

1555 Midland Avenue - Part Lot Control Exemption Application - Decision Report - Approval

Date: April 11, 2025

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Ward: 21 - Scarborough Centre

Planning Application Number: 24 236477 ESC 21 PL

Related Planning Application Numbers: 2023 120780 ESC 21 PL and 19 242195 ESC 21 SA

SUMMARY

This Report recommends approval of the application to exempt the lands at 1555 Midland Avenue from the Part Lot Control provisions of the *Planning Act*. The application seeks to renew the existing Part Lot Control Exemption By-law 705-2023, set to expire in July 2025, for the remaining 30 units in Townhouse Blocks 12, 17, 20 and 23 on Registered Plan 66M-2579 which have yet to be sold. No changes are proposed to the initial Part Lot Control Application (2023 120780 ESC 21 PL) which was approved in July 2023 to facilitate the creation of 8 residential semi-detached lots and 95 townhouse parcels along with maintenance easements for a total of 103 conveyable parts.

This Part Lot Control Exemption Application is appropriate for the orderly development of these lands. The proposal is consistent with the Provincial Policy Statement (2024) and complies with the Official Plan and Zoning By-law. The lifting of the Part Lot Control for a period of two years is considered appropriate for the orderly development of the lands.

RECOMMENDATIONS

The Director, Community Planning, Scarborough District recommends that:

1. City Council enact a Part Lot Control Exemption By-law for the lands municipally known as 1555 Midland Avenue substantially in accordance with the draft Part Lot Control Exemption By-law included as Attachment 9, and as generally illustrated on the Part Lot Control Exemption Plans on Attachments 2 through 8, 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 or their designate 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 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

By Order dated May 26, 2021, the Ontario Land Tribunal approved the final form of the zoning by-law amendment for the subject lands, which updated and revised an earlier by-law amendment it approved in 2015. This final by-law amendment is now referenced as By-law 326-2018(OMB). The Tribunal also approved a revised draft plan of subdivision with updated conditions of approval. The plan of subdivision was registered on November 18, 2021, as Plan 66M-2579.

On November 24, 2020, the Committee of Adjustment approved four minor variance applications for four of the proposed new lots within this subdivision to adjust for technical errors in the zoning by-law amendment related to lot frontage requirements.

Site Plan Control Application 19 242195 ESC 21 SA was submitted for the 95 new townhouse units and received City Planning's final Statement of Approval on March 11, 2022.

Part Lot Control Application (2023 120780 ESC 21 PL) was submitted in March 2023 to create 8 residential semi-detached lots and 95 townhouse parcels with maintenance easements for a total of 103 conveyable parts. This application was approved on July 20, 2023 with its enacting By-law 705-2023 set to expire on July 20, 2025.

THE SITE AND SURROUNDING LANDS

Description

The subject lands are approximately 3.07 hectares (7.6 acres) in size and the site of the former Bendale Business and Technical Institute which has been demolished. The site is generally level and construction of the new residential housing is complete. See Attachment 1 for the Location Map.

Surrounding Uses

North: Single-detached low-rise residential development in the Midland Park Neighbourhood.

South: Two 7-storey apartment buildings on Treewood Street, with the Midland-Lawrence retail plaza beyond on the north side of Lawrence Avenue East.

East: Parkland and the recently constructed Bendale-Thomson Secondary School.

West: Industrial and commercial uses within Dorset Park Employment District.

THE APPLICATION

Description

The subject application seeks to renew the existing Part Lot Control Exemption By-law 705-2023, set to expire in July 2025, for the remaining 30 units in Townhouse Blocks 12, 17, 20 and 23 on Registered Plan 66M-2579 which have yet to be sold. No changes are proposed to the initial Part Lot Control Application (2023 120780 ESC 21 PL) which was approved in July 2023, for the creation of 8 residential semi-detached lots and 95 townhouse parcels with maintenance easements for a total of 103 conveyable parts. The parcels to be created are as illustrated with associated details on the submitted draft Reference Plans contained in Attachments 2 to 8 inclusive to this Report.

Additional Information

Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre.

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 and others.

Official Plan

The Official Plan designates the subject site as *Neighbourhoods* as shown on Official Plan Map 20 - Land Use Plan. *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. 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.

The Official Plan can be found here:

<https://www.toronto.ca/citygovernment/planningdevelopment/official-plan-guidelines/official-plan/>

Zoning

The subject lands are zoned under the former City of Scarborough Bendale Community Zoning By-law No. 9350, as amended, and are not currently subject to City-wide Zoning By-law No. 569-2013, as amended. Under the Bendale Community By-law No. 9350, as amended by By-law 326-2018(OMB), the subject 8 semi-detached dwellings are currently zoned Two-Family Residential (T), while the remaining 95 townhouse dwelling units are zoned Multiple-Family Residential (M).

The proposed development complies with all zoning requirements as varied by Committee of Adjustment in November 2020.

Plan of Subdivision

The subject lands form part of a registered M-Plan 66M-2579 which was registered on November 18, 2021.

Site Plan Control

Site Plan Control Application 19 242195 ESC 21 SA for the 95 new townhouse units received City Planning's final Statement of Approval on March 11, 2022.

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

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 66M-2579. 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 2 years 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 or their designate. 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. The 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.

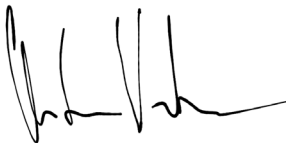
CONCLUSION

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 subject to the recommended conditions prior to enactment.

CONTACT

Tommy Karapalevski, Planner, Community Planning, Scarborough District, Tel. No. 416-392-4336, E-mail: Tommy.Karapalevski@toronto.ca

SIGNATURE

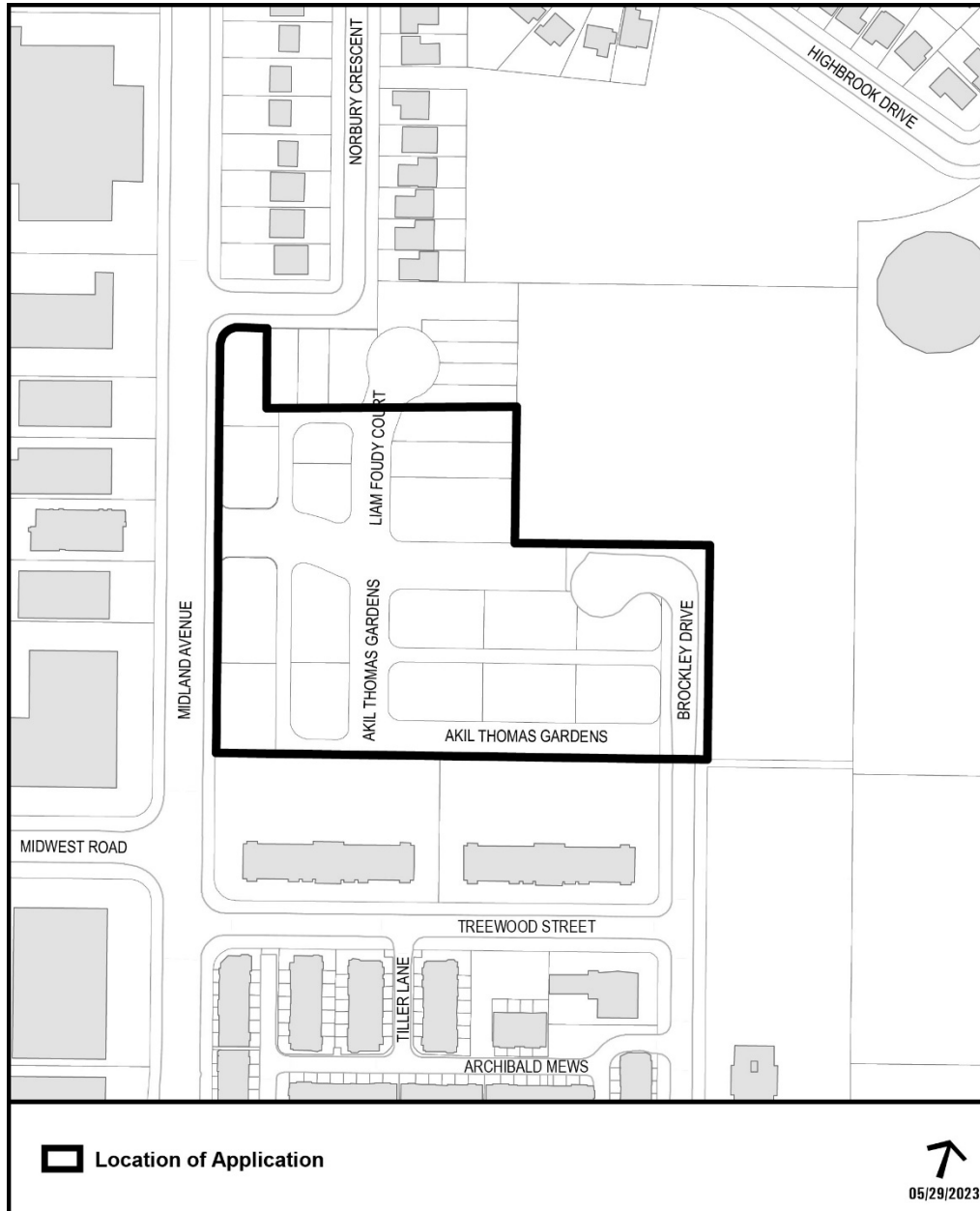


Christian Ventresca, MScPl, MCIP, RPP
Director, Community Planning
Scarborough District

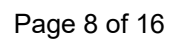
ATTACHMENTS

- Attachment 1: Location Map
- Attachment 2: Part Lot Control Exemption Plan Lots 1, 5, 6, 7 and Blocks 12, 13 and 14
- Attachment 3: Part Lot Control Exemption Plan Lots 1, 5, 6, 7 and Blocks 12, 13 and 14 - Detail
- Attachment 4: Part Lot Control Exemption Plan Blocks 15, 16, 17 and 18
- Attachment 5: Part Lot Control Exemption Plan Blocks 15, 16, 17 and 18 - Detail 1
- Attachment 6: Part Lot Control Exemption Plan Blocks 15, 16, 17 and 18 - Detail 2
- Attachment 7: Part Lot Control Exemption Plan Blocks 19, 20, 21, 22, 23 and 24
- Attachment 8: Part Lot Control Exemption Plan Blocks 19, 20, 21, 22, 23 and 24 - Detail
- Attachment 9: Draft Part Lot Control Exemption By-law

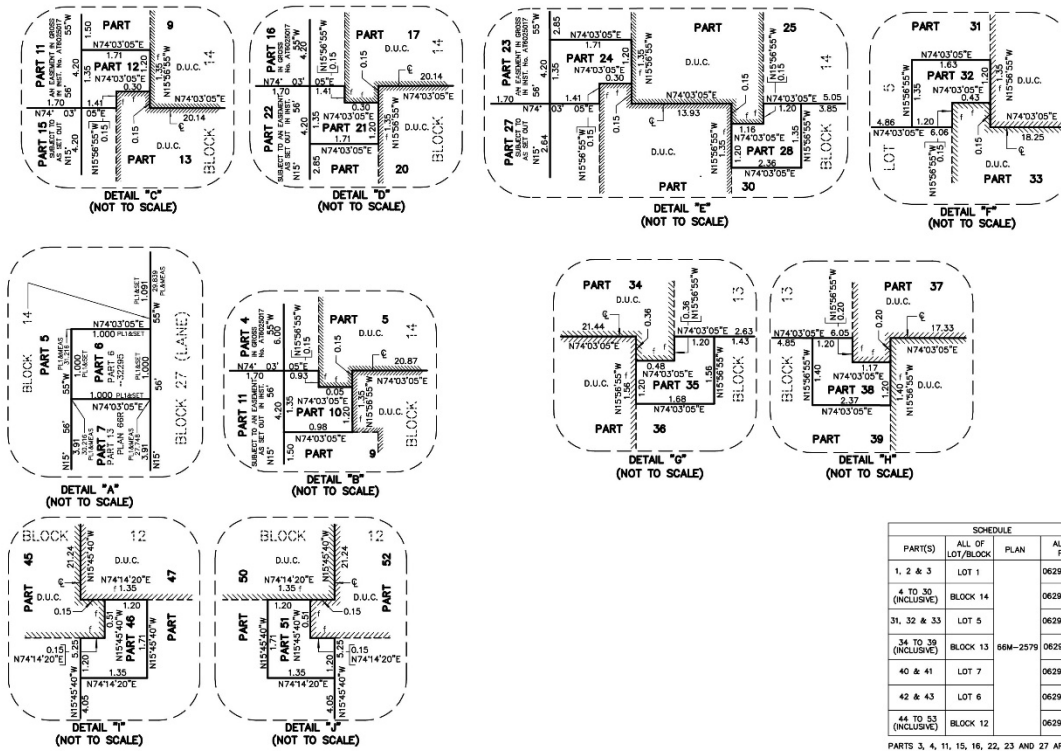
Attachment 1: Location Map



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Attachment 3: Part Lot Control Exemption Plan Lots 1, 5, 6, 7 and Blocks 12, 13 and 14 – Detail

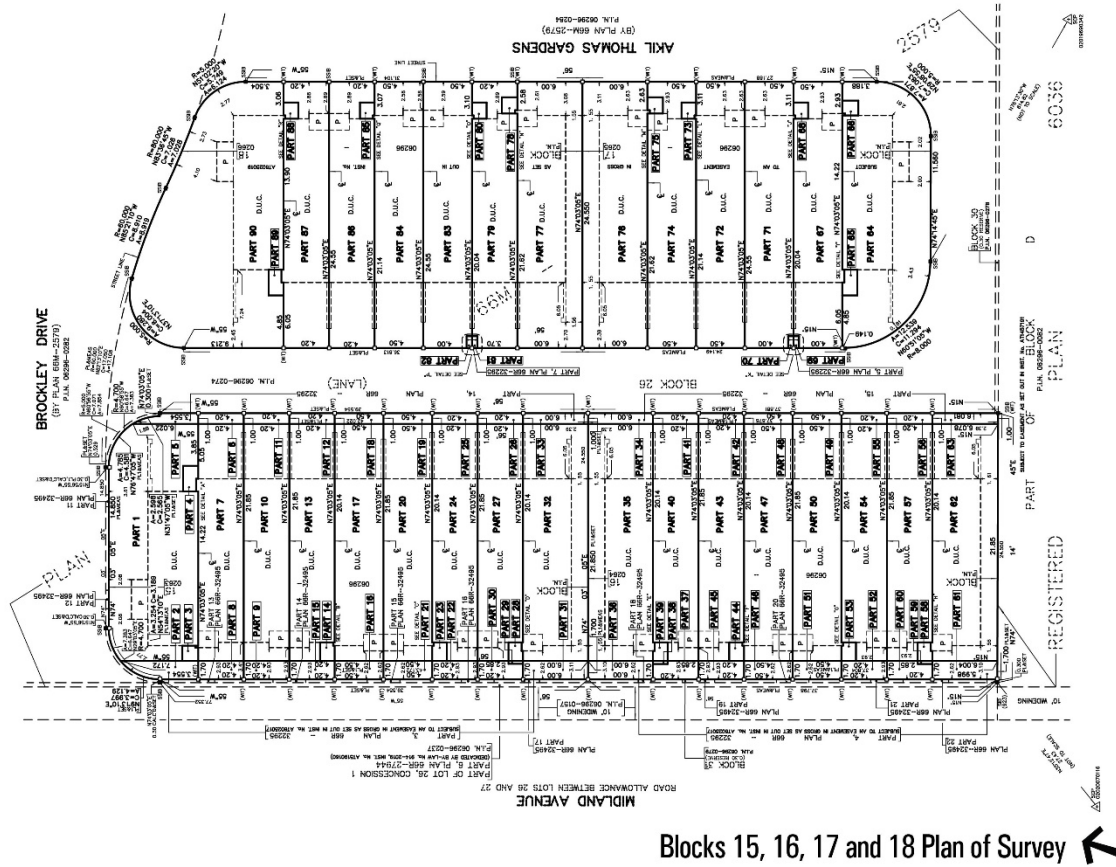


SCHEDULE			
PART(S)	ALL OF LOT/BLOCK	PLAN	ALL OF P.L.N.
1, 2 & 3	LOT 1		06296-0249
4 TO 30 (INCLUSIVE)	BLOCK 14		06296-0262
31, 32 & 33	LOT 5		06296-0253
34 TO 39 (INCLUSIVE)	BLOCK 13	66M-2579	06296-0261
40 & 41	LOT 7		06296-0255
42 & 43	LOT 6		06296-0254
44 TO 53 (INCLUSIVE)	BLOCK 12		06296-0260

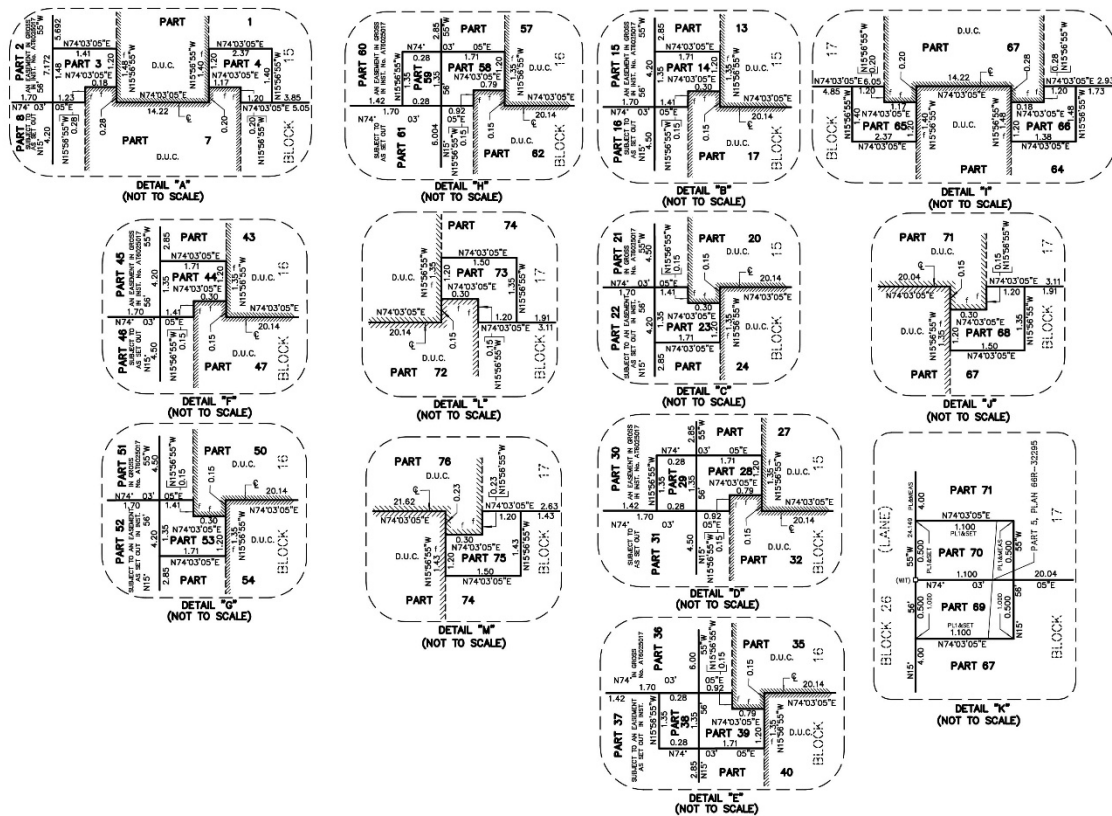
PARTS 3, 4, 11, 15, 16, 22, 23 AND 27 ARE SUBJECT TO AN EASEMENT IN GROSS AS SET OUT IN INST. No. A76025017

Lots 1, 5, 6, 7 and Blocks 12, 13 and 14 Plan of Survey ↗

Attachment 4: Part Lot Control Exemption Plan Blocks 15, 16, 17 and 18

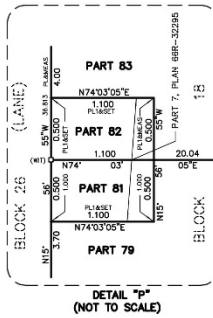
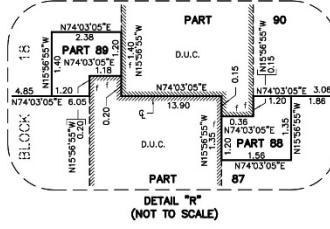
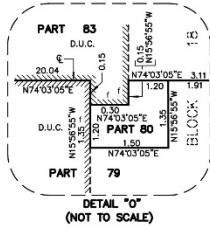
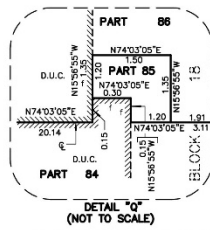
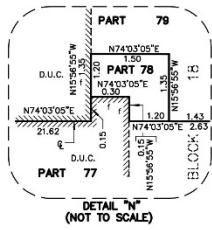


Attachment 5: Part Lot Control Exemption Plan Blocks 15, 16, 17 and 18 – Detail 1



Blocks 15, 16, 17 and 18 Plan of Survey ↗

Attachment 6: Part Lot Control Exemption Plan Blocks 15, 16, 17 and 18 – Detail 2

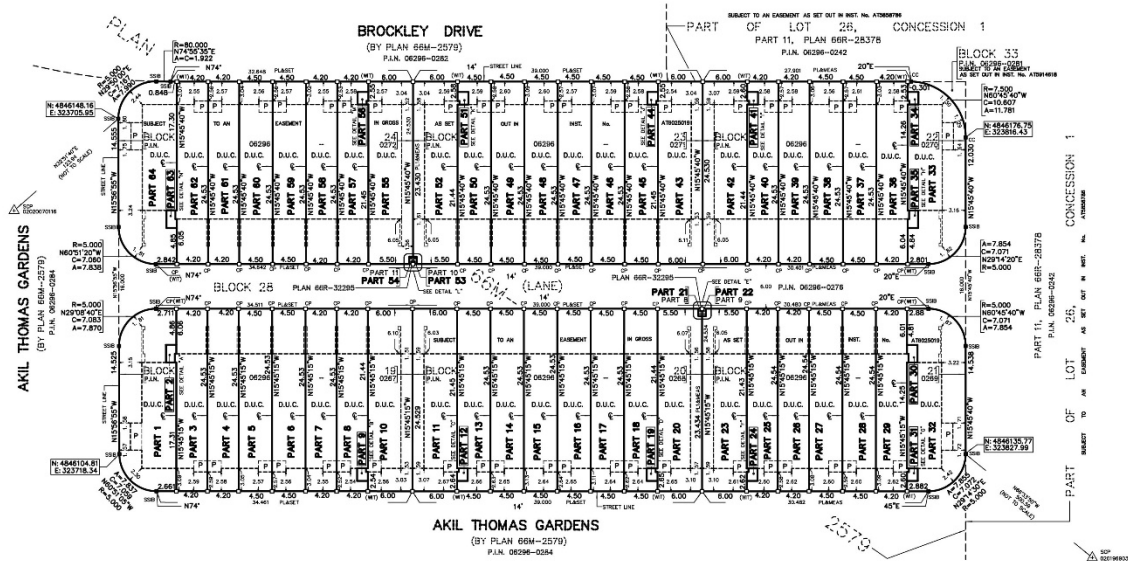


SCHEDULE			
PART(S)	ALL OF BLOCK	PLAN	ALL OF P.L.N.
1 TO 33 (INCLUSIVE)	15		06296-0263
34 TO 63 (INCLUSIVE)	16		06296-0264
64 TO 76 (INCLUSIVE)	17		06296-0265
77 TO 90 (INCLUSIVE)	18		06296-0266

PARTS 64 TO 90, INCLUSIVE ARE SUBJECT TO AN EASEMENT IN GROSS AS SET OUT IN INST. No. A16025019
 PARTS 2, 8, 9, 15, 16, 21, 22, 29, 30, 31, 35, 37, 38, 45, 46, 51, 52, 59, 60 & 61 ARE SUBJECT TO AN EASEMENT IN GROSS AS SET OUT IN INST. No. A16025017

Blocks 15, 16, 17 and 18 Plan of Survey ↗

Attachment 7: Part Lot Control Exemption Plan Blocks 19, 20, 21, 22, 23 and 24



Blocks 19, 20, 21, 22, 23 and 24 Plan of Survey 

Attachment 9: Draft Part Lot Control Exemption By-law

Authority: Scarborough Community Council Item No. SC##, as adopted by City of Toronto Council on _____, 2025

CITY OF TORONTO

Bill _____

BY-LAW _____-2025

To exempt a portion of lands municipally known as 1555 Midland 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 on, _____, 2025.

Frances Nunziata,
Speaker

John Elvidge
City Clerk

(Seal of the City)

SCHEDULE A

LEGAL DESCRIPTION:

LOTS 1, 5, 6 AND 7 AND BLOCKS 12 TO 24, INCLUSIVE, PLAN 66M-2579; CITY OF TORONTO