

**City Council****Notice of Motion**

MM50.15	ACTION			Ward:25
---------	--------	--	--	---------

**939 Lawrence Avenue East, 49 and 75 The Donway West - Part Lot Control Exemption - Amendment to NY36.90 - by Councillor Jaye Robinson, seconded by Councillor Mary-Margaret McMahon**

*\* Notice of this Motion has been given.*

*\* This Motion is subject to referral to the North York Community Council. A two-thirds vote is required to waive referral.*

**Recommendations**

Councillor Jaye Robinson, seconded by Councillor Mary-Margaret McMahon, recommends that:

1. City Council amend Item NY36.90, Part 5, so that it now reads as follows:

"City Council authorize the City Solicitor to take the necessary steps to release the Section 118 Restriction from title upon the expiry or repeal of the Part Lot Control Exemption By-law, or to partially release the Section 118 Restriction from those portions of the lands as they may become subject to a registered plan of condominium."

**Summary**

At its meeting of August 25, 26, and 27, 2010, City Council adopted North York Community Council Item 36.90 entitled "Final Report - 939 Lawrence Ave East, 49 and 75 The Donway West Part Lot Control Exemption Application" and By-law No. 1050-2010 to exempt certain lands within the property municipally known as 939 Lawrence Avenue East, 49 and 79 The Donway West from Part Lot Control. The By-law expires on its fourth anniversary, being August 25, 2014.

The recommendations in Item NY36.90 were adopted without amendment. Council required the owner to register a Section 118 Restriction on title to the lands prohibiting any transfer or charge of the lands without the consent of the Chief Planner during the period of part lot control exemption. A Section 118 Restriction allows the City to monitor and approve the manner in which the lands are divided.

Part 5 authorized the City Solicitor to take steps to release the Section 118 Restriction from title upon the expiry or repeal of the Part Lot Control Exemption By-law.

It has become apparent that certain parcels within the lands will be subdivided by plan of

condominium prior to the expiry of the By-law. Once a parcel has been subdivided, there is no real need for the City to continue to monitor land division. At such time the Restriction merely becomes an impediment with respect to the sale of condominium units to prospective purchasers. As such, it is appropriate for Part 5 of Item NY36.90 to be amended to extend the authority of the City Solicitor to facilitate the partial release of the Restriction from those parcels that may become subject to a plan of condominium.

This motion has been reviewed by and is supported by the City Solicitor.

(Submitted to City Council on April 1 and 2, 2014 as MM50.15)

**Background Information (City Council)**

Member Motion MM50.15