

1245 Dupont Street – Part Lot Control Exemption Application – Approval

Date: February 3, 2025
To: Toronto and East York Community Council
From: Director, Community Planning, Toronto and East York District
Ward: 9 - Davenport

Planning Application Number: 24 253550 STE 09 PL

SUMMARY

In 2018, an application was submitted to permit an exemption from Part Lot Control for part of the lands municipally known as 1245 Dupont Street. On February 26, 2020, City Council enacted By-law 235-2020 exempting part of the lands at 1245 Dupont Street from the Part Lot Control provisions of the Planning Act for 5 years to facilitate development and to implement the necessary land transactions. By-law 235-2020 will expire on February 26, 2025.

This report reviews and recommends that a new Part Lot Control Exemption By-Law be enacted, to extend the period of exemption from Part Lot Control for part of the lands at 1245 Dupont Street for a further three years. This will allow for the severance of lots, completion of the construction of the community centre, and associated transactions including conveying a City park. The lifting of Part Lot Control for a further period of three years is considered appropriate for the orderly development of lands.

RECOMMENDATIONS

The Director, Community Planning, Toronto and East York District, recommends that:

1. City Council enact a Part Lot Control Exemption By-law for part of the lands municipally known as 1245 Dupont Street as generally illustrated on Attachment 1 of this report (the "Lands") and as described in Schedule A to Attachment 3, substantially in accordance with the Draft Part Lot Control Exemption By-law included as Attachment 3 to this report, to the satisfaction of the City Solicitor.
2. Prior to enactment of the Part Lot Control Exemption By-law, City Council require the owner to provide proof of payment of all current property taxes for the Lands to the satisfaction of the City Solicitor.
3. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title to the Lands municipally known as 1245 Dupont Street.

4. 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.

5. City Council authorize the City Solicitor to take the necessary steps to release, or partially release, the Section 118 Restriction under the Land Titles Act from title to all or a portion of the Lands in her sole discretion upon the expiry or repeal of the Part Lot Control Exemption by-law, after consulting with the Executive Director, Development Review.

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.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the information as presented in the Financial Impact Section.

DECISION HISTORY

At its meeting of June 26, 2018, Council adopted Official Plan Amendment 415 and amended Zoning By-law 569-2013 to permit the master planned development of 1245 Dupont Street, 1260 Dufferin Street and 213 Emerson Avenue (Re-imagine Galleria). The proposal was for 2,846 dwelling units (residential GFA of 161,392 square metres) and 25,237 square metres of non-residential GFA in 8 buildings, ranging from 18 to 35 storeys in height. The proposal also included a land exchange between the City and applicant which relocated the Wallace Emerson Community Centre from the east end of the site to the west. The decision and report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE33.5>

At its meeting on July 23, 2018, Council adopted By-law 235-2020 to exempt certain lands located at 1245 Dupont Street from Part Lot Control. By-law 235-2020 was enacted by Council on February 26, 2020 and expires five years following enactment.

The report and by-law can be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2018.TE34.53>

By-law 235-2020 was registered on title to the lands municipally known as 1245 Dupont Street as Instrument AT5380604.

THE APPLICATION

The applicant is requesting part lot control exemption for a period of three years after enactment of the By-law to allow flexibility for financing and construction for the first phase of the development at 1245 Dupont Street. This includes a portion of the lands where the parkland dedication is to be conveyed to the City as part of the Land Exchange Agreement as well as the new Community Centre; the first mixed-use buildings for Galleria that includes affordable housing units; a portion of a new public

road that runs diagonally across 1245 Dupont Street; and a road widening for Dupont Street and the widening of an existing public lane.

Reasons for Application

A new Part Lot Control Exemption By-law is required because By-law 235-2020 will expire on February 26, 2025. The existing Part Lot Control Exemption By-law 235-2020 did not provide sufficient time for the completion of the development within the lands and the associated transfers. The enactment of a new Part Lot Control Exemption By-law for a period of three years would facilitate the completion of the development including the transfers of the easements that remain outstanding.

POLICY & REGULATION CONSIDERATIONS

Provincial Land-Use Policy Framework

On October 20, 2024 the Provincial Planning Statement 2024 (PPS 2024) came into effect and replaced the Provincial Policy Statement (2020) and the Growth Plan (2020). All decisions of Council in respect of the exercise of any authority that affects a planning matter shall now be consistent with the PPS 2024.

Official Plan

The lands are designated Mixed Use Areas in the City's Official Plan. 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. Additionally, Site and Area Specific Policy (SASP) 213 applies to the site and provides comprehensive direction for the redevelopment of Galleria Mall into a mixed use, high density complete community.

The Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Zoning

The subject site is zoned Commercial Residential CR 0.6 (c0.6; r0.6) SS2 (x185) in Zoning By-law 569-2013. The CR zoning category permits a range of uses including retail, office space, and commercial uses as well as residential units.

COMMENTS

Provincial Policy Statement and Provincial Plans

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 (PPS) 2024, and shall conform to other provincial plans as applicable. Staff have determined that the proposal is consistent with PPS 2024.

Land Division

Part Lot Control exemption is a method of land division to further subdivide lands within a registered plan of subdivision. Under Section 50(5) of the Planning Act, R.S.O. 1990, as amended, Part Lot Control allows only whole lots or blocks on a plan of subdivision to be transferred, subject to certain exceptions. Section 50(7) of the Planning Act, R.S.O. 1990, as amended, authorizes Council to adopt a by-law exempting lands within a registered plan of subdivision from Part Lot Control. The Lands are within a registered plan of subdivision.

To ensure that Part Lot Control Exemption By-law 235-2020 did not remain open indefinitely, it was set to expire on February 26, 2025. The applicant has requested that the by-law be extended by three years following enactment by City Council, to allow the additional time needed to implement the transactions necessary and to complete the construction of the new community centre and to complete the parkland conveyance.

By-law 235-2020's expiry on February 26, 2025 predates City Council's ability to enact an amending by-law to extend the time period of By-law 235-2020. As such, staff propose that a new Part Lot Control Exemption By-law be enacted to provide for part lot control exemption over the Lands, for a period of three years following enactment of the new by-law.

A Section 118 Restriction is currently registered on title for the lands. In accordance with the Land Titles Act, a Section 118 Restriction prohibits the transfer or charge of any of the lands without prior written consent of the Executive Director, Development Review or their designate. This restriction enables the City to ensure that the Part Lot Control exemption is not unlimited and that the City continues to have control over the division of land, and that appropriate mechanisms such as easements are secured to support the development. The existing registered Section 118 Restriction will remain on title for the time period between the expiry of By-law 235-2020, enactment of the new Part Lot Control Exemption By-law by City Council in March 2025, as well as for the period of three years following enactment of the new Part Lot Control Exemption By-law. As such, at the time of enactment of the new Part Lot Control Exemption By-law, a Section 118 restriction is not being requested as the existing Section 118 restriction will remain on title throughout.

Conclusion

The proposal has been reviewed against the policies of the Provincial Planning Statement (2024) and the Official Plan. Staff are of the opinion that the application for Part Lot Control Exemption and the lifting of Part Lot Control are appropriate for the orderly development of the lands. Staff recommend that City Council enact a Part Lot Control Exemption By-law for a three-year period on part of the lands municipally known as 1245 Dupont Street. This time frame is expected to provide sufficient time for the completion of the proposed development within those lands and associated transactions.

CONTACT

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SIGNATURE

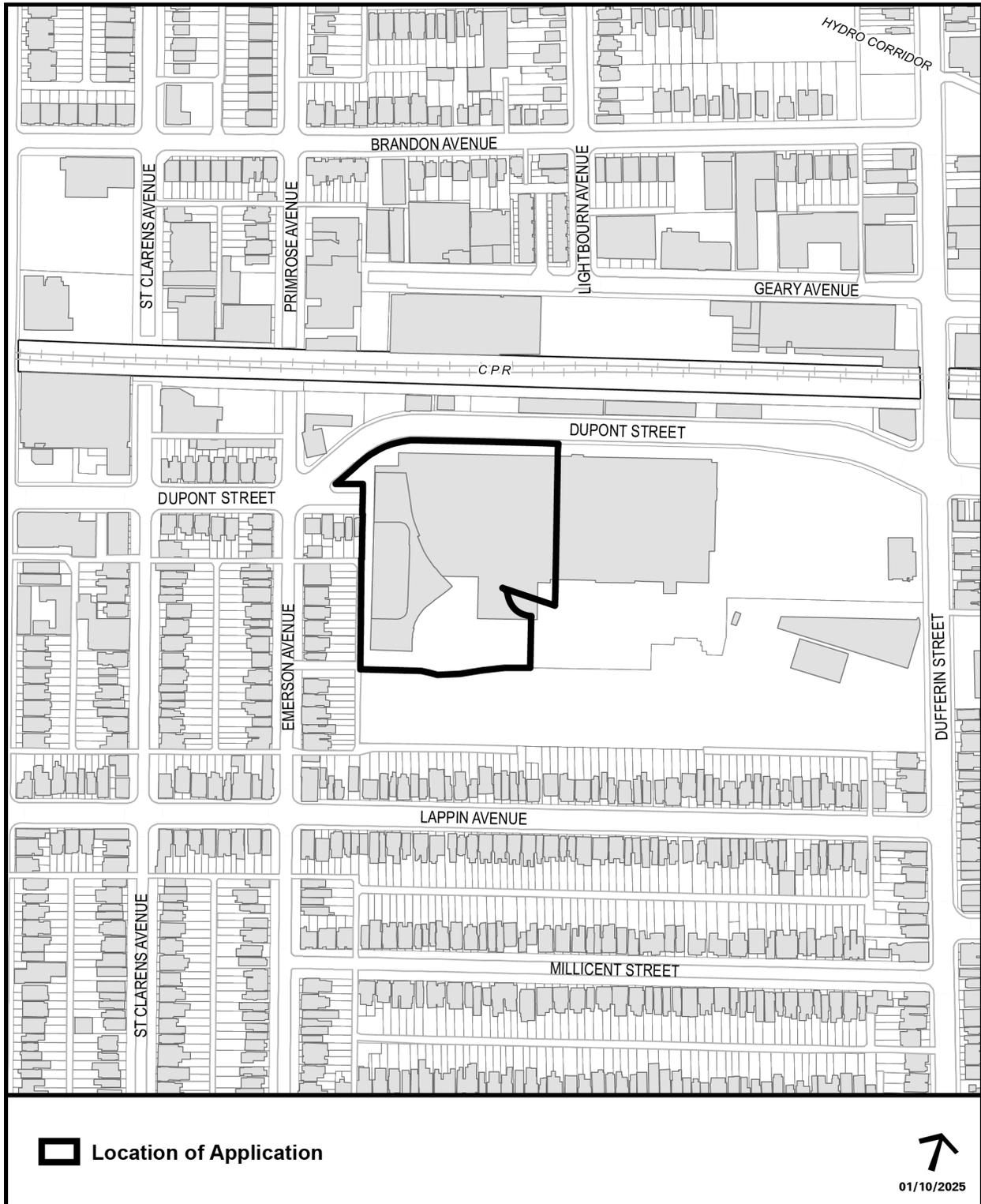


Carly Bowman, M.Sc.Pl., MCIP, RPP
Director, Community Planning,
Toronto and East York District

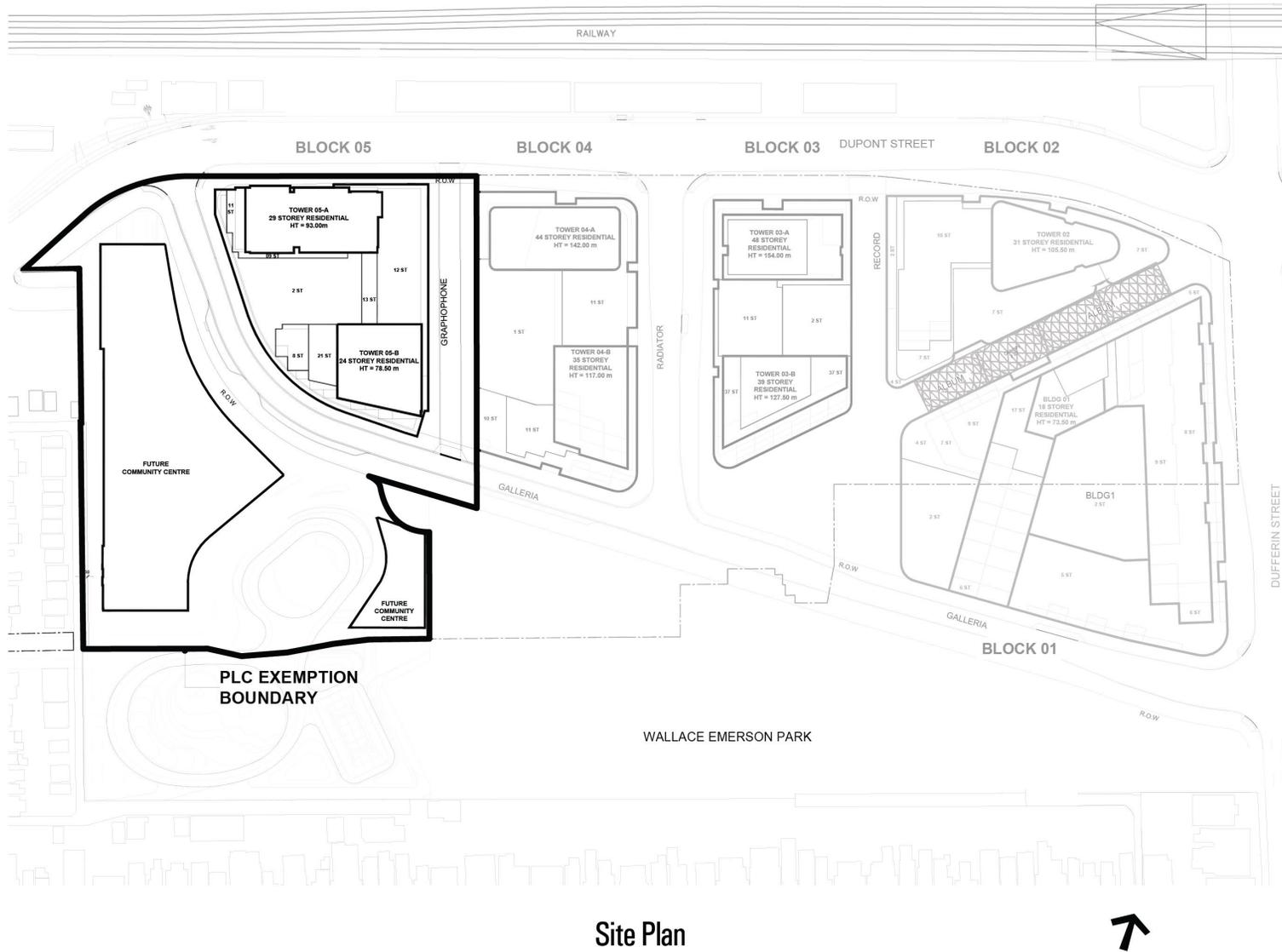
ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Site Plan
Attachment 3: Draft Part Lot Control Exemption By-law

Attachment 1: Location Map



Attachment 2: Site Plan



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

Authority: Toronto and East York Community Council Item ~ adopted by City of Toronto Council on ~, 2025

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

To exempt part of the lands municipally known in 2024 as 1245 Dupont Street from Part Lot Control.

Whereas authority is given to Council by Section 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 Schedule "A" attached hereto.
2. This By-law expires three years after its enactment by Council.

Enacted and passed on March ~, 2025.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE "A"

Legal Description:

Firstly:

PART OF LOT 10, PLAN 61 AND PARTS OF LOTS 3 AND 4, PLAN M-567, TORONTO DESIGNATED AS PARTS 1, 2, 3, 23, 26, 28, 30, 42, 43, 44, 45, 46, 53, 54, 55, 67, 68 AND 69 ON PLAN 66R-30758

Secondly:

PARTS OF LOTS 1, 2, AND 3, BLOCK L, PLAN M58, TORONTO DESIGNATED AS PARTS 24, 25, 38, 39, 40 AND 41 ON PLAN 66R-30758

In the City of Toronto and Province of Ontario, in the Land Titles Division of the Toronto Land Registry Office (Number 66).