

Authority: Toronto Community Council Report No. 4, Clause No. 3,
as adopted by City of Toronto Council on March 2, 3 and 4, 1999
Enacted by Council: June 8, 2000

CITY OF TORONTO

BY-LAW No. 357-2000

**To adopt an amendment to the Official Plan for the former City of Toronto respecting lands
known as Nos. 195 and 253 Merton Street.**

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The text and map annexed hereto as Schedule "A" are hereby adopted as an amendment to the Official Plan for the former City of Toronto.
2. This is Official Plan Amendment No. 140.

ENACTED AND PASSED this 8th day of June, A.D. 2000.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)

SCHEDULE "A"

1. Section 18 of the Official Plan for the former City of Toronto is hereby amended by adding as Section 18.490 the following text and map:

"18.490 Lands known as Nos. 195 and 253 Merton Street

Notwithstanding the provisions of the Official Plan for the City of Toronto, Council may pass by-laws respecting the *lot* shown delineated by heavy lines on Map 18.490 to permit the erection and use of three apartment buildings provided:

- (1) the total *residential gross floor area* of all buildings does not exceed 32 103 square metres;
- (2) each building contains not more than 125 dwelling units;
- (3) the owners of the *lot* are required by by-law to:
 - (a) pay to the City of Toronto \$473,000.00, being the park contribution prior to the issuance of the first building permit;
 - (b) provide details of the park improvements in accordance with the requirements of the Commissioner of Economic Development, Culture and Tourism;
 - (c) ensure that the City has permanent access over a 4.7 metre wide right-of-way next to the easterly *lot* line to allow a public walkway connection between Merton Street and the Beltline park;
 - (d) repair, replace and maintain the retaining wall within the right-of-way;
 - (e) provide a letter of credit satisfactory to the City, prior to the issuance of the first building permit, to cover the costs of implementing the Environmental Remediation Plan and Program and Basic Park Construction;
 - (f) pay for improvements to the public sidewalk and boulevard including paving materials and tree planting;
 - (g) provide space within the development for the construction of transformer vaults, Hydro, Bell and sewer maintenance holes required in connection with the development;

- (h) provide, maintain and operate the development in accordance with the Noise Impact Statement approved by the Commissioner of Works and Emergency Services;
- (i) have a qualified architect/acoustical consultant certify in writing to the Commissioner of Works and Emergency Services that the development has been designed and constructed in accordance with the Noise Impact Statement Approved by the Commissioner of Works and Emergency Services;
- (j) conduct a detailed historical review of the *lot* to identify all existing and past, on-site and surrounding land uses which could result in negative environmental effects to the subject site, such report to be submitted for approval of the Medical Officer of Health prior to the issuance of a building permit;
- (k) conduct a site and building audit for the identification of all hazardous materials on the *lot*, such report to be submitted for approval of the Medical Officer of Health. The removal of all these materials to be conducted in accordance with Ministry of Labour and the Ministry of Environment and Energy guidelines;
- (l) conduct a soil and groundwater testing program and produce a Soil and Groundwater Management Plan which characterizes soil conditions and proposes remediation options which are satisfactory to the Medical Officer of Health;
- (m) implement, under the supervision of an on-site qualified consultant, the Soil and Groundwater Management Plan as stipulated in the report approved by the Medical Officer of Health and upon completion submit a report from the on-site environmental consultant, to the Medical Officer of Health, and certifying that the remediation has been completed in accordance with the Soil and Groundwater Management Plan;
- (n) prepare a Demolition and Excavation Dust Control Plan satisfactory to the Medical Officer of Health;
- (o) implement the measures in the Demolition and Excavation Dust Control Plan approved by the Medical Officer of Health;

- (p) take measures to protect significant trees on the *lot*; and
 - (q) identify and secure in as much detail as possible, obligations relating to the establishment of a park on the Beltline, including conveyance to the City, indemnification, insurance, legal descriptions and plans of survey, interim maintenance of Beltline Park lands, park improvements, letters of credit, public consultation, park utilities and services, design and construction drawings, changes, grading and fill, inspection, certifications, default, warranties, remedial work, preparation and implementation of a tree plan, access and lighting of pathways, construction of a park on Area B on Map 18.490, park design, park design changes, fill and topsoil quality and depth, above ground structures, drainage, the restoration of Area B of Map 18.490, rough grading, ground and storm water management, the phasing of park improvements, maintenance of abutting Building walls, finished elevations, lighting of the park, condition of abutting lands and structures, and linkage of the park to Mount Pleasant Road;
- (4) the owners enter into one or more agreements satisfactory to the City of Toronto, pursuant to Section 37 of the *Planning Act*, to secure the facilities, services and matters required to be provided by subsection (3) and such agreement or agreements have been appropriately registered against the title to the *lot*”.

MAP 18.490

