

**20 Perth Avenue (Block 1- 158 Sterling Road) – Common Elements Condominium Application and Part Lot Control Exemption Application – Final Report**

<b>Date:</b>	May 17, 2018
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Acting Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 18 – Davenport
<b>Reference Number:</b>	17 278413 STE 18 CD and 17 278429 STE 18 PL

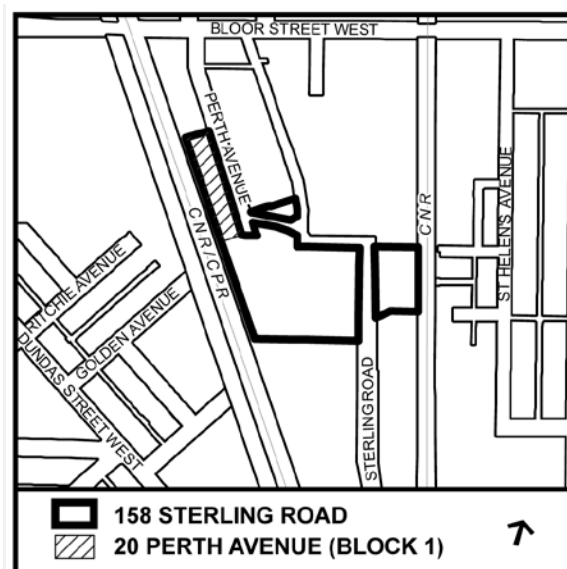
**SUMMARY**

This application proposes to establish a private driveway and pedestrian walkways from Perth Avenue to the lands at 20 Perth Avenue (Block 1 of 158 Sterling Road). The Common Elements Condominium is required to provide legal access to 32 residential townhouse units, and to ensure shared ownership and maintenance of the common elements by the condominium corporation.

The requested exemption from the Part Lot Control provisions of the *Planning Act* is required to permit the creation of conveyable lots for the 32 residential 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 and Executive Director, City Planning or his designate.

These applications facilitate the orderly development of land which is consistent with the Provincial Policy Statement (2014) and conforms with the Growth Plan for the Greater



## 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 20 Perth Avenue (Block 1 of 158 Sterling Road), as generally illustrated on Attachment 1 to the report (May 17, 2018), from the Acting Director, Community Planning, Toronto East York District. subject to:
  - (a) the conditions as generally listed in Attachment 2 to this report (May 17, 2018), 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 20 Perth Avenue (Block 1 of 158 Sterling Road), 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 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.
8. Prior to obtaining the written consent of the Chief Planner and Executive Director, City Planning or his designate, as provided for in Recommendation 4, City Council require that the owner of the subject lands demonstrate to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the City Solicitor and the Chief Engineer and Executive Director of Engineering and Construction Services, that appropriate agreements have been executed and registered on title to secure, among other things, the maintenance of the shared driveway and walkway.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

A combined Official Plan Amendment and Zoning By-law Amendment Application (File #11 228729 STE 18 OZ) was approved at the Ontario Municipal Board (PL130380), with a Site Specific Official Plan Policy and Site Specific Zoning By-law approved for the entire site referred to as 158 Sterling Road (By-laws 942-2015 and 943-2015, respectively). The subject land considered by the Common Elements Condominium Application and Part Lot Control Exemption Application is referred to as Block 1 in the Site Specific By-laws and is designated *Mixed Use Areas* and zoned CR(h) with permissions for rowhouses only. The land is part of Phase 1 of the overall redevelopment plan for 158 Sterling Road.

On June 9, 2016, the Committee of Adjustment approved with conditions, a combined Consent to Sever and Minor Variance application for Block 1 (File Nos. B0014/16TEY and A0259/16TEY, respectively). The application sought variances to alter the redevelopment plan as approved by Site Specific By-law 943-2015 (OMB) for the lands identified as Block 1 and to obtain consent to sever those lands from the land holding in order to construct 32 townhouse units on the severed lands. The conditions of the Consent approvals were fulfilled in January 2017 and the consent application was finalized. As such, Block 1 has now been removed from the lands within the Draft Plan of Subdivision application (File No. 12 226212 STE 18 SB), which is currently under appeal at the Ontario Municipal Board.

At its meeting on July 4, 5, 6, and 7, 2017, City Council adopted Zoning Amendment application (Removal of the Holding Symbol "H"), and adopted By-law 835-2017.  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE25.17>

A Site Plan Control Application for Block 1 (File No. 16 122757 STE 18 SA) was approved by the Ontario Municipal Board on November 15, 2017, File No. MM160057. A Site Plan Agreement between the applicant and the City of Toronto was registered on title on November 7, 2017.

The proposed Common Elements Condominium and Part Lot Control Exemption applications are consistent with the plans contained within the Site Plan Agreement.

## **ISSUE BACKGROUND**

### **Proposal**

The 32 townhouse units are under construction in four blocks, all of which will be serviced by a shared driveway and four pedestrian walkways.

Details of the application can be found at Attachment No.4

### **Site and Surrounding Area**

The site is located on the west side of Perth Avenue, south of Bloor Street West and northwest of Sterling Road. The site is a slightly irregular rectangle and is approximately 4,590 square metres in area, with a frontage of approximately 1,543 square metres and a depth of 28 metres.

Directly north of the site is the Church of the Firstborn (72 Perth Avenue), comprising a two storey building. The east side of Perth Avenue directly opposite the site contains low scale residential dwellings. Directly abutting the west property line of the site, is the West Toronto Railpath which is adjacent to the GO Georgetown line.

Directly south of the site, is part of the overall redevelopment site commonly referred to as 158 Sterling Road. This site is comprised of vacant land and one remaining heritage designated building on site, known as the Tower Automotive building, soon to be occupied by MOCA (Museum of Contemporary Art Toronto Canada).

### **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;

- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form, and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;

- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the applications to facilitate the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of the Report.

## **Official Plan**

Through the Site Specific Official Plan Amendment, 942-2015 (OMB), the subject lands were redesignated from *Employment Lands* to *Mixed Use Areas*.

## **Zoning**

The subject land, referred to in Zoning By-law 943-2015 (OMB) as Block 1, is zoned CR(h), with a limited land use permission for row houses only and maximum allowable height of 13 metres. The Committee of Adjustment granted minor variances to Block 1 (Application No. A0259/16TEY), to alter the redevelopment plan approved by 943-2015 (OMB) allowing for an increase in the permitted residential gross floor area, reduced window setbacks and lot frontages which did not front onto a public street.

## **Site Plan Control**

A Site Plan Control application (File No.16 122757 STE 18 SA) was approved by the Ontario Municipal Board on November 15, 2017 (Case No. MM160057).

## **Reasons for Application**

The application for a Common Elements Condominium is necessary to provide legal vehicular and pedestrian access, maintenance services and utilities to the 32 townhouse units 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 processes for the approval of subdivision established in Sections 51 and 51.12 of the *Planning Act*, with necessary modification. A public meeting is required prior to Council approval of the Common Elements Condominium. Toronto and East York Community Council's June 6, 2018 meeting fulfills this requirement and notice has been given.

## **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 32 townhouse units, 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. This report's Attachment 2 provides the recommended Draft Approval Conditions.

## **Land Division**

Section 50(7) of the *Planning Act*, 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 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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Lynda H. Macdonald  
Acting Director, Community Planning  
Toronto and East York District

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## **ATTACHMENTS**

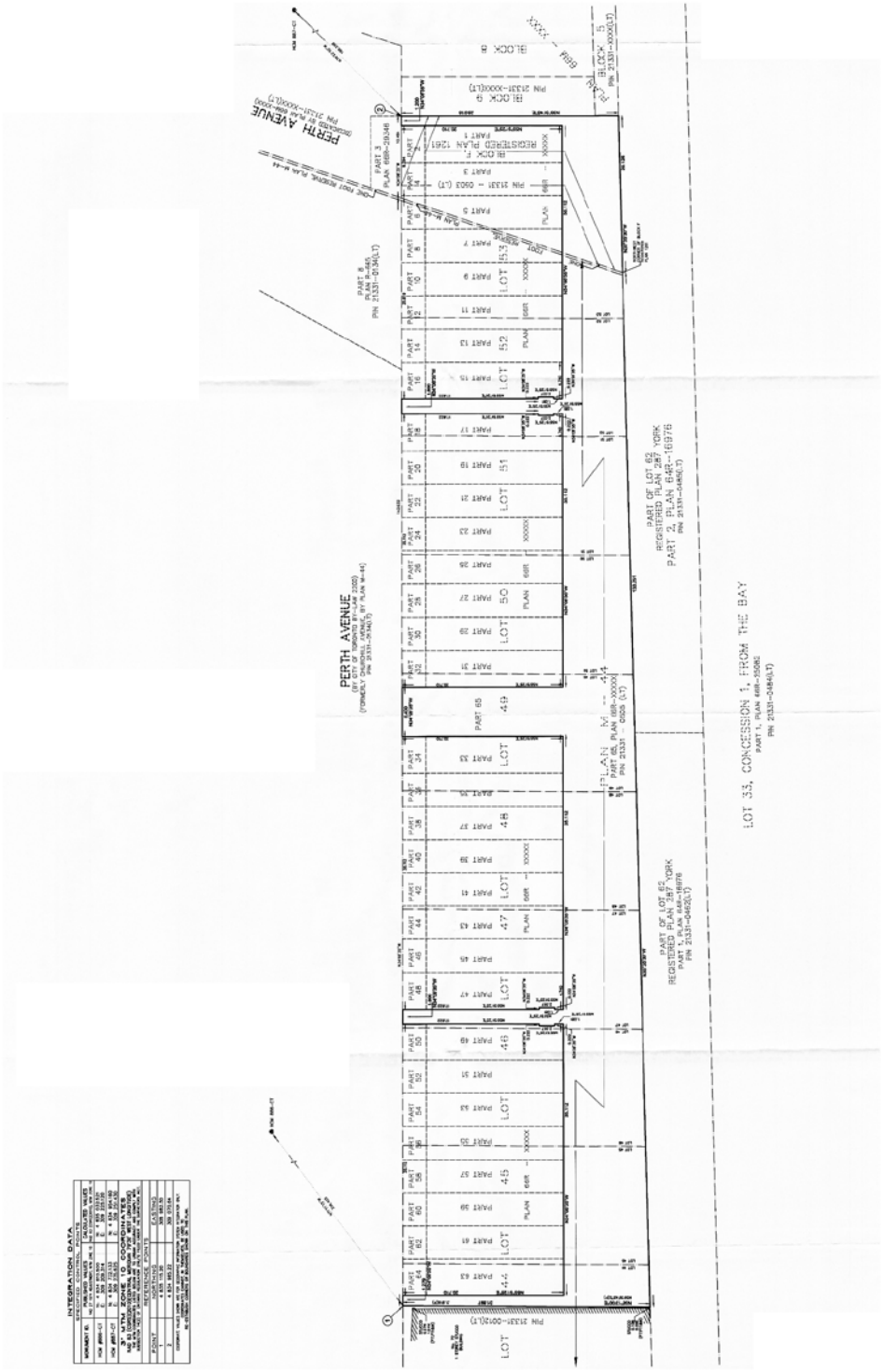
Attachment 1: Draft Plan of Common Elements Condominium

Attachment 2: Draft Plan Approval Conditions

Attachment 3: Part Lot Control Exemption Plan

Attachment 4: Application Data Sheet

**Attachment 1: Draft Plan of Common Elements Condominium**



**20 Perth Avenue (Block 1–158 Sterling Road)**

**Condominium Plan**  
 Applicant's Submitted Drawing  
 Not to Scale  
 05/08/2018

File # 17 278413 STE 18 CD & 17 278429 STE 18 PL

## Attachment 2: Draft Plan Approval Conditions

- (1) The Owner shall provide to the Acting 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 Acting 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.
- (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.
- (6) Submit a copy of the relevant section (s) of the proposed Condominium Declaration that disclose(s) the obligations of the Owner in respect of the arrangements for the collection of refuse and recyclable materials generated Units 1-7 until such time as the realignment of Perth Avenue is complete, after which the Owner can submit reapplication for City collection.
- (7) Submit a copy of the relevant section(s) of the proposed Condominium Declaration that disclose(s) the obligations of the Owner in respect of the non-discharge of groundwater ("Private Water") to a City sewer pursuant to Toronto Municipal Code Chapter 681, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.
- (8) Prior to the registration of the Plan of Common Element Condominium, the Owner shall provide the following letter to the attention of the Chief Engineer and Executive Director, Engineering and Construction Services and copy to General Manager, Toronto Water:

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 building on the subject lands (20 Perth Avenue) 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 collection 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.

- (9) The owner shall file with the Acting Director of Community Planning, Toronto and East York District, a fully executed copy of Certification from the applicant's solicitor that:
- (a) The Parties have entered into a Cost Sharing Agreement with respect to the shared services and/or any other shared facilities; and
  - (b) 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:
    - i. Who the Person of Responsibility is;
    - ii. The contact information for the Person of Responsibility; and
    - iii. 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.



## Attachment 4: Application Data Sheet

### APPLICATION DATA SHEET

**Municipal Address:** 158 STERLING RD      **Date Received:** December 21, 2017  
**Application Number:** 17 278413 STE 18 CD and  
17 278429 STE 18 PL  
**Application Type:** Condominium Approval, Common Elements  
**Project Description:** Proposal for Draft Plan of Condominium related to Block 1 with 32 three-bedroom townhouse units organized within four townhouse blocks and a common driveway. This application is being review concurrently with a Part Lot Control Application No.17-178429 STE 18 PL.

<b>Applicant</b>	<b>Agent</b>	<b>Architect</b>	<b>Owner</b>
AIRD & BERLIS LLP	Andrew Webster		CASTLEPOINT GREYBROOK STERLING INC

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	943-2015(OMB)	Heritage Designation:	
Height Limit (m):	13.0	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq m):	4,590	Frontage (m):	153	Depth (m):	28
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<b>Building Data</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Ground Floor Area (sq m):			2,372	<b>2,372</b>
Residential GFA (sq m):			5,753	<b>5,753</b>
Non-Residential GFA (sq m):				
<b>Total GFA (sq m):</b>			<b>5,753</b>	<b>5,753</b>
Height - Storeys:			3	<b>3</b>
Height - Metres:			13	<b>13</b>
Lot Coverage Ratio (%):	51.7	Floor Space Index:	1.25	

<b>Floor Area Breakdown</b>	<b>Above Grade (sq m)</b>	<b>Below Grade (sq m)</b>
Residential GFA:	5,753	
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Rental:				
Freehold:			32	32
Condominium:				
Other:				
<b>Total Units:</b>			<b>32</b>	<b>32</b>

**Total Residential Units by Size**

	<b>Rooms</b>	<b>Bachelor</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3+ Bedroom</b>
Retained:					
Proposed:					
<b>Total Units:</b>					<b>32</b>

**Parking and Loading**

Parking Spaces: 32      Bicycle Parking Spaces:      Loading Docks:

**CONTACT:**

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