



1171-1173 Avenue Road, 1177-1179 Avenue Road, and 372 Briar Hill Avenue – Extension of Part Lot Control Exemption Application – Decision Report – Approval

Date: January 31, 2025

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 8 - Eglinton-Lawrence

Planning Application Number: 22 165228 NNY 08 PL

Related Application Number: 17 235778 NNY 16 OZ, 17 235785 NNY 16 SA, 22 163166 NNY 08 CD

SUMMARY

On May 10, 2023, City Council adopted the Part Lot Control Exemption Application Decision Report in respect of the development located at 368-372 Briar Hill Avenue. On July 20, 2023, City Council enacted the associated Part Lot Control Exemption By-law (By-law 702-2023) for the development, which is intended to facilitate the creation of seven parcels of tied land (“POTLs”) for three-storey townhouses, and which would expire after a period of two years.

To date, only two of the seven POTLs for the townhouses have been conveyed to new ownership. The purpose of this part lot control exemption application is to enact a Part Lot Control Exemption By-law to extend By-law 702-2023 for a further two years for the remaining 5 POTLs yet to be conveyed to new ownership located at 1171 Avenue Road, 1173 Avenue Road, 1177 Avenue Road, 1179 Avenue Road, and 372 Briar Hill Avenue.

This Report recommends approval of the application to permit the exemption from Part Lot Control to be extended for an additional two years to allow for the creation of the remaining parcels.

RECOMMENDATIONS

The Director, Community Planning North York District recommends that:

1. City Council amend By-law 702-2023 to extend the Part Lot Control Exemption for the lands municipally known as 1171-1173 Avenue Road, 1177-1179 Avenue Road, and 372 Briar Hill Avenue for an additional two-year period from the date of the enactment of the By-law, substantially in accordance with the draft Part Lot Control Exemption By-law included as Attachment 3 to this report.
2. 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.
3. City Council authorize and direct appropriate City Officials to register the Part Lot Control Exemption By-law on title to the lands.
4. Prior to enactment of the Amending Part Lot Control Exemption By-law, 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.

FINANCIAL IMPACT

The Development Review 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

On September 20, 2017, Zoning By-law (17 235778 NNY 16 OZ) and Site Plan Control (17 235785 NNY 16 SA) applications to permit a seven-unit infill townhouse development were submitted. On April 2, 2019, the Local Planning Appeal Tribunal (now Ontario Land Tribunal), by its Order issued in Case No. MM180034, amended Zoning By-law No. 569-2013 and Former City of Toronto Zoning By-law No. 438-86, with respect to the lands known municipally as 368-372 Briar Hill Avenue, to permit the townhouse development.

On October 17, 2019, the City issued final approval in respect of the Site Plan Control application. A related application for Draft Plan of Common Element Condominium (22 163166 NNY 08 CD) was submitted to the City and deemed complete on June 27, 2022. The City issued its Notice of Decision in respect of this application on July 10, 2023, and the common element condominium was registered on May 8, 2024.

The Part Lot Control Exemption application (22 165228 NNY 08 PL) was submitted and deemed complete by the City on June 27, 2022. The Part Lot Control Exemption decision report was adopted on May 10, 2023, and the associated By-law was enacted on July 20, 2023.

THE SITE AND SURROUNDING LANDS

Description

The site is located on the northeast corner of Avenue Road and Briar Hill Avenue. The site is mainly surrounded by low-density residential development in an existing developed neighbourhood. See Attachment 1 for the Location Map.

Surrounding Uses

North: Low density residential

South: Low density residential

East: Low density residential

West: Low density residential

THE APPLICATION

Description

The applicant is requesting an extension of the Part Lot Control Exemption By-law 702-2023 to allow for the future division of land to facilitate the remaining five parcels of tied land (“POTLs”) to be conveyed to new ownership.

Reasons for Application

The applicant is requesting an extension of the Part Lot Control Exemption By-law 702-2023, as it will expire on July 20, 2025. To date, only POTLs 3 (Parts 6 and 15 on R-Plan 66R-33210) and 6 (Parts 2 and 20 on R-Plan 66R-33210) have been conveyed to new ownership out of seven total POTLs. These POTLs correspond to municipal addresses 1175 Avenue Road and 370 Briar Hill Road, respectively.

As a result of the enactment of the By-law amending By-law 702-2023 and extending the expiry date, the Part Lot Control Exemption will continue to apply to only the remaining unsold five POTLs (1171-1173 Avenue Road, 1177-1179 Avenue Road, and 372 Briar Hill Avenue).

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 Planning Statement (2024), and shall conform to provincial plans, and others.

Official Plan

The subject site is designated as *Neighbourhoods* on Map 17 - Land Use of the Official Plan. *Neighbourhoods* are physically stable areas providing for a variety of lower-scale residential uses, such as detached houses, semi-detached houses, duplexes, triplexes and townhouses. The townhouse development conforms to the Neighbourhoods policies. The Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making.

Zoning

The site is zoned R2 under the Former City of Toronto Zoning By-law No. 438-86, and zoned R (70) under the City of Toronto Zoning By-law No. 569-2013, as amended, which permits residential building types such as townhouse units on the lots.

COMMENTS

Development Review staff considers the applicant's request for the extension of the Part Lot Control Exemption appropriate for the orderly development of the land. It will serve to implement the approvals that have been given to date. Staff recommends that Council extend the term of the Part Lot Control Exemption by-law for an additional two-years. This time frame is expected to provide sufficient time for the creation and conveyance of the remaining five POTLs to new ownership.

Provincial Planning Statement and Provincial Plans

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 PPS (2024). Staff finds the proposal consistent with the PPS (2024).

Official Plan Policies and Design Guidelines

This application has been reviewed against the Official Plan policies described in the Policy and Regulation Considerations Section of this Report.

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. Section 50(7.4) of the Planning Act authorizes City Council to amend a Part Lot Control Exemption by-law to extend the time period specified for the exemption at any time prior to the expiration of the by-law.

Part Lot Control Exemption By-law 702-2023 is set to expire on July 20, 2025, two years from the date of its enactment.

Conclusion

The proposal has been reviewed against the policies of the Provincial Planning Statement (PPS) (2024) and the City's Official Plan and staff are of the opinion that the proposal is consistent with the PPS (2024) and conforms with the Official Plan. Development review staff consider the request for the extension of the Part Lot Control Exemption appropriate for the orderly development of the land. Staff recommend that Council extend the term of the Part Lot Control Exemption By-law for an additional two-year period on the remaining five POTLs yet to be conveyed.

CONTACT

Andrew Kim, Assistant Planner, Community Planning, Tel. No, 416-392-3098,
E-mail: Andrew.Kim2@toronto.ca

SIGNATURE

David Sit, MCIP, RPP
Director, Community Planning
North York District

ATTACHMENTS

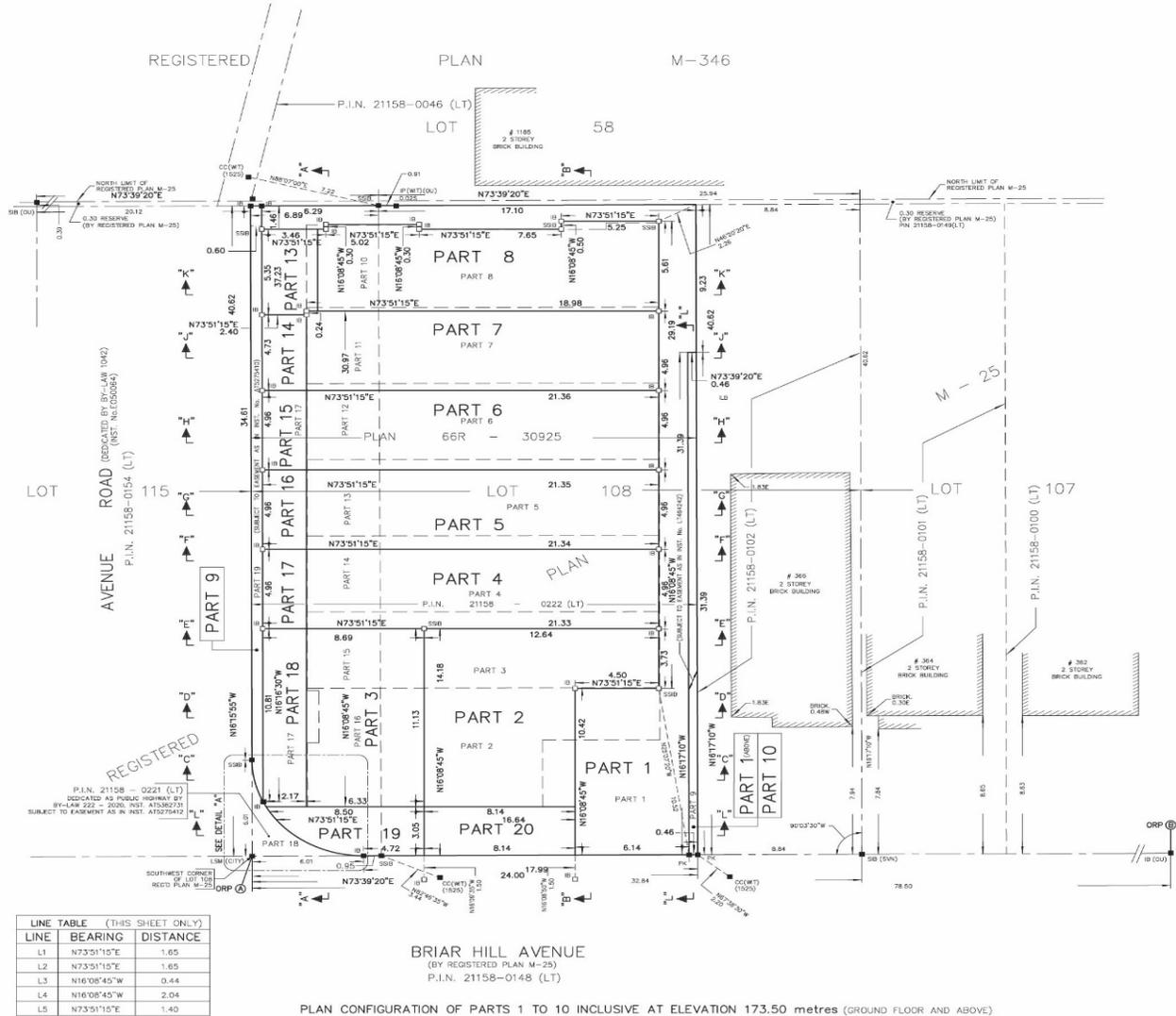
Attachment 1: Location Map

Attachment 2: Part Lot Control Exemption Plan – Diagram A (Ground Floor and Above)
and Diagram B (P1 Level and Below)
Attachment 3: Draft Part Lot Control Exemption By-law (and Schedule A)

Attachment 1: Location Map



Attachment 2: Part Lot Control Exemption Plan



Part Lot Control Exemption Plan - Diagram A



Attachment 3: Draft Part Lot Control Exemption By-law (and Schedule A)

Authority: North York Community Council Item NY_____, as adopted by City of Toronto Council on _____, 2025

CITY OF TORONTO
Bill No. _____
BY-LAW _____-2025

To amend By-law 702-2023 to extend the expiration of part lot control exemption for the lands known as 1171-1173 Avenue Road, 1177-1179 Avenue Road, and 372 Briar Hill Avenue; and,

Whereas City Council enacted By-law 702-2023 on July 20, 2023 to exempt lands municipally known as 368-372 Briar Hill Avenue from part lot control with an expiry of July 20, 2025; and,

WHEREAS authority is given to Council by subsections 50(7.4) and 50(7.5) 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 enacts:

1. Section 2 of By-law 702-2023 is deleted and replaced with the following:

This By-law expires four (4) years from the date of its enactment by Council.

2. Schedule A to By-law 702-2023 is deleted and replaced with Schedule A attached hereto.

Enacted and passed on _____, 2025.

Frances Nunziata, John Elvidge
Speaker City Clerk

(Seal of the City)

Schedule “A”

Municipal Address:

1171-1173 Avenue Road, 1177-1179 Avenue Road, and 372 Briar Hill Avenue

Legal Description:

POTL 1 – PIN 21158-0229 (LT)

1179 AVENUE ROAD

PART OF PIN 21158-0222 (LT) DESCRIBED AS FOLLOWS: PART OF LOT 108, REGISTERED PLAN M-25, BEING PARTS 8 AND 13 ON REGISTERED PLAN 66R-33210; CITY OF TORONTO SUBJECT TO AN EASEMENT AS IN AT6281063

POTL 2 – PIN 21158-0228 (LT)

1177 AVENUE ROAD

PART OF LOT 108, REGISTERED PLAN M-25, BEING PARTS 7 AND 14 ON REGISTERED PLAN 66R-33210; CITY OF TORONTO SUBJECT TO AN EASEMENT AS IN AT6281063

POTL 4 – PIN 21158-0226 (LT)

1173 AVENUE ROAD

PART OF LOT 108, REGISTERED PLAN M-25, BEING PARTS 5 AND 16 ON REGISTERED PLAN 66R-33210; CITY OF TORONTO SUBJECT TO AN EASEMENT AS IN AT6281063

POTL 5 – PIN 21158-0225 (LT)

1171 AVENUE ROAD

PART OF LOT 108, REGISTERED PLAN M-25, BEING PARTS 4 AND 17 ON REGISTERED PLAN 66sR-33210; CITY OF TORONTO SUBJECT TO AN EASEMENT AS IN AT6281063

POTL 7 – PIN 21158-0224 (LT)

372 BRIAR HILL AVENUE

PART OF LOT 108, REGISTERED PLAN M-25, BEING PARTS 3, 18 AND 19 ON REGISTERED PLAN 66R-33210; CITY OF TORONTO SUBJECT TO AN EASEMENT AS IN AT6281063