

2161 Yonge Street – Part Lot Control Exemption Application – Decision Report – Approval

Date: July 4, 2025

To: Toronto and East York Community Council

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

Ward: 12 - Toronto-St. Paul's

Planning Application Number: 25 143425 STE 12 PL

SUMMARY

This report recommends approval of the application to exempt 2161 Yonge Street from the Part Lot Control provisions of the Planning Act. This application facilitates any required minor realignments of the property boundary lines within the non-residential portion of this proposed 38-storey mixed-use development site. The lifting of Part Lot Control is appropriate for the orderly development of these lands.

The Part Lot Control Exemption application implements the site-specific Zoning By-law. This report also recommends that the owner of the lands be required to register a Section 118 Restriction under the Land Titles Act against the lands to ensure that no part of the lands can be conveyed or mortgaged without prior consent of the Executive Director, Development Review.

RECOMMENDATIONS

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

1. City Council enact a Part Lot Control Exemption By-law for the lands municipally known as 2161 Yonge Street, substantially in accordance with the draft Part Lot Control Exemption By-law included as Attachment 3, and as generally illustrated on the Part Lot Control Exemption Plan on Attachment 2, 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;

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; and

c. enter into a Shared Facilities Agreement and provide the requisite certification, to the satisfaction of the Executive Director, Development Review, prior to the registration of a Section 118 Restriction under the Land Titles Act for any applicable conveyances.

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 to the lands or any portion thereof against which the Section 118 Restriction under the Land Titles Act has been registered.

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 maybe 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

The site was previously subject to a Zoning By-law Amendment application (17 186503 STE 12 OZ) and a Site Plan Control application (17 186498 STE 12 SA) to permit a new 35-storey mixed-use building. The Zoning By-law Amendment application was appealed to the Ontario Land Tribunal (OLT) due to the City's failure to make a decision within the prescribed timelines outlined in the Planning Act. A settlement was reached between the City and the applicant, and the OLT issued its final order to approve the amendments to Zoning [By-law 438-86](#) and Zoning [By-law 569-2013](#) on November 19, 2020.

A minor variance application (A0177/23TEY) was approved with conditions on August 9, 2023, to increase the permitted height from 35 to 38 storeys and increase the total maximum gross floor area.

On March 21, 2024, City Council adopted OPA Amendment 713 (By-law 280-2024) to permit a reduction in the required amount of office replacement in the 38-storey mixed-use building. The decision document can be found here: [By-law 280-2024 \(toronto.ca\)](https://bylaw280-2024.toronto.ca)

THE SITE AND SURROUNDING LANDS

Description

The site is located at the northeast corner of Yonge Street and Soudan Avenue, south of the intersection of Yonge Street and Eglinton Avenue and adjacent to the Eglinton Subway Station. The site has an area of approximately 1,779 square metres, with frontages of 36.7 metres along Yonge Street and 51.1 metres on Soudan Avenue. See Attachment 1 for the Location Map.

Existing Use

The site is currently under construction for the approved 38-storey mixed use building, with a minimum of 4,000 square metres of office uses and expanded permissions for home occupation. Prior to demolition, the site contained an 8-storey office building with retail on the ground floor, with a gross floor area of 8,083 square metres.

Surrounding Uses

North: a mixture of mid and high-rise mixed used buildings, ranging between 2 and 54 storeys.

South: a 28-storey mixed use building, the Art Shoppe, with a 12-storey podium.

East: a 6-storey office building, followed by mid- and high-rise residential developments on the east side of Cowbell lane.

West: Canda Square, comprised of mid- to high-rise office buildings, shopping concourse and Eglinton subway station.

THE APPLICATION

Description

The proposal divides the site into nineteen stratified parcels (Parts 1 – 19) to facilitate any required realignments of the property boundary lines within the portion of the proposed development that is outside of the residential condominium (Parts 20 – 32).

The nineteen stratified parcels consist of commercial parking facilities, retail and office components, and easements for access and servicing.

Retail use is located on the first floor only, while Office use is located on the second to the sixth floor, as well a portion of the first floor. Commercial parking use is located on three levels below-grade.

The retail and office lands are proposed to be subject to an easement (Part 3 on Instrument AT6307178) for the purpose of pedestrian access only, with temporary access for the purpose of construction, maintenance and repair, in support to the City.

See Attachment 2 to this report for illustrations of the Part-Lot Control Exemption Plan.

Additional Information

See Attachment 1 of this Report for the 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.

Reasons for Application

A Part Lot Control Exemption application is required to lift Part Lot Control of the subject lands within a Plan of Subdivision, which would facilitate any required minor realignments of the property boundary lines within the proposed 38-storey mixed-use development site, exclusive of the residential condominium.

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 Urban Structure Map 2 identifies the subject site as Avenues, and designates the subject site as *Mixed Use Areas*. 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 Yonge-Eglinton Secondary Plan identifies the subject site as Mixed Use Areas 'A', which specifies that a broad mix of residential, retail and service, office, institutional, entertainment, and cultural uses are desired and permitted.

Zoning

The subject site is zoned CR 5.0 (c4.0; r3.0) SS2 (253) under Zoning By-law 569-2013, which permits a 38-storey mixed-use building with office, residential, and retail space at-grade.

Plan of Subdivision

The subject lands form part of Registered Plan 653 (Block B). 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 was initially submitted, with Final Site Plan approval issued on April 6, 2023, for the 35-storey mixed-use building. Following a minor variance decision to allow for an additional 3-storeys and Official Plan Amendment 713 to permit a reduction in the required amount of office replacement, a subsequent Site Plan Control Amendment application (24 117253 STE 12 SA) was submitted and Notice of Approval Conditions issued permitting a 38-storey mixed-use building with reduced office replacement requirements. A revised Notice of Approval conditions was issued on January 17, 2025. Final Site Plan Control approval was issued on June 27, 2025. The Executive Director, Development Review has delegated authority for Site Plan Control under Section 415-19 of the Toronto Municipal Code, as amended.

Condominium

On December 20, 2024, the owner applied for Draft Plan of Condominium for the residential portion of the Proposed Development (File Number 24 253170 STE 12 CD). Notice of approval was issued on March 7, 2025.

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 have reviewed the current proposal for consistency with the PPS (2024) and find it 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 lands are within a registered Plan of Subdivision 653 (Block B). The lifting of Part Lot Control on the 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 contains an expiration date. In this case, the By-law should expire two (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. 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.

Staff note that Shared Facilities Agreements, as necessary, will be required to be provided by the owner, along with any requisite certifications, prior to the registration of a Section 118 Restriction on the subject lands.

CONTACT

Shane Taylor, Senior Planner, Community Planning, Tel. No. 416-397-9254, E-mail: Shane.Taylor@toronto.ca

SIGNATURE



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

ATTACHMENTS

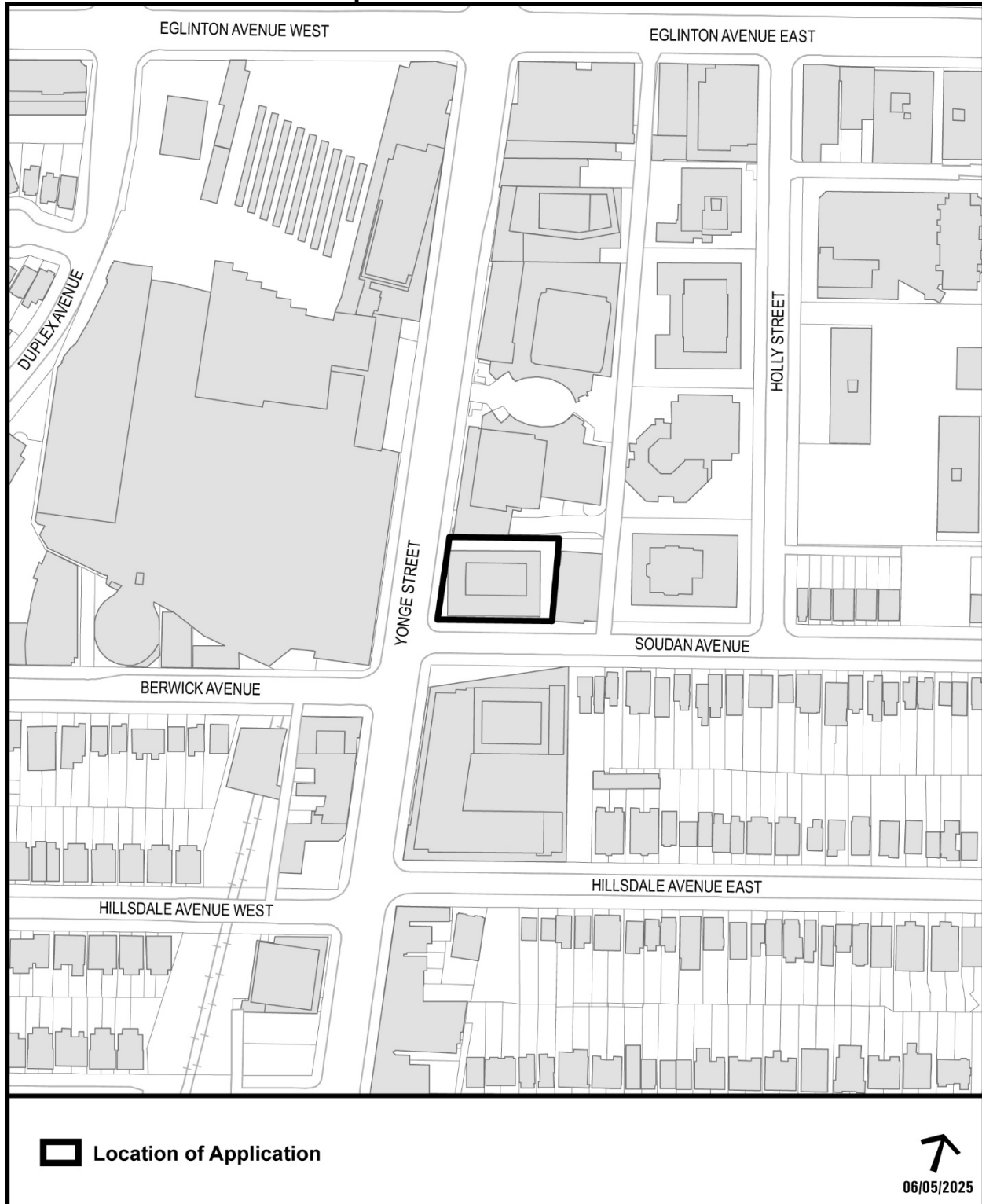
Applicant Drawings and Information Drawings

Attachment 1: Location Map

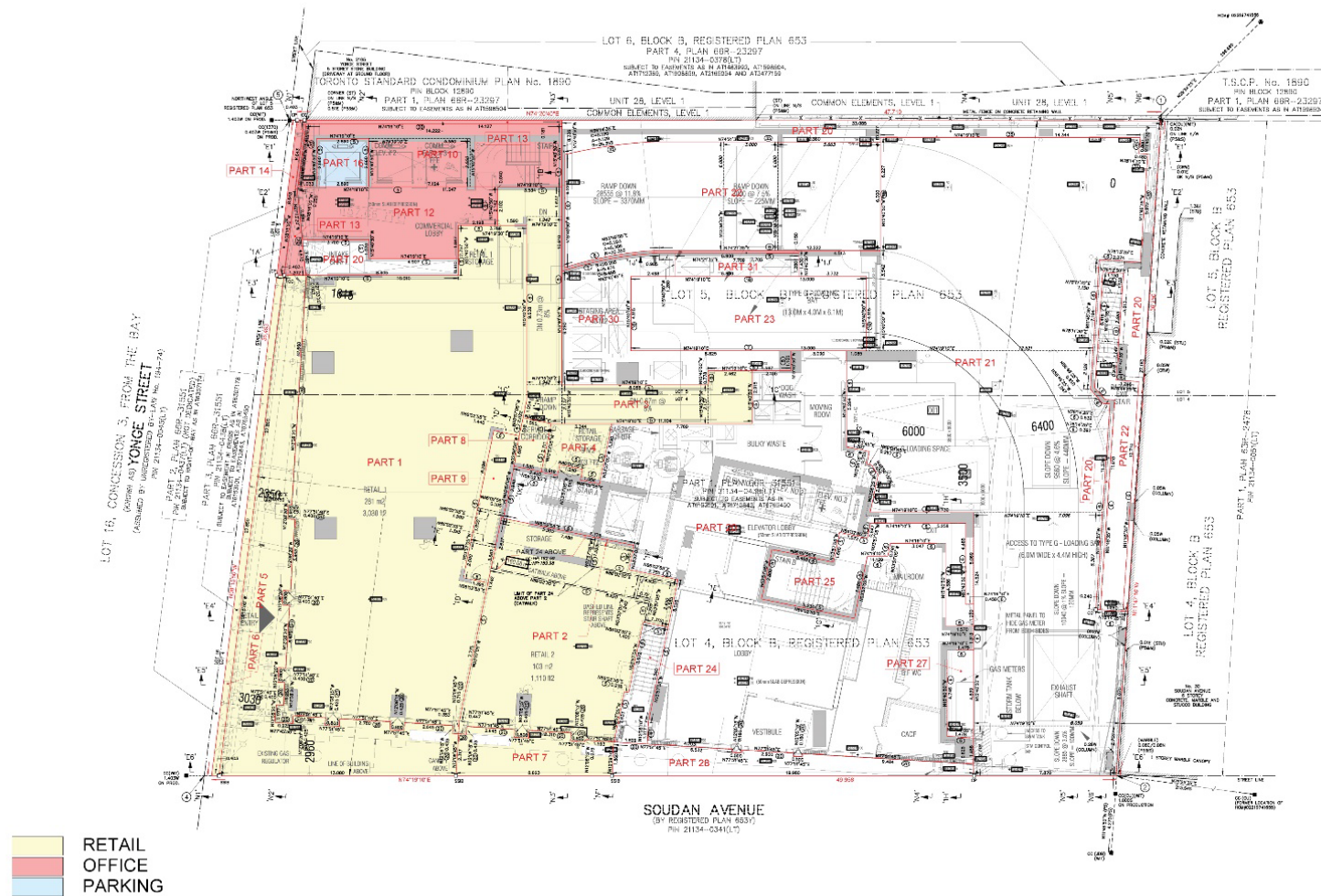
Attachment 2: Draft Part Lot Control Exemption Plans

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

Attachment 1: Location Map



Attachment 2: Draft Part Lot Control Exemption Plan



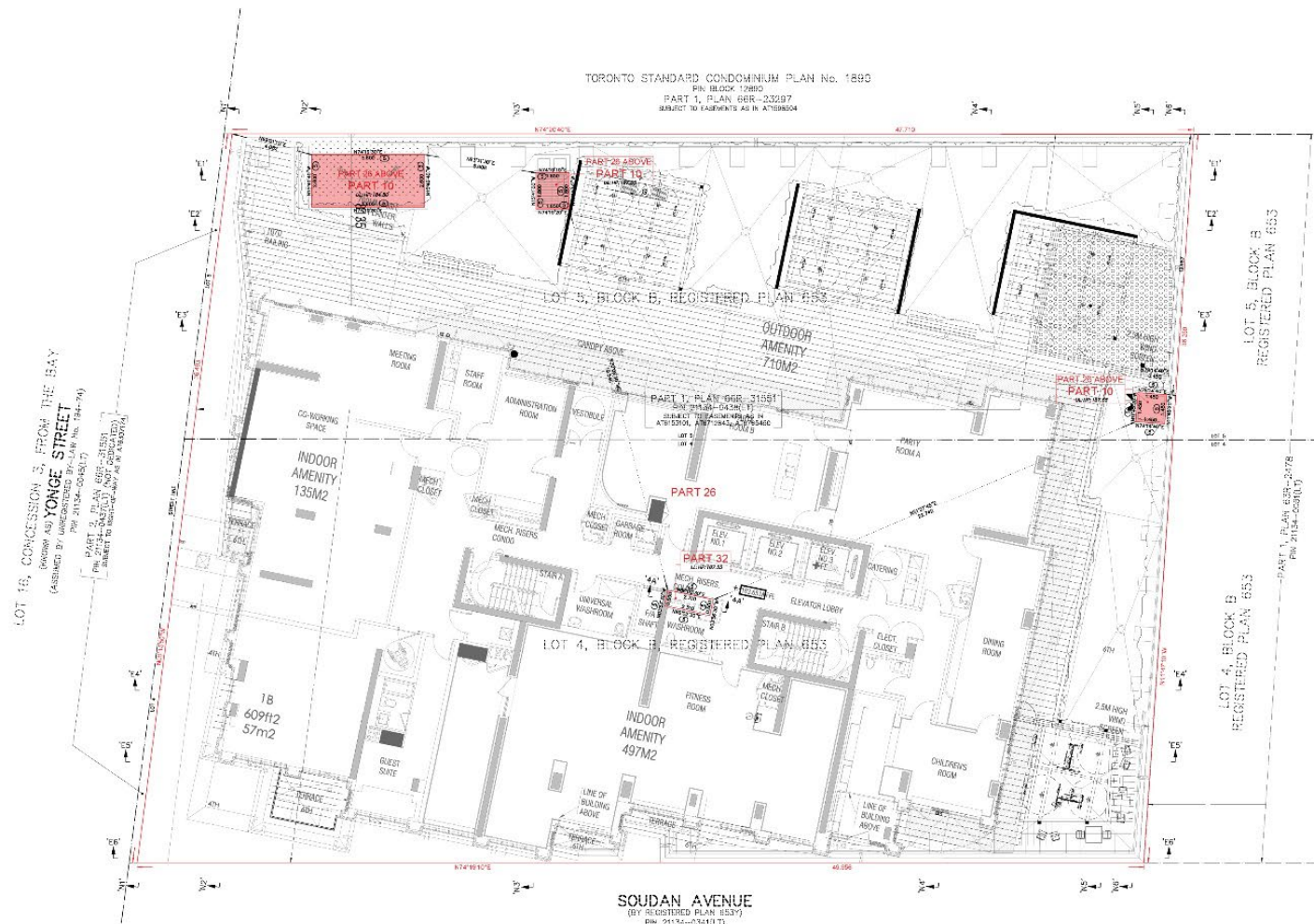
Part Lot Plan





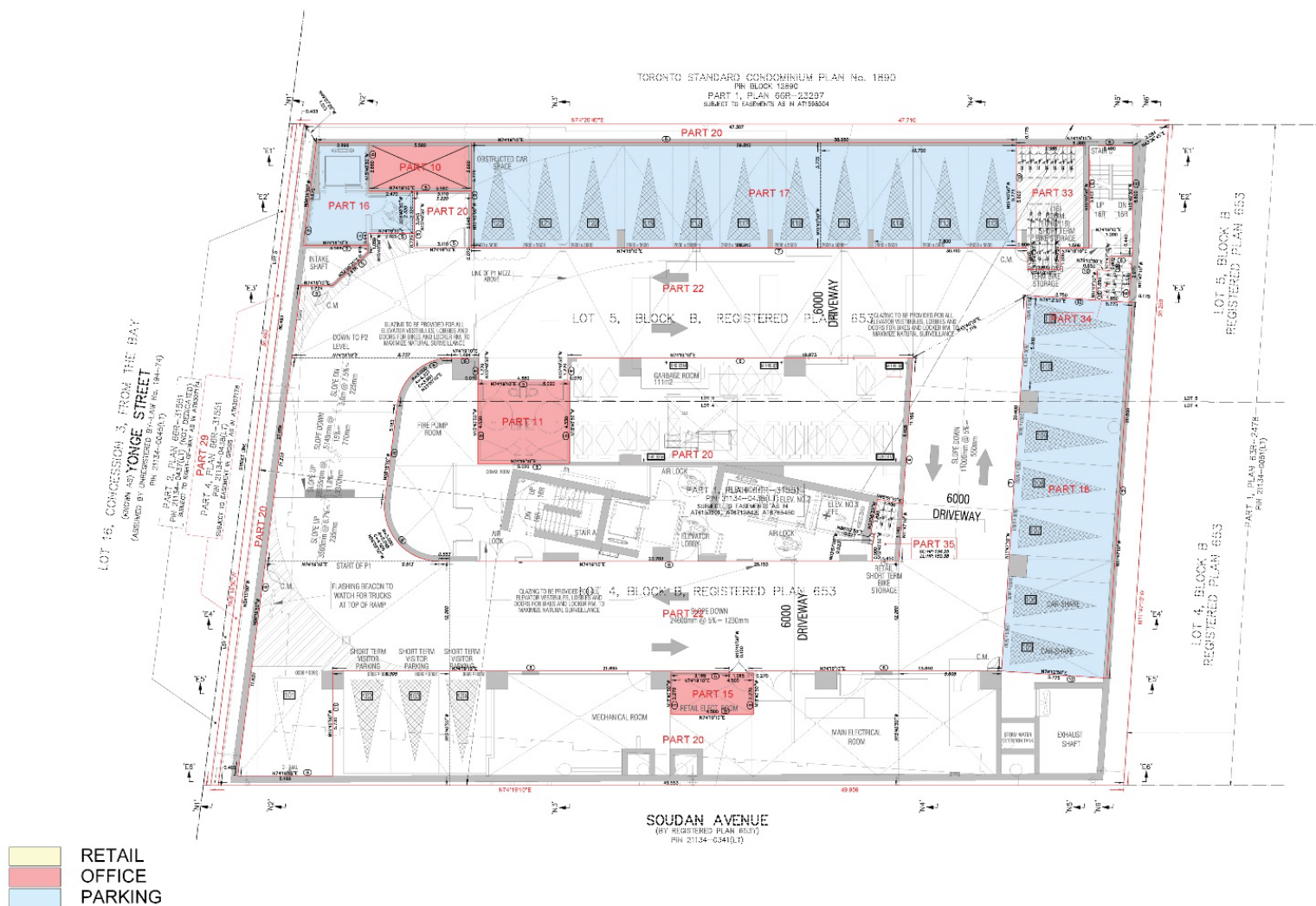
Part Lot Plan





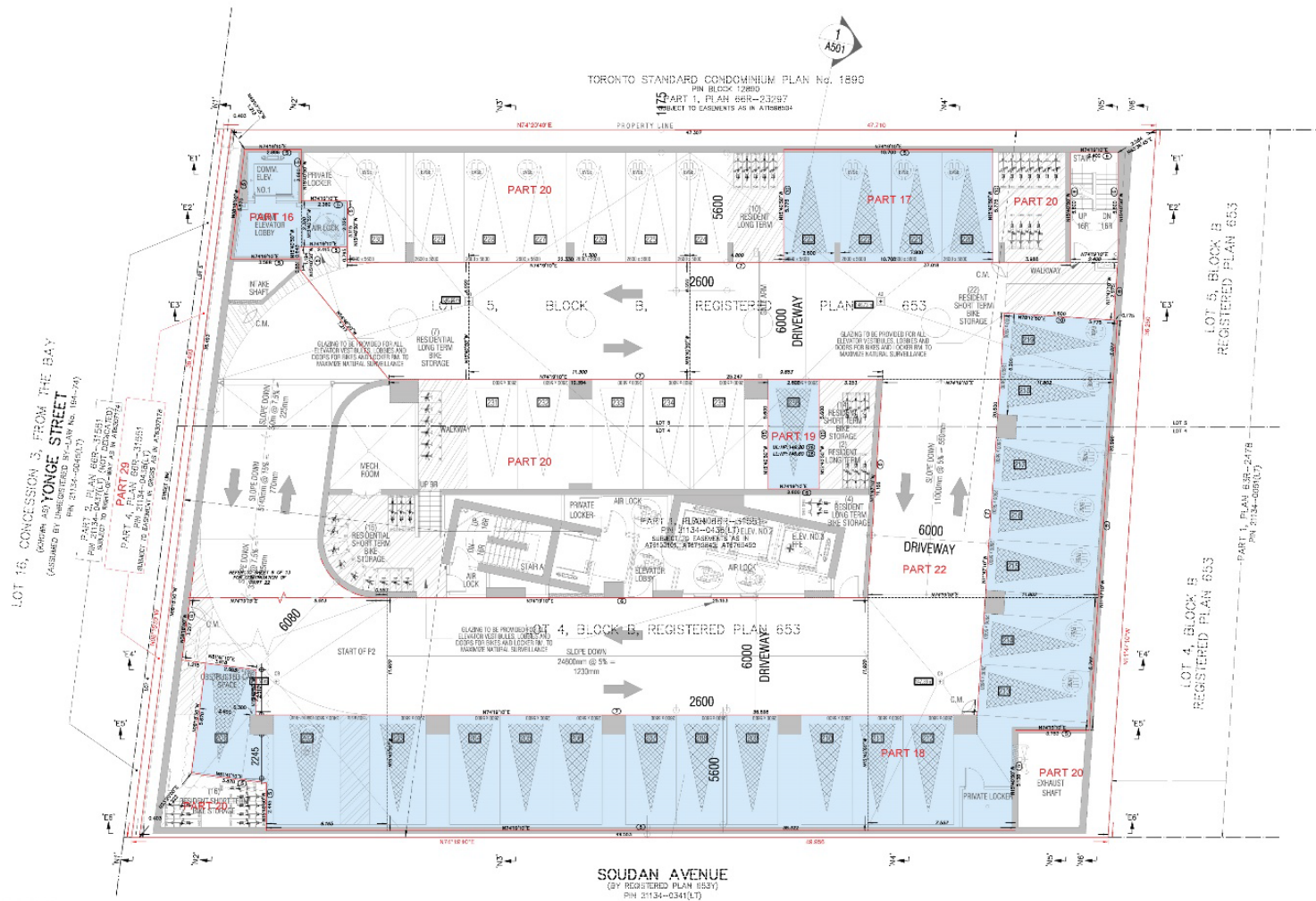
Part Lot Plan





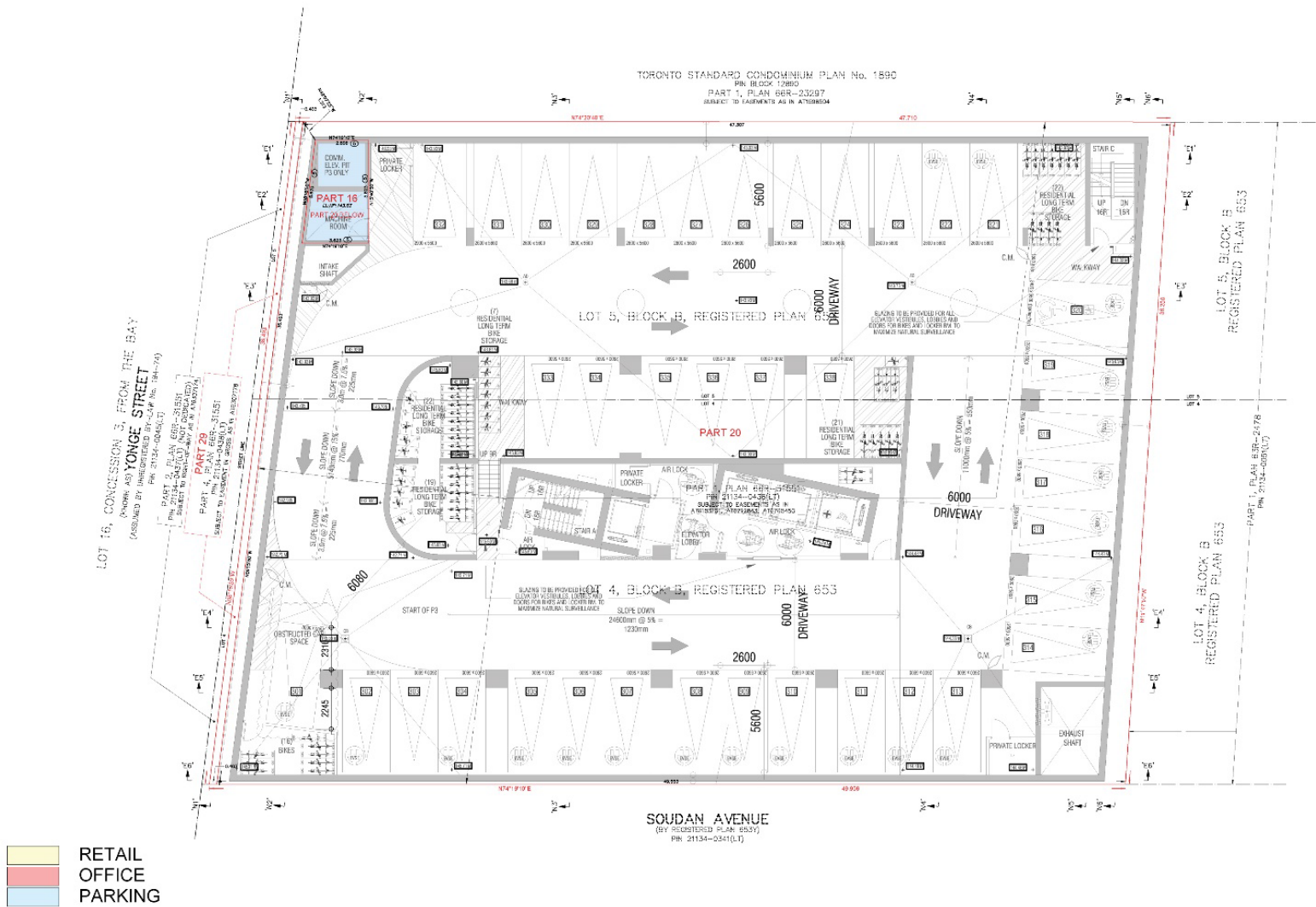
Part Lot Plan





Part Lot Plan





Part Lot Plan



Attachment 3: Draft Part Lot Control Exemption By-law and Schedule “A”

Authority: Toronto and East York Community Council Community Council Item No. _____, as adopted by City of Toronto Council on _____, 2025.

CITY OF TORONTO

Bill _____
By-law _____-2025

To exempt a portion of the lands municipally known as 2161 Yonge Street 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"

Municipal Address:

2161 Yonge Street

Legal Description:

PIN 21134-0438 (LT)

PART LOTS 4 AND 5 BLOCK B PLAN 653 NORTH TORONTO DESIGNATED PARTS 1, 3, 4 PLAN 66R31551; SUBJECT TO AN EASEMENT IN GROSS OVER PARTS 3 AND 4, PLAN 66R31551 AS IN AT6307178; SUBJECT TO AN EASEMENT AS IN AT6153101; SUBJECT TO AN EASEMENT AS IN AT6712843; SUBJECT TO AN EASEMENT AS IN AT6765450; CITY OF TORONTO