

Committee of the Whole (1) Report

DATE: Tuesday, September 14, 2021

WARD: 4

TITLE: PALA BUILDERS (BT) INC.
DRAFT PLAN OF CONDOMINIUM (COMMON ELEMENT)
FILE 19CDM-20V008
VICINITY OF DUFFERIN STREET AND RUTHERFORD ROAD

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Draft Plan of Condominium (Common Element) File 19CDM-20V008 for the subject lands shown on Attachment 2 to establish the condominium tenure and the common elements for the approved townhouse development shown on Attachment 3.

Report Highlights

- The Owner has submitted Draft Plan of Condominium (Common Element) Application to establish condominium tenure and the common elements for a development consisting of 114 townhouse dwellings
- The Development Planning Department supports the Draft Plan of Condominium File 19CDM-20V008, subject to conditions, as it is consistent with the Site Development File DA.18.046 endorsed by Council and approved by the Ontario Land Tribunal

Recommendation

1. That Draft Plan of Condominium (Common Element) File 19CDM-20V008 (Pala Builders (BT) Inc.) BE APPROVED, to establish the condominium tenure and the

common element for the townhouse development, as shown on Attachment 3, subject to the Conditions of Draft Plan of Condominium Approval identified in Attachment 1.

Background

The 2.4 ha subject lands (the 'Subject Lands') shown on Attachment 2 are located on the southeast corner of Crimson Forest Drive and Marc Santi Boulevard. The Subject lands and surrounding land uses are shown on Attachment 2.

Zoning By-law Amendment and Site Development Applications were approved for the Subject Lands

The Subject lands were previously identified as a surplus elementary school site within Block 11. The Owner submitted Zoning Amendment and Site Development Files Z.17.037 and DA.18.046 to the City and then appealed them to the Ontario Land Tribunal (the 'OLT') due to the failure of Council to make a decision within the statutory time frames. The appeals and the local residents' association concerns with the Development were resolved through refinements to these applications prior to the OLT hearing.

Council on June 12, 2019 endorsed the recommendation in the Committee of the Whole report to approve Zoning By-law Amendment Z.17.037 and Site Development File DA.18.046. The OLT issued the final Order on September 2, 2020 approving the rezoning of the Subject Lands from "RD3 Residential Detached Three" to "RT1 Residential Townhouse Zone" on a site-specific basis and approving the Site Plan for 114 townhouse units, private roads, visitor parking areas, landscaping, and shared common elements (the 'Development') to be developed in accordance with the final Site Plan approved under File DA.18.046.

Previous Reports/Authority

[March 20, 2018, Committee of the Whole \(Public Meeting\) \(Item 5, Report 11\)](#)

[June 12, 2019, Council Extract \(Item 9, Report 20 \(pages 412-475\)\)](#)

[September 2, 2020 LPAT Decision - Approving Zoning](#)

Analysis and Options

A Draft Plan of Condominium (Common Element) Application was submitted to establish tenure and the common elements for the Subject Lands

Pala Builders (BT) Inc. (the 'Owner') has submitted Draft Plan of Condominium (Common Element) File 19CDM-20V008 (the 'Application'). The Application proposes to establish the common elements for the Development, which include the internal private

roads, visitor parking, pedestrian walkways, a community mailbox, landscaping elements, service connections and infrastructure, as shown on Attachment 3.

The application is Consistent and Conforms with Provincial, Region of York and Vaughan Official Plan 2010

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario “shall be consistent” with the Provincial Policy Statement, 2020 (the ‘PPS’). Council’s planning decisions are also required by the *Planning Act* to conform, or not conflict with, the Provincial Growth Plan” A Place to Grow – Growth Plan for the Greater Golden Horseshoe 2019, as amended (the ‘Growth Plan’).

Consistency with the PPS and conformity with the Growth Plan were confirmed through Council’s June 12, 2019 endorsement of the recommendations in the June 4, 2019 Committee of the Whole report and the OLT Decision on September 2, 2020 to approve the Zoning Amendment and the related Site Development Application Files Z.17.03 and DA.18.046 for the Subject Lands. The Subject Lands are designated “Urban Area” by the York Region Official Plan which permits a range of residential uses. The Development is in close proximity to existing transit network and adds to the mix and range of housing type and tenure within the community. The Subject Lands are located within the Oak Ridges Moraine Conservation Plan (the ‘ORMCP’) area and conforms to the settlement area policies of the ORMCP. The Application conforms to the York Region and City of Vaughan Official Plans.

The condominium plan is consistent with the Ontario Land Tribunal approved and Council endorsed Site Development File DA.18.046

The Draft Plan of Condominium (Common Element) shown on Attachment 3 is consistent with the approved site plan for the Subject Lands. The Development Planning Department has no objection to the Application, subject to the Conditions identified in Attachment 1.

The Development Engineering Department has no objection to the Application

The Subject Lands are located near Rutherford Road and Dufferin Street and noise levels in the area may exceed the City’s and the Ministry of the Environment, Conservation and Parks (“MECP”) noise criteria. The Development Engineering (“DE”) Department has no objection to the Application, subject to the inclusion of warning clauses within the Condominium Declaration pertaining to the protentional noise levels in the area. Conditions to this effect are included in Attachment 1.

Three small portions of the sidewalk (being Part 79, Part 80, and Part 81) on the Condominium Plan shown on Attachment 3 are located within privately owned Parcels

of Tied Land (POLTs) within Part 99, Part 100, and Part 114 respectively. The Owner has identified this to the purchasers and an easement in favour of the Condominium Corporation will be registered on the title for these three POLTs. The DE Department has no concerns with the easements. A condition to this effect is included in Attachment 1 and a condition has been added in Attachment 1 to address the Condominium Corporation's responsibilities regarding snow removal.

The Development may be eligible for municipal waste collection services

The Development may be eligible for municipal waste collection services upon a successfully completed application, site inspection and executed agreement, as determined by the City. Should the future Condominium Corporation be deemed ineligible by the City or choose not to enter into an agreement with the city for municipal waste collection service, all waste collection services shall be privately administered and shall be the responsibility of the Condominium Corporation. A condition to this effect shall be included in the Condominium Agreement, as identified in Attachment 1.

The various utilities have no objection to the Application

Hydro One, Enbridge Gas, Alectra Utilities Corporation, Bell Canada, and Rogers Communications Inc. have no objection to the Application, subject to the Owner coordinating servicing, connections, easements and locates with the required utility company prior to the commencement of any site works. A condition to this effect is included in Attachment 1.

Canada Post has no objection to the Application

The Development will be serviced by centralized mail delivery provided through Canada Post Community Mailboxes. Canada Post has no objection to the Application, subject to their conditions identified in Attachment 1.

Other City Departments and agencies have no objection to the Application

Building Standards, By-law and Compliance, Licensing and Permit Services Department, Policy Planning and Environmental Services, Financial Planning and Development Finance Department, Financial Services Department, Parks Infrastructure Planning and Development Department, Real Estate Department, Infrastructure Planning and Corporate Asset Management Department and the York Region School Boards have no objection to the Application.

Financial Impact

There are no financial requirements for new funding associated with this report.

Broader Regional Impacts/Considerations

The York Region Community Planning and Development Services Department has no objection to the Application.

Conclusion

The Development Planning Department supports the Application to create a common element condominium tenure and to establish the common elements for the Development, subject to the Conditions of Draft Approval identified in Attachment 1, as it is consistent with the PPS and conforms to the Growth Plan, the YROP and VOP 2010 and would implement an OLT and Council approved development.

For more information, please contact Laura Janotta, Planner, Development Planning Department, ext. 8634.

Attachments

1. Conditions of Draft Approval File 19CDM-20V008
2. Context and Location Map File 19CDM-20V008
3. Draft Plan of Condominium (Common Elements) File 19CDM-20V008

Prepared by

Laura Janotta, Planner, ext. 8634

Eugene Fera, Senior Planner, ext. 8003

Nancy Tuckett, Senior Manager of Development Planning, ext. 8529

Approved by



Haiqing Xu, Deputy City Manager,
Planning and Growth Management

Reviewed by



Nick Spensieri, City Manager

