

124 Belsize Drive – Draft Plan of Common Elements Condominium Application and Part Lot Control Exemption Application – Final Report

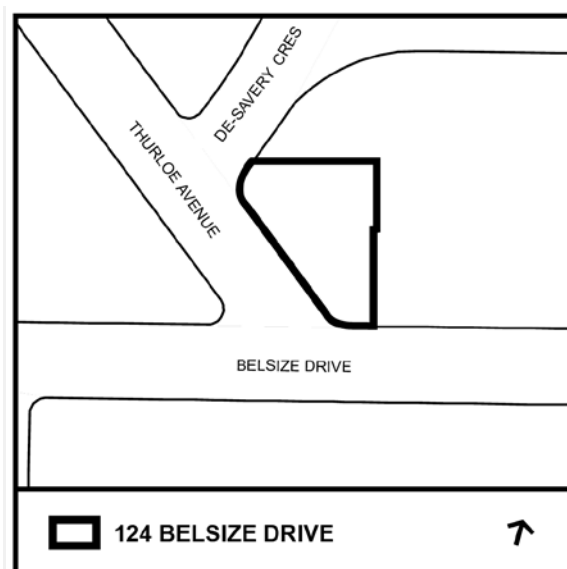
Date:	May 1, 2017
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 22 – St. Paul's
Reference Number:	16-234149 STE 22 CD and 16-234140 STE 22 PL

SUMMARY

Two applications have been submitted to facilitate the proposed residential development of six (6), semi-detached dwellings at 124 Belsize Drive. The first application proposes a common elements condominium for a below-grade, enclosed, common driveway to provide legal vehicular access, maintenance services, and utilities to the six dwellings, and to ensure shared ownership and maintenance of the common element driveway by a condominium corporation.

The second application is required for an exemption from the Part Lot Control provisions of the *Planning Act*, to permit the creation of conveyable lots for the six 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

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 124 Belsize Drive, 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 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 124 Belsize Drive as generally illustrated on Attachment 3 to 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 May 2, 2013, the applicant submitted a Zoning By-law Amendment and a Site Plan Control application (13 161141 STE 22 OZ & 13 161362 STE 22 SA) to permit six semi-detached dwellings with a common underground driveway. The applicant appealed both applications to the Ontario Municipal Board (OMB) due to the City of Toronto's failure to make a decision within the time prescribed by the *Planning Act*. In its decision of March 9, 2015, the OMB approved in principle the Zoning By-law Amendment and Site Plan Control applications, but withheld its Order until site plan pre-approval conditions were satisfied (Case # PL140782). Site Plan Approval was granted on June 17, 2015 (13 161362 STE 22 SA).

ISSUE BACKGROUND

Proposal

The proposal is to establish a below-grade, entirely enclosed driveway, inclusive of maintenance services and utilities, at 124 Belsize Drive, as a common element to ensure shared access, ownership and maintenance by a condominium corporation. The development is currently under construction.

A concurrent application proposes exemption from the Part Lot Control provisions of the *Planning Act* to allow for the creation of conveyable lots for six, 3-storey semi-detached dwellings fronting Thurloe Avenue.

Refer to Attachment No. 4 to this report for project data.

Site and Surrounding Area

The subject site is located on the northeast corner of Belsize Drive and Thurloe Avenue, 1 block west of Mount Pleasant Road and 2 blocks north of Davisville Avenue. The irregular-shaped lot is approximately 1217.3 square metres in area and has approximately 9.2 metres of frontage on Belsize Drive and approximately 47.5 metres on Thurloe Avenue.

Uses surrounding the site include:

North: 3-storey apartment building and 2- and 3-storey detached and semi-detached dwellings.

South: 2- and 3-storey detached and semi-detached dwellings.

West: 2- and 3-storey detached and semi-detached dwellings.

East: 2- and 3-storey detached and 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.

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 PPS or 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 *Neighbourhoods* in the City of Toronto Official Plan, which are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes, townhouses, as well as interspersed walk-up apartments that are no higher than four storeys. The *Neighbourhoods* designation is intended to protect and reinforce the existing physical character of the surrounding low scale residential area.

Zoning

The site is regulated by former City of Toronto Zoning By-law 438-86. The site is zoned Residential (R2) which permits detached dwellings, semi-detached dwellings, townhouses, duplexes, triplexes, apartment buildings, parks, schools, places of worship and home occupations. The permitted density is 0.6 times the area of the lot and the maximum building height is 9.0 metres.

Once the pre-approval conditions are met, the OMB approved Zoning By-law Amendment will be in force and effect, and the site will be regulated by a site specific zoning by-law.

Site Plan Control

A Site Plan Agreement for the lands was registered on June 17, 2015 (13 161362 STE 22 SA). The proposed Common Elements Condominium and Part Lot Control Exemption applications are consistent with the Site Plan Agreement.

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 Common Elements Condominium is necessary to provide legal vehicular access, maintenance services and utilities to the six, 3-storey semi-detached dwellings, and to ensure shared ownership and maintenance of the driveway by a condominium corporation. The subject application provides for satisfactory access to all the dwellings and ensures the common element will be equally owned and maintained by the owners.

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*, 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.

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

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

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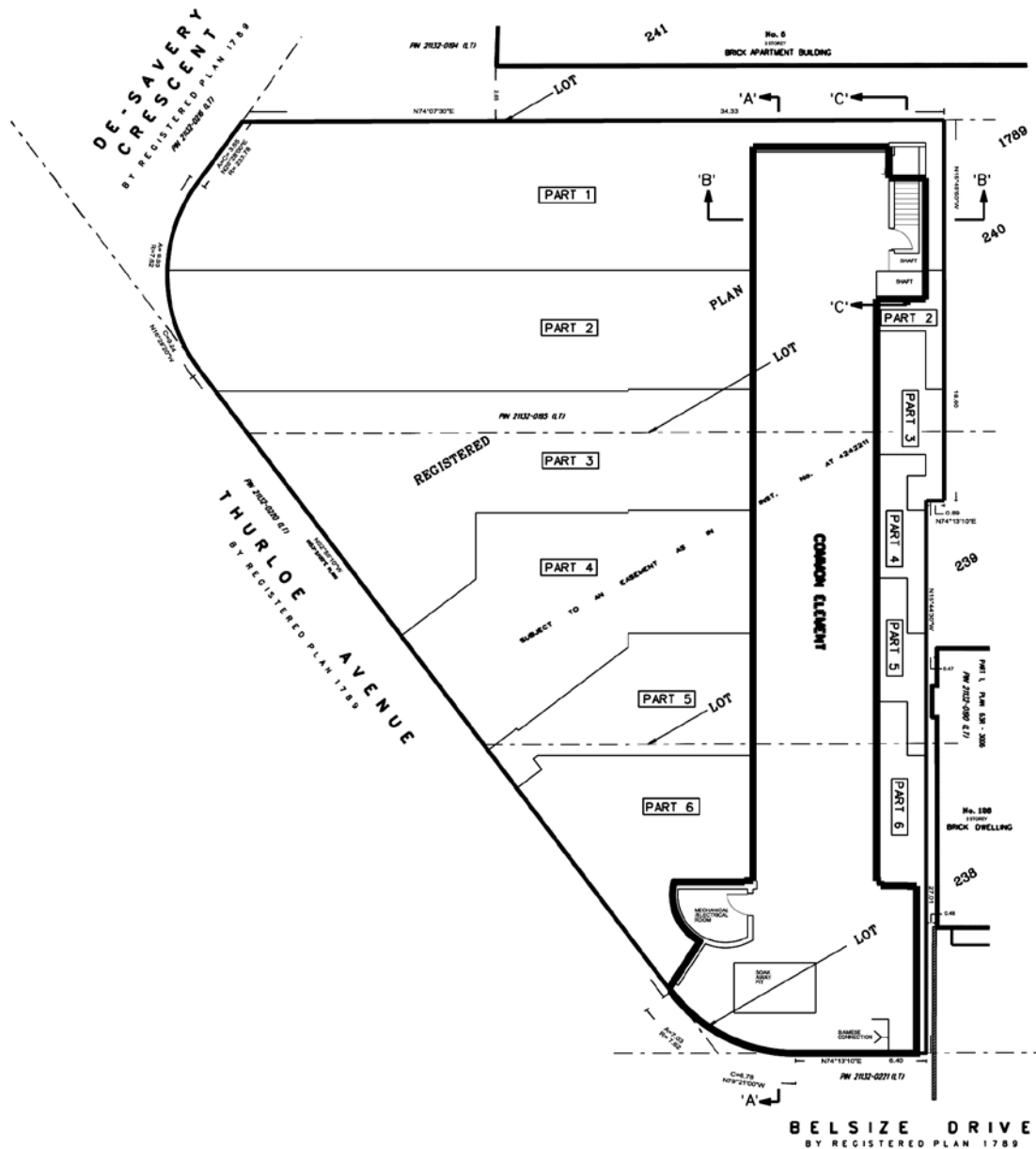
ATTACHMENTS

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



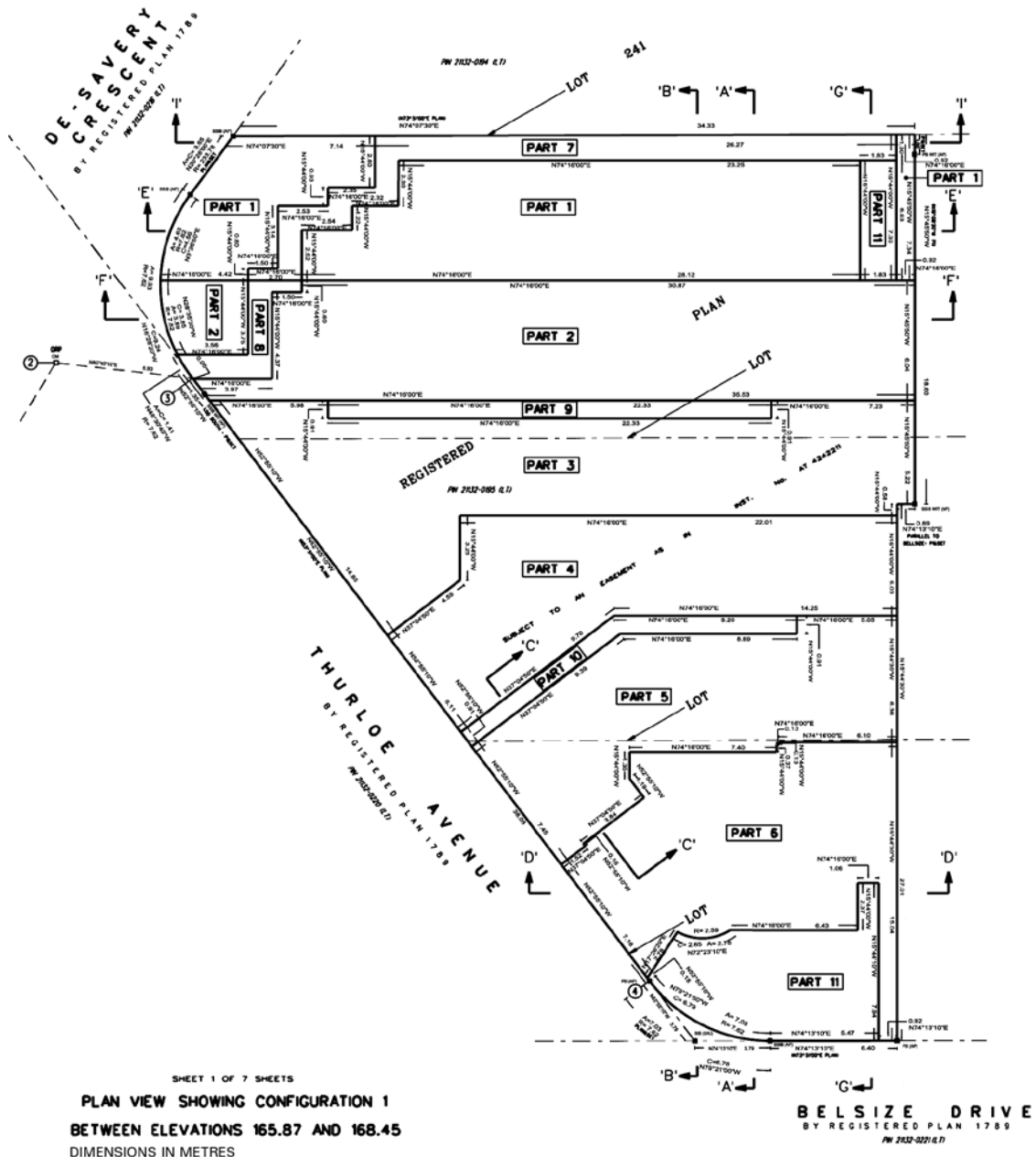
Attachment 2: Draft Plan Approval Conditions

- (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) 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, 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.
- (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.

Development Engineering – Greg Horgan - ghorgan@toronto.ca

- (5) The Owner shall provide the following letter prior to condominium registration in attention to Executive Director, Engineering and Construction Services and copy to General Manager, Toronto Water:
 - (i) A signed and stamped letter from a Professional Engineer of Ontario, licenced to practice in Ontario, and qualified in the subject matter, confirming to the City that all buildings on the subject lands (124 Belsize Drive) have been constructed in a manner that will not discharge, directly or indirectly, any groundwater collected from foundation drains (weeping tiles, sub-floor drains), groundwater collections systems (groundwater collection sump(s), pump(s), etc.) or any other type of permanent drainage system or any direct or indirect connection to the City's sewage works. All the water collected in groundwater collection system will be managed on-site all time by way of an infiltration gallery/soak-away pit, as proposed.
- (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.

Attachment 3: Part Lot Control Exemption Plan



Part Lot Control - Exemption Plan

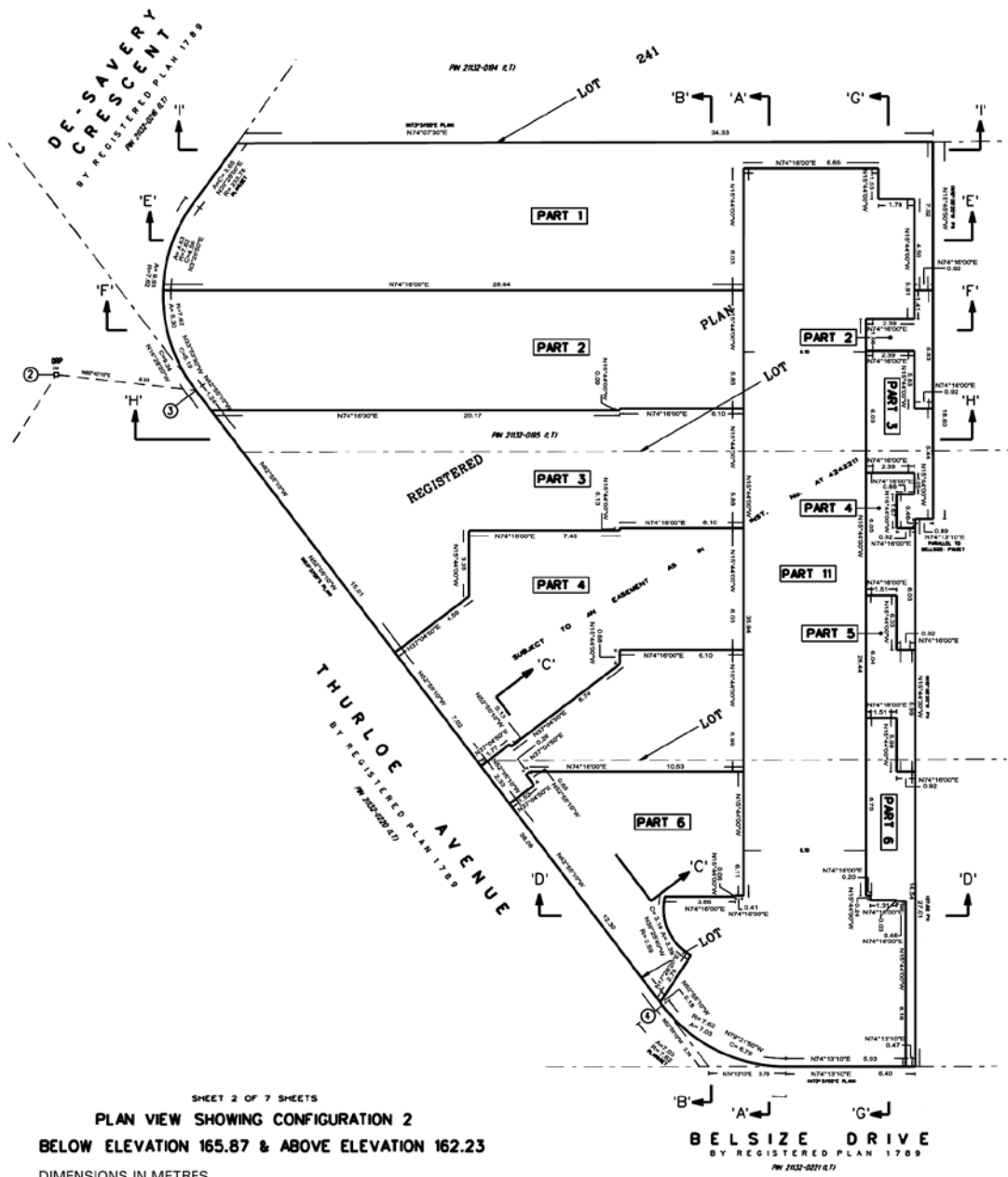
Between Elevations 165.87 and 168.45

Applicant's Submitted Drawing

Not to Scale
 04/10/2017



File # 16 234140 _STE 22 PL & 16 234149 _STE 22 CD



Part Lot Control - Exemption Plan

Below Elevation 165.87 and Above Elevation 162.23

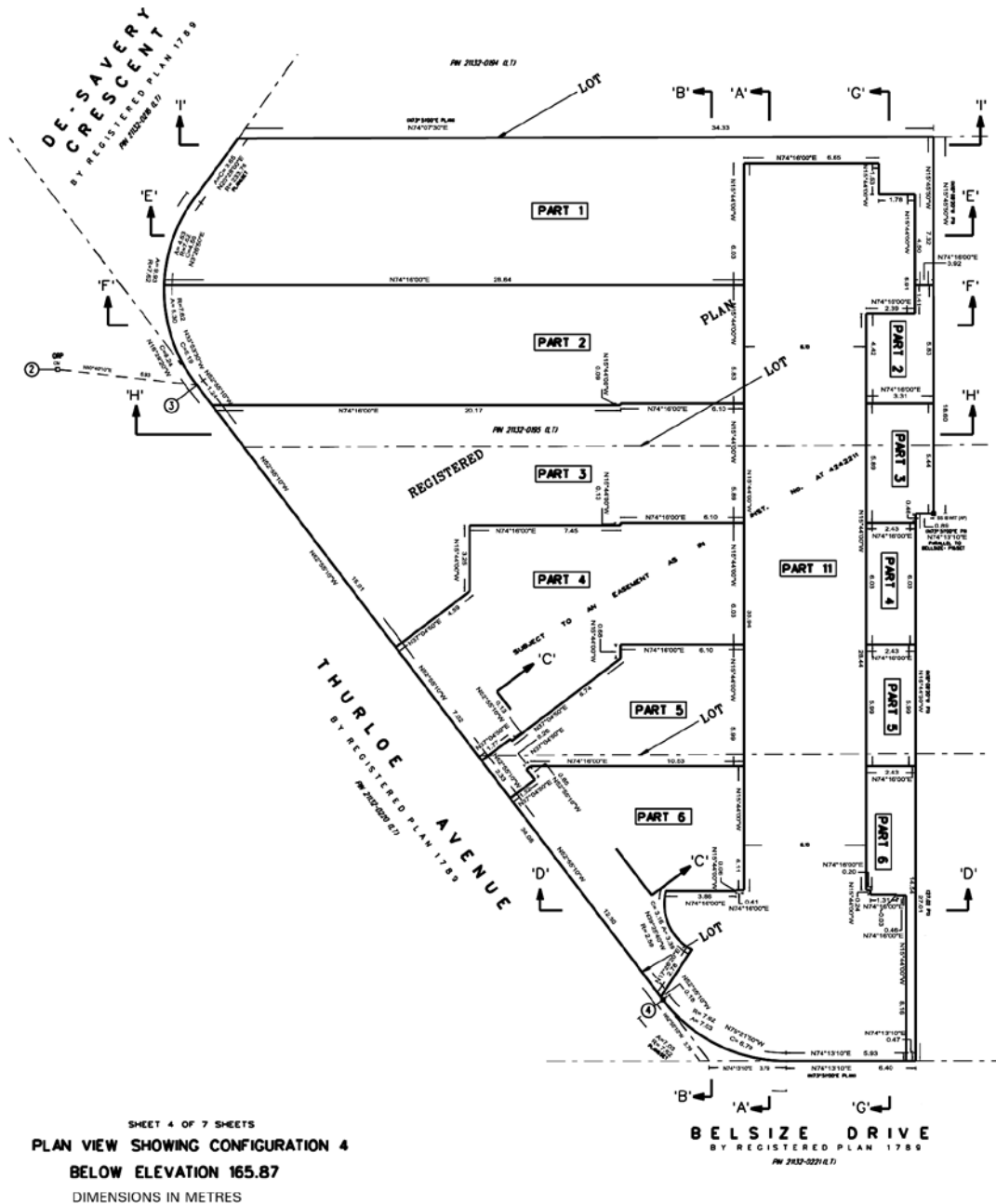
Applicant's Submitted Drawing

Not to Scale
04/10/2017



124 Belsize Drive

File # 16 234140 STE 22 PL & 16 234149 STE 22 CD



Part Lot Control - Exemption Plan

Below Elevation 165.87

Applicant's Submitted Drawing

Not to Scale
04/10/2017



124 Belsize Drive

File # 16 234140_STE 22 PL & 16 234149_STE 22 CD

Attachment 4: Application Data Sheet

Application Type	Condominium Approval –	Application	16 234149 STE 22 CD
	Part Lot	Number:	16 234140 STE 22 PL
Details	Common Elements	Application Date:	October 6, 2016
Municipal Address:	124 BELSIZE DR		
Location Description:	PLAN 1789 LOTS 238 239 240 **GRID S2204		
Project Description:	Draft Plan of Condominium (common elements) application to create a shared access driveway, inclusive of its maintenance services and utilities for 6 semi-detached houses.		

Applicant:	Agent:	Architect:	Owner:
124 Belsize Drive Inc			124 Belsize Drive Inc

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	
Zoning:	R2 Z0.6	Historical Status:	N
Height Limit (m):	9	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1217.3	Height:	Storeys:	3
Frontage (m):	38.08		Metres:	11.43
Depth (m):	34.33			
Total Ground Floor Area (sq. m):	617.82			Total
Total Residential GFA (sq. m):	1718.87		Parking Spaces:	13
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	1718.87			
Lot Coverage Ratio (%):	50.7			
Floor Space Index:	1.4			

DWELLING UNITS

Tenure Type:	Freehold
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	6
Total Units:	6

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	1718.87	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

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