

## **21-31 Sherbourne Street North – Part Lot Control Exemption Application – Decision Report - Approval**

Date: March 22, 2023

To: Toronto and East York Community Council

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

Ward: 11 - University-Rosedale

**Planning Application Number:** 21 202763 STE 11 PL

**Related Application:** 21 202761 STE 11 CD

### **SUMMARY**

---

This report reviews and recommends approval of the Part Lot Control Exemption application to permit the creation of five residential lots at 21-33 Sherbourne Street North. The five lots will be Parcels of Tied Land (POTLs) associated with a Common Elements Condominium, which includes a below-grade parking garage, access stairwells, and servicing elements.

The Part Lot Control Exemption application implements the site specific Zoning By-law and Site Plan approval for the site. The report also recommends that the owner of the lands be required to register a Section 118 Restriction under the Land Titles Act against the subject lands to ensure that no part of the lands can be conveyed or mortgaged without prior consent of the Chief Planner and Executive Director, City Planning.

### **RECOMMENDATIONS**

---

The City Planning Division recommends that:

1. City Council enact a Part Lot Control Exemption By-law with respect to the subject lands at 21-33 Sherbourne Street North, as generally illustrated on Attachment 2 to the report from the Director, Community Planning, Toronto and East York District, to be prepared to the satisfaction of the City Solicitor and 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 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 described in Schedule "A" in Attachment 3 to this report without the written consent of the Chief Planner and Executive Director, City Planning.

3. City Council authorizes the City Solicitor to take the necessary steps to release the Section 118 Restriction from all or any portion of the lands in the City Solicitor's sole discretion after consulting with the Chief Planner and Executive Director, City Planning at such a time as confirmation is received that the Common Elements Condominium has been registered to the satisfaction of the Chief Planner and Executive Director, City Planning.

4. City Council authorizes and directs 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.

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

6. 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**

---

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

## **DECISION HISTORY**

---

The site was subject to a Zoning By-law amendment application (13 109447 STE 27 OZ) to permit a new three-storey residential building with two dwelling units at 29 Sherbourne Street North, the conversion of an existing coach house at 31 Sherbourne Street North into studio space, rear additions to 31 and 33 Sherbourne Street North, and a shared one-storey below-grade parking garage with 24 parking spaces.

The decision of City Council is available here:

<https://secure.toronto.ca/council/agenda-item.do?item=2018.TE29.7>

On January 31, 2018, City Council approved the alteration to the heritage properties at 27, 31, and 33 Sherbourne Street North. The decision of Council is available here:

<https://secure.toronto.ca/council/agenda-item.do?item=2018.TE29.12>

## THE APPLICATION

---

**Description:** The creation of five conveyable lots, containing one building per lot in the form of two multiple attached, two semi-detached and one single detached dwellings; and the creation of 24 below-grade parking spaces, which will become the Parcels of Tied Land (POTLs) to a Common Elements Condominium. Three buildings will front Sherbourne Street North, while the two remaining buildings will be located on the rear east portion of the property. The buildings will be accessible through a network of walkways connecting from the eastern sidewalk along Sherbourne Street North.

The Common Elements Condominium will include a below-grade parking garage, a hydro vent, an air vent, stairwells on the south and north sides of 29 Sherbourne Street North, a ramp to parking garage, a below grade hydro vault, and a storm water tank. The ramp to the below grade parking garage, accessible from Sherbourne Street North, will provide access and servicing to the lots.

See Attachment 1 to this report for a map of the location of the subject lands and Attachment 2 to this report for an illustration of the Part-Lot Control Exemption Plan.

### Common Elements Condominium

A Common Elements Condominium application (21 202761 STE 11 CD) was submitted on August 23, 2021.

### Site Plan Control

A Notice of Approval Conditions for the Site Plan Control Application (17 112385 STE 27 SA) was issued on September 22, 2022.

## POLICY CONSIDERATIONS

---

**Provincial Land-Use Policies:** All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement, and shall conform to provincial plans.

**City of Toronto Official Plan:** The subject site is designated as Neighbourhoods as shown on Map 17-Land Use in the City Of Toronto Official Plan. Neighbourhoods are considered physically stable areas made up of residential uses in lower scale buildings.

**Zoning:** The subject lands are zoned Residential (R2 Z1.0) under Zoning By-law 438-86 and are subject to site specific Zoning By-law 1172-2019.

## **COMMENTS**

---

### **Provincial Framework**

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the Provincial Policy Statement, and conformity with the Growth Plan. Staff finds the proposal is consistent with the PPS and conforms with the Growth Plan.

### **Land Division**

The proposal is appropriate because it conforms to the Official Plan and implements the site specific Zoning By-law and Site Plan approval for the site.

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 development.

To ensure the Part Lot Control Exemption does not remain open indefinitely, staff recommended that the Part Lot Control Exemption By-law expire two years after its enactment by City Council. This time frame provides sufficient time for the completion of the proposed development.

The associated Common Elements Condominium application is currently under review. Before the Common Elements Condominium is released for registration, the Part Lot Control Exemption By-law must be enacted 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 Common Elements Condominium is registered.

## **CONTACT**

---

Hector Alonso, Assistant Planner, Community Planning,  
Tel. 416-338-1096, E-mail: [Hector.Alonso2@toronto.ca](mailto:Hector.Alonso2@toronto.ca)

## **SIGNATURE**

---

---

Alex Teixeira, MCIP, RPP  
Acting Director, Community Planning  
Toronto and East York District

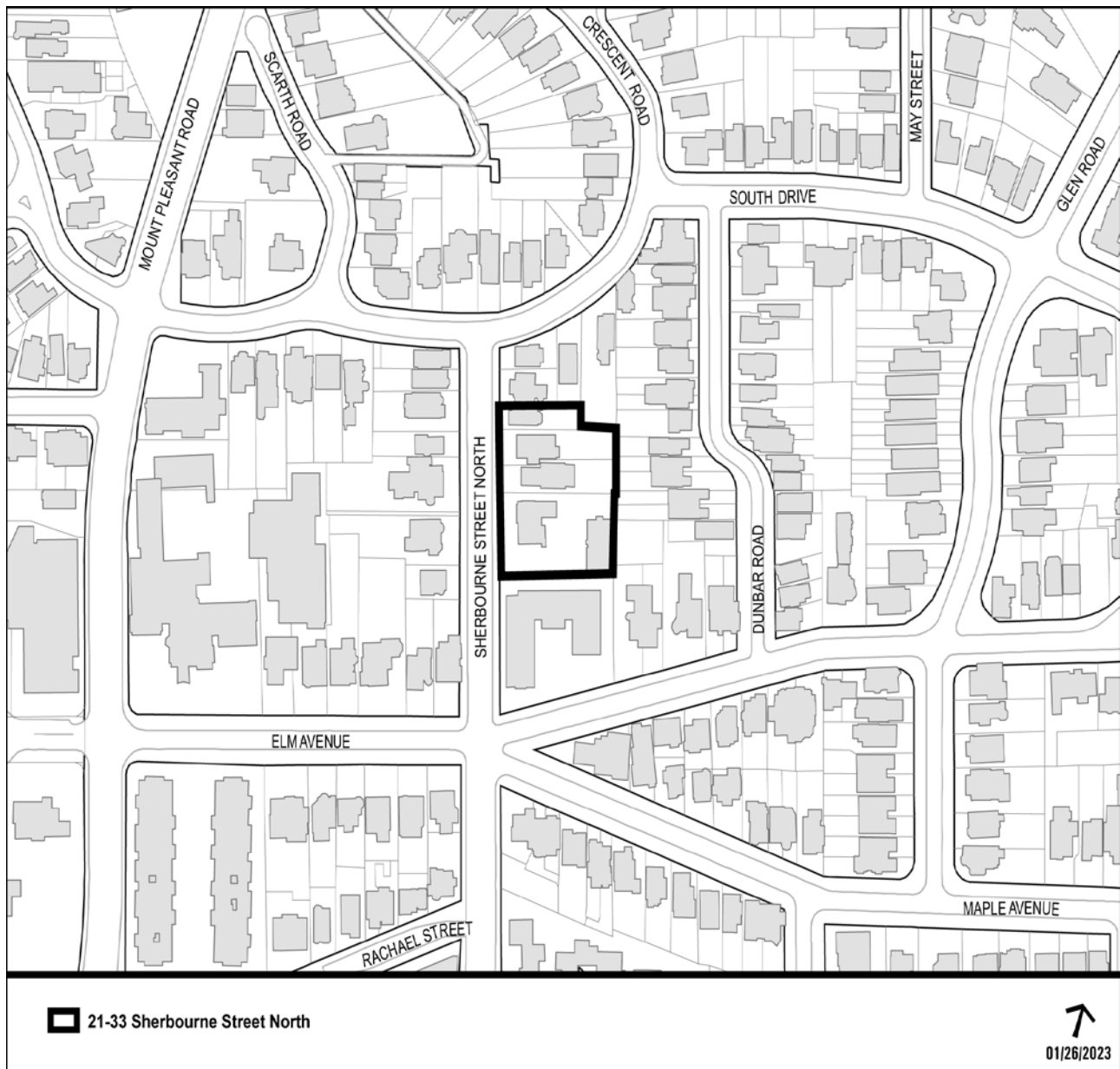
## **ATTACHMENTS**

Attachment 1: Location Map

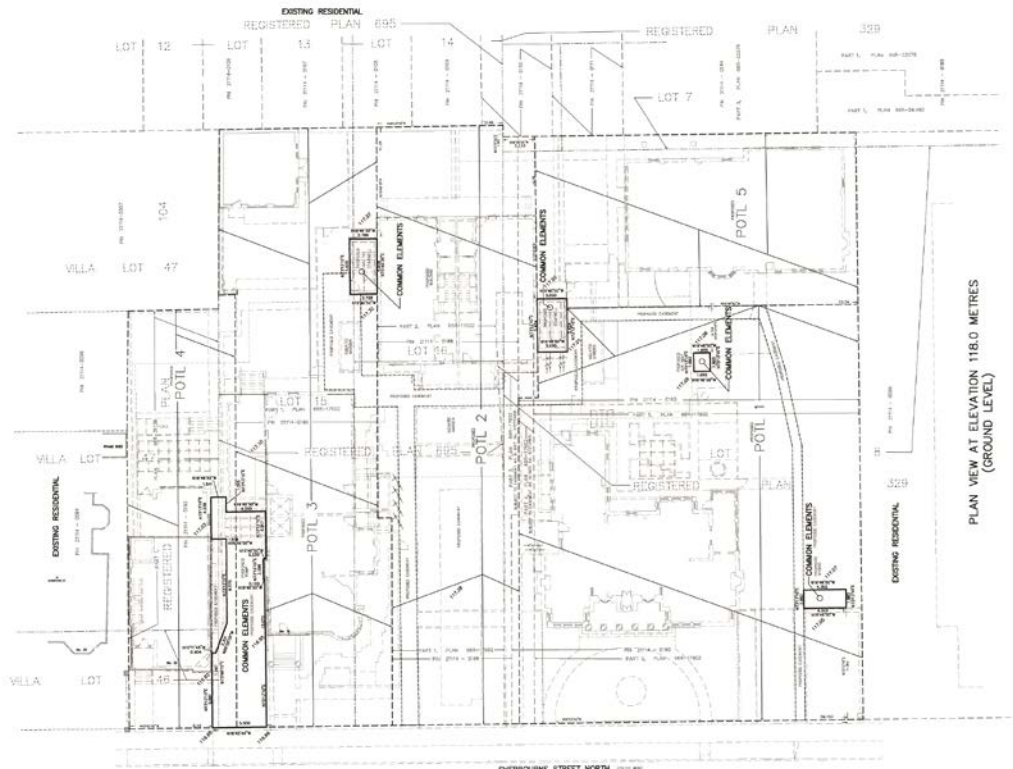
Attachment 2: Part Lot Control Exemption Plan

Attachment 3: Draft Part Lot Control Exemption By-law

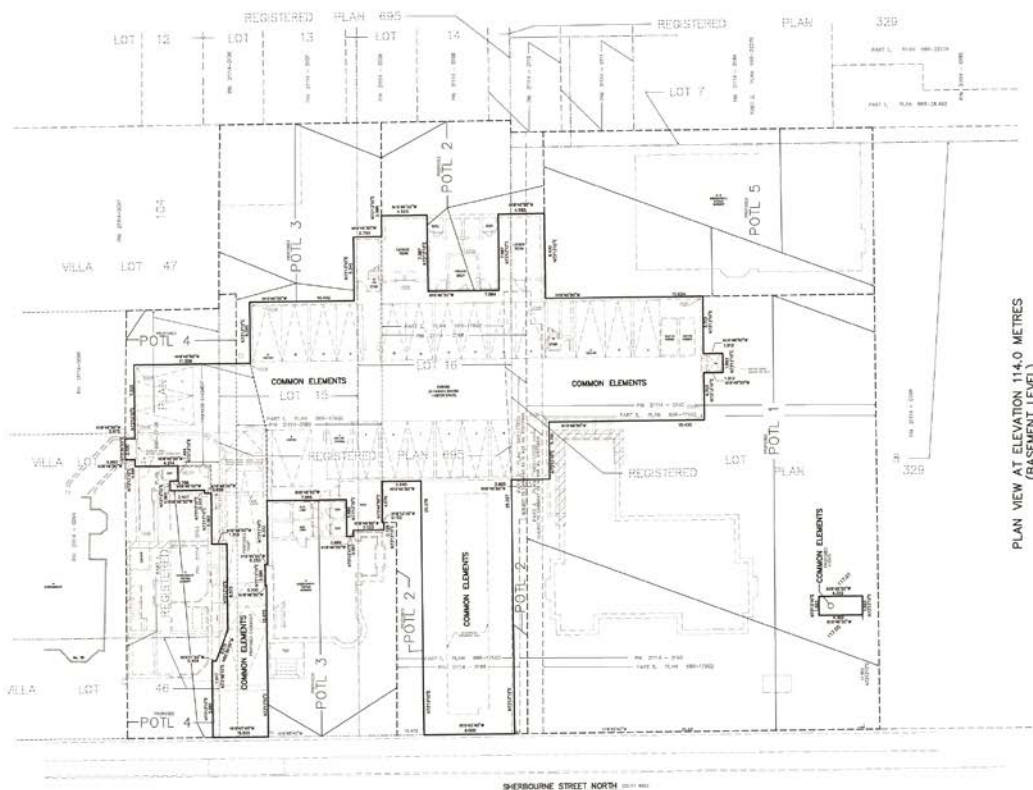
## Attachment 1: Location Map



## Attachment 2: Part Lot Control Exemption Plan



Part Lot Control - Ground Level



Part Lot Control - Basement Level



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

Authority: Toronto and East York Community Council Community Council Item No. \_\_\_\_\_, as adopted by City of Toronto Council on \_\_\_\_\_, 2023.

CITY OF TORONTO

Bill \_\_\_\_\_

By-law \_\_\_\_\_-2023

To exempt a portion of the lands municipally known as 21-33 Sherbourne Street North 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 on, \_\_\_\_\_, 2023

Frances Nunziata, Ulli S. Watkiss,  
Speaker City Clerk

(Seal of the City)



## **Schedule "A"**

### **Municipal Address:**

21-33 Sherbourne Street North

### **Legal Description:**

PARTS OF VILLA LOTS 46 AND 47 REGISTERED PLAN 104 AND PART OF LOT 8  
REGISTERED PLAN 329 AND PARTS OF LOTS 15 AND 16 REGISTERED PLAN 695  
CITY OF TORONTO