

COMMITTEE OF THE WHOLE SEPTEMBER 18, 2006

**DRAFT PLAN OF CONDOMINIUM FILE 19CDM-06V04
TONLU HOLDINGS LIMITED**

Recommendation

The Commissioner of Planning recommends:

THAT the conditions of approval for proposed Draft Plan of Condominium 19CDM-06V04 (Tonlu Holdings Limited), dated June 19, 2006 be revised as detailed in the revised Schedule of Conditions attached to and forming part of this report.

Economic Impact

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

Purpose

Further to Council's approval of Draft Plan of Condominium File 19CDM-06V04 (Tonlu Holdings Limited), on June 26, 2006 the Owner's legal counsel has requested an additional condition of condominium approval for the Draft Plan of Condominium to be considered by Vaughan Council regarding the provision for a reciprocal easement over "Golden Spruce Lane", shown as Area 'A' on Attachment #2, which was not specifically included in the Committee of the Whole report, dated June 19, 2006, specifically Attachment #1 to Item #63, Report #37 respecting "Conditions of Approval".

Background - Analysis and Options

The subject lands shown on Attachment #1 are located on the west side of Keele Street, north of Major Mackenzie Drive, in Part of Lot 21, Concession 4 (10028 to 10036 Keele Street), City of Vaughan.

On June 26, 2006, Council adopted the Committee of the Whole report dated June 19, 2006 that approved Draft Plan of Condominium File 19CDM-06V04 (Tonlu Holdings Limited) with conditions. The Owner's legal counsel has reviewed the Condominium Act, 1998, specifically Section 20(1) which permits a reciprocal easement (Area 'A' – Golden Spruce Lane), as shown on Attachment #2, to be created through the condominium declaration as a condition of condominium approval. Subsequently, Section 20(2) of the said Act requires that the approval authority (the Municipality) include the provisions for a reciprocal easement in the conditions of approval, which was not included in the Committee of the Whole report dated June 19, 2006, specifically Attachment #1 to Item #63, Report #37 respecting "Conditions of Approval". The provisions of the reciprocal easement were included in the related site plan agreement, which has been registered on title.

As a result of the wording in the Condominium Act, 1998, the previous "Conditions of Approval" are required to be amended to include the following condition of condominium approval:

- 3a. "The Owner shall grant an easement over the lands described as Part 24 on the Reference Plan 65R-29329 prepared by Donald E. Roberts Limited, Ontario Land Surveyors, Reference No. 93.3784-11 (attached hereto as Area 'A' on Attachment #2) in favour of the Owner of the lands immediately to the west of the Owner's property, the "Adjoining Lands", in order to permit the Owners of the residential development being constructed on the Adjoining Lands, once same is completed, to use the private roadway on Part 24 for pedestrian and vehicular ingress and egress to and from Keele Street. Such easement may be created in

accordance with the provisions of section 20(2)(b) of the *Condominium Act, 1998* by including this condition as an approval authority requirement in the Declaration creating the common elements condominium on the lands including Part 24. Such easement shall only take effect upon completion of a private roadway on the Adjoining Lands from the westerly end of Part 24 traveling westerly and southerly to Major Mackenzie Drive and the granting of an easement thereover in favour of the Owners from time to time of this development in order to create a continuous private road which can be used by owners of this development and the Adjoining Lands for ingress and egress to their respective properties from both Keele Street and Major Mackenzie Drive.”

Relationship to Vaughan Vision 2007

This report is consistent with the priorities set forth in Vaughan Vision 2007, particularly ‘A-5’, “Plan and Manage Growth”.

Conclusion

The Development Planning Department has no objection to the additional condition of approval for Draft Plan of Condominium File 19CDM-06V04 (Tonlu Holdings Limited), accordingly the conditions of approval should be revised in accordance with the attached Schedule of Conditions.

Attachments

1. Location Map
2. Council Approved Draft Plan of Condominium
3. Revised Conditions of Approval

Report prepared by:

Stephen Lue, Planner I, ext. 8210
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Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

/CM

ATTACHMENT NO. 3

REVISED CONDITIONS OF APPROVAL

**DRAFT PLAN OF CONDOMINIUM 19CDM-06V04
TONLU HOLDINGS LIMITED
PART OF LOT 21, CONCESSION 4, CITY OF VAUGHAN**

THE CONDITIONS OF THE COUNCIL OF THE CITY OF VAUGHAN THAT SHALL BE SATISFIED PRIOR TO THE RELEASE FOR REGISTRATION OF PLAN OF CONDOMINIUM 19CDM-06V04, ARE AS FOLLOWS:

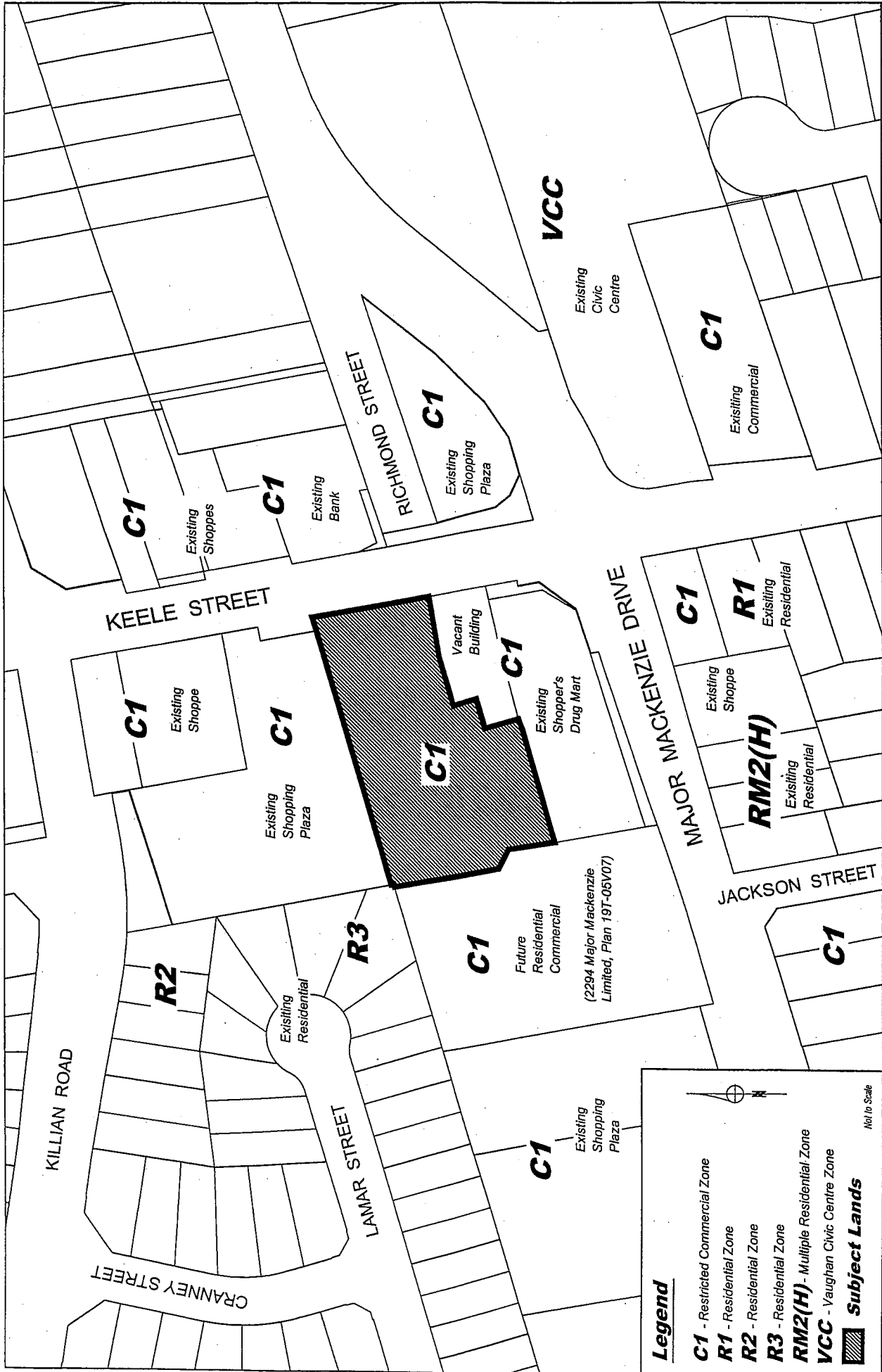
City of Vaughan Conditions

1. The Plan shall relate to a Draft Plan of Condominium, prepared by Donald E. Roberts Ltd, Ontario Land Surveyors, dated February 10, 2006.
2. Prior to the execution of the condominium agreement, the Owner shall submit a pre-registered plan of condominium to the Development Planning Department.
3. The Owner shall enter into a condominium agreement with the City of Vaughan, and shall agree to satisfy any outstanding site plan conditions with respect to such matters as landscaping and site development and any other matters that the City may consider necessary; prior to final approval, the City shall confirm that the condominium agreement will be registered on title against the lands to which it applies, at the cost of the Owner. The Owner agrees that the following clause be included in the condominium agreement with the City of Vaughan:


“The Owner acknowledges that Section 34(v) of Schedule ‘E’ of the site plan agreement between the Corporation of the City of Vaughan, The Regional Municipality of York, and Tonlu Holdings Limited registered on January 29, 2006 as Instrument Number YR-764699 provides, among other things, that if any additional landscaping or features other than tree planting (e.g. raised planters, flower beds, shrubs) (the “Enhanced Landscaping”) are required on the Regional Road right-of-way, as a condition of approval set out by Vaughan, then it is the Region’s understanding that Vaughan will assume responsibility for the maintenance of the Enhanced Landscaping on the Regional Road right-of-way. In this regard, however, the Owner acknowledges and agrees that the Owner is and shall be responsible, at the Owner’s sole cost and expense, for the maintenance of the Enhanced Landscaping on the Regional Road right-of-way pursuant to Section 5 of Schedule ‘Y’ of the said site plan agreement until the Enhanced Landscaping on the Regional Road right-of-way has been inspected and approved by the Vaughan Development Planning Department in accordance with Section 5(d) of Schedule ‘Y’ of the said site plan agreement (the “Enhanced Landscape Approval”).

After the Enhanced Landscaping Approval is given by Vaughan, Vaughan acknowledges and agrees that Vaughan is and shall be responsible for the maintenance of the Enhanced Landscaping on the Regional Road right-of-way. In this regard, however, upon execution of this Agreement, the Owner agrees to and shall provide Vaughan a certified cheque payable to Vaughan in the amount of \$14,224.00 for the maintenance by Vaughan of the Enhanced Landscaping on the Regional Road right-of-way after the Enhanced Landscaping Approval is given by Vaughan.”

- 3a. The Owner shall grant an easement over the lands described as Part 24 on the reference plan 65R-29329 prepared by Donald E. Roberts Limited, Ontario Land Surveyors, Reference No. 93.3784-11 in favour of the Owner of the lands immediately to the west of the Owner's property, the "Adjoining Lands", in order to permit the Owners of the residential development being constructed on the Adjoining Lands, once same is completed, to use the private roadway on Part 24 for pedestrian and vehicular ingress and egress to and from Keele Street. Such easement may be created in accordance with the provisions of section 20(2)(b) of the *Condominium Act, 1998* by including this condition as an approval authority requirement in the Declaration creating the common elements condominium on the lands including Part 24. Such easement shall only take effect upon completion of a private roadway on the Adjoining Lands from the westerly end of Part 24 traveling westerly and southerly to Major Mackenzie Drive and the granting of an easement thereover in favour of the Owners from time to time of this development in order to create a continuous private road which can be used by owners of this development and the Adjoining Lands for ingress and egress to their respective properties from both Keele Street and Major Mackenzie Drive.
4. The following provisions shall be included in the condominium agreement:
- a) the Condominium Corporation shall be responsible to regularly clean and maintain all driveway catch basins; and
 - b) the Owner shall supply and install, and the Condominium Corporation shall maintain the mail equipment to the satisfaction of Canada Post.
5. Prior to final approval, the Owner shall submit an "as-built" survey to the satisfaction of the Building Standards Department.
6. Prior to final approval, the Owner shall confirm that all required easements and rights-of-way for utilities, drainage and construction purposes have been granted to the appropriate authorities.
7. Prior to final approval, the Owner shall confirm that they have paid all outstanding taxes, development charges and levies, as may be required by the Finance Department.
8. The City shall advise that Conditions 1 to 7 have been satisfied.



Legend

- C1** - Restricted Commercial Zone
- R1** - Residential Zone
- R2** - Residential Zone
- R3** - Residential Zone
- RM2(H)** - Multiple Residential Zone
- VCC** - Vaughan Civic Centre Zone
-  **Subject Lands**

Not to Scale

Existing Civic Centre

Existing Commercial

Existing Shopping Plaza

Existing Bank

Existing Shoppes

Vacant Building

Existing Shopper's Drug Mart

Existing Shoppe

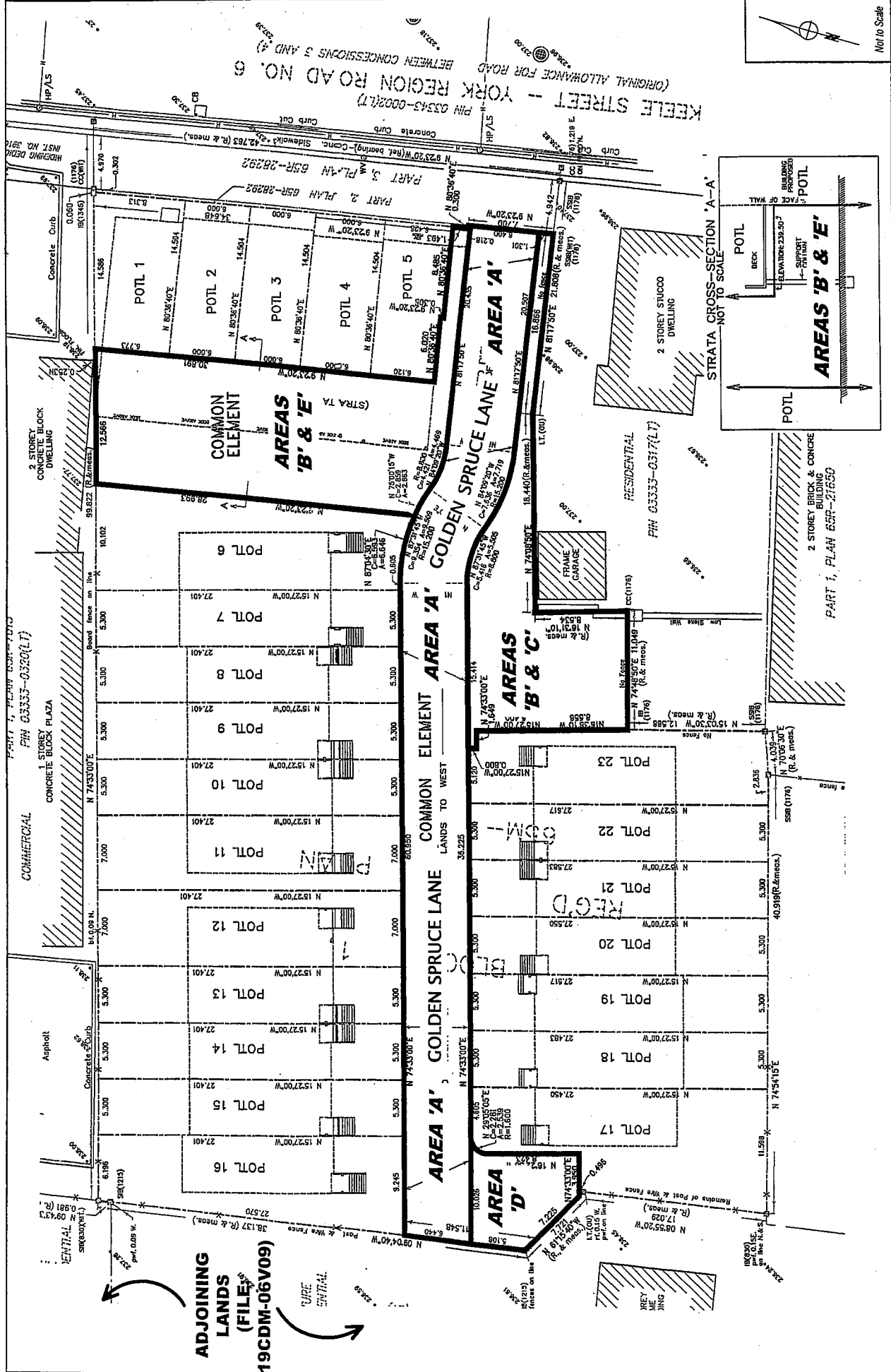
Existing Residential

Future Residential Commercial
 (2294 Major Mackenzie Limited, Plan 19T-05V07)

Existing Shopping Plaza

Existing Residential

Existing Shopping Plaza



**ADJOINING
LANDS
(FILE #
19CDM-06V09)**

Attachment 2

FILE: 19CDM-06V04
 RELATED FILE(S):
 DA.04.069, Z.03.094
 19T-05V03
 September 6, 2006

City of Vaughan
The City Above Toronto
 Development Planning Department

Council Approved Draft Plan of Condominium

Part Lot 21,
 Concession 4
 APPLICANT:
 TONLU HOLDINGS LIMITED

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