

## Repeal of Part-lot Control Exemption By-laws

**Date:** June 13, 2018  
**To:** Toronto and East York Community Council  
**From:** City Solicitor  
**Wards:** Wards 20 and 28

### SUMMARY

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City Council previously enacted part-lot control exemption By-law 0612-92 and By-law 1996-0058 applicable to certain lands within the Railway Lands East. The lands subject to the by-laws generally include all of the Railway Lands East, with the exception of parts of Union Station, parts of the Rail Corridor and parts of the Air Canada Centre.

The By-laws were intended to facilitate development in this area in the 1990's by providing an alternative mechanism to subdivision or consent applications for land division. By-law 0612-92 is affiliated with a 1992 Precinct B Agreement. The obligations under the 1992 Precinct B Agreement that would authorize the repeal of the associated by-law have now been satisfied. The area has now been substantially developed such that the purpose of these By-laws has been fulfilled and they are no longer required.

These By-laws do not have an automatic expiry date, unlike part-lot control exemption by-laws under the current legislative regime. Accordingly, this report recommends that City Council exercise its authority under section 50 of the *Planning Act* to repeal both former City of Toronto By-laws 0612-92 and 1996-0058.

### RECOMMENDATIONS

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The City Solicitor recommends that:

1. City Council repeal the former City of Toronto Part-Lot Control Exemption By-laws 0612-92 and 1996-0058 by enacting by-laws substantially in accordance with the form of by-laws included at Attachment 1 and 2 to the Report from the City Solicitor dated June 13, 2018 and applicable to the lands more particularly described therein.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the Part Lot Control Exemption Repealing By-laws as may be required.

3. City Council authorize and direct the appropriate City officials to register the Part Lot Control Exemption Repealing By-laws on title to the lands identified in the draft by-laws at Attachments 1 and 2 to the Report from the City Solicitor dated June 13, 2018.

## **FINANCIAL IMPACT**

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The recommendations in this report have no financial implications.

## **DECISION HISTORY**

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On September 23, 1991, City Council authorized among other matters, the entering into of a Precinct Agreement pursuant to section 16 of the *City of Toronto Act*, 1971, S.O. 1971, c. 130. Minutes from City Council decision are found in item 14A.91 with the City Clerk's Archives.

On April 14, 1992, City Council enacted a By-law to exempt certain lands known as the Marathon Lands in the Railway Lands East from the provisions of subsection 50(3) of the *Planning Act*. By-law 0321-92 is found here:

<https://www.toronto.ca/legdocs/pre1998bylaws/toronto%20-%20former%20city%20of/1992-0321.pdf>

On September 15, 1992, City Council repealed By-law 0321-92 and enacted By-law 0612-92 to exempt certain lands known as the Marathon Lands in the Railway Lands East from the provisions of subsection 50(3) of the *Planning Act*. By-law 0612-92 is found here:

<https://www.toronto.ca/legdocs/pre1998bylaws/toronto%20-%20former%20city%20of/1992-0612.pdf>

On January 10, 1996, City Council authorized, among other matters, the entering into of a Revised Precinct B Agreement, a Precinct C Agreement and a Precinct R Agreement as well as exemption of certain lands from part-lot and subdivision control. City Council's decision to the Report from Executive Committee, Clause 1, Report No. 5 is found in the City Clerk's Archives.

On January 12, 1996, City Council enacted a By-law to exempt certain lands within the Railway Lands East from the provisions of Subsection 50(5) of the *Planning Act*. By-law 1996-0058 is found here:

## COMMENTS

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The City Solicitor is recommending the repeal of former City of Toronto By-laws 0621-92 and 1996-0058, which exempt certain lands within the Railway Lands East from the provisions of subsection 50(3) and subsection 50(5) of the *Planning Act*.

These part-lot control exemption by-laws were put in place to facilitate development in the Railway Lands East by providing an alternative mechanism to subdivision and consent applications for land division. Development of the area is substantially complete and they are no longer required for this purpose. The lands subject to the by-laws generally include all of the Railway Lands East, with the exception of parts of Union Station, parts of the Rail Corridor and parts of the Air Canada Centre. These by-laws do not have an automatic expiry date. Accordingly, in order to repeal the by-laws, Council is required to enact a by-law pursuant to the *Planning Act* which repeal each of the Part Lot Control Exemption By-laws and those by-laws would then be registered on title to the applicable lands.

As is set out in more detail below, By-law 0612-92 is associated with the Precinct B Agreement entered into between the City and the owners of the applicable lands in 1992. In 1996, a Revised Precinct B Agreement amended the 1992 Precinct B Agreement. City Council enacted By-law 1996-0058 to further the development potential in the Railway Lands when the City agreed to enter into the Revised Precinct B Agreement. However, unlike By-law 0612-92, By-law 1996-0058 is not tied to any Precinct Agreement and can be repealed by Council at any time.

The relevance of the Precinct Agreements is the language in the agreement limits the City's ability to repeal By-law 0612-92. As such, certain pre-conditions need to be satisfied as described in the 1992 Precinct B Agreement and identified in 1996 Revised Precinct B Agreements before the City can repeal By-law 0612-92.

This report has been jointly prepared with City Planning who received comments from Engineering and Construction Services, Parks, Forestry and Recreation and Heritage Preservation Services with respect to the pre-conditions to repeal.

### **Precinct B Agreement and Railway Lands East**

On August 28, 1992, the Precinct B Agreement was executed and registered on title to the applicable lands as instrument number CA212839 ("1992 Precinct B Agreement").

At the time, the legislation required that the City enter into an agreement under the *City of Toronto Act*, 1971, as amended, to pass a part-lot control exemption by-law under the *Planning Act* for the Railway Lands.

Accordingly, the 1992 Precinct B Agreement was entered into pursuant to Section 16 of the *City of Toronto Act*, 1971, as amended. This was as agreed to under section 16.10 of the 1992 Precinct B Agreement and as authorized under section 16(4) of the *City of Toronto Act*. At the time, City Council enacted a By-law (By-law 0612-92) to exempt certain lands known as the Marathon Lands in the Railway Lands East from the provisions of subsection 50(3) of the *Planning Act*, the successor of subsection 26(2) of the *Planning Act* at the time of enactment of the subsection 16(4) of *City of Toronto Act*.

By-law 0612-92 exempted certain lands described in Schedule "A" to that By-law and does not have an expiry date. City Council is required to enact a by-law in order to repeal By-law 0612-92 under the *Planning Act*.

### **Superseded Precinct B Agreement by Three Agreements**

In 1996, City Council entered into three separate Precinct Agreements, which are intended to replace the existing 1992 Precinct B Agreement, which were named the: Revised Precinct B Agreement, Precinct R Agreement and Precinct C Agreement. The implementation of the Air Canada Centre arrangements required that three separate agreements replace the 1992 Precinct B Agreement. These three new precinct agreements corresponded to the intended ownership interests (at the time) in the Railway Lands East as a result of the Air Canada Centre proposal.

These Precinct Agreements are modelled on the 1992 Precinct B Agreement which was entered into by the City and Marathon in 1992 to provide for the development of the municipal infrastructure system throughout the Railway Lands East Planning Area. These three agreements replaced and superseded the 1992 Precinct B Agreement, except to the extent the 1992 Precinct B Agreement continues to have a secondary phasing relationship to the infrastructure being constructed with the Metro Convention Centre expansion project (Precinct 6).

These three agreements provided the mechanism for the delivery of municipal services, including the sanitary sewer system, water distribution system, storm sewer system, district heating and cooling distribution system and other utilities. They also dealt with the provision of required pedestrian routes, intersection improvements, and community services and facilities, such as daycare and community space arrangements. Each agreement detailed those respective responsibilities as they related to those lands.

Of importance, the 1992 Precinct B Agreement has been discharged from title on the lands to which the Precinct C and Precinct R Agreements apply.

City Council enacted another part-lot control exemption by-law pursuant to subsection 50(7) of the *Planning Act* to exempt lands from application of subsection 50(5) of the *Planning Act*. Due to the change in legislation, By-law 1996-0058 was not enacted pursuant to an agreement under the *City of Toronto Act*, 1971, as amended.

## **Relationship between By-law 1996-0058 and 0612-92**

In 1996, the City enacted By-law 1996-0058 and added to the original lands appended as Schedule "A" to By-law 0612-92. By-law 1996-0058 was enacted pursuant to section 50(7) of the *Planning Act* granting an exemption from section 50(5). While By-law 1996-0058 added to the original lands, it did not amend or repeal By-law 1992-0612. Both are separate By-laws.

## **Repeal of Part-lot Control Exemption By-laws**

The process to repeal By-law 0612-92 is tied to satisfying the obligations under the 1992 Precinct B Agreement and 1996 Revised Precinct B Agreement.

Section 16.10 of the 1996 Revised Precinct B Agreement states that By-law 0612-92 does not apply to the lands identified in, or applicable to, the 1996 Revised Precinct B Agreement. Section 16.10(c) of the 1992 Precinct B Agreement permits the repeal of By-law 0612-92 after the 1992 Precinct B Agreement is terminated.

Section 1.7 of the 1996 Revised Precinct B Agreement defines how the 1992 Precinct B Agreement will be terminated, provided that the three new precinct agreements incorporate the original 1992 Precinct B Agreement obligations, respective to those lands to which the new three precinct agreements apply to, have been entered into. The 1992 Precinct B Agreement is meant to have no effect once "Interim infrastructure" is complete, with the exception of specific provisions as outlined in the 1996 Revised Precinct B Agreement related to Infrastructure Phasing Schedules (as identified above) that have no impact on repealing the By-law 0612-92.

Interim Infrastructure is a narrowly defined term that includes four components:

- (a) Interim Municipal Services
- (b) Interim Streets
- (c) Parks Work
- (d) Heritage Work

### *Interim Municipal Services and Interim Streets*

Engineering and Construction Services has confirmed that the Interim Municipal Services and Interim Streets were completed. These services and streets were accepted, the last of which were completed in 2009. On February 23, 2009, City Council adopted MM31.15 confirming the final set of these obligations arising from the Precinct B Agreements.

### *Parks Work*

Parks, Forestry and Recreation confirm that Stage 1 and Stage 2 of the required Parks Work are complete.

### *Heritage Work*

Heritage Preservation Services has confirmed the Heritage Work is complete.

At its meeting held on March 28, 1994, City Council adopted a report from the Commissioner of Planning and Development, dated March 14, 1994, granting approval for the expansion of the Metro Toronto Convention Centre (MTCC). In order to accommodate construction of the expansion of the MTCC, it was necessary to dismantle a portion of the Roundhouse. In connection with this, the City of Toronto has entered into a number of legal agreements with the MTCC, Marathon Realty Company Limited and other parties. As a component of these agreements, the MTCC was permitted to dismantle the Turntable and Bays 1 to 11 of the Roundhouse structure on the basis that the MTCC agreed to complete certain work including the reconstruction of the Turntable and Bays 1 to 11 of the Roundhouse and expending approximately \$3,000,000.00 on a new "Roundhouse Park".

The completion of the Roundhouse Park, MTCC's reconstruction of the Turntable and Bays 1 to 11 of the Roundhouse and completion of other heritage work on associated structures and a commitment from CN Tower to move three pieces of rolling stock in or out of an operating railway museum per year, put the City in a position to offer the Roundhouse for rehabilitation and reuse as an operating railway museum together with other commercial uses, as well as providing the opportunity to secure additional parks programming and enhancements for the Roundhouse Park.

The City of Toronto assumed title to the Roundhouse Complex, Roundhouse Park and Bremner Boulevard, in the summer of 1997, in accordance with agreement made between MTCC and other parties with interests in the Railway Lands East.

On October 3-5, 2000 and at its special meeting on October 6, 10, 11, and 12, 2000, City Council adopted Report No 9, Clause No 3 from the Economic Development and Parks Committee through Recommendation (1) City Council authorized to proceed with the Roundhouse RFP. City Council decision is found here:

<https://www.toronto.ca/legdocs/2000/agendas/council/cc/cc001003/cofa.pdf>

On December 1, 2008, City Council through Decision item GM19.8 adopted recommendations and amendments to the Municipal Code to establish a reserve fund to provide a source of funding for the development and state of good repair of Rail Heritage associated with the John Street Roundhouse.

## **Conclusion**

Given that the four requirements detailed above are satisfied, City Council can proceed to repeal By-law 0612-92 as identified in the 1992 Precinct B Agreement and in the 1996 Revised Precinct B Agreement, enacted pursuant to the *City of Toronto Act* and the *Planning Act*. There is no further required purpose for leaving part-lot control exemption By-laws without expiry dates in the Railway Lands East. As there is no similar restriction on By-law 1996-0058 which was enacted only pursuant to the *Planning Act* without the necessity of an agreement under the *City of Toronto Act*. This By-law applies to the same and additional lands in the Railway Lands East and should also be repealed. It is recommended that both by-laws be repealed and registered on title. the draft By-laws to be enacted are included at Attachments 1 and 2 of this report.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Attachment 1 - Draft Part-lot Control Exemption Repealing By-law - By-law 612-92  
Attachment 2 - Draft Part-Lot Control Exemption Repealing By-law - By-law 1996-0058

**Attachment 1**  
**Draft Part-lot Control Exemption Repealing By-law 0612-92**

Authority: Toronto and East York Community Council Item TEXX.X, as adopted by City of Toronto Council on July 23, 24 and 25, 2018

**CITY OF TORONTO**

**Bill**

**DRAFT BY-LAW -2018**

**To repeal former City of Toronto By-law 0612-92 which exempted certain lands within the Railway Lands East from provisions of the subsection 50(3) of the Planning Act.**

Whereas Council at its meeting held on September 15, 1992 passed former City of Toronto By-law No. 0612-92 to so exempt certain lands within the Railways Lands East;

And whereas it is appropriate to repeal the by-law on all portions of the Railway Lands East so exempted;

The Council of the City of Toronto enacts:

1. Former City of Toronto By-law 0612-92 being a by-law "To exempt certain lands known as the Marathon Lands in the Railway Lands East from the provisions of subsection 50(3) of the Planning Act" is repealed.
2. This By-law applies to the lands described in the attached Schedule A.

Enacted and passed on July , 2018.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)



### **Schedule A**

**Legal description\*:**

\*minor adjustments to legal descriptions may be required, however generally as described below.

In the City of Toronto, Province of Ontario, being composed of:

FIRSTLY: (Registry Office/Marathon)

Part of Block 6 according to Plan 655E registered in the Land Registry Office for the Metropolitan Toronto Registry Division (No. 64), designated as PARTS 1 and 2 on a plan of survey deposited in the said Land Registry Office as 64R-13323.

SECONDLY: (Registry Office/Marathon)

Part of B according to Plan 536E, part of Block 1 according to Plan 642E and parts of Lake Street and Harbour Street as shown on Plan 536E and amended by Plan 642E, both the said Plans being registered in the Land Registry Office for the Metropolitan Toronto Registry Division (No. 64), the said parts of Lake Street and Harbour Street being closed by City of Toronto By-law 14776 and 11374 respectively, both registered in the said Land Registry Office as Instruments 15237 E.S. and 6261 E.S. respectively, all designated as PARTS 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 57 and 58 on a plan of survey deposited in the said Land Registry Office as 64R-13323.

THIRDLY: (Registry Office/Marathon)

Part of the Esplanade laid out under authority of 16 Victoria Chapter 219, 20 Victoria Chapter 80 and 28 Victoria Chapter 34, part of Block 1 according to Plan 657E, parts of Blocks C, D, E, Lake Street and John Street according to Plan 536E and part of the Water Lot shown as Parcel 14 on Plan 153E, all the said Plans being registered in the Land Registry Office for the Metropolitan Toronto Registry Division (No. 64), the said parts of Lake Street and John Street being closed by City of Toronto By-law 10950 registered in the said Land Registry Office as Instrument 4725 E.S., all designated as PARTS 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56 and 59 on a plan of survey deposited in the said Land Registry Office as 64R-13323.

**Attachment 2**  
**Draft Part-Lot Control Exemption Repealing By-law - By-law 1996-0058**

Authority: Toronto and East York Community Council Item TEXX.X, as adopted by City of Toronto Council on July 23, 24 and 25, 2018

**CITY OF TORONTO**

**Bill**

**DRAFT BY-LAW -2018**

**To repeal former City of Toronto By-laws 1996-0058 which exempted certain lands within the Railway Lands East from provisions of the subsection 50(5) of the *Planning Act*.**

Whereas authority is given to Council by Section 50(7.5) 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 enacts:

1. Former City of Toronto By-law 1996-0058 being a by-law "To exempt certain lands within the Railway Lands East from the provisions of Subsection 50(5) of the Planning Act" is repealed.
2. This By-law applies to the lands described in the attached Schedule A.

Enacted and passed on July , 2018.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

## Schedule A

### Legal description\*:

\*minor adjustments to legal descriptions may be required, however generally as described below.

In the City of Toronto, Province of Ontario, being composed of:

FIRSTLY: (Registry Office/Marathon)

Part of Block 6 according to Plan 655E registered in the Land Registry Office for the Metropolitan Toronto Registry Division (No. 64), designated as PARTS 1 and 2 on a plan of survey deposited in the said Land Registry Office as 64R-13323.

SECONDLY: (Registry Office/Marathon)

Part of B according to Plan 536E, part of Block 1 according to Plan 642E and parts of Lake Street and Harbour Street as shown on Plan 536E and amended by Plan 642E, both the said Plans being registered in the Land Registry Office for the Metropolitan Toronto Registry Division (No. 64), the said parts of Lake Street and Harbour Street being closed by City of Toronto By-law 14776 and 11374 respectively, both registered in the said Land Registry Office as Instruments 15237 E.S. and 6261 E.S. respectively, all designated as PARTS 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 57 and 58 on a plan of survey deposited in the said Land Registry Office as 64R-13323.

THIRDLY: (Registry Office/Marathon)

Part of the Esplanade laid out under authority of 16 Victoria Chapter 219, 20 Victoria Chapter 80 and 28 Victoria Chapter 34, part of Block 1 according to Plan 657E, parts of Blocks C, D, E, Lake Street and John Street according to Plan 536E and part of the Water Lot shown as Parcel 14 on Plan 153E, all the said Plans being registered in the Land Registry Office for the Metropolitan Toronto Registry Division (No. 64), the said parts of Lake Street and John Street being closed by City of Toronto By-law 10950 registered in the said Land Registry Office as Instrument 4725 E.S., all designated as PARTS 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56 and 59 on a plan of survey deposited in the said Land Registry Office as 64R-13323 and part 99 on a plan of survey deposited in the said Land Registry Office as 63R-4759.

FOURTHLY: (Land Titles/Canada Post)

Parcel B-1, Section A-536-E, being Block 4 and Part of Block 1 on Registered Plan 655E, Part of Block 1 on Registered Plan 642E, Part of Harbour Street on Registered Plan 536E as amended by Registered Plan 642E and as stopped up and closed by By-law 14494 of the Corporation of the City of Toronto registered as Instrument 14388 E.S., Part of Lake Street on Registered Plan 536E as amended by the said Plan 642E and as stopped up and closed by By-law 14776 of the Corporation of the City of Toronto registered as Instrument 15237 E.S., Part of Lake Street on Registered Plan 642E, as stopped up and closed by By-

law 14951 of the Corporation of the City of Toronto registered as Instrument 15889 E.S. and Part of Lorne Street (formerly Harbour Street) and Lake Street on Registered Plan 536E as amended by Registered Plan 642E and as stopped up and closed by By-law 18901 of the Corporation of the City of Toronto registered as Instrument 36919 E.S. and Part of Block B on Registered Plan 536E, all designated as PARTS 1 and 2 on Reference Plan 66R-16128, in the City of Toronto, in the Municipality of Metropolitan Toronto.

FIFTHLY: (Registry Office/Bay West Teamway, Moat and York East Teamway)

Part of the Esplanade laid out under authority of 16 Victoria Chapter 219, 20 Victoria Chapter 80 and 28 Victoria Chapter 34, part of Walks and Gardens being the strip of land denominated by the letter "H" on the plan of the Town of York reserved as a public walk, (April 7, 1857), part of the strip of land situate between top of Bank and the Water's Edge of the Bay granted to the City of Toronto on February 21, 1840, part of Lorne Street as stopped up and closed by By-law 6901 of the Corporation of the City of Toronto registered as Instrument 60533P, part of a lane at the rear of Lots 8 and 9 according to Plan 162E, stopped up and closed by By-law 64-69 of the Corporation of the City of Toronto registered as Instrument 65438 E.S., part of Water Lot 51 according to Plan 5A, parts of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 according to Plan 162E and part of Block B according to Plan 536E, all said plans being registered in the Land Registry Office of the Metropolitan Toronto Registry Division (No. 64), all designated as PARTS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 20, 21, 22, 23, 24, and 25 on a plan of survey deposited in the said Land Registry Office as 64R-14875 and PARTS 16, 17, 22 and 23 on a plan of survey deposited in the said Land Registry Office as 63R-4759.

SIXTHLY: (Registry Office/Bay East Teamway)

Part of the Esplanade laid out under authority of 28 Victoria Chapter 34, part of the strip of land situate between Top of Bank and the Water's Edge of the Bay granted to the City of Toronto on February 21, 1840, parts of Water Lots 41 and 42 according to Plan 5A, part of Blocks A and XA according to Plan 536E and part of Block 2 according to Plan 642E, all said Plans being registered in the Land Registry Office of the Metropolitan Toronto Registry Division (No. 64), all designated as PARTS 13, 14, 15, 16, 17, 18, 19 and 26, Plan 64R-14875, PARTS 6 and 7, Plan 63R-4759 and PARTS 1, 2 and 3 Plan 64R-14837, all such plans of survey deposited in the said Land Registry Office.

SEVENTHLY: (Land Titles/York West Teamway)

Part of Parcel Lot 9-1, Section Index Plan D-970 in the Land Registry Office for the Metropolitan Toronto Land Titles Division (No. 66), designated as PART 1 on a plan of survey deposited in the said Land Registry Office as 66R-17116.

EIGHTHLY: (Registry Office/York West Teamway)

Part of Block C according to Plan 536E, said plan being registered in the Land Registry Office of the Metropolitan Toronto Registry Division (No. 64), designated as PARTS 32 and 33 on a plan of survey deposited in the said Land Registry Office as 63R-4759.

NINETHLY: (Registry Office/Union Station South Access)

Part of Block B according to Plan 536E, said plan being registered in the Land Registry Office of the Metropolitan Toronto Registry Division (No. 64), designated as PARTS 18, 19, 20 and 21 on a plan of survey deposited in the said Land Registry Office as 63R-4759.