

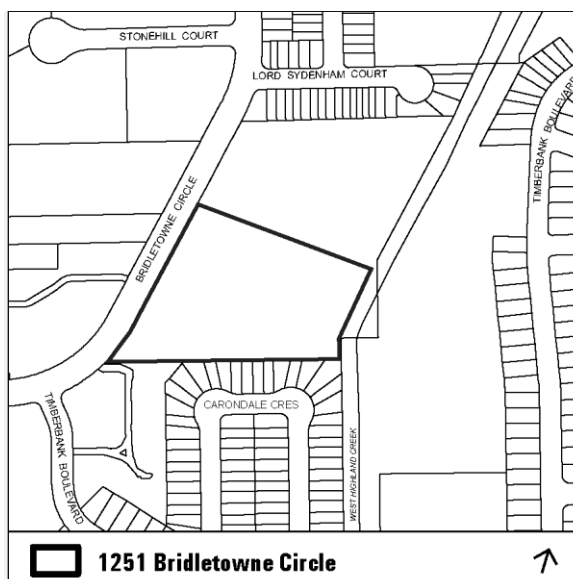
# **1251 Bridletowne Circle – Common Elements Condominium Application and Part Lot Control Exemption Application – Final Report**

<b>Date:</b>	May 25, 2017
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Director, Community Planning, Scarborough District
<b>Wards:</b>	Ward 40 – Scarborough-Agincourt
<b>Reference Number:</b>	17 101126 ESC 40 CD and 17 101131 ESC 40 PL

## **SUMMARY**

Applications have been submitted for Draft Plan of Common Elements Condominium and for Part Lot Control Exemption to facilitate the construction of a 282-unit townhouse development at 1251 Bridletowne Circle. The Draft Plan of Common Elements Condominium application proposes to establish common element driveways, amenity areas and ground level parking to ensure shared ownership and maintenance of the common elements by the condominium corporation(s). The request for exemption from the provisions of Part Lot Control under the *Planning Act* is to permit the creation of 105 conveyable residential lots.

This report advises that the Chief Planner and Executive Director, City Planning intends to approve the Draft Plan of Common Elements Condominium application, subject to conditions, and recommends approval of the Part Lot Control Exemption application. 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

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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 and Executive Director, City Planning intends to approve the Draft Plan of Common Elements condominium for the lands at 1251 Bridletowne Circle, as generally illustrated on Attachments 1 and 2, subject to:
  - (a) the conditions as generally listed in Attachment 3 to the May 25, 2017 report from the Director, Community Planning, Scarborough 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 Common Elements 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 1251 Bridletowne Circle as generally illustrated on Attachment 1 to the May 25, 2017 report from the Director, Community Planning, Scarborough 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 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**

At its meeting on August 25-28, 2014, City Council approved Zoning Amendment Application 12 266748 ESC 40 OZ to permit a 282-unit townhouse development. The City Council decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.SC34.31>

Site Plan Control Application 13 273809 ESC 40 SA was approved for the proposed 282-unit townhouse development on May 20, 2017.

## **ISSUE BACKGROUND**

### **Proposal**

The proposal is to permit a Common Elements Condominium for a 282-unit townhouse development. The townhouse development would consist of 15 townhouse blocks accessed by a common element driveway. Three different townhouse built forms are proposed on the site. Six townhouse blocks would contain 168 stacked townhouse units. Another 6 townhouse blocks would contain 92 back-to-back townhouse units. The remaining 22 townhouse units would be contained in three traditional townhouse blocks.

A central outdoor amenity area/playground would be provided in the development proposal.

Vehicular access to the subject lands is from 2 driveway entrances from Bridletowne Circle. A total of 370 parking spaces would be provided for the townhouse units. A proposed underground parking garage would contain 352 parking spaces, of which 25 parking spaces would be for visitors. Eighteen ground level parking spaces would also be for visitors.

Attachments 1 and 2 identify the proposed common element areas in the Draft Plan of Common Elements Condominium Plan (Ground Level and Underground) and the 105 lots to be created in the Part Lot Control Exemption Plan (Ground Level).

A portion of the lands located at the northerly part of the site near Bridletowne Circle are not within a registered plan of subdivision. Consent Application B0072/16SC has been submitted on these lands to create 9 residential lots that will be tied to the Common Elements Condominium. This application is currently under review. Attachment 1 also shows the location of the 9 lots to be created.

In addition, a Draft Plan of Standard Condominium Application 16 272056 ESC 40 CD has been submitted to create 168 townhouse units, which is currently under review. Attachment 1 shows the area where the six townhouse blocks containing 168 townhouse units are proposed.

The Table below shows the total number of townhouse units proposed by each development application:

Type of Development Application	Number of Units
Draft Plan of Standard Condominium	168
Part Lot Control Exemption	105
Consent	9
Total	282

The applicant has advised that all of the ground level parking, driveways and amenity areas will be governed by the Common Elements Condominium, while the underground parking garage along with the access ramp, ventilation shafts, exit stairs and elevators will be part of and governed by the Standard Condominium. Easements required for access, will be secured prior to registration of the condominiums and in compliance with the conditions of the Consent.

### **Site and Surrounding Area**

The subject site is irregular in shape and is approximately 2.84 hectares in area. Construction of the proposed townhouse development is currently underway.

North: The northern portion of the former Timothy Eaton Business and Technical Institute property contains a sports field with track that will be redeveloped for a community hub, and 2-storey single and semi-detached dwellings further north;

West: Apartment buildings and townhouses occur on the west side of Bridletowne Circle;

East: A channelized tributary of the Highland Creek (West Highland Creek) with Timberbank Park further east; and

South: 2-storey linked-dwellings that are similar to semi-detached dwellings and a 2 and 3-storey townhouse development fronting onto Bridletowne Circle.

### **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 site is designated *Neighbourhoods* on Map 19 - Land Use Plan of the Toronto Official Plan. *Neighbourhoods* are considered as physically stable areas primarily made up of low density type residential uses, such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys. Parks, low scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*. The proposed townhouse dwellings would be provided for in the *Neighbourhoods* designation.

## **Zoning**

Zoning By-law No. 1022-2014 regulates the proposed townhouse development. The townhouses are permitted under the existing M (Multiple-Family Residential) zoning for the site. By-law No. 1022-2014 also zones a strip of the lands located adjacent to the east boundary of the site as O (Major Open Space).

## **Site Plan Control**

A Site Plan Control application for the proposed townhouse development on the lands was approved on May 20, 2017 (File No. 13 273809 ESC 40 SA). The associated site plan agreement registered on title of the property requires that prior to the registration of the plan of condominium, the owner convey to the Toronto and Region Conservation Authority (TRCA) the strip of lands zoned open space. These buffer lands would be fenced and planted with vegetation. A condition requiring the conveyance of the open space lands is included in the draft plan conditions identified in Attachment 3.

The proposed Common Elements Condominium and Part Lot Control Exemption applications are consistent with the approved Site Plan Control application.

## **Agency Circulation**

The applications were circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the applications and to formulate appropriate Draft Plan of Common Elements Condominium approval conditions.

## COMMENTS

### Common Elements Condominium

The application for Draft Plan of Common Elements Condominium is necessary to provide legal access to the townhouse units and ensure shared ownership and maintenance of the driveways, amenity areas, and surface parking areas by the condominium corporation(s). The subject application provides for satisfactory access to all townhouse units and ensures that the common elements will be owned and maintained by the owners of the townhouse units.

Engineering and Construction Services Division advises that the following condition of draft plan approval is required prior to the release of both the Draft Plan of Common Elements Condominium and Draft Plan of Standard Condominium Plans for registration:

“The Owner shall file with the Director of Community Planning, Scarborough District, a fully executed copy of Certification from the applicant’s solicitor that:

- (i) the Parties have entered into a Cost Sharing Agreement with respect to the shared services and/or any other shared facilities; and
- (ii) the Cost Sharing Agreement designates an owner who will be the person responsible in the case of any issues regarding the shared services, including but not limited to issues arising with respect to the City of Toronto Municipal Code Chapters 681 and 851 (the “Person of Responsibility”). The certification shall further indicate:  
Who the Person of Responsibility is;  
The contact information for the Person of Responsibility; and  
That the Cost Sharing Agreement contains a clause requiring the Person of Responsibility to maintain up-to-date contact information with the General Manager, Toronto Water.”

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 the City's 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 majority of the subject lands are within a registered plan of subdivision. The lifting of Part Lot Control on that part of the subject lands that is within the registered plan of subdivision is considered appropriate for the orderly development of the lands and will facilitate the development.

A portion of the lands located at the northerly part of the site near Bridletowne Circle is not within a registered plan of subdivision. The applicant, on behalf of the owner, has also submitted a consent application within these lands to create 9 residential lots which is currently under review. A draft plan approval condition is included in Attachment 3 to ensure that the consent approval is obtained for the 9 new lots prior to the registration of the Common Elements Condominium Plan. This condition would also ensure the orderly development of the lands in accordance with the approved Site Plan Control application for the development proposal. A similar condition requiring consent approval would be included in the draft approval conditions for Draft Plan of Standard Condominium to ensure the development is consistent with the approved Site Plan Control application.

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. The Section 118 Restriction would also ensure that matters related to the required Cost Sharing Agreement and the fulfillment of the consent application are finalized.

## **CONTACT**

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## **SIGNATURE**

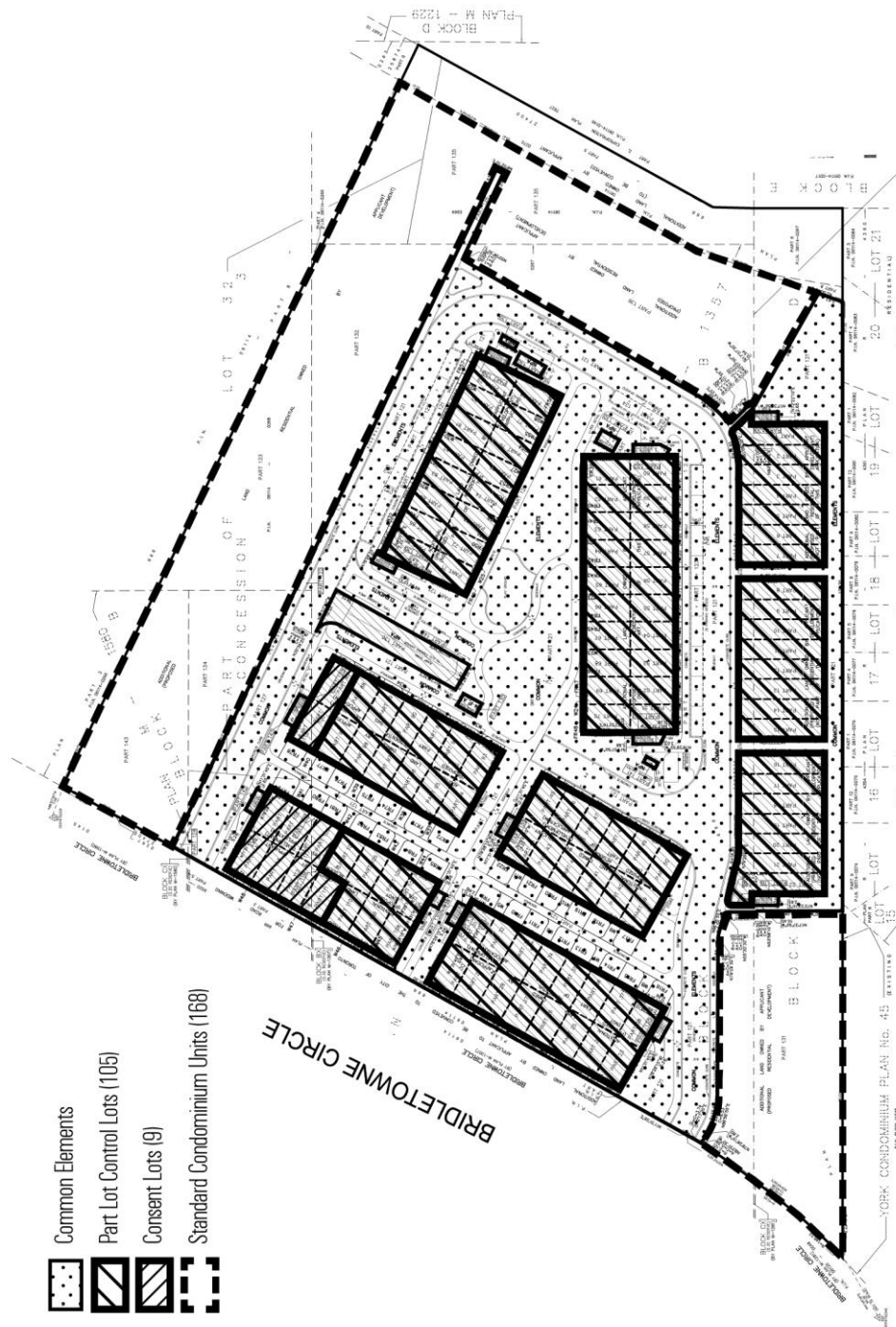
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Paul Zuliani, Director  
Community Planning, Scarborough District

## **ATTACHMENTS**

Attachment 1: Draft Plan of Common Elements Condominium Plan and Part Lot Control Exemption Plan (Ground Level)  
Attachment 2: Draft Plan of Common Elements Condominium (Underground)  
Attachment 3: Draft Plan Approval Conditions for Common Elements Condominium  
Attachment 4: Application Data Sheet

# **Attachment 1: Draft Plan of Common Elements Condominium Plan and Part Lot Control Exemption Plan (Ground Level)**



**Common Elements Plan and Part Lot Control Exemption Plan - Ground Level** **1251 Bridletowne Circle**

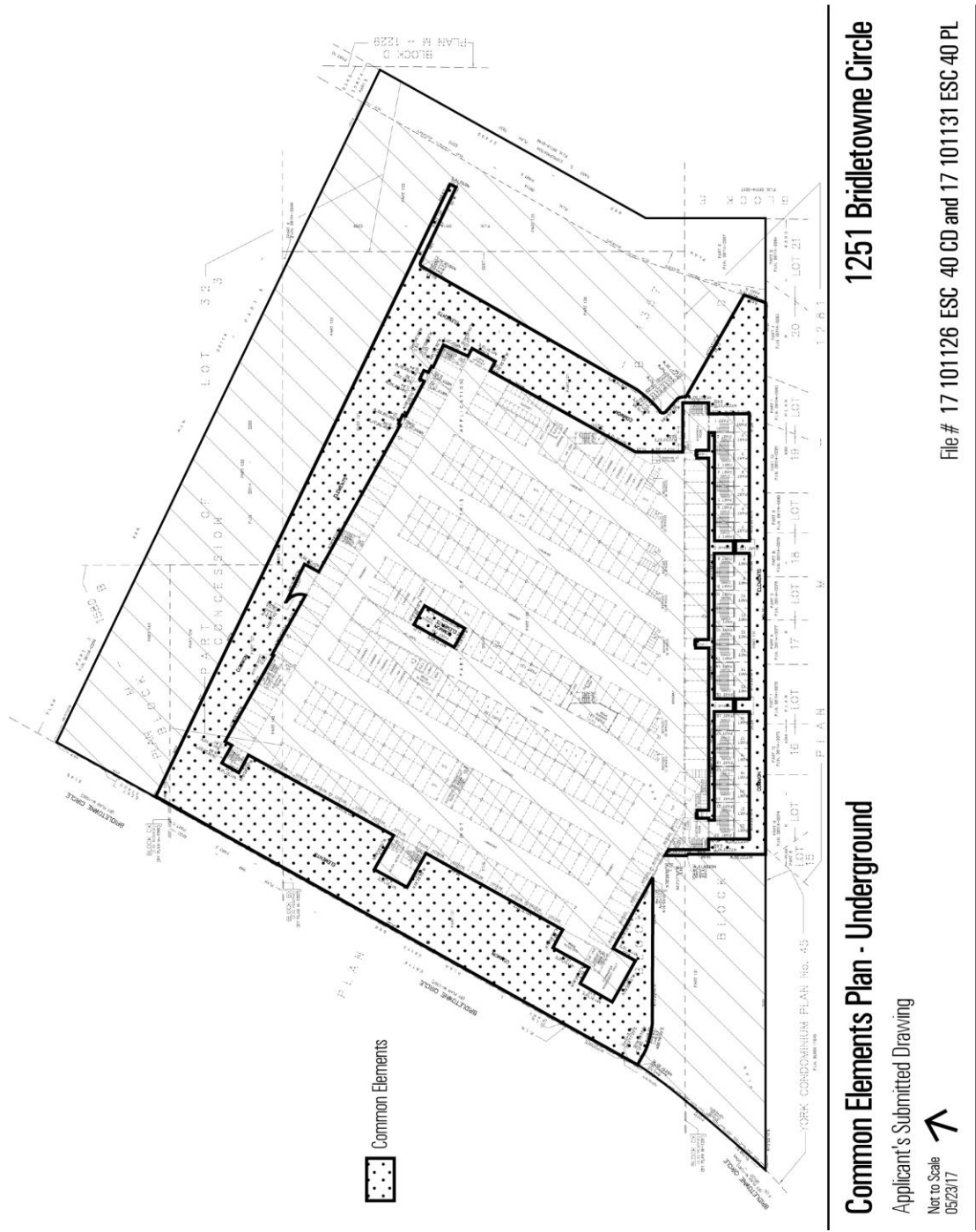
Applicant's Submitted Drawing

Not to Scale  
05/24/17

File # 17 101126 ESC 40 CD and 17 101131 ESC 40 PL



**Attachment 2: Draft Plan of Common Elements Condominium Plan  
(Underground)**



### **Attachment 3: Draft Plan Approval Conditions for Common Elements Condominium**

- (1) The City Solicitor shall provide written confirmation that satisfactory arrangements have been made regarding the land division tool to create the freehold parcels (POTL'S) necessary for the registration of the Common Elements Condominium Corporation.
- (2) The Owner shall provide to the Director of Community Planning, Scarborough District, confirmation that the taxes have been paid in full (statement of account or Tax Clearance Certificate) and that there are no outstanding City initiated assessment or tax appeals made pursuant to section 40 of the Assessment Act or the provisions of the City of Toronto Act, 2006. In the event that there is an outstanding City initiated assessment or tax appeal, the Owner shall enter into a financially secured agreement with the City satisfactory to the City Solicitor to secure payment of property taxes in the event the City is successful with the appeal.
- (3) All Site Plan matters and facilities have been completed or financially secured to the satisfaction of the City.
- (4) The Owner shall file with the Director Community Planning, Scarborough District, a copy of the final Declaration and Description containing all necessary schedules and certifications required by the *Condominium Act* for registration.
- (5) 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) Visitors parking spaces will be clearly delineated on the condominium plan to be registered and the Declaration shall contain a clause clearly specifying visitors parking shall form part of the common elements and neither be used by or sold to unit owners or be considered part of the exclusive use portions of the common elements.

- (7) The Owner shall file with the Director of Community Planning, Scarborough District, a fully executed copy of Certification from the applicant's solicitor that:
- (i) the Parties have entered into a Cost Sharing Agreement with respect to the shared services and/or any other shared facilities; and
  - (ii) the Cost Sharing Agreement designates an owner who will be the person responsible in the case of any issues regarding the shared services, including but not limited to issues arising with respect to the City of Toronto Municipal Code Chapters 681 and 851 (the "Person of Responsibility"). The certification shall further indicate:
    - a) Who the Person of Responsibility is;
    - b) The contact information for the Person of Responsibility; and
    - c) That the Cost Sharing Agreement contains a clause requiring the Person of Responsibility to maintain up-to-date contact information with the General Manager, Toronto Water.
- (8) The Owner shall ensure that there are separate water meters for the different components of the buildings or shall include wording in the Declaration that the services are to be shared and will designate who will be responsible to the local water authority for payment in full of the water bill.
- (9) The Owner shall file with the Director, Community Planning Scarborough District, fully executed copies of the following certificates satisfactory to the said Director:
- (i) certification from the applicant's solicitor with respect to the creation of necessary easements;
  - (ii) certification from the applicant's surveyor with respect to the identification of necessary easements; and
  - (iii) certification from the applicant's engineer with respect to the identification of necessary easements.
- (10) The Owner shall convey to the Toronto and Region Conservation Authority (TRCA) for nominal consideration, the lands identified as "Land to be Conveyed" on the Site Plan Drawing A001, prepared by SRN Architects Inc., dated January 26, 2016 to the satisfaction of the TRCA.
- (11) The Owner agrees to submit to TRCA the outstanding condominium clearance fee in the amount of \$2,500.00 or the appropriate amount in accordance with the current TRCA fee schedule.
- (12) The Owner is required to construct and install a 1.8 metre high, black vinyl coated chain link fence, without gates, along the west and south property line of the lot to be conveyed to TRCA (open space). The fence shall be constructed to the satisfaction of the General Manager of Parks, Forestry and Recreation.

- (13) The Owner will provide a letter of credit equal to 120% of the value of the chain link fence to the satisfaction of the General Manager of Parks, Forestry and Recreation.
- (14) The Owner shall obtain consent under File No. B0072/16SC and obtain a Certificate of Official under s.53 (42) of the *Planning Act* to certify that all conditions of consent have been complied with to the satisfaction of the Deputy Secretary-Treasurer, Committee of Adjustment, Scarborough Panel.
- (15) 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 4: Application Data Sheet

Application Type	Common Elements	Application Number:	17 101126 ESC 40 CD
	Part Lot Control Exemption		17 101131 ESC 40 PL
Details	Common Elements	Application Date:	January 5, 2017
	Part Lot Control Exemption		January 5, 2017

Municipal Address: 1251 BRIDLETOWNE CIRCLE

Location Description: TORONTO CON 3 PT LOT 32 PLAN M1281 BLK D PLAN M1357 PT BLK B PLAN M1580 PT BLK B RP 66R25874 PARTS 1 2 5 TO 7 \*\*GRID E4002

Project Description: Applications for Common Element Condominium and Exemption from Part Lot Control to establish common elements for ground level parking, driveways and amenity areas and to create 105 lots.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
RADY-PEN TEK & EDWARD SURVEYING LTD. GEORGE PIETRACCI			MIDDLEPARK ESTATES INC

### PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	
		N/A	
Zoning:	M and O (By-law 1022-2014)	Historical Status:	N/A
Height Limit (m):	3 and 5 storeys	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	28,434.1	Height:	Storeys:	3
Frontage (m):	203.5		Metres:	15.6
Depth (m):	176.9			
Total Ground Floor Area (sq. m):	12,067.78			<b>Total</b>
Total Residential GFA (sq. m):	44,502.94		Parking Spaces:	370
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	44,502.94			
Lot Coverage Ratio (%):	36			
Floor Space Index:	1.6			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		<b>Above Grade</b>	<b>Below Grade</b>
Rooms:	0	Residential GFA (sq. m):	44,502.94	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	168	Industrial GFA (sq. m):	0	0
3 + Bedroom:	114	Institutional/Other GFA (sq. m):	0	0
Total Units:	282			

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Greg Hobson-Garcia, Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 396-5244</b>