



## STAFF REPORT ACTION REQUIRED

### 536 and 538 Brunswick Avenue – Part-Lot Control Exemption Application – Final Report

**Date:** January 28, 2021

**To:** Toronto and East York Community Council

**From:** Director, Community Planning, Toronto and East York District

**Ward:** 11 – University-Rosedale

**Planning Application Number:** 20 191083 STE 11 PL

**Related Planning Application Number:** 20 189935 STE 11 CD

### SUMMARY

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This report reviews and recommends approval of a Part-Lot Control Exemption By-law, lifting Part-Lot Control for a period of two years, subject to conditions.

The Part-Lot Control Exemption application has been submitted to create conveyable lots for six townhouses for the lands municipally known as 536 and 538 Brunswick Avenue. The townhouse lots will become Parcels of Tied Land ("POTLs") to the Common Element of a Common Elements Condominium, a driveway. The driveway will provide shared access and servicing to the townhouses.

This report also recommends that the owner register a Section 118 Restriction under the *Land Titles Act* agreeing not to convey or mortgage any part of the subject lands without prior consent of the Chief Planner and Executive Director, City Planning or their designate.

### RECOMMENDATIONS

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#### The City Planning Division recommends that:

1. City Council enact a Part-Lot Control Exemption By-law with respect to the subject lands at 536 and 538 Brunswick Avenue as generally illustrated on Attachment 2: the Part-Lot Control Exemption Plan and substantially in accordance with Attachment: 3: Draft Part-Lot Control Exemption By-law to the report dated January 28, 2021 from the Director, Community Planning, Toronto and East York District, to expire two years following enactment by City Council.

2. Prior to the introduction of the Part-Lot Control Exemption Bill for enactment, City Council requires the owner:

a. to provide proof of payment of all current property taxes for the subject lands to the satisfaction of the City Solicitor; and

b. to register, to the satisfaction of the City Solicitor, a Section 118 Restriction under the *Land Titles Act* agreeing not to convey or charge any part of the lands without the written consent of the Chief Planner and Executive Director, City Planning.

3. City Council authorize and direct the City Solicitor to register the Part-Lot Control Exemption By-law on title to the lands or any portion thereof against which the Section 118 Restriction under the *Land Titles Act* has been registered.

4. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Part-Lot Control Exemption By-law as may be required.

5. City Council authorize City staff to take necessary steps, including the execution of agreements and documents which set out the implementation of the Part-Lot Control Exemption By-law to give effect to the above-noted recommendations.

## **FINANCIAL IMPACT**

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City Planning confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year, or in future years.

## **APPLICATION BACKGROUND**

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### **Proposal**

The requested exemption from the Part-Lot Control provisions of the *Planning Act* is required to permit the creation of conveyable lots for six permitted townhouses at 536 and 538 Brunswick Avenue. The conveyable lots will become the POTLs to a Common Elements Condominium. The Common Elements Condominium application proposes to establish a shared driveway, with servicing, as the Common Element. The POTLs would ensure shared ownership, access, and maintenance of the driveway and servicing, by the condominium corporation.

See Attachment 1 to this report for a map of the location of the subject lands.

See Attachment 2 to this report for an illustration of the Part-Lot Control Exemption Plan.

### **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate draft plan approval conditions.

## **POLICY CONSIDERATIONS**

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### ***Planning Act***

Section 2 of the *Planning Act* sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities, including: the orderly development of safe and healthy communities; the adequate provision of a full range of housing, including affordable housing; and the appropriate location of growth and development.

Section 51 (24) of the *Planning Act* sets out criteria that City Council shall have regard to in making decisions regarding land division including: the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants; the effect of development of the proposed subdivision on matters of provincial interest; whether the plan conforms to the official plan and adjacent plans of subdivision; the dimensions and shapes of the proposed lots; the restrictions on the land proposed to be subdivided and on adjoining land; the adequacy of utilities and municipal services; and the interrelationship between the design of the proposed plan of subdivision and site plan control matters.

### **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

Provincial Policy Statements and geographically specific Provincial Plans, together with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as Zoning By-laws, Plans of Subdivision, Site Plan Agreements, and Part-Lot Control.

### **The Provincial Policy Statement (2020)**

The Provincial Policy Statement (2020) ("PPS") provides province-wide policy direction on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- the efficient use and management of land and infrastructure;

- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex interrelationships among environmental, economic and social factors in land use planning.

The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

## **Provincial Plans**

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with provincial plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with provincial plans.

## **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) ("Growth Plan") came into effect on August 28, 2020. The Growth Plan continues to provide a strategic framework for managing growth and environmental

protection in the Greater Golden Horseshoe region, of which the City forms an integral part.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

### **City of Toronto Official Plan**

The City of Toronto Official Plan (the "Official Plan") designates the subject site as *Neighbourhoods* as shown on Map 17-Land Use. *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys.

Policy 4.1.5. of the Official Plan states that development in established *Neighbourhoods* will respect and reinforce the existing physical character of each geographic neighbourhood, including in particular prevailing size and configuration of lots.

The City of Toronto Official Plan can be found at: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

### **Zoning**

The subject lands are zoned Residential (R2 Z1.0) under Zoning By-law 438-86 and Residential (R (d1.0) (x900)) under Zoning By-law 569-2013. These zones permit a wide range of residential uses with a maximum density of 1.0 times the area of the lot. The maximum permitted building height is 12.0 metres under both Zoning By-laws.

At its meeting on November 7, 2018, the Committee of Adjustment, Toronto and East York District, approved on condition, Application Number A1317/17TEY, to permit six three-storey townhouses fronting Dupont Street with access from Brunswick Street to rear integral garages under Zoning By-law 569-2013 and Zoning By-law 438-86, at 536 and 538 Brunswick Avenue.

The City of Toronto Zoning By-law 569-2013 interactive map can be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>.

### **Site Plan Control**

A Statement of Approval for the Site Plan Control Application Number 18 130962 STE 20 SA was issued by the Director of Community Planning, Toronto and East York District on May 1, 2020.

## **COMMENTS**

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City Planning recommends approval for Part-Lot Control Exemption to permit the creation of conveyable lots for the six townhouses, which will become POTLs to the Common Element of the Common Elements Condominium.

### ***Planning Act***

It is the opinion of City Planning staff that the application has regard for the relevant matters of provincial interest and the criteria for land division as set out in the *Planning Act*.

### **Provincial Policy Statement and Provincial Plans**

The PPS and the Growth Plan encourage intensification and redevelopment in urban areas. In accordance with Policy 1.1.3.6 of the PPS, the proposed development promotes intensification through a compact urban form. Policy 1.1.3.2 of the PPS states that development shall make efficient use of land and resources, infrastructure and public service facilities.

The application is consistent with the PPS and conforms with the Growth Plan. The lifting of Part-Lot Control, the proposed division of land, and the creation of the Plan of Condominium would allow for the orderly development of the subject lands.

### **Land Division**

Section 50(7) of the *Planning Act* authorizes City Council to adopt a by-law exempting lands within a registered plan of subdivision from Part-Lot Control. The subject lands are within a registered plan of subdivision. The lifting of Part-Lot Control on the subject lands is considered appropriate for the orderly development of the lands and will facilitate the proper implementation of the Condominium Application.

To ensure that the Part-Lot Control Exemption By-law does not lift Part-Lot Control indefinitely, it is recommended that the Part-Lot Control Exemption By-

law contain an expiration date. In this case, the By-law should expire on the date that is two years following the enactment of the Part-Lot Control Exemption By-law. This time frame provides sufficient time for the completion of the development.

Before the Plan of Condominium is released for registration, the Part-Lot Control Exemption By-law must be enacted in order to create the legal descriptions for each of the POTLs. The Section 118 Restriction will be used to prevent the conveyance of the POTLs until the Plan of Condominium is registered.

## **Conclusion**

The application is consistent with the PPS and conforms with the Growth Plan and Official Plan, and will implement the Plan of Condominium at the subject lands. The exemption from Part-Lot Control is considered appropriate for the orderly development of the subject lands and is recommended for approval.

## **CONTACT**

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## **SIGNATURE**

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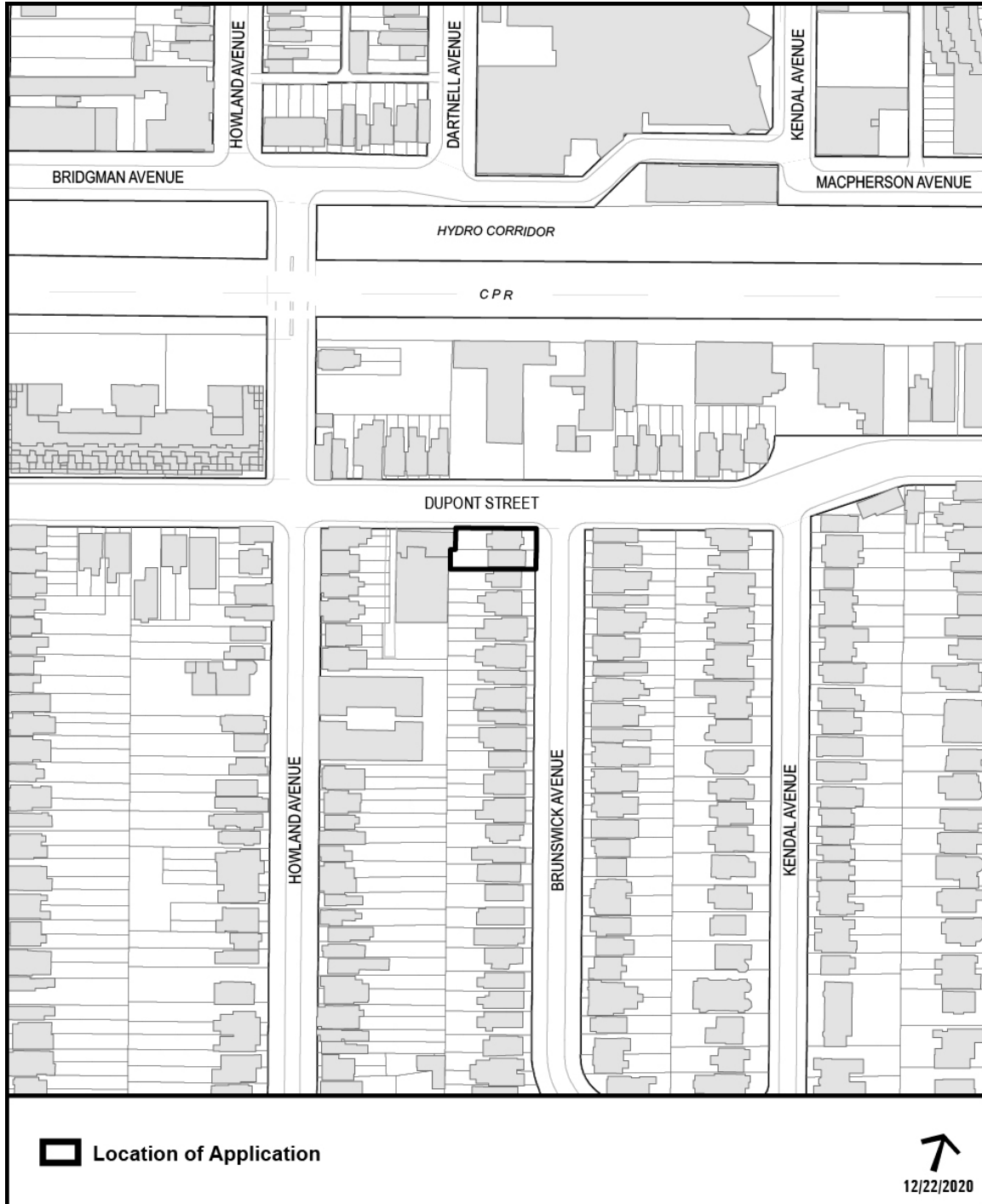
Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA  
Director, Community Planning  
Toronto and East York District

## **ATTACHMENTS**

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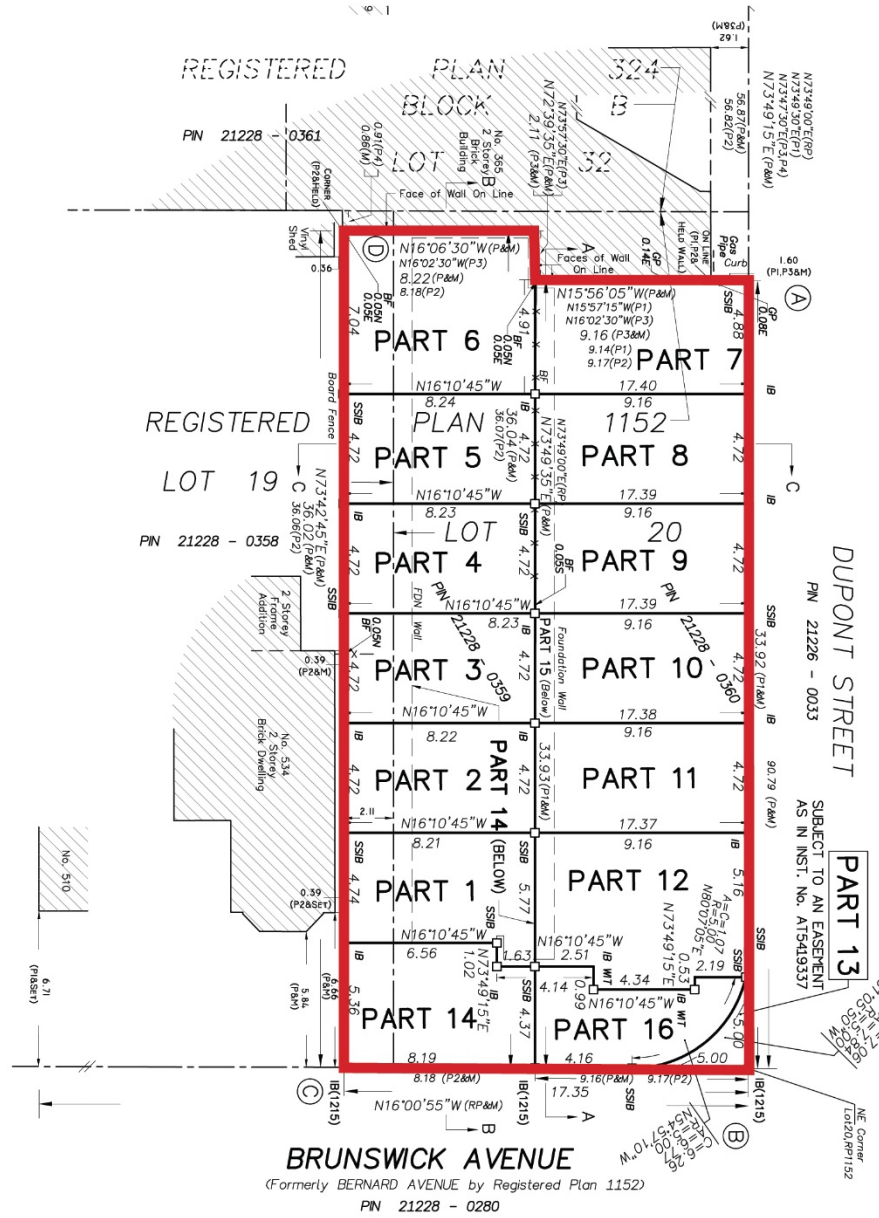
Attachment 1:	Location Map
Attachment 2:	Part-Lot Control Exemption Plan
Attachment 3:	Draft Part-Lot Control Exemption By-law

## Attachment 1: Location Map





## Attachment 2: Part-Lot Control Exemption Plan



Lands Subject to Part-Lot Control



### **Attachment 3: Draft Part-Lot Control Exemption By-law**

Authority: Toronto and East York Community Council Report Number~, as adopted by City of Toronto Council on ~, 2021

Enacted by Council: ~, 2021

#### **CITY OF TORONTO BY-LAW Number --20~**

To exempt lands municipally known as 536 and 538 Brunswick Avenue, 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;

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

1. Subsection 50(5) of the *Planning Act* does not apply to the lands described in the attached Schedule "A".
2. This By-law expires two years from the date of its enactment by Council.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

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Speaker

**JOHN ELVIDGE,**  
(Acting) City Clerk

(Corporate Seal)

## **Schedule "A"**

**[Insert legal descriptions for 536 and 538 Brunswick Avenue.]**