

241-243 Finch Ave East – Part Lot Control Exemption Application – Decision Report – Approval

Date: November 10, 2025

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 18 - Willowdale

Planning Application Number: 25 134498 NNY 18 PL

Related Planning Application Numbers: 18 250648 NNY 23 OZ, 18 250662 NNY 23 SA, 23 233856 NNY 18 MV, 25 134479 NNY 18 CD

SUMMARY

This report recommends approval of the application to exempt the lands from the Part Lot Control provisions of the *Planning Act* at 241-243 Finch Avenue East to permit the creation of conveyable lots for eight townhouse units which would ultimately be held under freehold ownership and become the Parcels of Tied Land (POTLs) to the Common Elements Condominium.

A related Common Elements Condominium application has been submitted to establish eight (8) residential dwelling units with shared common elements such as a private access driveway and site servicing under File No. 25 134479 NNY 18 CD.

The lifting of Part Lot Control is appropriate for the orderly development of these lands and represents an appropriate level of intensification along Finch Avenue East as contemplated by the Central Finch Area Secondary Plan, while providing a transition to the existing lower scaled residential neighbourhood to the south.

RECOMMENDATIONS

The Director, Community Planning North York District recommends that:

1. City Council enact a Part Lot Control Exemption By-law for the lands municipally known as 241-243 Finch Avenue West substantially in accordance with the draft Part Lot Control Exemption By-law included as Attachment No. 5, and as generally illustrated on the Part Lot Control Exemption Plan on Attachment No. 4, to be prepared to the satisfaction of the City Solicitor and to expire two (2) years following enactment by City Council.
2. Prior to the introduction 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 transfer or charge any part of the subject lands described in Schedule “A” to this Report, without prior written consent of the Executive Director, Development Review or their designate to the satisfaction of the City Solicitor.
3. City Council authorize 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 Executive Director, Development Review at such time as confirmation is received that a plan of condominium has been registered or upon expiry or repeal of the Part Lot Control Exemption By-law.
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 repeal or amend the Part Lot Control Exemption By-law to delete part of the lands described in the bylaw, if the City Solicitor determines, in their sole discretion after consulting with the Executive Director, Development Review, that it is necessary prior to releasing or partially releasing the Section 118 Restriction from title.
6. 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

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 January 15, 2019, a Preliminary Report (Item 2019.NY2.13) from the Director, Community Planning, North York District was adopted by North York Community Council authorizing staff to conduct a community consultation meeting to receive feedback from the community regarding a proposal to permit nine townhouse units within two blocks. Community Council's direction and a copy of the Preliminary Report is available here: <https://secure.toronto.ca/council/agenda-item.do?item=2019.NY2.13>

On October 1 and 4, 2021, City Council considered a Final Report (Item 2021.NY26.4) from the Acting Director, Community Planning, North York District, and approved the

application for eight three-storey townhouse dwelling units and Council enacted Zoning By-law 893-2021. Council's decision and a copy of the report may be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2021.NY26.4>

On February 1, 2024, the North York District panel of the Committee of Adjustment refused a minor variance application (File No. A0626/23NY) to increase the overall building height and penetration to the angular plane of the eight townhouse unit development permitted under By-law 893-2021. The applicant filed an appeal to the minor variance decision to the Toronto Local Appeal Body, which on June 12, 2024, allowed the appeal, and authorized the requested 11.92 metre building height, and angular plane penetration variances (File No. 24 117282 S45 18 TLAB).

THE SITE AND SURROUNDING LANDS

Description

The approved development plans consists of one rectangular shaped property located and fronting onto Finch Avenue East (241 – 243 Finch Avenue East) and backing onto abutting dwelling units along Olive Avenue. The development consists of eight, three-storey townhouse dwelling units orienting towards a westerly direction fronting onto a private vehicular driveway.

See Attachment No. 3 for the Location Map.

Surrounding Uses

The site is located on the south side of Finch Avenue East, east of Yonge Street and has an area of approximately 1,389 square metres. The existing surrounding uses are as follows:

North: two- to three-storey detached residential dwellings, and a 58-unit, four-storey townhouse complex at 238-258 Finch Avenue East.

East: one- to two-storey detached residential dwellings along Finch Avenue East approaching Estelle Avenue.

West: a 28-unit, four-storey townhouse complex configured into four blocks at 227-239 Finch Avenue East.

South: one- to two-storey detached residential dwellings in a low-rise neighbourhood along Olive Avenue.

THE APPLICATION

Description

The applicant is seeking Part Lot Control Exemption for the property located at 241-243 Finch Avenue East where eight three-storey townhouse dwelling units are proposed. Through this exemption, nine lots will be created, with one lot for each of the individual townhouse dwellings, and a ninth lot fronting on the public road (Finch Avenue East) and surrounding the townhouse dwellings for vehicular and pedestrian access.

Additional Information

See the Attachments of this Report for the Application Data Sheet and Location Map. Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-details/?id=5603608&pid=414157&title=241%20FINCH%20AVE%20E>

Reasons for Application

A Part Lot Control Exemption application is required to permit the subject lands to be divided within a Plan of Subdivision, which would facilitate their construction phasing and financing.

Agency Circulation Outcomes

The application together with the applicable documentation submitted, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and drafting the Part Lot Control Exemption By-law.

POLICY & REGULATION 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.

Official Plan

The Official Plan designates the subject site as *Neighbourhoods*, which are considered physically stable areas made of residential uses in lower scale buildings such as detached houses, semi-detached houses, plexes, and townhouses; as well as interspersed walk-up apartment buildings less than four storeys. Policy 4.1.9 stipulates that infill development on properties that vary from the local pattern in terms of lot size, configuration and/or orientation will:

- (a) have heights, massing and scale that is respectful of those permitted by zoning for nearby residential properties; and
- (b) have setbacks from adjacent properties and public streets that are proportionate to those permitted by zoning.

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.

Secondary Plan

The site is subject to the height and density provisions under Neighbourhood 'B' of the Central Finch Area Secondary Plan, which permits a maximum FSI of 1.0 times the lot area and a maximum height of 3 storeys, and/or 10.0 metres under Zoning By-law No. 7625. All properties subject to the Secondary Plan along Finch Avenue East are required to have a rear yard setback of no less than 9.5 metres, and shall fall below a 35 degree angular plane, measured from the rear lot line. The Plan permits that the lands dedicated and transferred to a public authority for road widening purposes may be included in the lot area calculation when determining the permitted gross floor area.

The Central Finch Area Secondary Plan can be found here: <https://www.toronto.ca/wp-content/uploads/2017/11/8840-cp-official-plan-SP-22-CentralFinch.pdf>.

Zoning

The subject site is zoned RT (x333) under Zoning By-law 569-2013. The RT (Residential Townhouse Zone) zoning category permits Townhouse dwelling types. The site is also subject to Exception 333 which permits the creation of up to eight (8) townhouse dwelling units under provisions of Site-Specific Zoning By-Law No. 893-2021.

Plan of Subdivision

The subject lands form part of registered M-Plan 3691 which was registered on February 21, 2025. The Executive Director, Development Review has delegated authority for Plans of Subdivision under Section 415-16 of the Toronto Municipal Code, as amended.

Site Plan Control

A Site Plan Control application (File No. 18 250662 NNY 23 SA) was submitted on October 31, 2018, for the redevelopment of the subject land. The applicant and the City entered into a Site Plan Agreement registered on July 26, 2023. The Executive Director, Development Review has delegated authority for Site Plan Control under Section 415-19 of the Toronto Municipal Code, as amended.

COMMENTS

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 find the proposal consistent with the PPS (2024).

Land Division

The applicant is proposing to create nine lots: with one lot for each of the individual townhouse dwellings (Parts 2 to 9), and one lot on the western portion of the property, fronting on the public road (Finch Avenue East) and surrounding the townhouse dwellings for vehicular and pedestrian access, which will be subject to the related common element condo application (Part 1). These Parts are illustrated on Plan 66R-34500, attached as Attachment No. 4 to this report.

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 M-3691. 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 (2) following enactment by City Council. This time frame provides sufficient time for the completion of the proposed development.

Prior to enactment of the Part Lot Control Exemption By-law, staff recommends the owner register a Section 118 Restriction under the *Land Titles Act*. The restriction requires the owner to agree not to convey or mortgage any part of the lands without the prior written consent of the Executive Director, Development Review. This enables the City to ensure that the Part Lot Control exemption is not unlimited and that appropriate mechanisms are secured to support the development as described in this Report. Section 118 Restriction is also used to prevent the conveyance of the future Parcel of Tied Land (POTL), and the parcels intended for the residential and commercial units, until the common elements condominium is registered.

CONCLUSION

The proposal has been reviewed against the policies of the PPS (2024) and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2024), 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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E-mail: Wilser.Canel@toronto.ca

SIGNATURE

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

ATTACHMENTS

Attachment No. 1: Application Data Sheet
Attachment No. 2: Key Map
Attachment No. 3: Location Map
Attachment No. 4: Draft Part Lot Control Exemption Plan
Attachment No. 5: Draft Part Lot Control Exemption By-law
Attachment No. 6: Schedule "A"

Attachment No. 1: Application Data Sheet

Municipal Address: 241 – 243 Finch Avenue East
Date Received: March 26, 2025
Application Numbers: 25 134498 NNY 18 PL
Application Type: Part Lot Control Exemption
Project Description: Application for Part Lot Control Exemption with respect to nine parts for eight market townhouses.

Applicant:	Agent:	Architect:	Owner:
M BEHAR PLANNING & DESIGN INC	CHRIS PEREIRA	TAES ARCHITECTS INC.	FORTUNE 8 REAL ESTATE INC

EXISTING PLANNING CONTROLS

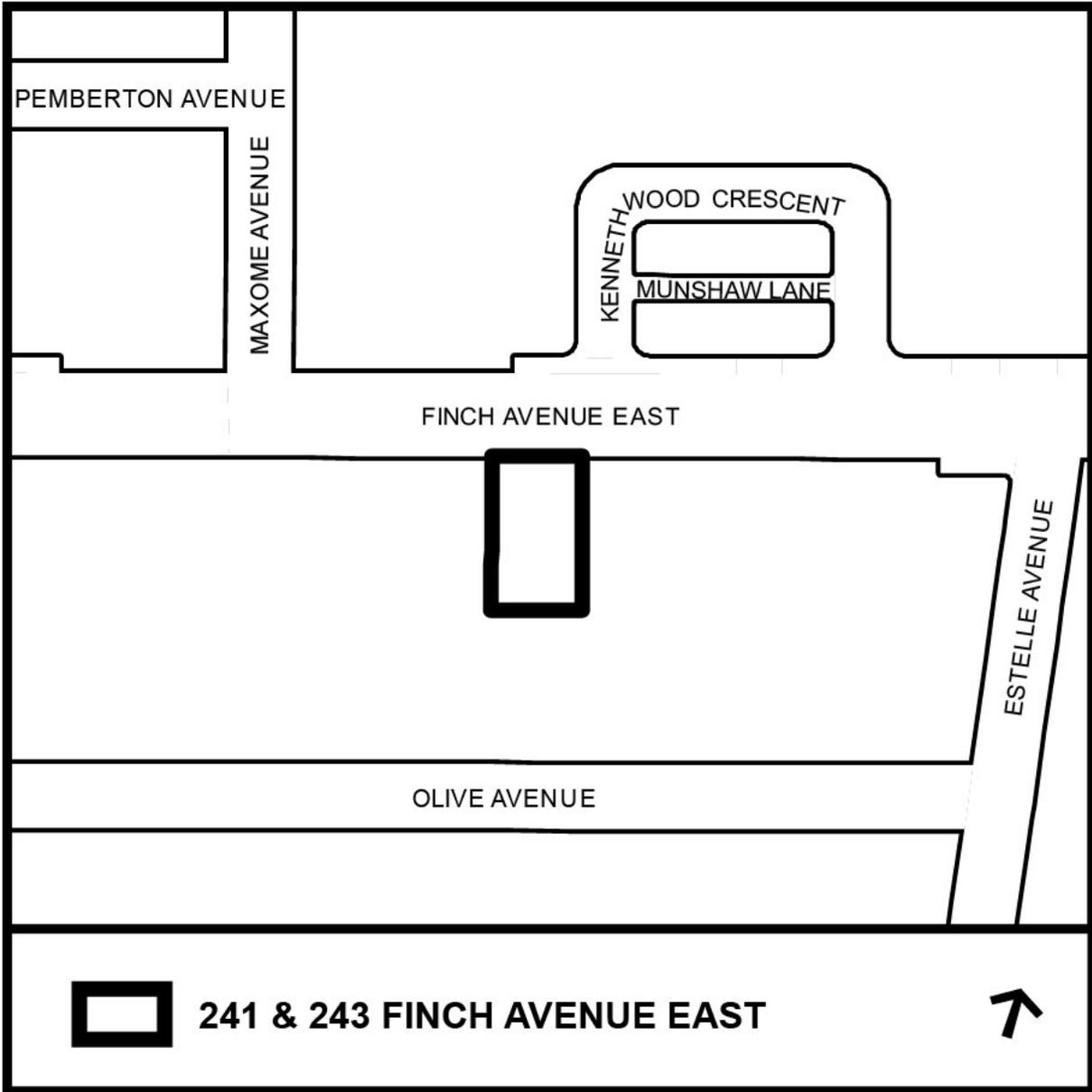
Official Plan Designation:	<i>Neighbourhoods B</i>	Site Specific Provision:	893-2021
Zoning:	RT (x333)	Heritage Designation:	Not Applicable
Height Limit (m):	10.0	Site Plan Control Area:	Yes

PROJECT INFORMATION

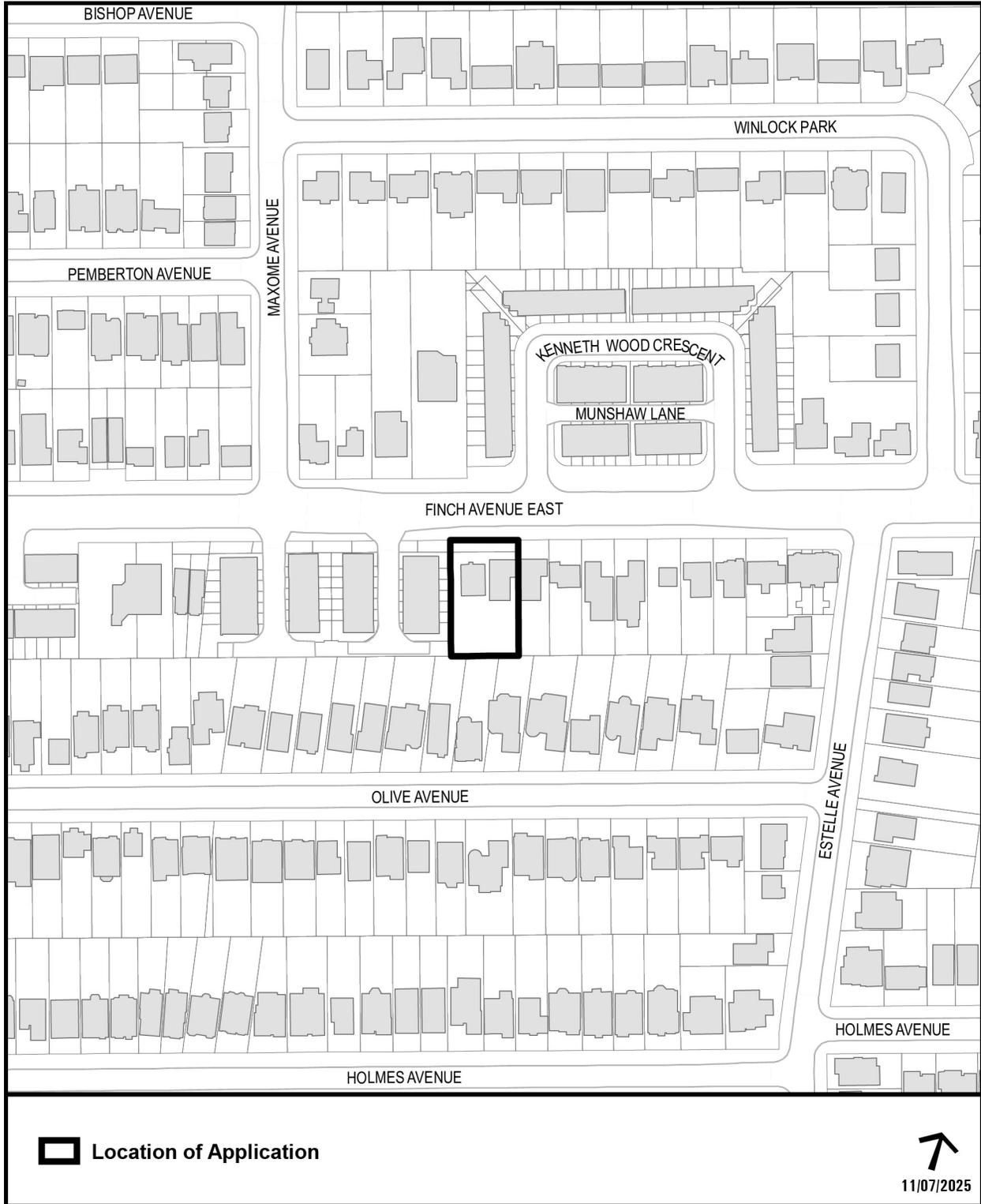
Site Area (sq. m):	1,389	Frontage (m):	28.49	Depth (m):	48.77
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq. m):	0	0	1,341	1,341
Residential GFA (sq. m):	0	0	1,341	1,341
Non-Residential GFA (sq. m):	0	0	0	0
Total GFA (sq. m):			1,341	1,341
Height - Storeys:			3	3
Height - Metres:			11.98	11.98
Lot Coverage Ratio (%):	31%	Floor Space Index:		0.96

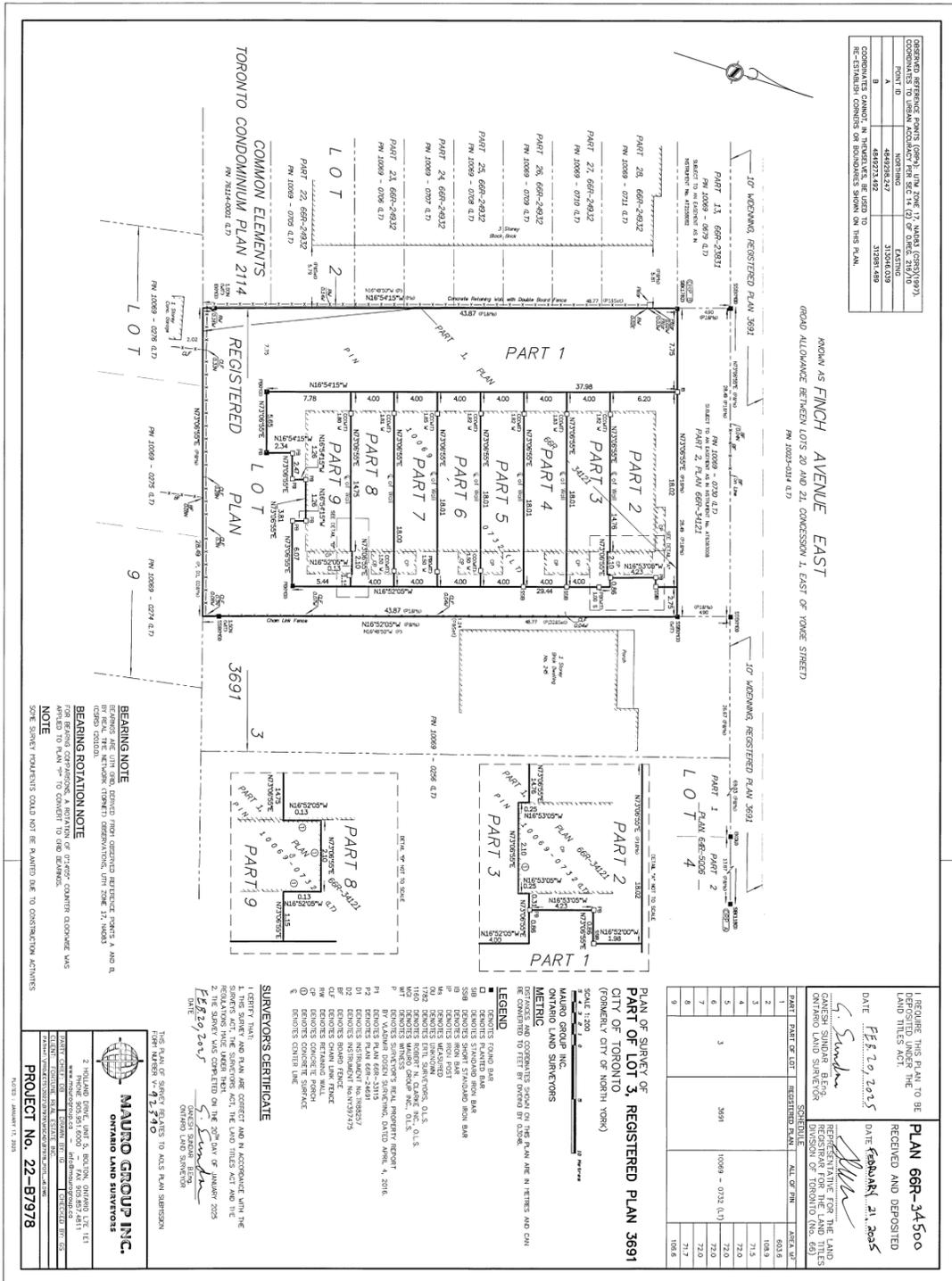
Attachment No. 2: Key Map



Attachment No. 3: Location Map



Attachment No. 4: Draft Part Lot Control Exemption Plan



Attachment No. 5: Draft Part Lot Control Exemption By-law

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 exempt lands municipally known as 241-243 Finch Avenue East, 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, R.S.O. 1990, C. P.13, as amended, 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, _____, 2025.

Frances Nunziata,
Speaker

John Elvidge,
City Clerk

(Seal of the City)

Attachment No. 6: Schedule “A”

Municipal Address:

241- 243 Finch Avenue East

Legal Description:

PIN 10069 – 0732 (LT)

PART OF LOT 3, REGISTERED PLAN 3691, CITY OF TORONTO (FORMERLY CITY OF NORTH YORK)