

## **939 Lawrence Avenue East, 49 The Donway West and 966 Don Mills Road – Extension of Part Lot Control Exemption – Final Report**

Date: July 27, 2020

To: City Council

From: Acting Director, Community Planning, North York District

Wards: Ward 16 - Don Valley East

**Planning Application Number:** 10 181588 NNY 25 PL

### **SUMMARY**

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On May 25, 2010, an application was submitted to permit an exemption from Part Lot Control for the lands known as 939 Lawrence Avenue East, 49 and 75 The Donway West. The requested exemption was required to facilitate the financing and development of eight development Blocks approved within the Don Mills Centre (now known as Shops at Don Mills), including permanent easements related to an internal private street system. On August 27, 2010, City Council enacted By-law No. 1050-2010, exempting these lands from the Part Lot Control provisions of the Planning Act for a period of four years.

Prior to the August 27, 2014 expiry of that by-law, the Owner requested an extension for a period of six years. City Council approved this request, enacting By-law No. 998-2014 at its meeting of August 25, 2014, extending the exemption of these lands from the Part Lot Control provisions of the Planning Act for a period of six years. This exemption expires on August 27, 2020.

This report recommends the exemption from Part Lot Control be extended for an additional three years to allow for the completion of this project.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council enact a by-law to extend Part Lot Control Exemption for the lands municipally known as at 939 Lawrence Avenue East, 49 The Donway West and 966 Don Mills Road for an additional three year period from the expiry date of By-law No. 998-2014, in accordance with the draft by-law in Attachment 3.

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft by-law as may be required.
3. City Council authorize and direct the appropriate City Officials to register the by-law on title to the lands.
4. City Council require the owner to provide proof of payment of all current property taxes for the subject lands to the satisfaction of the City Solicitor, prior to the enactment of the Part Lot Control Exemption By-law.

## **DECISION HISTORY**

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On November 14, 2001, the applicant submitted applications for an Official Plan Amendment and Zoning By-law Amendment (01 036318 NMI 25 OZ) to allow for the construction of a mixed use development in the southerly and westerly portions of the Don Mills Centre (now Shops at Don Mills), bound by Don Mills Road, Lawrence Avenue East, and The Donway West. An Order issued by the Ontario Municipal Board (now Local Planning Appeal Tribunal), dated March 2, 2011, approved a settlement reached between the Owner, the City of Toronto, and Don Mills Residents Inc. (Board Order: PL070673). This Order permitted the Official Plan and Zoning By-law Amendments of the subject lands thus allowing the development of a mixed neighbourhood consisting of residential and retail uses, as well as a public park and community centre. The City Council decision and staff report can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.CC46.2>.

On May 25, 2010, an application was submitted to permit exemption from Part Lot Control for 939 Lawrence Avenue East, 49 and 75 The Donway West, to facilitate the financing and development of the approved project, including associated permanent easements relating to an internal road system. By-law No. 1050-2010, exempting these lands from the Part Lot Control for a period of four years, was enacted on August 27, 2010. The City Council decision and staff report can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.NY36.90>.

At its meeting of August 25, 2014, City Council approved an extension of the exemption from Part Lot Control to August 27, 2020, enacting By-law No. 998-2014. The City Council decision and staff report can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.NY34.74>.

## **PROPOSAL**

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The applicant is requesting a further extension to the exemption from Part Lot Control for a period of three years.

Since the enactment of By-law Nos. 1050-2010 and 998-2014, portions of the lands have been:

- conveyed to the City of Toronto for parkland purposes (Don Mills Local Park);
- conveyed to the City of Toronto for road widening purposes; and

- registered as plans of condominium:
  - 75 The Donway West (TSCP No. 2441);
  - Block B1: 85 The Donway West (TSCP No. 2360); and
  - Blocks A1 & A2: 99 The Donway West (TSCP No. 2620).

Accordingly, these portions are not included in this request for extension. See the Location Map at Attachment 1.

The four Blocks to which the requested exemption would apply are known as B2, D, E, and F. Blocks B2 and D, situated at 49 The Donway West, have received conditional site plan approval for two mixed use buildings, with a Notice of Approval Conditions issued for both Blocks on May 14, 2020. These Blocks are currently under construction. Applications for Site Plan Control have not been received, nor has construction begun, for Blocks E and F, situated at 49 The Donway West and 966 Don Mills Road. See the Part Lot Control Exemption Plan at Attachment 2.

### **Reasons for Application**

The approved plan for the development is based on a series of private roads connecting the residential and mixed use development Blocks of the subject lands with the existing and abutting Shops at Don Mills. As a result, easements are required to allow the individual development Blocks to function as part of the larger, integrated development.

In order to support the development of the remaining Blocks, the Owner will be required to transfer necessary easements over the internal private road network in favour of those Blocks, for purposes of access, servicing, and other matters as determined through the Site Plan Control process. For example, the development of Blocks B2 and D will require easements over private Street E (O'Neill Road) and private Street F, as well as other internal private roads. See the Master Plan at Attachment 4.

The exemption from Part Lot Control would also allow the Owner to separately finance and charge portions of the lands, as necessary.

## **APPLICATION BACKGROUND**

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### **Application Submission Requirements**

An updated boundary plan of survey, with underlying lot fabric, including lot and registered plan numbers, was submitted with the requested extension.

## **COMMENTS**

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Section 50(7) of the Planning Act, R.S.O. 1990, as amended, authorizes City Council to adopt a by-law exempting lands within a registered plan of subdivision from Part Lot Control. Section 50 (7.4) of the Planning Act, R.S.O. 1990, as amended, authorizes City

Council to amend the by-law to extend the time period specified for the exemption at any time prior to the expiration of the by-law.

To ensure that Part Lot Control Exemption By-law No. 998-2014 did not remain open indefinitely, it was to expire August 27, 2020, six years from the date of enactment. The applicant has advised that, due to the size of the development, the additional six year time period prescribed did not provide sufficient time for the completion of the proposed transactions. As such, the applicant is requesting that the exemption from Part Lot Control be extended for an additional three years.

A Section 118 Restriction is currently registered on title for the lands that are the subject of the Part Lot Control exemption request. In accordance with the Land Titles Act, a Section 118 Restriction prohibits the transfer or charge of any of the lands without the express consent of the Chief Planner or their designate. This restriction will ensure that the City Planning Division is able to monitor and approve the creation of new lots and easements sought through this exemption.

The request for the extension of the Part Lot Control Exemption is considered appropriate for the orderly development of the property; it is recommended that City Council enact a by-law to extend the term of the Part Lot Control Exemption for an additional three year period, to August 27, 2023, subject to the recommendations contained in this report.

## **CONTACT**

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E-mail: Michelle.Corcoran@toronto.ca

## **SIGNATURE**

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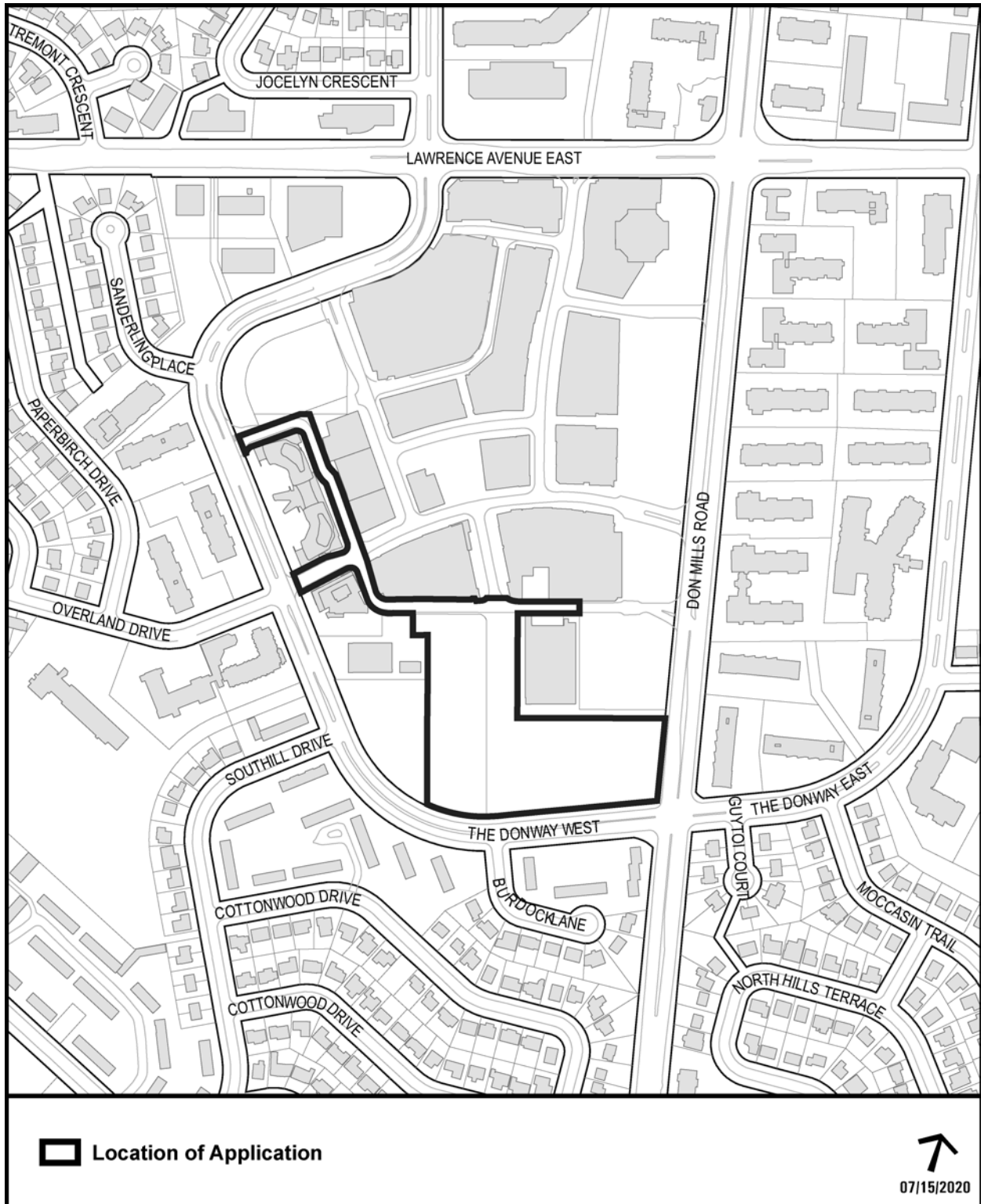
John Andreevski, Acting Director  
Community Planning, North York District

## **ATTACHMENTS**

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Attachment 1: Location Map  
Attachment 2: Part Lot Control Exemption Plan  
Attachment 3: Draft Part Lot Control Exemption By-law  
Attachment 4: Master Plan

Attachment 1: Location Map





Attachment 3: Part Lot Control Exemption Draft By-law

Authority: North York Community Council Item ~, as adopted by City of Toronto Council on ~, 2020

Enacted by Council: ~, 2020

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-20~**

**To exempt certain lands within the property municipally known as 939 Lawrence Avenue East, 49 The Donway West and 966 Don Mills Road from Part Lot Control.**

WHEREAS authority is given to Council by subsection 50(7) of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law, and

WHEREAS Council on August 27, 2014 enacted By-Law No. 998-2014 to exempt lands municipally known as 939 Lawrence Avenue East, 49 and 75 The Donway West from Part Lot Control with an expiry of August 27, 2020; and

WHEREAS authority is given to Council by subsection 50(7.4) of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to extend the time period specified for the expiration of the by-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Subsection 50(5) of the Planning Act, R.S.O. 1990, c.P.13, as amended, does not apply to the lands described in Schedule "A" attached hereto.
2. This by-law expires August 27, 2023.

ENACTED AND PASSED this ~ day of ~, A.D. 2020.

JOHN TORY,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

Schedule "A"

Legal Description:

Part of Lots A, D & F Plan 4545, designated as Parts 1, 2, 3, 4, 8, 9, 10, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 37, 41, 42, 43, 50, 51, 52, 54 and 55 on 66R-25039 and Part 1 on 66R-29206 (Part of PIN 10136-0574(LT) and all of PIN 10136-0573(LT))

