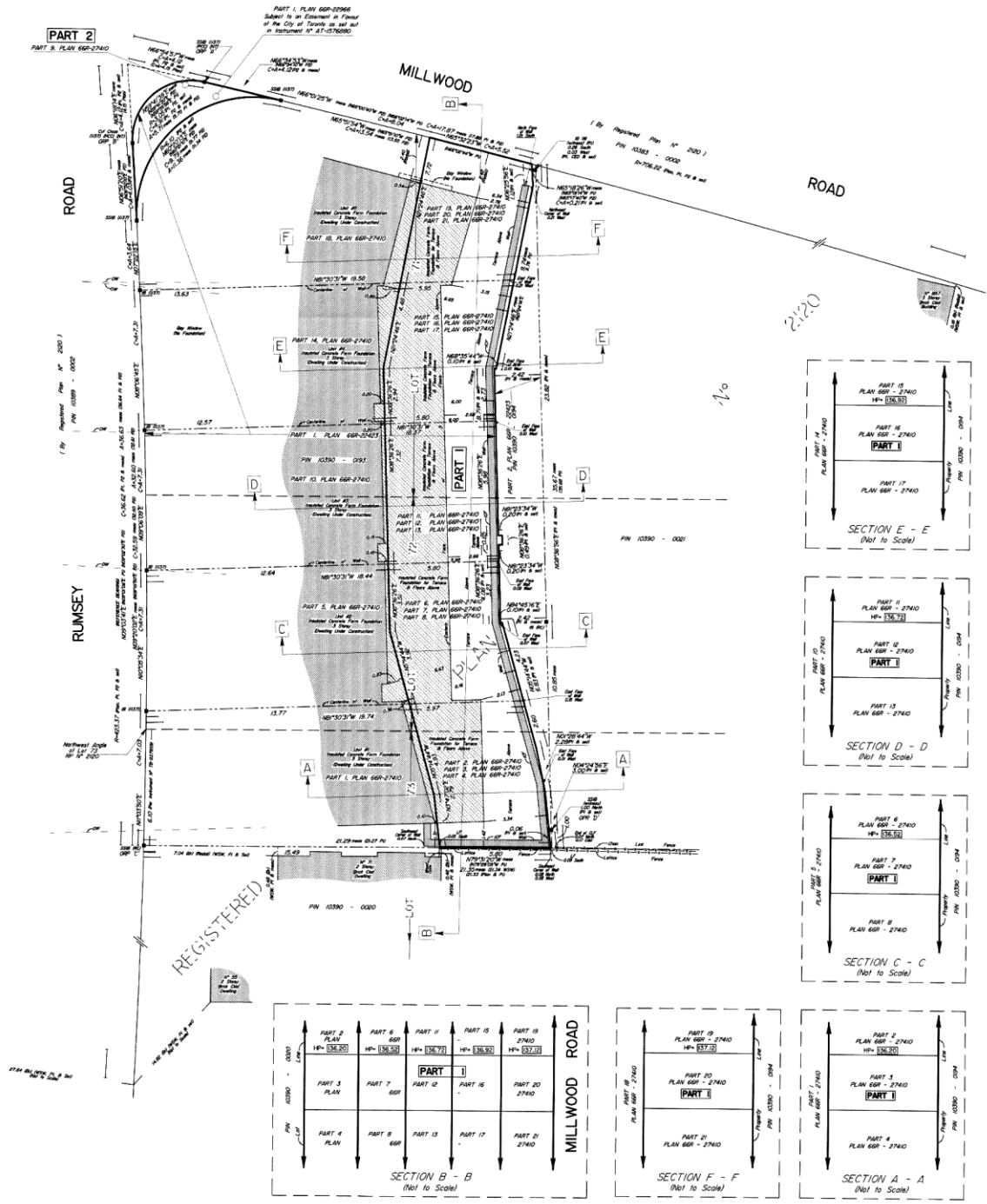
Attachment 1: Draft Plan of Common Elements Condominium

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 Condo**

**851 Millwood Road**

Applicant's Submitted Drawing

Not to Scale  
07/02/2014

File # 14 141502 NNY 26 CD & 14 141498 NNY 26 PL

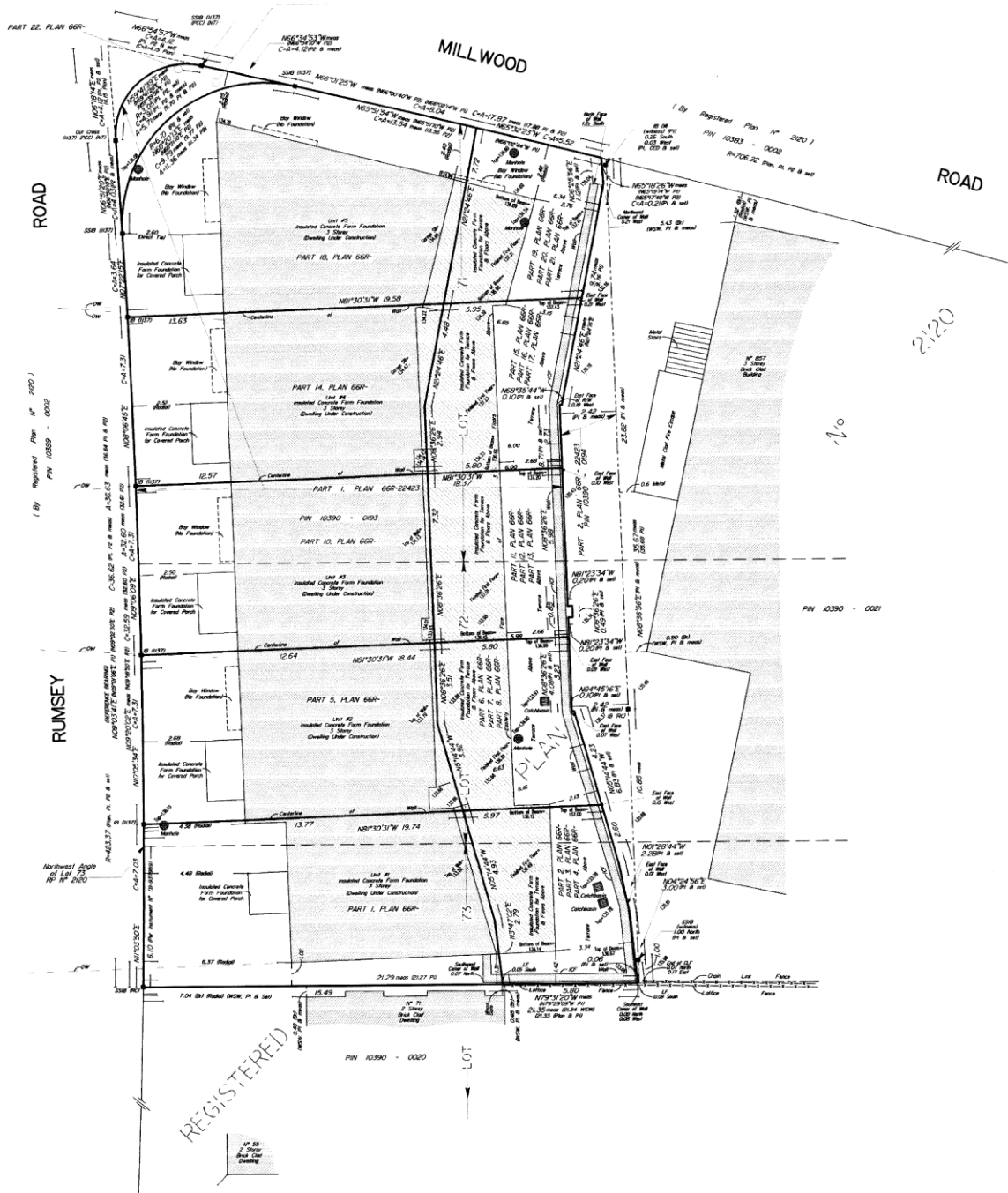
## **Attachment 2: Draft Plan Approval Conditions**

- (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.
- (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.

### ENGINEERING AND CONSTRUCTION SERVICES – Robert Fazio – 416-395-6306

- (6) 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**

**851 Millwood Road**

Applicant's Submitted Drawing

Not to Scale  
07/02/2014



File # 14 141502 NNY 26 CD & 14 141498 NNY 26 PL

