

77, 81 and 83 Mutual Street – Extension of Part Lot Control Exemption Application – Decision Report – Approval

Date: April 30, 2025

To: Toronto and East York Community Council

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

Ward: 13 - Toronto Centre

Planning Application Number: 20 148809 STE 13 PL

SUMMARY

On July 16, 2021, City Council enacted a Part Lot Control Exemption By-law for a two-year period at 77, 81, and 83 Mutual Street to permit the division of the subject property into five stratified parcels within the 36-storey mixed-use building on the site. The exemption from Part Lot Control was extended for an additional two years on June 18, 2023.

The transfers of the stratified parcels have now been completed except for one parcel containing the commercial parking garage. This report recommends that the exemption from Part Lot Control be extended for an additional two years to allow for the completion of the final transfer.

RECOMMENDATIONS

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

1. City Council amend By-law 591-2023 to extend Part Lot Control Exemption for the lands municipally known as 77, 81 and 83 Mutual Street 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 2 to the 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 the City Solicitor to register the Part Lot Control Exemption By-law on title to the lands.

4. 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 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 October 6, 2016, the Ontario Municipal Board (now known as the Ontario Land Tribunal) approved Zoning By-law Amendment and Site Plan Control applications to permit the development of a 36-storey mixed-use building on the subject property. The decision document is available at: <https://www.omb.gov.on.ca/e-decisions/PL150821-OCT-06-2016.pdf>

At its meeting on November 25 and 26, 2020, Council approved a Part Lot Control Exemption application and enacted By-law 668-2021 on July 16, 2021, exempting the subject property from part lot control for a two-year period. Council's decision is available on the City's website at: <https://secure.toronto.ca/council/agenda-item.do?item=2020.TE20.4>.

On June 18, 2023, Council enacted By-law 591-2023, exempting the property from part lot control for an additional two-year period. The decision document is available at: <https://secure.toronto.ca/council/agenda-item.do?item=2023.MM7.31>

THE SITE

Description

The site is located on the east side of Mutual Street, south of Dundas Street East. The site is within a registered plan of subdivision (CT257819).

A 36-storey mixed-use building has been constructed on the site containing 363 residential condominium units, 22 replacement rental units, 256 square meters of commercial space, and a parking garage. The property is being divided into five stratified parcels for the residential condominium, replacement rental units, ground floor commercial space, commercial parking garage, and shared areas for circulation through the building (including stairs and elevators), servicing, and amenity spaces. The proposed transfers of the stratified parcels have now been completed with the exception of the parcel for the commercial parking garage.

THE APPLICATION

Description

The applicant is requesting an extension to Part Lot Control Exemption By-law 591-2023 to allow for the transfer of the commercial parking garage, identified as Parts 8, 9, 10, 11, 12 and 13 on Plan 66R-31770.

Reasons for Application

The extension to Part Lot Control exemption is requested as the existing Part Lot Control Exemption By-law will expire on June 17, 2025, and the transfer of the parcel for the commercial parking garage is anticipated to occur after the expiry date.

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](#) Urban Structure Map 2 identifies the site as Downtown and Central Waterfront, and the site is designated Mixed-Use Areas on Map 18. The [Downtown Secondary Plan](#) identifies the site as Mixed Use Areas 2 - Intermediate.

Zoning

The subject site is zoned CR 4.0 (c0.5; r4.0) SS1 (x144) under Zoning By-law 569-2013. The site was rezoned by By-law 1612-2019(LPAT) to permit the current development.

COMMENTS

Community Planning 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. This time frame is expected to provide sufficient time for the completion of the final outstanding transfer.

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 find the proposal to be consistent with the Provincial Planning Statement (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) authorizes Council to adopt a by-law exempting lands within a registered plan of subdivision from Part Lot Control. The site is within a registered plan of subdivision. Section 50(7.4) authorizes 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 591-2023 is set to expire on June 17, 2025. The applicant has advised that they need additional time to complete the final outstanding transaction.

CONTACT

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SIGNATURE



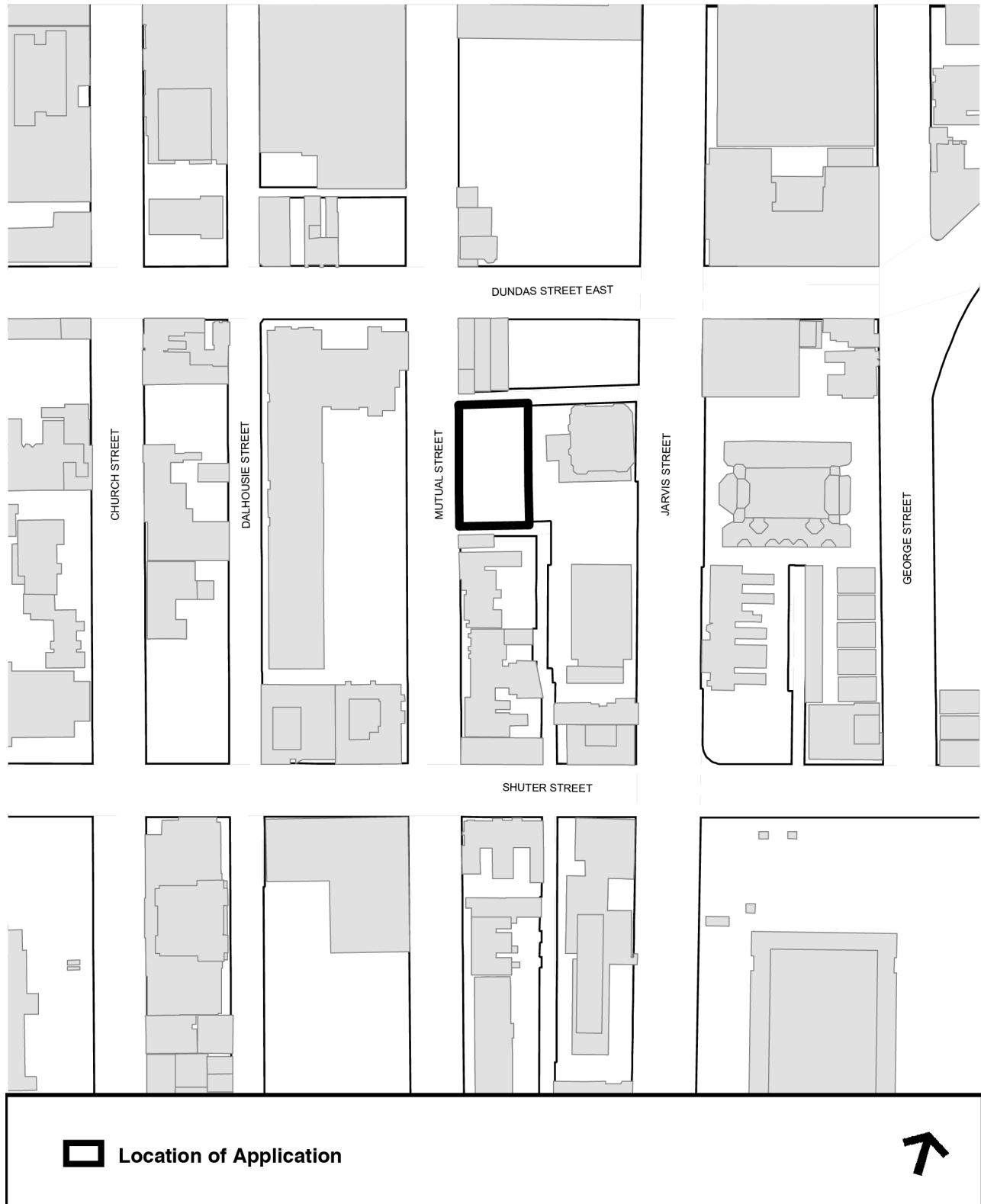
Alex Teixeira, MCIP, RPP
Acting Director, Community Planning
Toronto and East York District

ATTACHMENTS

Attachment 1: Location Map

Attachment 2: Draft Part Lot Control Exemption By-law

Attachment 1: Location Map



Attachment 2: Draft Part Lot Control Exemption By-law

Authority: Toronto and East York Community Council Item TE22. ~, as adopted by City of Toronto Council on May ~, 2025

CITY OF TORONTO

BY-LAW ~ -2025

To amend By-law 591-2023 to extend the expiration of part lot control exemption for the lands known as 83 Mutual Street.

Whereas Council of the City of Toronto enacted By-law 591-2023 on June 18, 2023 to exempt lands municipally known as 83 Mutual Street from part lot control with an expiry of June 17, 2025; and,

Whereas Council of the City of Toronto has the authority pursuant to Section 50(7.4) 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. Section 2 of By-law 591-2023 is deleted and replaced with the following:

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

2. This By-law applies to the lands described in the attached Schedule "A".

Enacted and passed on May ~, 2025.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

Schedule A
LEGAL DESCRIPTION

83 Mutual Street:

PART LOTS A, B, C, D, E, F AND G, PLAN 273E, PARTS 8, 9, 10, 11, 12, 13 AND 70, PLAN 66R-31770 (CONFIRMED BY BA1092 REGISTERED AS CT257819) ; SUBJECT TO AN EASEMENT AS IN AT5133767; SUBJECT TO AN EASEMENT AS IN AT5158701; SUBJECT TO AN EASEMENT IN GROSS OVER PARTS 9 AND 10, PLAN 66R-31770 AS IN AT5558316 ; TOGETHER WITH AN EASEMENT OVER PART LOTS A AND C, PLAN 273E, PARTS 2 AND 3, PLAN 66R-31236 AS IN AT5558322 ; SUBJECT TO AN EASEMENT OVER PARTS 11, 12 AND 13, PLAN 66R-31770 IN FAVOUR OF PART LOTS A AND C, PLAN 273E, PARTS 2 AND 3, PLAN 66R-31236 AS IN AT5558328 ; TOGETHER WITH AN EASEMENT OVER THE COMMON ELEMENTS OF TORONTO STANDARD CONDOMINIUM PLAN NO. 2840 AS IN AT5692622 ; TOGETHER WITH AN EASEMENT OVER PART LOTS A, B, C, D, E, F AND G, PLAN 273E, PART 40, PLAN 66R-31770 AS IN AT5692622 ; SUBJECT TO AN EASEMENT IN FAVOUR OF TORONTO STANDARD CONDOMINIUM PLAN NO. 2840 AS IN AT5692622 ; SUBJECT TO AN EASEMENT OVER PARTS 8, 9 AND 10, PLAN 66R31770 IN FAVOUR OF TORONTO STANDARD CONDOMINIUM PLAN NO. 2840 AS IN AT5692622; CITY OF TORONTO