



REPORT FOR ACTION

28-32 Evergreen Gardens – Part Lot Control Exemption Application – Decision Report – Approval

Date: December 18, 2025

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 15 - Don Valley West

Planning Application Number: 25 115663 NNY 15 PL

Related Planning Application Numbers: 16 182239 NNY 26 SA and 25 115684 NNY 15 CD

SUMMARY

This Report recommends approval of the application to exempt the lands from the Part Lot Control provisions of the *Planning Act* for the lands municipally known as 28-32 Evergreen Gardens to permit the creation of conveyable lots for five townhouse units.

This application will facilitate the creation of five Parcels of Tied Land (POTLs) for the proposed townhouse units (Parts 2-6), and also Part 1 for a road conveyance to widen the Bayview Avenue right-of-way and Part 7 for a shared swale which extends along the entire width at the rear of the property as shown on Attachment 3.

A related Common Elements Condominium application (File No. 25 115684 NNY 15 CD) has been submitted to create a common element condominium corporation for the shared swale which extends along the entire width at the rear of the property referenced as Part 7 on Attachment 3.

The proposed development is consistent with the Provincial Planning Statement (2024) and conforms to the Official Plan. The lifting of Part Lot Control is appropriate for the orderly development of these lands.

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 28-32 Evergreen Gardens substantially in

accordance with the draft Part Lot Control Exemption By-law included as Attachment # 5, and as generally illustrated on the Part Lot Control Plan on Attachment # 3, 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 by-law, 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

The application to amend the Official Plan and zoning by-law for the subject site (File No. 16 182232 NNY 26 OZ) was considered by City Council at its meeting of January 31, 2017. City Council adopted staff recommendations to refuse the application and the applicant subsequently appealed to the Local Planning Appeal Tribunal (the “LPAT”) (Case No. PL170134). On February 19, 2019, the LPAT approved the site for five townhouses (decision - [PL170134](#)) .

The related Site Plan Control application was approved by the City on March 26, 2024 (16 182239 NNY 26 SA).

THE SITE AND SURROUNDING LANDS

Description

The subject site is located on southwest of Bayview Avenue and Moore Avenue, and on the north side of Evergreen Gardens. See Attachment # 1 for the Location Map.

Surrounding Uses

North: Mid-rise residential building (six storeys)
South: Detached low-rise residential dwellings
East: Commercial Building (2 storeys)
West: Evergreen Gardens Park

THE APPLICATION

Description

This application will facilitate the creation of five Parcels of Tied Land (“POTLs”) for the proposed townhouse units (Parts 2-6), and also Part 1 for a road conveyance to widen the Bayview Avenue right-of-way and Part 7 for a shared swale which extends along the entire width at the rear of the property.

Additional Information

See Attachments # 1 and 4 of this Report for the Location Map and Application Data Sheet. Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre ([Application Information Centre - 28 - 32 EVERGREEN GDNS](#)).

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) (the “PPS”), and shall conform to provincial plans.

Official Plan

Official Plan Land Use Map 17 designates the subject site as *Neighbourhoods*. *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings as well as apartments that are no higher than four storeys. Parks, low scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also permitted in *Neighbourhoods*.

The site is also subject to Site and Area Specific Policy 594 which allows a townhouse building with five (5) residential units with a total gross floor area of 1,730 m².

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.

Zoning

The subject site is zoned Residential Townhouse (RT) (252) under the City of Toronto Zoning By-law 569-2013 as amended, and R2A.40 under East York and Leaside Zoning By-law 6752, as amended. The site-specific zoning designations permit five townhouse dwelling units on the site subject to specific performance standards.

Site Plan Control

A Site Plan Control Application (16 182239 NNY 26 SA) for the site was submitted on June 28, 2016. The Notice of Approval Conditions was issued on November 13, 2023. The Site Plan Agreement between the City of Toronto and the Owner was registered on March 26, 2024, and final Site Plan approval has been granted on March 26, 2024.

COMMENTS

Provincial Planning Statement and Provincial Plans

The PPS encourages intensification and redevelopment in urban areas. The proposed development promotes intensification through a compact urban form and allows for the orderly development of the lands that conforms to the Official Plan. Staff find the proposal consistent with the PPS.

Land Division

The applicant is proposing an application for Part Lot Control Exemption. The Part Lot Control Exemption is to create five POTLs, Parts 2 - 6 to establish the five (5) townhouses and also Part 1 for the right-of-way widening of Bayview Avenue and Part 7 to establish one (1) common element condominium corporation for a shared swale which extends along the entire width at the rear of the property.

A related Common Elements Condominium application (25 115684 NNY 15 CD) has been submitted to create a common element condominium corporation for a shared swale which extends along the entire width at the rear of the property referenced as Attachment 3.

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 lifting of Part Lot Control on the subject lands is considered appropriate for the orderly development of the lands and will facilitate the development as per the site specific zoning by-law.

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 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 POTLs, and the parcels intended for the residential dwellings 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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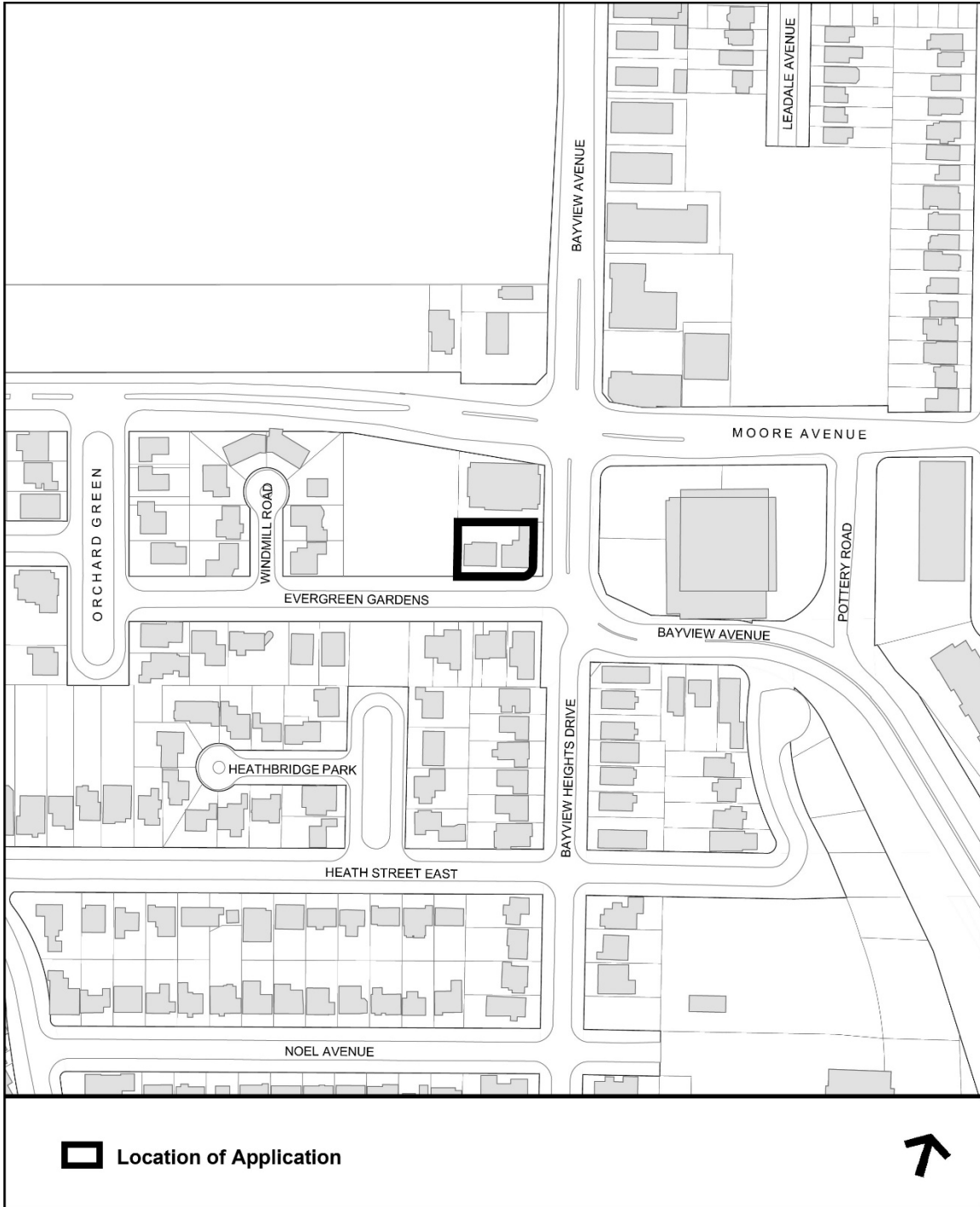
SIGNATURE

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

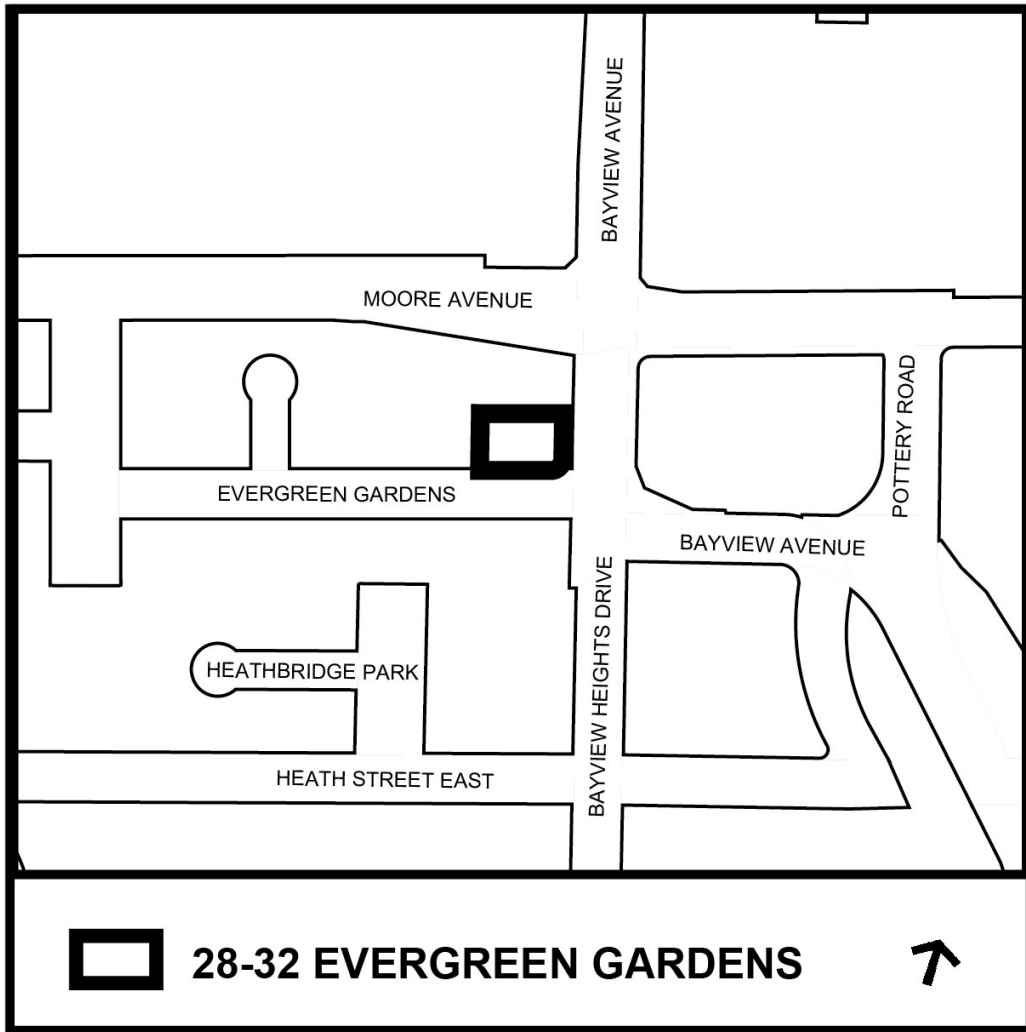
ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Key Map
Attachment 3: Draft Part Lot Control Exemption Plan
Attachment 4: Application Data Sheet
Attachment 5: Draft Part Lot Control Exemption By-law

Attachment 1: Location Map



Attachment 2: Key Map

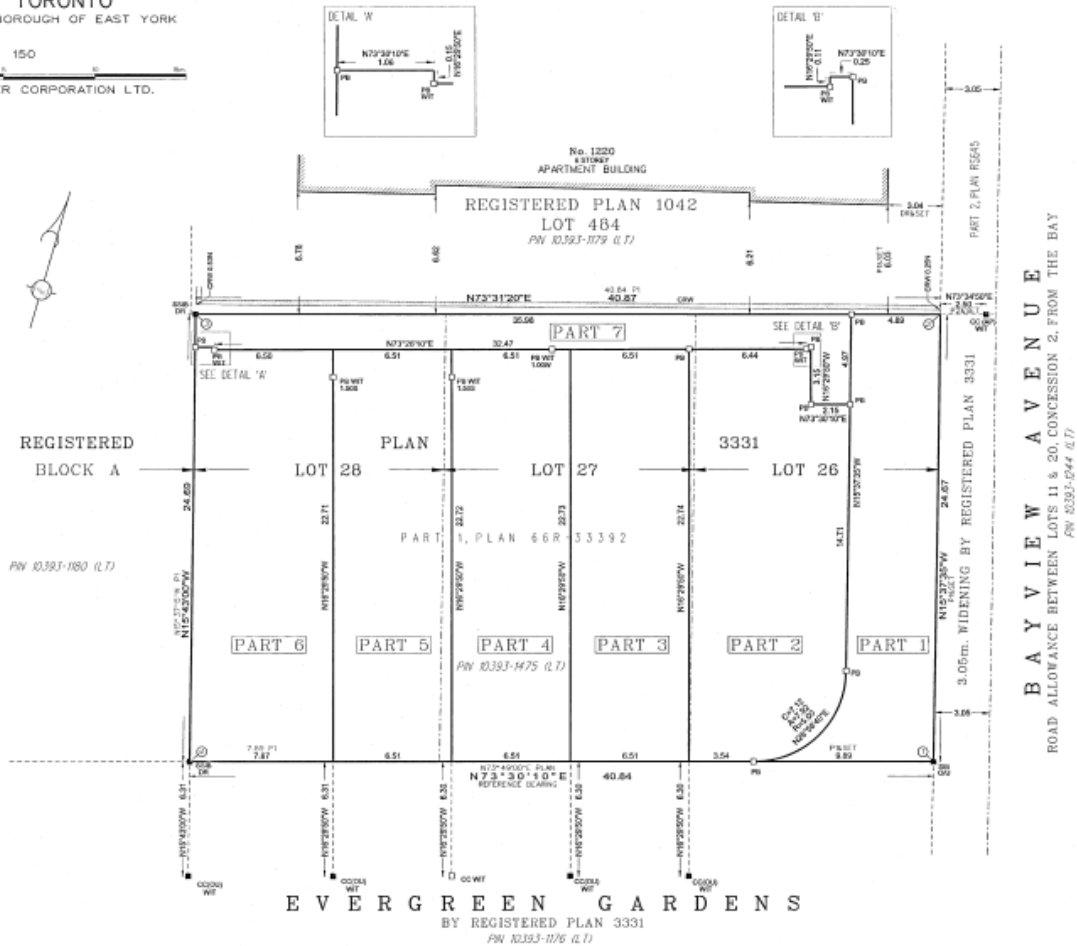


Attachment 3: Draft Part Lot Control Exemption Plan

PLAN OF SURVEY OF
 LOTS 26, 27 & 28
 REGISTERED PLAN 3331
 CITY OF TORONTO
 FORMERLY BOROUGH OF EAST YORK

METRIC DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

SCALE 1 : 150
 AKSAN PILLER CORPORATION LTD.



Part Lot Control Exemption Plan



Attachment 4: Application Data Sheet

Municipal Address: 32 EVERGREEN GDNS **Date Received:** June 28, 2016
Application Number: 25 115663 NNY 15 PL
Application Type: Part Lot Control Exemption
Project Description: Application for Part Lot Control with respect to 7 parts for five townhomes.

Applicant	Agent	Architect	Owner
GOLDBERG GROUP			DINO MAZZOLIN

EXISTING PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	Y
Zoning:	RT (252)	Heritage Designation:	N
Height Limit (m):	8.5	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 1,007 Frontage (m): 41 Depth (m): 25

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	139	0	417	417
Residential GFA (sq m):	457	0	1,633	1,633
Non-Residential GFA (sq m):				
Total GFA (sq m):	457	0	1,633	1,633
Height - Storeys:	2	0	3	3
Height - Metres:			10	10
Lot Coverage Ratio (%):	41.37		Floor Space Index:	1.62

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	1,633	
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:	2	0	5	5
Condominium:				
Other:				
Total Units:	2	0	5	5

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:					5
Total Units:					5

Parking and Loading

Parking Spaces: 5 Bicycle Parking Spaces: 0 Loading Docks: 0

CONTACT:

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Attachment 5: Draft Part Lot Control Exemption By-Law (and Schedule A)

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 28-32 Evergreen Gardens, 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, _____, 2026.

Frances Nunziata, John Elvidge
Speaker City Clerk

(Seal of the City

)Schedule “A”

Municipal Address:

28-32 Evergreen Gardens

Legal Description:

PLAN 3331 PT LOT 26 PT LOT 27