

FROM:	G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION FOR EXEMPTION OF PART LOT CONTROL VILLAGE NORTH LIMITED. 230 VILLAGEWALK BOULEVARD (BLOCK 1 IN PLAN 33M-664) MEETING ON OCTOBER 19, 2015

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application by Village North Limited, to exempt the following lands from Part Lot Control:

- (a) pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on October 27, 2015 to exempt Block 1 in Plan 33M-664 from the Part Lot Control provisions of subsection 50(5) of the said *Act*; it being pointed out that these lands are subject to a registered subdivision agreement and are zoned Residential R9 Special Provision (R9-7 (16) H48) in Zoning By-law No. Z.-1, which zoning permits apartment buildings with a maximum height of 48 metres;
- (b) the applicant **BE ADVISED** that the cost of registration of these by-laws is to be borne by the applicant in accordance with City policy.

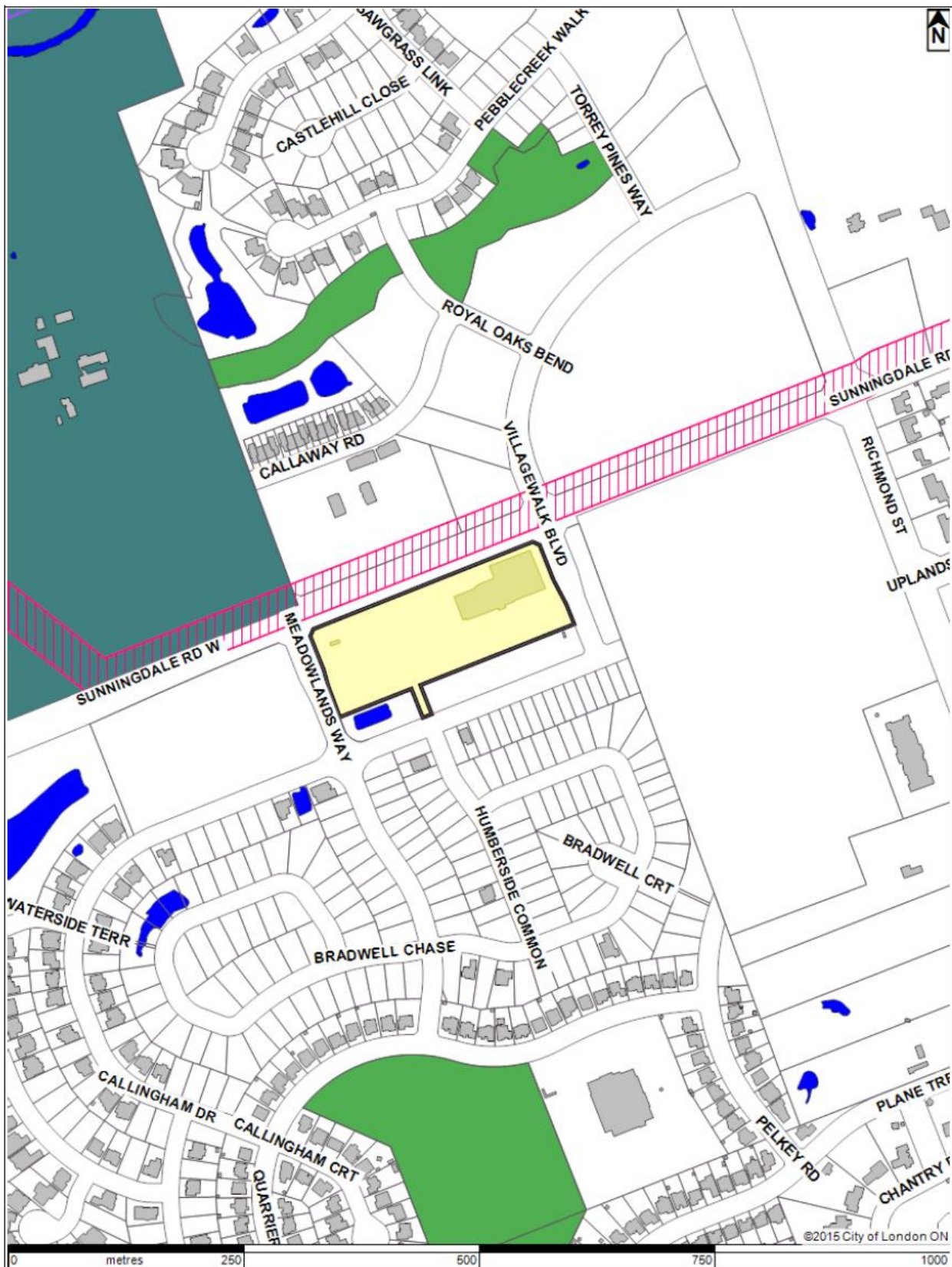
BACKGROUND

On July 18, 2012 Tricar Developments Inc. applied for Site Plan Approval (SP12-022765) to construct two (2) 14 storey apartment buildings with 148 residential units each connected by a single storey podium building that provides the amenity space for the residential units.

On July 29, 2013, the City of London Approval Authority granted final approval to Phase 1 of the Norquay Sunningdale Subdivision (39T-11504) which created Block 1 (subject site).. The plan was registered on August 21, 2013 as Plan 33M-664.

On May 21, 2015 Village North Limited applied for a Plan of Standard Condominium (39CD-15507) for the completed east apartment building (240 Villagewalk Boulevard) and a Plan of Common Elements Condominium (39CD-15508) for the amenity building (250 Villagewalk Boulevard).

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<p style="text-align: center;">LOCATION MAP</p> <p>Subject Site: 230 Villagewalk Blvd Applicant: Village North Limited File Number: P-8531 Planner: Craig Smith Created By: Craig Smith Date: 2015-09-28 Scale: 1:5000</p>	<p style="text-align: center;">LEGEND</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">■</td> <td>Subject Site</td> </tr> <tr> <td style="width: 20px; text-align: center;">■</td> <td>Parks</td> </tr> <tr> <td style="width: 20px; text-align: center;">▨</td> <td>Assessment Parcels</td> </tr> <tr> <td style="width: 20px; text-align: center;">■</td> <td>Buildings</td> </tr> <tr> <td style="width: 20px; text-align: center;">123</td> <td>Address Numbers</td> </tr> </table>	■	Subject Site	■	Parks	▨	Assessment Parcels	■	Buildings	123	Address Numbers
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<p>Corporation of the City of London Prepared By: Development and Compliance Services</p>											

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SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Development Review- Development Services

No comments

ANALYSIS

The applicant had applied for and received site plan approval in 2012 to construct two (2) 14 storey apartment buildings with 148 residential units each connected by a single storey podium building that provides the amenity space for the residential units. In 2012, the City of London issued a building permit (12-035926) to construct a 14-storey, 148-unit apartment building with underground parking garage and in 2013 the City issued a building permit (13-041857) to construct an amenity building for the apartment complex.

Both structures are now complete and the applicant has applied to register a Standard Plan of Condominium for the residential building (39CD-15506) and a Standard (Common Elements) Plan of Condominium for the amenity building (39CD15507).

A Common Element Condominium is composed of common elements only with no condominium units. The owners of freehold properties within the same land registry division own interests in a common elements condominium corporation. The freehold properties having an interest in the condominium corporation are called "parcels of tied land" (POTL's) and must exist in law prior to the registration of the common elements condominium corporation.

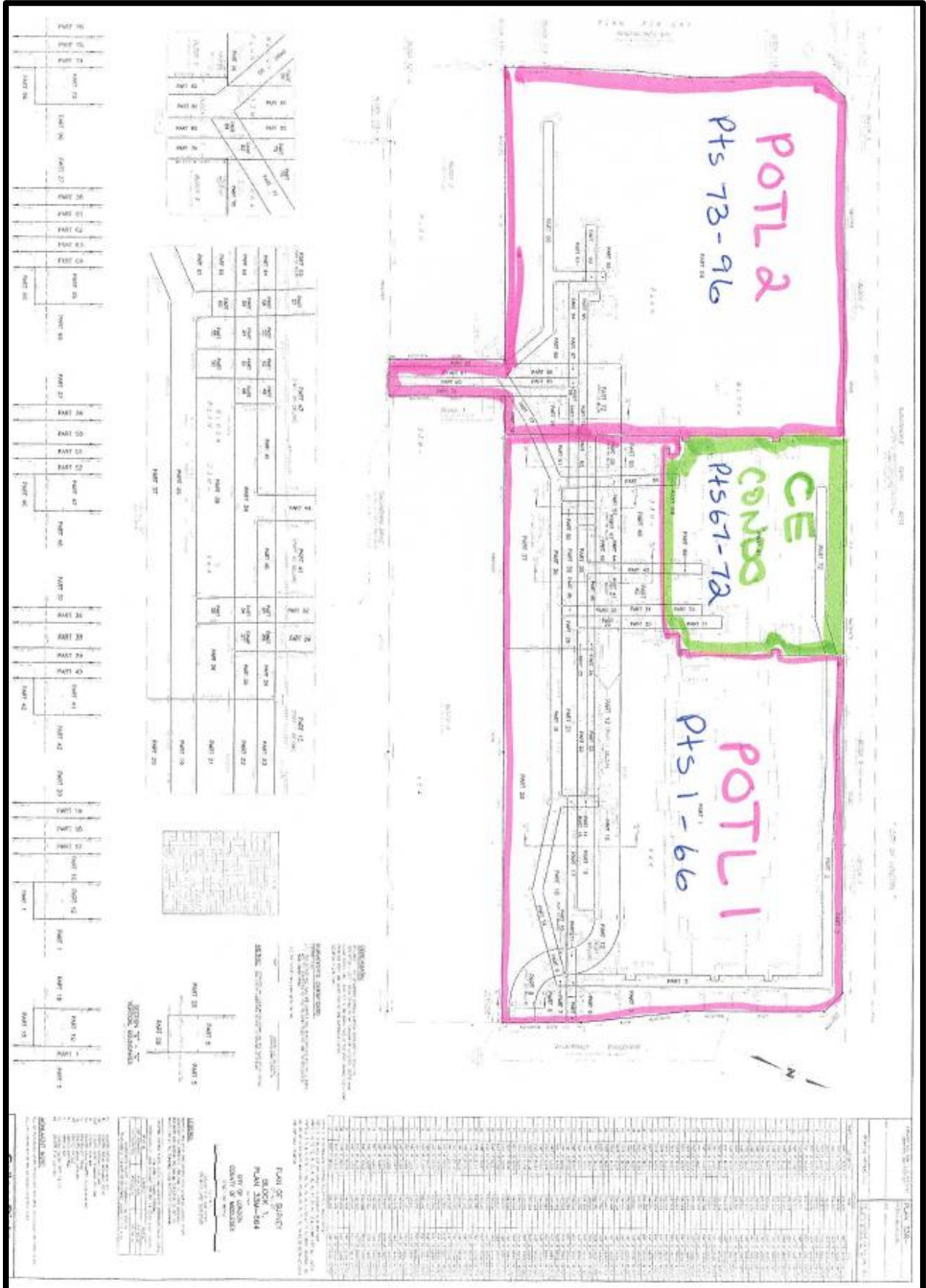
For the purpose of this condominium the freehold properties that will ultimately have the interest in the common elements condominium will be the owners of the residential units in the residential apartment buildings once the condominium is registered.

To proceed with the registration of the Common Elements Condominium at this time the *Condominium Act* Section 4, requires that in the declaration and description of a common elements condominium corporation the corporation shall not be registered unless, at the time of registration, each parcel of tied land would be capable of being individually conveyed, or otherwise dealt with, without contravening section 50 of the Planning Act. O. Reg. 59/02, s. 1. The proposed exception from part lot control will permit the registration of the attached reference plan and satisfies the requirement of the Condominium Act and allows the Common Elements Condominium to be registered.

City and London Hydro have had the opportunity to review and approve the proposed reference plans on part of Block 1 Plan 33M-664 prior it being deposited. All conditions of the Subdivision Agreement and Site Plan Development Agreement continue to apply to the subject block after the Part Lot By-law is passed.

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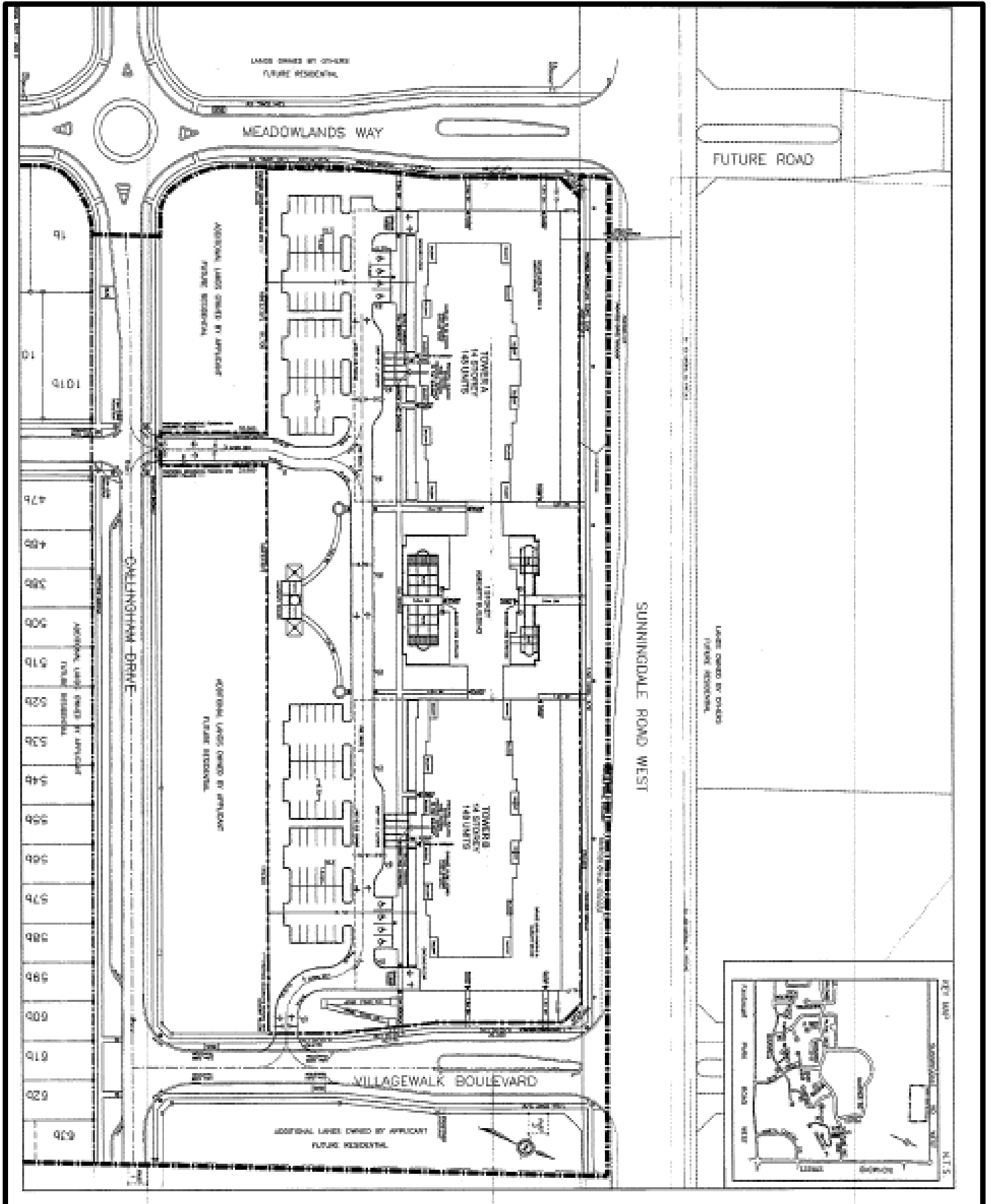
Proposed Reference Plan-Part of Block 1 Plan 33M-664



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Approved Site Plan



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CONCLUSION

The requested exemption from the Part Lot Control provisions of the *Planning Act* to establish Parcels of Tied Lands for the purpose of registering a Common Elements Plan of Condominium is appropriate.

PREPARED AND RECOMMENDED BY:	REVIEWED BY:
C. SMITH SENIOR PLANNER, DEVELOPMENT SERVICES	ALLISTER MACLEAN MANAGER, DEVELOPMENT PLANNING
REVIEWED BY:	SUBMITTED BY:
TERRY GRAWAY MANAGER, DEVELOPMENT SERVICES & PLANNING LIAISON	G. KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL

JCS/
"Attach."

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Bill No.
2015

By-law No. C.P.-

A by-law to exempt from Part Lot Control, lands located on the west side of Villagewalk Boulevard, at Sunningdale Road West, legally described as Block 1 in Registered Plan 33M-664, in the City of London and County of Middlesex.

WHEREAS pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, and pursuant to the request from Village North Limited, it is expedient to exempt lands located on the west side of Villagewalk Boulevard, at Sunningdale Road West, legally described as Block 1 in Registered Plan 33M-664, in the City of London and County of Middlesex, from Part Lot Control;

THEREFORE the Municipal Council of The Corporation of The City of London enacts as follows:

1. Block 1 in Registered Plan 33M-664, in the City of London and County of Middlesex, located on the west side of Villagewalk Boulevard, at Sunningdale Road West, is hereby exempted from Part Lot Control, pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c.P.13*, as amended, for a period not to exceed three (3) years.
2. This by-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on October 27, 2015.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading - October 27, 2015
Second Reading – October 27, 2015
Third Reading - October 27, 2015.