

Authority: Scarborough Community Council Item SC33.7, adopted as amended, by City of Toronto Council on July 19 and 20, 2022

## CITY OF TORONTO

**Bill 798**

**BY-LAW -2022**

**To amend the General Zoning By-law 569-2013 of the City of Toronto, as amended, with respect to the lands municipally known in the year 2022 as 65, 75, 85, 87, 89, 91, 93, 95, 97 and 99 Silver Springs Boulevard.**

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended, to pass this By-law;

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development;

Whereas pursuant to Section 37 of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c.18 came into force, a by-law under Section 34 of the Planning Act may authorize increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c.18 came into force, provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto; and

Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters and to enter into an agreement prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of same;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by the heavy back lines on Diagram 1, attached to this By-law.

2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands subject to this By-law from a zone label of RAC (u430)(x76) to RAC (x76), as shown on Diagram 2, attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.8.10 Exception Number RAC 76 so that it reads:

**(76) Exception RAC 76**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 65, 75, 85, 87, 89, 91, 93, 95, 97 and 99 Silver Springs Boulevard, as shown on Diagram 1 of By-law [Clerks to insert By-law ##], if the requirements of By-law [Clerks to insert By-law ##] are complied with, a **building, or structure**, may be constructed, used or enlarged in compliance with (B) to (W) below.
- (B) The **buildings** identified as Building A and Building B are as shown on Diagram 4 attached to By-law [Clerks to insert number].
- (C) Building A and Building B are the **apartment buildings** municipally known as 65, 75 and 85 Silver Springs Boulevard, and **ancillary structures**, including an underground **parking garage** and garage entry ramp located on the **lot** as of the date of passing By-law [Clerks to supply by-law #], as shown on Diagram 3 of By-law [Clerks to supply by-law #], subject to internal alterations, additions and modifications;
- (D) “East Parcel” means the lands on the east side of New Street A, and “West Parcel” means the lands on the west side of New Street A, as shown on Diagram 4 of By-law [Clerks to supply by-law #];
- (E) The total **gross floor area** located within Building A and Building B must not exceed 49,000 square metres;
- (F) The permitted maximum **gross floor area** of buildings, excluding Building A and Building B, is 48,000 square metres;

- (G) Despite Regulation 15.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 185.0 metres and the elevation of the highest point of the **building** or **structure**;
- (H) Despite Regulation 15.5.50.10(1), a minimum of 50% of the area of the **lot** must be used for **landscaping**, of which a minimum of 25% must be for **soft landscaping**;
- (I) Despite Regulation 15.20.30.40(1), the permitted maximum **lot coverage**, as a percentage of the **lot area**, is 45%;
- (J) Despite Regulation 15.20.40.10(1), the permitted maximum height of a **building** or **structure** is the number following the HT symbol in metres as shown on Diagram 3 of By-law [**Clerks to supply by-law #**];
- (K) Despite Regulations 15.5.40.10(2), (3), (4), (5) and (6) and (J) above, the following equipment and **structures** may project beyond the permitted maximum height of a **building**:
- (i) **Structures** on any roof used for chimneys, vents, stacks, mechanical fans, cooling towers, roof assemblies, maintenance, safety, wind or **green roof** purposes, including architectural screens, stairs and related enclosures, lightning rods, trellises, pergolas, wind screens and light stands may project above the height limits to a maximum of 3.0 metres;
  - (ii) **Structures** on any roof used for mechanical equipment, elevators and related structural elements may project above the height limits to a maximum of 5.0 metres;
- (L) The height of Building A and Building B must not exceed the height of such buildings as it existed as of the date of passing By-law [**Clerks to supply by-law #**];
- (M) Despite Regulation 15.20.40.50(1), **amenity space** must be provided at a minimum rate of 4.0 square metres for each **dwelling unit**, excluding **dwelling units** in Building A and Building B, of which:
- (i) at least 2.0 square metres per **dwelling unit** is provided as indoor **amenity space**;
  - (ii) at least 40 square metres must be provided in a location directly accessible from an area containing indoor **amenity space**;
  - (iii) no more than 25% of the outdoor component may be a **green roof**; and
  - (iv) the **amenity space** required in (M)(i) and (ii) above may be provided collectively in any **buildings** on the **lot** excluding Building A and Building B;

- (N) Regulation 15.20.40.50(1) does not apply to Building A or Building B;
- (O) Despite Regulations 15.20.40.70(1), (2), (3) and (4), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law [Clerks to supply by-law #];
- (P) Despite regulation 15.20.40.80(1) and (2), the required separation distances of **main walls** are shown in metres on Diagram 3 of By-law [Clerks to supply by-law #];
- (Q) Despite Clause 15.5.40.60 and Regulation (O) and (P) above, the following elements may encroach into the required **building setbacks** and **main wall** separation distances as follows:
- (i) Architectural features, awnings, balconies, canopies, chimneys, cornices, eaves, gas or hydro metres, **green roof, structures** and elements associated with green energy and renewable energy, ornamental elements, wind mitigation elements, window sills, window washing equipment to a maximum extent of 2.0 metres; and
  - (ii) Air intakes, bicycle racks, bike share facilities, bollards, elevator enclosures and overruns, fences, guardrails, landscape and art features, lighting fixtures, outdoor **amenity space** elements, parapets, pipes, planters, platforms, safety railings, retaining walls, privacy screens, stacks, stairs, stair enclosures, terraces, trellises, underground garage ramps and their associated **structures**, vents, ventilating equipment, walkways, wheel chair ramps;
- (R) Despite Regulation 200.5.10.1(1) **parking spaces** must be provided in accordance with the following:
- (i) A minimum 0.67 residential occupant **parking spaces** for each **dwelling unit**; and
  - (ii) A minimum of 0.10 residential visitor **parking spaces** for each **dwelling unit** .
- (S) Despite Regulation 200.5.10.1(1), "car-share parking spaces" may replace **parking spaces** otherwise required for residential occupants, subject to the following:
- (i) a reduction of 4 resident occupant **parking spaces** will be permitted for each "car-share parking space" provided and that the maximum reduction permitted be capped by the application of the following formula:
    - a. 4 multiplied by (total number of **dwelling units** divided by 60), rounded down to the nearest whole number;

- (ii) for the purpose of this exception, "car-share" means the practice whereby a number of people share the use of one or more motor **vehicles** and such "car-share" motor **vehicles** are made available to at least the occupants of the **building** for short-term rental, including hourly rental; and
- (iii) for the purpose of this exception, "car-share parking space" means a **parking space** exclusively reserved and signed for a **vehicle** used only for "car-share" purposes;
- (T) Despite Regulation 220.5.10.1(2), **loading spaces** must be provided as follows:
  - (i) a minimum of one Type "G" **loading space** and one Type "C" **loading space** is required on the West Parcel; and
  - (U) a minimum of one Type "G" loading space is required on the East Parcel;
  - (V) Despite any provision of this Exception any **parking spaces, drive aisles, driveways** and ramps existing on the **lot**, as of the date of passing By-law [**Clerks to supply by-law #**] may be maintained and are deemed to comply with the requirements of By-law 569-2013.
  - (W) Regulation 230.5.10.1(5), with respect to **bicycle parking spaces**, does not apply to **dwelling units in** Building A and Building B; and
  - (X) Despite Regulation 230.5.10(4), any **bicycle parking spaces** existing or relocated on the **lot** as of the date of passing By-law [**Clerks to supply by-law #**] **may be maintained** are deemed to comply with the requirements of By-law 569-2013.

Prevailing By-laws and Prevailing Sections: (None Apply)

- 5. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.
- 6. Section 37 Provisions:
  - (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 attached to this by-law in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A attached to this by-law and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
  - (B) Where Schedule A attached to this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and

- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on July , 2022.

Frances Nunziata,  
Speaker

John D. Elvidge,  
City Clerk

(Seal of the City)

**SCHEDULE A**  
**Section 37 Provisions**

Prior to the issuance of any Building Permit, the owner shall enter into an agreement to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure the community benefits and matters of legal convenience as set out below.

1. Prior to the issuance of the first above-grade building permit for the proposed development, the owner shall make an indexed cash contribution of one million and five-hundred thousand dollars (\$1,500,000.00) payable to the City of Toronto to be allocated towards the construction of an outdoor amphitheatre in Ward 22.
2. The financial contribution above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto from the date of execution of the Section 37 Agreement to the date of payment;
3. In the event the cash contribution referred to above has not been used for the intended purpose within three (3) years of the Zoning By-law Amendments coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the local Ward Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands;
4. The owner shall provide and maintain nine (9) new affordable rental dwelling units on the lands at 65-99 Silver Springs Boulevard for a minimum period of ninety-nine (99) years beginning from the date that each such unit is first occupied, in accordance with the following:
  - a. At least three (3) of the new affordable rental dwelling units shall be two-bedroom rental units with an average unit size that is no less than the average unit size of a non-affordable, non-replacement two-bedroom dwelling unit within the development;
  - b. At least six (6) of the new affordable rental dwelling units shall be one-bedroom rental units with an average unit size that is no less than the average unit size of a non-affordable, non-replacement one-bedroom dwelling unit within the development;
  - c. The nine (9) new affordable rental dwelling units shall be provided in a vertically and/or horizontally contiguous grouping within the development;

- d. The location and layouts of the new affordable rental dwelling units within the development shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;
- e. The owner shall provide and maintain all nine (9) new affordable rental dwelling units as secured rental housing at affordable rents, as currently defined in the Official Plan, for a minimum period of ninety-nine (99) years beginning from the date that each such unit is first occupied. During such ninety-nine (99) year period, the rent (inclusive of utilities) charged to any tenant of a new affordable rental dwelling unit shall not exceed one (1) times the average rent for the same bedroom type in the City of Toronto, as reported by the Canada Mortgage and Housing Corporation in its most recent Rental Market Survey, and no application shall be made to demolish any affordable rental dwelling unit or to convert any affordable rental dwelling unit to a non-residential rental purpose;
- f. Notwithstanding 4(e) above, after the first year of occupancy of an affordable rental dwelling unit, the rent (inclusive of utilities) charged to any first tenant or new tenant of a new affordable rental dwelling unit may be escalated annually by not more than the annual provincial rent guideline, irrespective of whether such guideline is applicable to the unit under the *Residential Tenancies Act, 2006* or any successor legislation governing residential tenancies in Ontario, until the tenancy ends;
- g. The City's Centralized Affordable Housing Access System shall be used to advertise and select tenants for the new affordable rental dwelling units, provided such system is operational as of the date of first occupancy of the new affordable rental dwelling units. In addition, at least six (6) months in advance of any new affordable rental dwelling unit being made available for rent, the owner shall develop and implement a Tenant Access Plan in consultation with, and to the satisfaction of, the Executive Director, Housing Secretariat to ensure the affordable rental dwelling units are rented to eligible households;
- h. The nine (9) new affordable rental dwelling units shall be made ready and available for occupancy no later than the date by which seventy percent (70%) of the new dwelling units, exclusive of the replacement rental units, erected on the lands are available and ready for occupancy;
- i. The owner shall provide all tenants of the affordable rental dwelling units with access to, and use of, all indoor and outdoor amenities in the development at no extra charge and on the same terms and conditions as any other resident of the building without the need to pre-book or pay a fee, unless specifically required as a customary practice for private bookings; and



- j. The owner shall provide all tenants of the affordable rental dwelling units with laundry facilities at no charge and on the same basis as other residents of the development.
5. As a legal convenience to support the development:
- a. Prior to first occupancy of any new dwelling unit in the proposed development, the owner shall not apply for approval of a description in accordance with the *Condominium Act* with respect to any new dwelling unit or register any new dwelling unit under the *Condominium Act* or any other form of ownership tenure, such as life-lease or co-ownership as defined in Chapter 667 of the Toronto Municipal Code, that provides a right to exclusive possession of a dwelling unit.
  - b. The owner shall continue to provide and maintain the existing three hundred and seventy-four (374) rental dwelling units at 65 and 75-85 Silver Springs Boulevard as rental housing, together with the new and retained associated facilities and amenities of the residential rental property, for a period of at least twenty (20) years commencing from the date the Zoning By-law Amendments come into force and effect, with no application for demolition or conversion to condominium ownership or from residential rental use during such twenty (20) year period, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
  - c. The owner shall provide tenants of all existing three hundred and seventy-four (374) rental dwelling units at 65 and 75-85 Silver Springs Boulevard with access to, and use of, all indoor and outdoor amenities in the proposed development at no extra charge, and on the same terms and conditions as any other resident of the development, without the need to pre-book or pay a fee unless specifically required as a customary practice for private bookings.
  - d. The owner shall provide, at its sole expense and at no cost to tenants, improvements to the existing rental housing at 65 and 75-85 Silver Springs Boulevard, taking into account feedback obtained through a tenant survey, as follows:
6. Prior to the issuance of Notice of Approval Conditions for site plan approval:
- a. The owner shall retain a qualified accessibility consultant to complete an accessibility audit of indoor and outdoor common areas of the existing rental buildings at 65 and 75-85 Silver Springs Boulevard with reference to the Ontario Building Code and the Design of Public Spaces Standard (DoPS) for the purposes of identifying any existing accessibility barriers within, and prospective accessibility improvements to, the existing rental housing. A copy of the final report prepared by the accessibility consultant

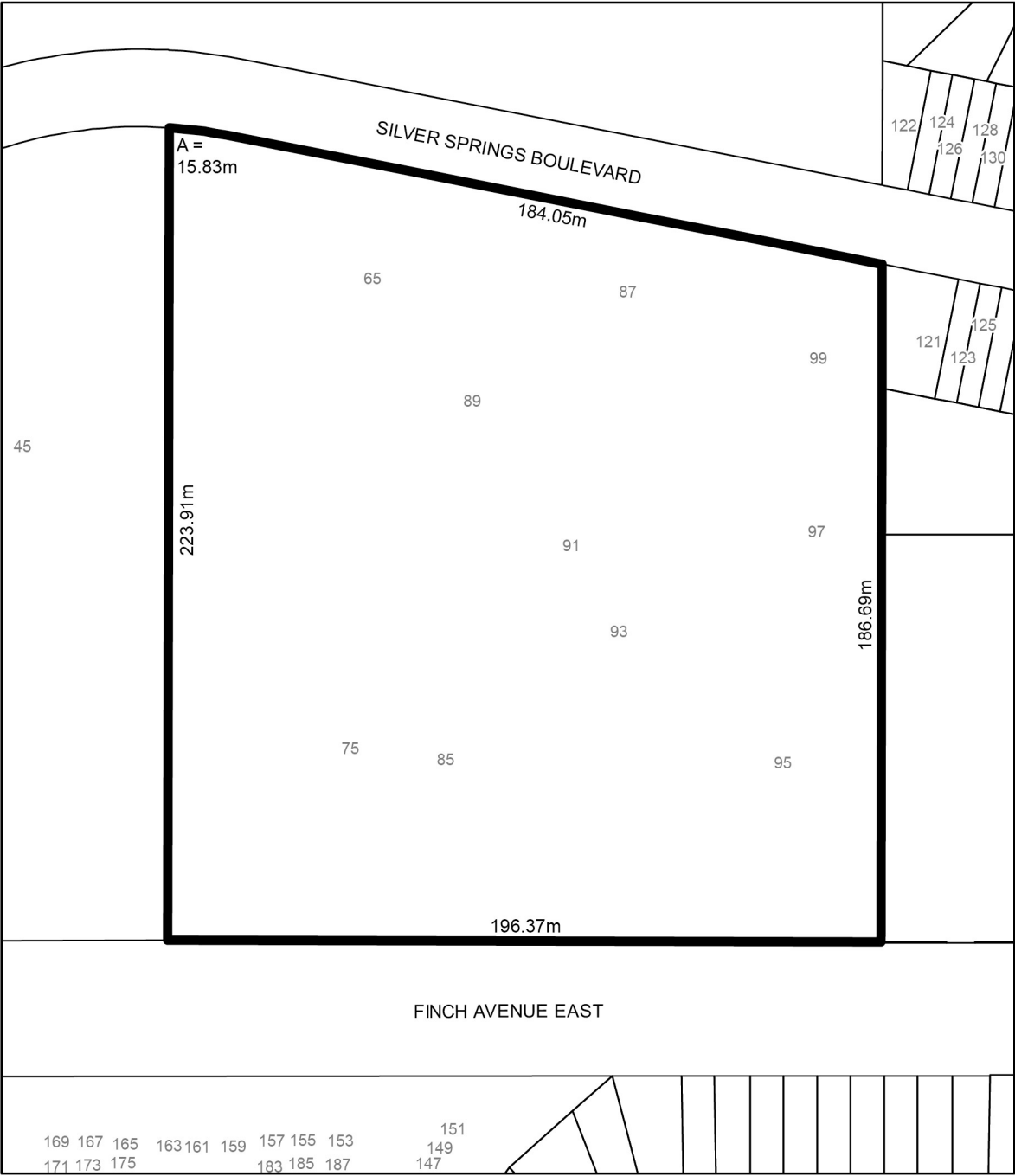
summarizing the findings of the accessibility audit (the "Accessibility Audit Report") shall be submitted to the City Planning Division; and

- b. The owner shall submit to the City a Construction Mitigation Strategy and Tenant Communication Plan to mitigate the impacts of construction of the development on tenants of the existing rental buildings at 65 and 75-85 Silver Springs Boulevard, to the satisfaction of the Chief Planner and Executive Director, City Planning.
7. Prior to the issuance of the first above-grade building permit for the development:
- a. The owner shall provide the City with a Letter of Credit having a maximum value of five hundred thousand dollars (\$500,000) to secure the provision of accessibility improvements recommended by the Accessibility Audit Report required in 6(a) above. For clarity, if the total construction value of the accessibility improvements recommended by the Accessibility Audit Report is less than five hundred thousand dollars (\$500,000), as demonstrated by one or more quotations provided by a qualified contractor, then such lower construction value shall determine the value of the Letter of Credit provided to the City and the owner shall undertake all improvements recommended by the Accessibility Audit Report. If the total construction value of the accessibility improvements recommended by the Accessibility Audit Report exceeds five hundred thousand dollars (\$500,000), then the owner shall undertake selected accessibility improvements having a total construction value of not more than five-hundred thousand dollars (\$500,000), which shall be the value of the Letter of Credit provided to the City, and the selection of such improvements shall be made in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning;
  - b. The owner shall construct a new gymnasium and provide new gymnasium equipment on the main floor of the existing rental building at 65 Silver Springs Boulevard, as generally illustrated in the Interior Design Drawings prepared by Syllable Design and dated March 10, 2021. Any revision to these drawings shall be to the satisfaction of the Chief Planner and Executive Director, City Planning; and
  - c. The owner shall undertake improvements to each of the existing laundry rooms in the existing rental buildings at 65 and 75-85 Silver Springs Boulevard, including the provision of a television and seating area, new folding tables, additional regular-sized laundry machines, and one or more over-sized laundry machines per laundry room. The location, layout, and specifications of the laundry room improvements shall be developed and approved through the site plan review process, to the satisfaction of the Chief Planner and Executive Director, City Planning.
8. Prior to occupancy of any new residential units:

- a. The owner shall complete the accessibility improvements recommended by the Accessibility Audit Report 6(a) above and secured by the Letter of Credit required in 7(a) above to the satisfaction of the Chief Planner and Executive Director, City Planning;
- b. The owner shall provide a new outdoor barbeque and seating area within a reasonable and accessible vicinity of the entrance of at least one of the existing rental buildings at 65 and 75-85 Silver Springs Boulevard. The location, layout, and specifications of the new outdoor barbeque and seating area shall be developed and approved through the site plan review process, to the satisfaction of the Chief Planner and Executive Director, City Planning; and
- c. The costs associated with the provision and maintenance of the rental housing improvements and Construction Mitigation Strategy and Tenant Communication Plan shall not be passed on to tenants of the existing rental buildings at 65 and 75-85 Silver Springs Boulevard in any form. For clarity, the owner shall agree to not apply to the Landlord and Tenant Board, or any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario, for an above-guideline increase in rent to recover expenses incurred in completing the rental housing improvements set out above.
- d. The Owner shall submit a revised Hydrogeological Report and updates to the Functional Servicing Report, including all related drawings, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services which addresses matters as set out in the Engineering and Construction Services memorandum dated April 25, 2022.
- e. The owner shall enter into a financially-secured development agreement for the construction of any improvements to the municipal infrastructure, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, if it is determined that upgrades are required to the infrastructure to support this development, according to the accepted Hydrogeological Report and accepted Functional Servicing Report referenced in 8(d) above.
- g. The owner shall implement the recommendations of the Traffic Management Plan dated March 10, 2022, including two (2) car-share spaces, publicly-accessible bicycle repair stations, and bike share expansion funding through the site plan approval including appropriate conditions to be included in the Site Plan Agreement.
- h. The owner shall design, fund, and construct the relocation of the intersection of Finch Avenue East and the new public street, the cost of which will be secured as part of the Draft Plan of Subdivision.

- i. The owner shall enter into a financially secured development agreement and will be responsible to construct the relocation of the existing traffic control signal to the intersection of Finch Avenue East and the new public street at no cost to the City.
- j. The owner shall enter into a financially secured development agreement to cover the cost of the installation of the all-way stop control at the intersection of Silver Springs Blvd and new public street and will be responsible for the removal of the existing pedestrian crossover located to the east of the proposed intersection, at no cost to the City.
- k. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council from time to time, to the satisfaction of the Chief Planner and Executive Director, City Planning. The owner will be encouraged to achieve Tier 2, Toronto Green Standard or higher, where appropriate, and consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.
- l. The owner shall satisfy applicable signage requirements of the Toronto District School Board and the Toronto Catholic District School Board and shall insert warning clauses in purchase and sale/tenancy agreements as required in connection with student accommodation.

Diagram 1

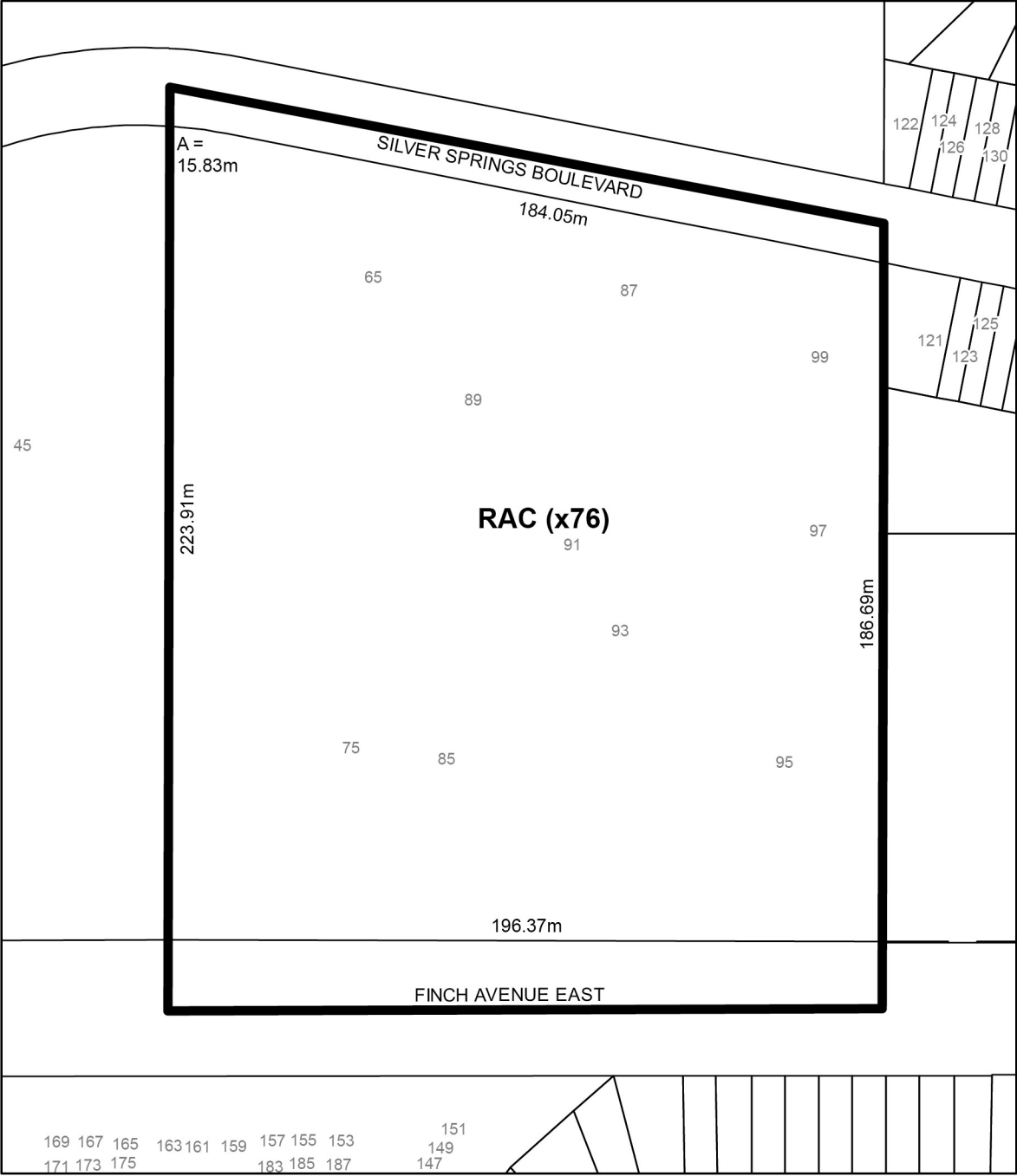


 **TORONTO**  
Diagram 1

**65-99 Silver Springs Boulevard**

File # 20 164697 ESC 22 OZ, 20 164705 ECS 22 SB

Diagram 2

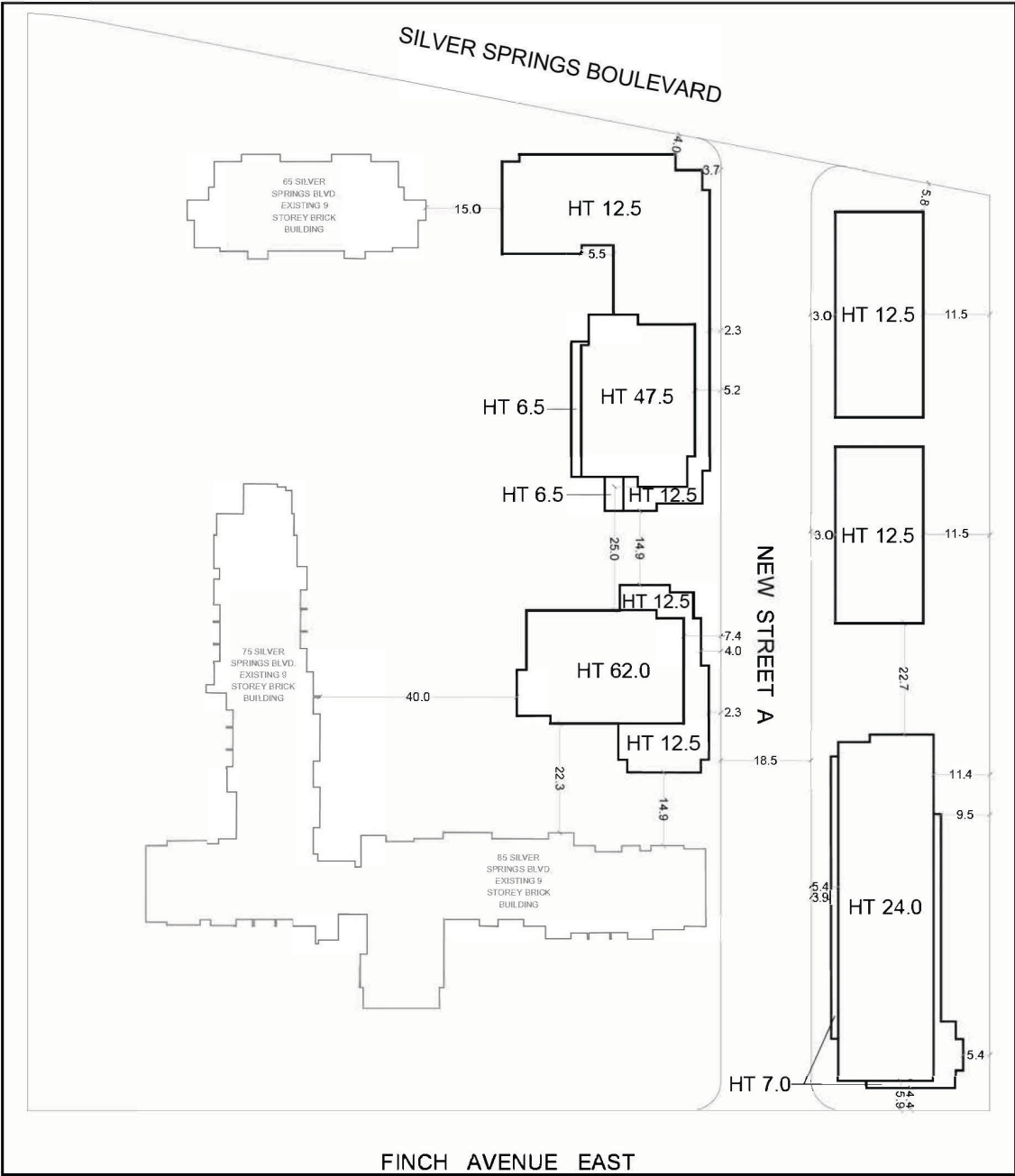


 **TORONTO**  
Diagram 2

**65-99 Silver Springs Boulevard**

File # 20 164697 ESC 22 OZ, 20 164705 ECS 22 SB

Diagram 3



65-99 Silver Springs Boulevard

File # 20 164697 ESC 22 OZ, 20 164705 ECS 22 SB

Diagram 4

