

Repeal of Part-lot Control Exemption By-laws - Supplementary Report

Date: June 15, 2018

To: Toronto and East York Community Council

From: City Solicitor

Wards: Wards 20 and 28

SUMMARY

The Report from the City Solicitor, dated June 13, 2018 contains a detailed description related to the previously enacted part-lot control exemption By-law 0612-92 and By-law 1996-0058 applicable to certain lands within the Railway Lands East. In preparation of the Bills for City Council's consideration, a third part-lot control exemption applicable to the same certain lands within the Railway Lands East was identified.

Similar to By-laws 0612-92 and 1996-0058, By-law 1996-0057 was intended to facilitate development in this area in the 1990's by providing an alternative mechanism to subdivision or consent applications for land division. As the area has now been substantially developed such that the purpose of all three of these By-laws has been fulfilled and they are no longer required.

Similar to By-laws 0612-92 and 1996-0058, By-law 1996-0057 does 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 to repeal all three former City of Toronto By-laws 0612-92, 1996-0057, and 1996-0058.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council replace Recommendation 1 from the Report (June 13, 2018) from the City Solicitor, with the following recommendation:

1. City Council repeal the former City of Toronto Part-Lot Control Exemption By-laws 0612-92, 1996-0057, and 1996-0058 by enacting by-laws substantially in accordance with the form of by-laws included at Attachments 1 and 2 to the Report from the City Solicitor dated June 13, 2018 and Attachment 1 to the Supplementary Report from the City Solicitor dated June 15, 2018 applicable to the lands more particularly described therein.

2. City Council replace Recommendation 3 from the Report (June 13, 2018) from the City Solicitor, with the following recommendation:

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 and Attachment 1 to the Supplementary Report from the City Solicitor dated June 15, 2018.

FINANCIAL IMPACT

The recommendations in this supplementary report have no financial implications.

DECISION HISTORY

In addition to the Decision History identified in the Report, dated June 13, 2018, from the City Solicitor, the following is also relevant:

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(3) of the *Planning Act*. By-law 1996-0057 is found here: <https://www.toronto.ca/legdocs/pre1998bylaws/toronto%20-%20former%20city%20of/1996-0057.pdf>

COMMENTS

In addition to the City Solicitor's previous recommendations regarding former City of Toronto By-laws 0612-92 and 1996-0058, the City Solicitor is also recommending the repeal of former City of Toronto By-law 1996-0057, which exempt certain lands within the Railway Lands East from the provisions of subsection 50(3) of the *Planning Act*.

When the City entered into the 1996 Revised Precinct B Agreement, it entered into two new Precinct Agreements: the Precinct R and Precinct C Agreements. Unlike By-law 0612-92, the Precinct R and Precinct C Agreements do not limit the City's ability to repeal the part-lot control exemption by-laws enacted. The intent of By-law 1996-0057, is identical to By-laws 0612-92 and 1996-0058, which is to facilitate development in the Railway Lands East in the 1990's by providing an alternative mechanism to subdivision or consent applications for land division. As the area has now been substantially developed such that the purpose of all three of these By-laws has been fulfilled and they are no longer required.

By-law 1996-0057 generally includes all of the Railway Lands East, similarly to By-laws 0612-92 and 1996-0058, with the exception of parts of Union Station, parts of the Rail Corridor and parts of the Air Canada Centre. All three of 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* and *City of Toronto 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.

Conclusion

As there is no requirements under the Precinct R and Precinct C Agreement to repeal By-law 1996-0057 it can be repealed as it is no longer required. It is recommended that this by-law be repealed and registered on title. The draft By-laws to be enacted are included at Attachments 1 and 2 of the Report, dated June 13, 2018, from the City Solicitor, and at Attachment 1 to this Report, dated June 15, 2018 from the City Solicitor.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Attachment 1: Draft Part-lot Control Exemption Repealing By-law - By-law 1996-0057.

**Attachment 1 to the Supplementary Report from City Solicitor
Draft Part-lot Control Exemption Repealing By-law 1996-0057**

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 1996-0057 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 January 12, 1996 passed former City of Toronto By-law No. 1996-0057 to so exempt certain lands in the Railway 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 1996-0057 being a by-law "To exempt certain lands within 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: (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.

SECONDLY: (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.

THIRDLY: (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.

FOURTHLY: (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.

FIFTHLY: (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.

SIXTHLY: (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.