

103 Bayview Ridge – Part Lot Control Exemption Application– Final Report

Date: June 23, 2020

To: North York Community Council

From: Acting Director, Community Planning, North York District

Wards: Ward 15 - Don Valley West

Planning Application Number: 20 144634 NNY 15 PL

SUMMARY

This application is requesting exemption from the Part Lot Control provisions of the *Planning Act* for a portion of the land municipally known as 103 Bayview Ridge. Part Lot Control Exemption is required to allow for the creation of three conveyable lots each containing a townhouse unit fronting on Bayview Avenue.

The property at 103 Bayview Ridge was subject to previous applications together with 108 Bayview Ridge for a Common Elements Condominium and Part Lot Control Exemption. The Common Elements Condominium was registered in February 2019. The Part Lot Control Exemption By-law was enacted on November 9, 2017 (By-law 1211-2017), but lapsed in November 2019 before all of the townhouse lots had been conveyed. The purpose of this application is to facilitate the creation of the three remaining townhouse lots out of the total eleven lots that were supposed to be created prior to By-law 1211-2017 lapsing.

This report reviews and recommends approval of the application for Part Lot Control exemption.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council enact a Part Lot Control Exemption By-law with respect to the subject land at 103 Bayview Ridge as generally illustrated on Attachment 1 of this report and to expire one year following enactment by City Council.
2. 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.

3. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title.
4. 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 October 2, 2017, City Council adopted the final report for the Common Elements Condominium and Part Lot Control Exemption applications for 103 and 108 Bayview Ridge. City Council's decision and the final report are available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.NY24.2>.

Part Lot Control Exemption By-law 1211-2017 was enacted and passed on November 9, 2017, with the by-law expiring two years from the date of enactment.

PROPOSAL

This application requests exemption from the Part Lot Control provisions of the *Planning Act* for a portion of the land municipally known as 103 Bayview Ridge. Part Lot Control Exemption is required to allow for the creation of three conveyable lots each containing a townhouse unit fronting on Bayview Avenue that have already been constructed. The three proposed lots are Parts 2 and 3, Parts 4 and 5, and Parts 6 and 7 of the Draft Part Lot Control Exemption Plan (Attachment 1). To create the three lots, Part Lot Exemption is only required to be lifted for Parts 4 and 5 of the Draft Part Lot Control Exemption Plan.

The subject land, together with the remainder of 103 Bayview Ridge and 108 Bayview Ridge, was subject to previous applications for a Common Elements Condominium and Part Lot Control Exemption. The Common Elements Condominium was registered in February 2019. The Part Lot Control Exemption By-law was enacted on November 9, 2017 but lapsed in November 2019. Prior to the by-law lapsing, eight out of the eleven townhouse units were conveyed - all five townhouse units at 108 Bayview Ridge and three out of the six at 103 Bayview Ridge. The three remaining townhouses remain under the original owner. All eleven townhouse units form Parcels of Tied Land (POTLs) to the Common Elements Condominium that was registered in February, 2019. The Common Elements Condominium provides legal pedestrian and vehicular access to the eleven townhouse units and ensures shared ownership and maintenance of the common elements by the condominium corporation.

Reasons for Application

The purpose of this application is to facilitate the conveyance of the three remaining freehold townhouse units that remain in the ownership of the applicant. All three have already been constructed and form POTLs to the registered Common Elements Condominium.

COMMENTS

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 already constructed.

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 one year following enactment by City Council. This time frame provides sufficient time for the completion of the transfers required to create the remaining townhouse lots.

Staff are still of the opinion that allowing Part Lot Control Exemption for the subject lands is appropriate for the orderly development of the lands, for the reasons detailed in the final report of the initial application:

<https://www.toronto.ca/legdocs/mmis/2017/ny/bgrd/backgroundfile-106202.pdf>.

CONTACT

Aileen Keng, Assistant Planner
Tel. No.: 416-395-7044
E-mail: Aileen.Keng@toronto.ca

SIGNATURE

John Andreevski, Director (Acting)
Community Planning, North York District

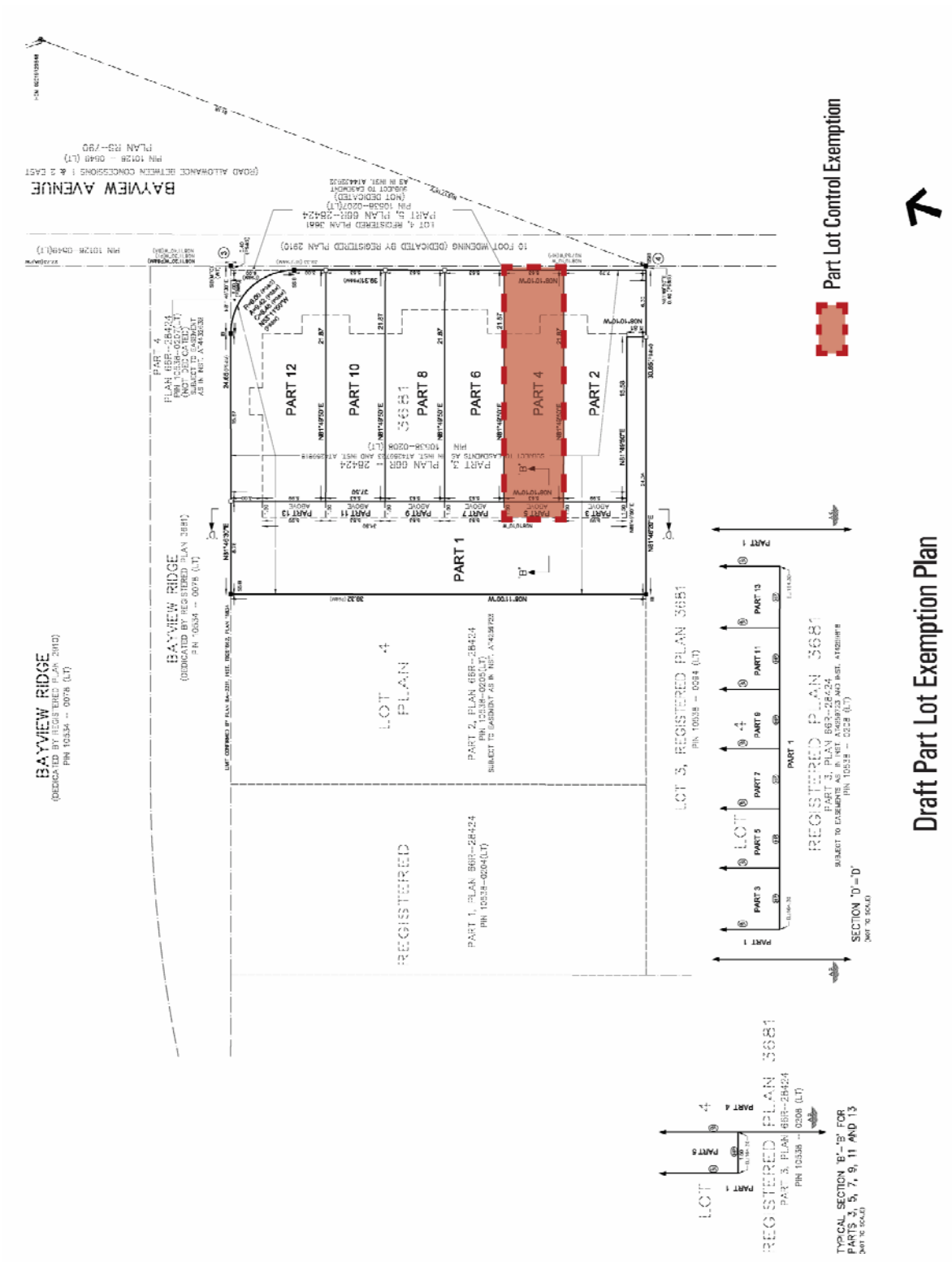
ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Draft Part Lot Control Exemption Plan

Attachment 2: Draft Part Lot Control Exemption By-law

Attachment 1: Draft Part Lot Control Exemption Plan



Attachment 2: Draft Part Lot Control Exemption By-law

Authority: North York Community Council Item No. NY, as adopted by City of Toronto Council on 2020

CITY OF TORONTO
Bill
BY-LAW -2020

To exempt a portion of lands municipally known as 103 Bayview Ridge from Part Lot Control.

Whereas authority is given to Council by subsection 50(7) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law;

The Council of the City of Toronto hereby enacts as follows:

1. Subsection 50(5) of the Planning Act does not apply to the lands described in the attached Schedule "A".
2. This By-law expires one year from the date of its enactment by Council.

Enacted and passed on, 2020.
Frances Nunziata, Ulli S. Watkiss,
Speaker City Clerk

(Seal of the City)

Schedule “A”

Legal Description:

Part of Lot 4, Registered Plan 3681, designated as Parts 4 and 5 on Plan 66R-30350, City of Toronto.