

**431 Royal York Road – Draft Plan of Common Elements
Condominium and Part Lot Control Exemption
Applications – Final Report**

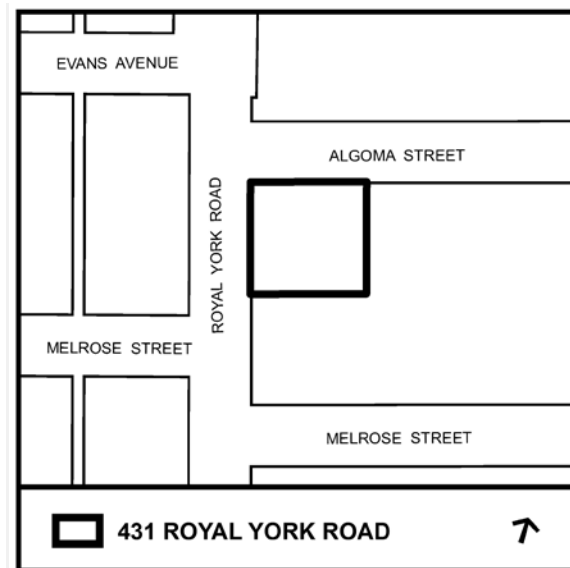
Date:	October 27, 2016
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 6 – Etobicoke-Lakeshore
Reference Number:	15 260434 WET 06 CD and 15 260427 WET 06 PL

SUMMARY

Two applications have been submitted to facilitate the proposed townhouse development at 431 Royal York Road. One application proposes a common elements condominium for a shared driveway, walkways, meter room and landscaped areas to provide legal access to the 14 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 14 residential dwellings.

This report reviews and recommends approval of the Draft Plan of Common Elements Condominium subject to conditions 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 and Executive Director, City Planning or her designate.



RECOMMENDATIONS

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 431 Royal York Road, as generally illustrated on Attachment 1, subject to:
 - (a) The Conditions as generally listed in Attachment 2 to the report (October 21, 2016) 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 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 431 Royal York Road as generally illustrated on Attachment 3 to the report (October 21, 2016) 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.

Decision History

A previous Committee of Adjustment application (A735/14EYK) sought approval of variances to permit the townhouse uses at grade. As part of the Committee of Adjustment approval, the applicant provided a 3.44 metre wide road conveyance to meet the Official Plan requirement for a 27 metre wide right-of-way on Royal York Road.

ISSUE BACKGROUND

Proposal

The proposal is to permit a Common Elements Condominium for a 14 unit, 3-storey townhouse development at 431 Royal York Road. 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 parallel blocks. One block would contain eight units that front onto Royal York Road while six units would front onto the open space area adjacent to George R. Gauld Junior Public School. Rear access to the units and garages will be provided by a shared driveway. 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 located on the southeast corner of Royal York Road and Algoma Street just south of the Gardiner Expressway and has a frontage of approximately 38 metres and a depth of approximately 39.6 metres. The site area is approximately 1,513 square metres and was formerly occupied by an auto repair facility.

Uses surrounding the site include:

North: Three storey townhouse development and a two-storey mixed commercial-residential use.

East: Residential homes fronting on Algoma Street; George R. Gauld Junior Public School and associated green space on the south side of the street.

South: Mix of two storey commercial plaza with residential units above and two storey triplex dwellings.

West: Two storey commercial plazas.

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 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 its transition between areas of different development intensity and scale.

Zoning

The site is zoned Commercial (C) under the former City of Etobicoke Zoning Code and is zoned Commercial Residential (CR)(x869) under City-wide Zoning By-law No. 569-2013. The residential permissions in the CR zone permit Apartment Buildings, Mixed Use Buildings and Townhouses. The CR(x869) zone permits a maximum building height of 14 metres.

Site Plan Control

A Site Plan Control application for the lands was submitted on November 10, 2015 (File No. 15 249779 WET 06 SA). The proposed Common Elements Condominium and Part Lot Control Exemption applications are consistent with the site plan currently under 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.

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 they 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 Council approval of the Common Elements Condominium.

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 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 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.

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

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

ATTACHMENTS

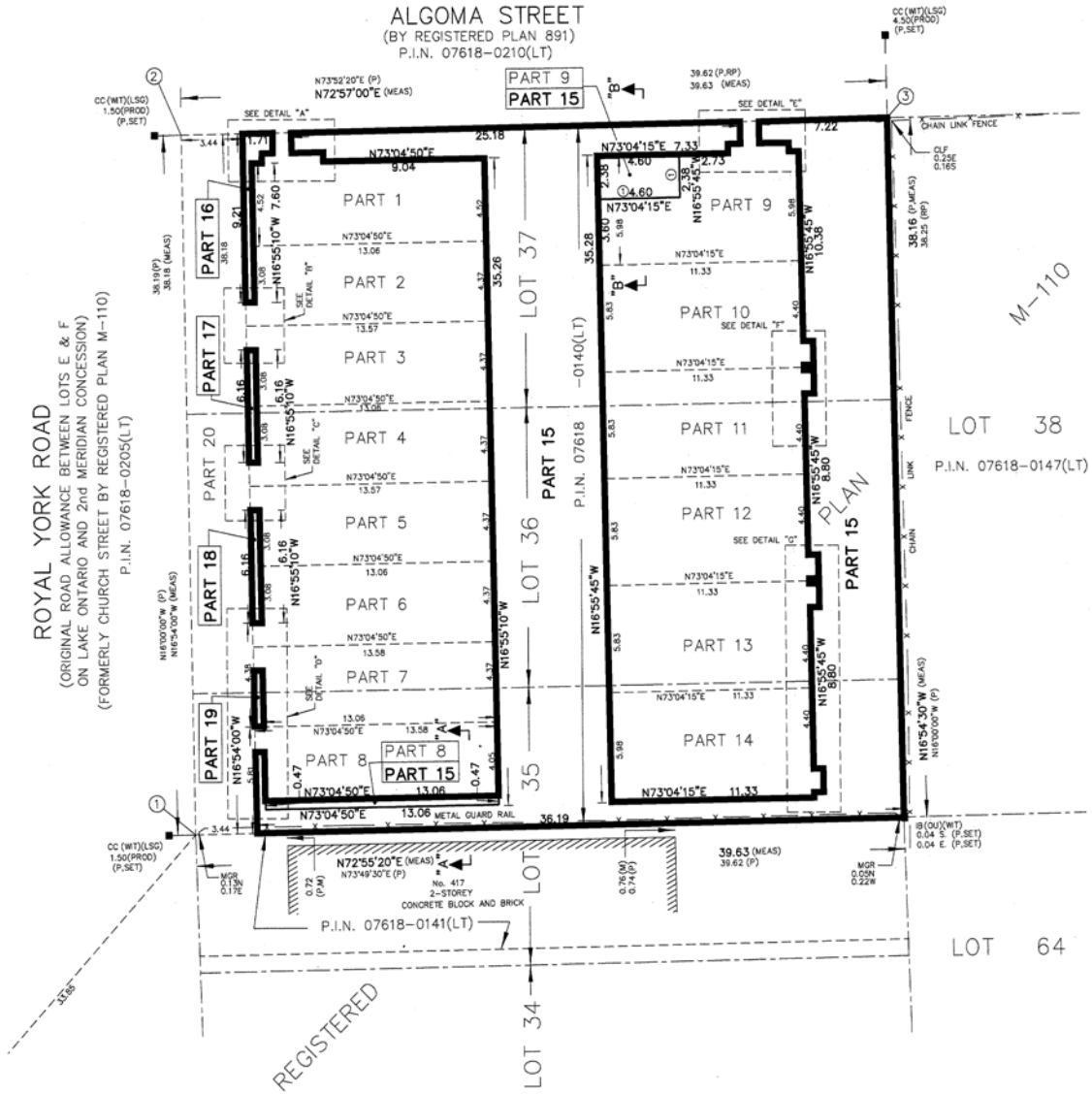
Attachment 1: Draft Plan of Common Elements Condominium

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

Applicant's Submitted Drawing

Not to Scale
10/26/2016

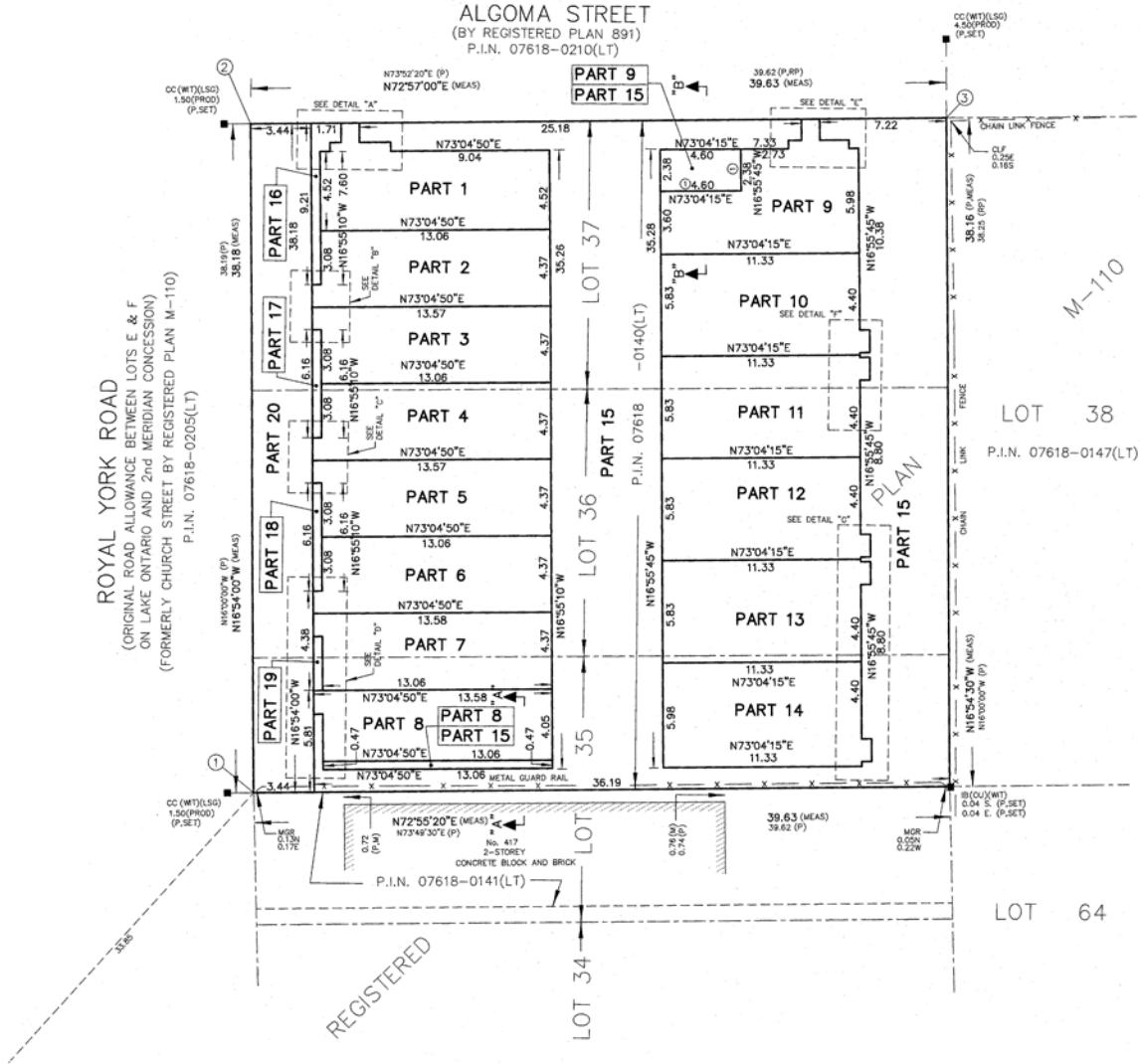
431 Royal York Road

File # 15 260434 WET 06 CD
File # 15 260427 WET 06 PL

Attachment 2: Draft Plan 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) 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

Applicant's Submitted Drawing

Not to Scale 10/26/2016

431 Royal York Road

File # 15 260434 WET 06 CD
File # 15 260427 WET 06 PL

Attachment 4: Application Data Sheet

Application Type	Condominium Approval – Part Lot Control Exemption	Application Number:	15 260434 WET 06 CD 15 260427 WET 06 PL
Details		Application Date:	November 10, 2015

Municipal Address: 431 ROYAL YORK ROAD
 Location Description: PLAN M110 LOTS 36 & 37 PT LOT 35 **GRID W0607
 Project Description: Proposal for 14 grade-related townhouse units.

Applicant:	Agent:	Architect:	Owner:
OCEANVIEW HOMES LIMITED	Adam Brown	Guthrie Muscovitch Architects	OCEANVIEW HOMES LIMITED

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	CR(x869)	Historical Status:	
Height Limit (m):	14.0	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	1513	Height:	Storeys:	3
Frontage (m):	38.3		Metres:	11.4
Depth (m):	39.6			
Total Ground Floor Area (sq. m):	863			Total
Total Residential GFA (sq. m):	1720		Parking Spaces:	14
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	1720			
Lot Coverage Ratio (%):	0			
Floor Space Index:	1.13			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Freehold Condominium	Above Grade	Below Grade
Rooms:	Residential GFA (sq. m):	1720	0
Bachelor:	0	Retail GFA (sq. m):	0
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	14	Institutional/Other GFA (sq. m):	0
Total Units:	14		

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