

## **3002, 3004, 3006, 3010 and 3014 Islington Avenue – Part Lot Control Exemption Application – Final Report**

**Date:** November 29, 2021

**To:** Etobicoke York Community Council

**From:** Director, Community Planning, Etobicoke York District

**Wards:** 7 - Humber River-Black Creek

**Planning Application Number:** 21 200820 WET 07 PL

**Related Planning Application Number:** 21 191632 WET 07 CD

### **SUMMARY**

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This application proposes an exemption from the Part Lot Control provisions of the *Planning Act* to permit the creation of 32 parcels of tied land ("POTLs") associated with a common element condominium, as well as 14 freehold townhouse units at 3002, 3004, 3006, 3010 and 3014 Islington Avenue.

This report reviews and recommends approval of the Part Lot Control Exemption application. In addition, this report recommends that the owner of the lands be required to register a Section 118 Restriction under the *Land Titles Act* agreeing not to convey or mortgage any part of the lands without prior consent of the Chief Planner and Executive Director, City Planning or 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 3002, 3004, 3006, 3010 and 3014 Islington Avenue as generally illustrated on Attachment 1 to this report, to be prepared to the satisfaction of the City Solicitor and to expire two years following enactment by City Council.
2. Prior to the enactment of the Part Lot Control Exemption By-law, City Council require the owner to:
  - a. provide proof of payment of all current property taxes for the subject lands to the satisfaction of the City Solicitor; and,

b. 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 or designate.

3. City Council authorize the City Solicitor to take the necessary steps to release the Section 118 Restriction from title at such time as confirmation is received that the Common Elements Condominium has been registered.

4. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title.

5. 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.

## **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

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An Official Plan and Zoning By-law Amendment application (File No. 15 268779 WET 07 OZ) and a Site Plan Control application (File No. 15 268711 WET 07 SA) were submitted on December 23, 2015, and a Draft Plan of Subdivision application (File No. 17 116694 WET 07 SB) was submitted on February 14, 2017. These applications proposed a 136-unit residential development consisting of seven stacked townhouse blocks and an associated underground parking area.

On January 31, 2018, City Council refused the Official Plan and Zoning By-law Amendment applications at 3002-3014 Islington Avenue. In the decision, it was also noted that City Council should be advised that the Acting Chief Planner and Executive Director, City Planning, would not be approving the Plan of Subdivision, in accordance with the delegated approval under By-law 229-2000, as amended. The City Council decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EY27.1>

On January 7, 2019, the Ontario Land Tribunal (OLT) approved in principal the Official Plan Amendment, the Zoning By-law Amendments, the Draft Plan of Subdivision and the Site Plan Control application. The OLT withheld its final Order on the applications pending the satisfaction of several conditions. The OLT decision can be found here:

<https://www.omb.gov.on.ca/e-decisions/PL180156-JAN-07-2019.pdf>

On June 2, 2020, the OLT, having been advised that the City was satisfied with the final form of the Official Plan and Zoning By-law Amendments and was in a position to issue Conditions of Approval related to the Draft Plan of Subdivision and the Notice of

Approval Conditions related to the Site Plan Control application, ordered the appeal with respect to the Official Plan and Zoning By-law Amendments be allowed. The OLT withheld its final Order on the Draft Plan of Subdivision and Site Plan Control application subject to the fulfillment of the conditions. The LPAT order can be found here: <https://www.omb.gov.on.ca/e-decisions/PL180156-JUN-02-2020-ORD.pdf>

On October 22, 2019, the OLT ordered that the City of Toronto shall have the authority to administer final approval. The OLT order can be found here: <https://www.omb.gov.on.ca/e-decisions/PL180156-OCT-22-2019-ORD.pdf>

A Site Plan Agreement was entered into between the City and the owner on February 24, 2021. A Subdivision Agreement was entered into between the City and the owner on March 10, 2021.

## **ISSUE BACKGROUND**

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### **Application Description**

The application requests exemption from the Part Lot Control provision of the *Planning Act* to permit the division of land to create 32 parcels of tied land (POTLs) associated with a common element condominium, as well as 14 freehold townhouse units at 3002, 3004, 3006, 3010 and 3014 Islington Avenue. The exemption from the Part Lot Control provisions of the *Planning Act* would permit the creation of conveyable lots for the development of the approved buildings, establish easements for shared access and servicing between the proposed buildings and allow for the construction financing and the registering of mortgages on the parcels.

### **Site and Surrounding Area**

The site is located on the west side of Islington Avenue just south of Steeles Avenue. The site is flat and is rectangular in shape, with frontages on Islington Avenue (approximately 101 metres) and Muir Avenue (approximately 96 metres). The site area is approximately 9,798 square metres. The approved development is currently under construction.

Surrounding land uses include:

North: To the north are one and two-storey semi-detached homes backing onto Islington Avenue.

South: To the south are low rise commercial buildings fronting both sides of Islington Avenue.

East: To the east are detached and semi-detached homes backing onto Islington Avenue, with the exception of two dwellings that front onto Islington Avenue. Further to the east is an employment area consisting of predominately one-storey industrial buildings.

West: To the west is a residential neighbourhood comprised of detached dwellings.

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

The Provincial Policy Statement (PPS) 2020 provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) 2020 provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required by the *Planning Act*, to conform, or not conflict, with the Growth Plan.

The proposal is consistent with the Provincial Policy Statement (2020) and conforms to and does not conflict with the Growth Plan (2020).

## **Official Plan**

The subject lands are designated *Neighbourhoods* on Map 13 - Land Use of the Official Plan. *Neighbourhoods* are made up of a full range of residential uses within lower scale buildings, as well as parks, schools, local institutions and small-scale stores and shops serving the needs of area residents. *Neighbourhoods* are considered to be physically stable areas, and change in *Neighbourhoods* should be sensitive, gradual and fit the existing physical character.

The lands are also subject to Official Plan Amendment 398, which adds Site and Area Specific Policy 544 to Chapter 7 of the Official Plan. Site and Area Specific Policy 544 permits 46 townhouse units with a maximum building height of three storeys, accessed by a public road and shared driveways on the lands municipally known as 3002, 3004, 3006, 3010 and 3014 Islington Avenue.

## **Zoning**

The lands are subject to city-wide Zoning By-law 569-2013, as amended by Site Specific Zoning By-law 420-2020 and zoned Residential Townhouse (RT).

The lands are also subject to the former City of North York Zoning By-law 7625, as amended by Site Specific Zoning By-law 419-2020 and zoned Residential Multiple First Density (RM1).

## **Site Plan Control**

A Site Plan Control application was submitted on December 23, 2015.

A Site Plan Agreement was entered into between the owner and the City on February 24, 2021 requiring post-approval conditions. Final approval from the Acting Director, Community Planning, Etobicoke York District was issued on March 30, 2021.

## **Plan of Subdivision**

A Draft Plan of Subdivision application was submitted on February 14, 2017. A Subdivision Agreement was entered into between the owner and the City on March 10, 2021. All of the conditions associated with the Plan of Subdivision have been addressed.

## **Agency Circulation**

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

## **COMMENTS**

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

The proposal is consistent with the PPS (2020). Among other things, the PPS encourages healthy, liveable and safe communities that are sustained by efficient development and land use patterns, accommodating an appropriate range and mix of residential uses which includes affordable housing, promoting cost-effective land use patterns and standards to minimize land consumption and servicing costs, as well as those which conserve biodiversity and consider the impacts of a changing climate.

The proposal also conforms to and does not conflict with the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). The guiding principles of the Growth Plan include: to build compact, vibrant and complete communities; to protect, conserve, enhance and wisely use the valuable natural resources of land, air and water for current and future generations; and to optimize the use of existing and new infrastructure to support growth in a compact, efficient form.

The exemption from Part Lot Control would allow for the orderly development of the proposed residential buildings.

### **Land Division**

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. 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 development.

To ensure that the Part Lot Control Exemption does not remain open indefinitely, it is recommended that the by-law contain an expiration date. In this case, the by-law should expire two years following enactment by City Council. This time frame provides sufficient time for the completion of the proposed development.

The associated Common Elements Condominium application is under review and draft approval is delegated to the Chief Planner. Before the common elements condominium is released for registration, the Part Lot Exemption By-law must be enacted in order to

create the legal descriptions for each of the parcels of tied land (POTL). The Section 118 Restriction is used to prevent the conveyance of the POTL until the common elements condominium is registered.

## **Conclusion**

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020), conforms with the Growth Plan (2020) and conforms with the Official Plan. Staff recommend that Council approve the Application and enact a Part Lot Control Exemption By-law with respect to the subject lands.

## **CONTACT**

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## **SIGNATURE**

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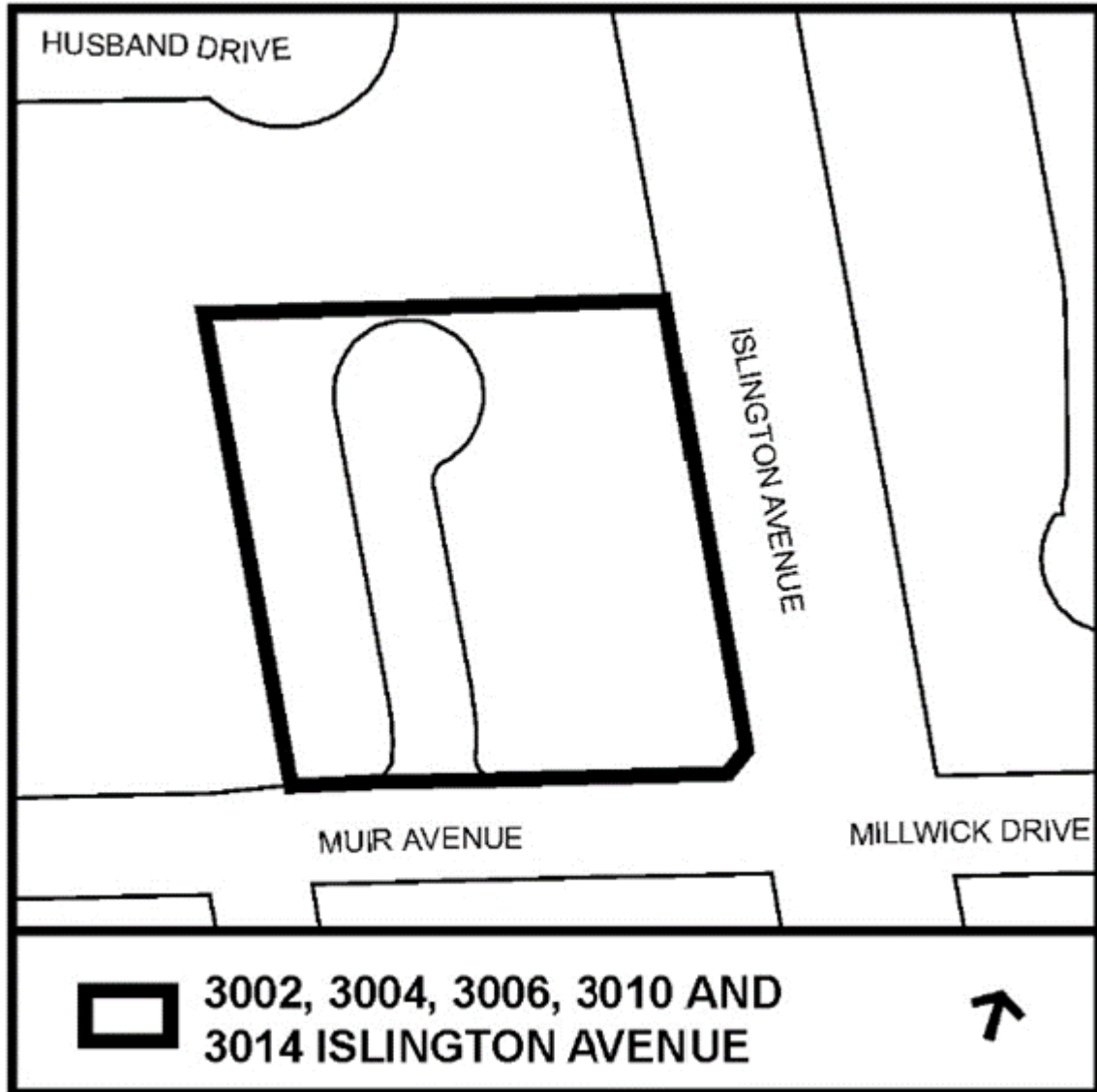
Michael Mizzi, MCIP, RPP  
Director, Community Planning  
Etobicoke York District

## **ATTACHMENTS**

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Attachment 1:       Location Map  
Attachment 2:       Part Lot Control Exemption Plan

**Attachment 1: Location Map**



# Attachment 2: Part Lot Control Exemption Plan

