

## CITY OF TORONTO

### BY-LAW No. 733-2001(OMB)

**To amend By-law No. 438-86 of the former City of Toronto with respect to the lands known as 388 to 402 Clinton Street and 9 to 17 Christie Street.**

WHEREAS M. Gross Abattoir Ltd appealed to the Ontario Municipal Board for an Order amending By-law No. 438-86 of the former City of Toronto as it applies to 388 to 402 Clinton Street and 9 to 17 Christie Street; and

WHEREAS M. Gross Abattoir Ltd and the City have agreed to settle the matter on the terms set out in this by-law;

NOW THEREFORE, pursuant to Order No. 2692 of the Ontario Municipal Board issued on October 28, 1998, By-law No. 438-86 of the former City of Toronto is amended as follows:

1. None of the provisions respecting the definition of “*rowplex*” contained in Section 2(1) and none of the provisions of Sections 6(3) Part I 1, 6(3) Part II 2, 3 4 and 5, 6(3) Part VII 1 and Part XI 1, of By-law No. 438-86, being “A By-law to Regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection and use of *rowplexes* provided:
  - (1) the lands on which the buildings are erected or used comprise at least those lands shown outlined by heavy lines on Map 1, attached to and forming a part of this by-law;
  - (2) the aggregate *residential gross floor area* of the *rowplexes*, erected or used on the *lands*, including basements, does not exceed 2 060 square metres;
  - (3) not more than 8 *rowplexes* are erected and used on the *lands*;
  - (4) not more than 1 dwelling unit shall be erected and used below or partly below grade in each *rowplex*;
  - (5) the residential gross floor area of each *rowplex*, including basement, does not exceed 257.50 square metres;
  - (6) not less than one *parking space* is provided and maintained for each *rowplex* on the *lot* in a garage accessed by the rear lane;
  - (7) no part of the *rowplexes* above *grade*, except eaves and cornices to a maximum of 0.45 metres, uncovered first floor platforms to a maximum of 2.8 metres and roofs over first floor platforms to a maximum of 1.4 metres, extends beyond the area outlined by heavy lines shown on Map 2 attached to and forming a part of this by-law; and

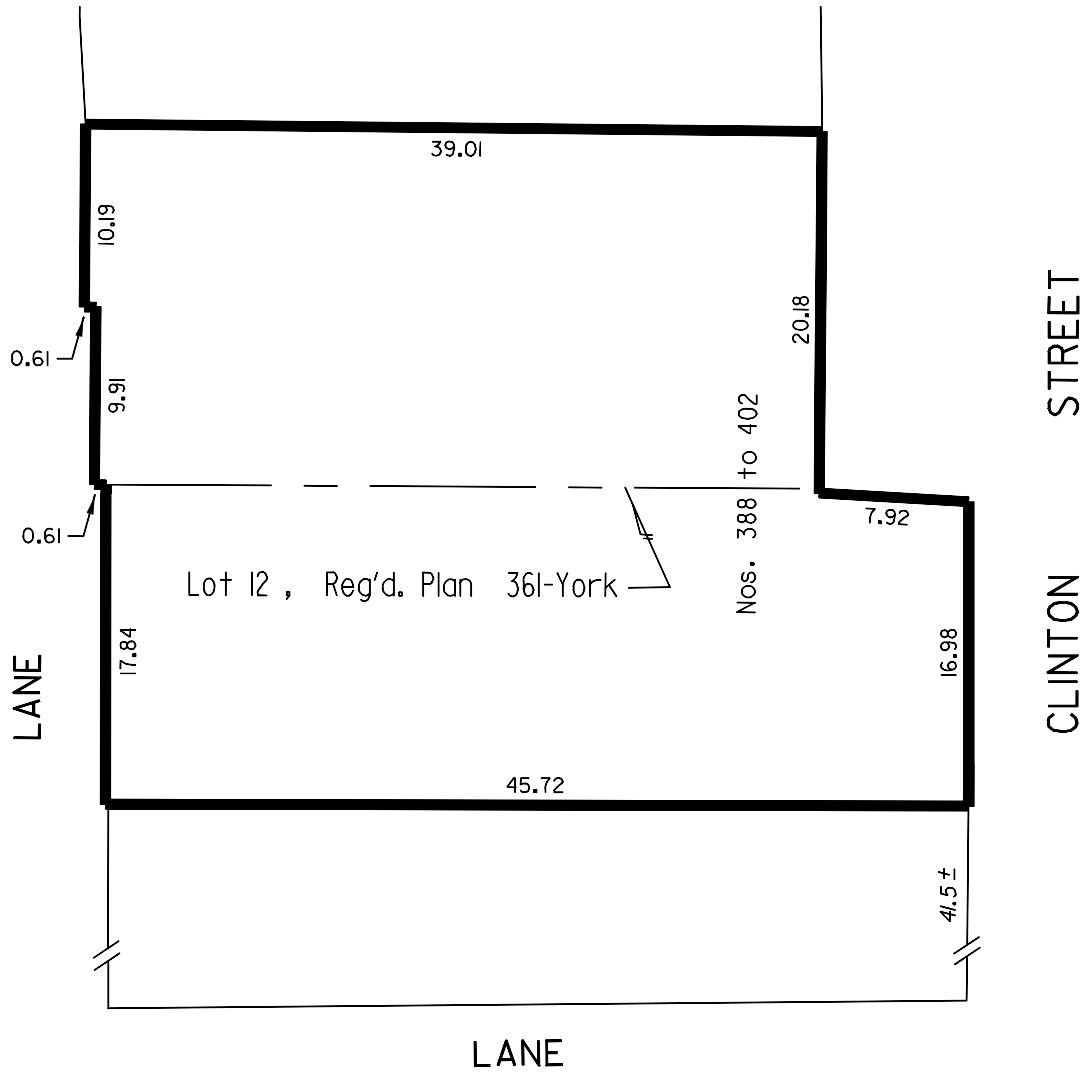
- (8) the *lot frontage* for each *rowplex* shall be 4.55 metres; and
  - (9) the *depth* of each *rowplex* shall be no greater than 15.1 metres.
2. None of the provisions of Sections 4(4)(b), 4(12), 4(13), 4(16), 6(3) Part I, 6(3) Part II 2 to 6, 6(3) Part III 1, of By-law No. 438-86, being “A By-law to Regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection and use of an *apartment building* on the *lot* shown on Map 3 attached hereto and known in 1997 as 9 to 17 Christie Street, provided:
- (1) the *lot* consists of the lands shown outlined by heavy lines on Map 3 attached hereto;
  - (2) the *residential gross floor area* of the *apartment building* does not exceed 5 040 square metres and the *apartment building* contains not more than 62 *dwelling units*;
  - (3) not less than 65 *parking spaces* are provided and maintained on the *lot* in an underground garage to serve the *apartment building*, as follows:
    - (i) not less than 51 *parking spaces* are provided and maintained on the *lot* for the exclusive use of the residents of the *apartment building*; and
    - (ii) not less than 7 *parking spaces* are provided and maintained on the *lot* for the use of visitors to the residents of the *apartment building*;
  - (4) no part of the *apartment building* above *grade*, except eaves and cornices to a maximum of 0.45 metres and centre front balconies as set out in paragraph 2(v) of this by-law, shall extend beyond the following setbacks:
    - (i) 3.34 metres from the *front lot line*;
    - (ii) 2.17 metres from the *rear lot line*;
    - (iii) 0.1 metres from the northerly *lot* limit; and
    - (iv) 0.1 metres from the southerly *lot* limit;
  - (5) notwithstanding Section 6(3) Part II of By-law No. 438-86, a pair of centre balconies may extend into the setback from the *front lot line* to a maximum of 0.6 metres;

- (6) the *apartment building* shall be setback:
- (i) at the sixth and seventh storeys 4.84 metres from the *front lot line*; and
  - (ii) from the *rear lot line*:
    - A. at the sixth storey by a minimum of 4.17 metres; and
    - B. at the seventh storey by at a minimum of 9.17 metres from the sixth floor;
- (7) not less than 2121 square metres of *residential amenity space* is provided as follows:
- (i) not less than 120 square metres of *residential amenity space* is provided indoors; and
  - (ii) not less than 92 square metres of residential amenity space is provided outdoors.
- (8) the *height* above *grade* of the *apartment building* on the *lot* does not exceed 22.2 metres, but this paragraph does not prevent the erection or use of:
- (i) a stair tower, elevator shaft, chimney stack or other heating, cooling or ventilating equipment or window washing equipment on the roof of the building or a fence, wall or structure enclosing such elements, provided:
    - A. The maximum *height* of the top of such elements or enclosure is no higher than the sum of five metres and the *height* limit applicable to the *lot*;
    - B. The aggregate horizontal area of such elements, including the area contained within an enclosure, measured at a point above the level of the *height* limit, does not exceed 30 per cent of the area of the roof of the building; and
    - C. The width of any such elements, including the width of an enclosure, located within six metres of a *lot* line that is a *street* line, does not exceed 20 per cent of the width of the main wall of the building facing the *lot* line, provided the width is to be measured parallel to the *lot* line;
  - (ii) a structure, on the roof of the building, used for open air recreation, safety or wind protection purposes, provided:
    - A. The maximum *height* of the top of the structure is no higher than the sum of three metres and the *height* limit applicable to the *lot*;

- B. No part of the structure is less than two metres from an adjacent wall or a vertical projection of the wall; and
  - C. the structure does not enclose space so as to constitute a form of penthouse or other room or rooms; and
  - (iii) parapets, provided that the maximum *height* of the top of the parapets is no higher than the sum of 1.2 metres and the *height* limit applicable to the *lot*; and
  - (9) not less than 19 square metres for *bicycle parking spaces* is provided and maintained on the ground floor.
3. For the purposes of this By-law:
- (1) *Rowplex* means one of a series of more than two attached buildings comprising *duplexes*, and:
    - (i) each building is divided vertically from another by a party wall; and
    - (ii) each building is located on a *lot*; and
  - (2) Each word or expression which is italicized herein shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended.

PURSUANT TO THE DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED JULY 24, 2001 IN BOARD FILE NO. PL980071.

## MAP 1

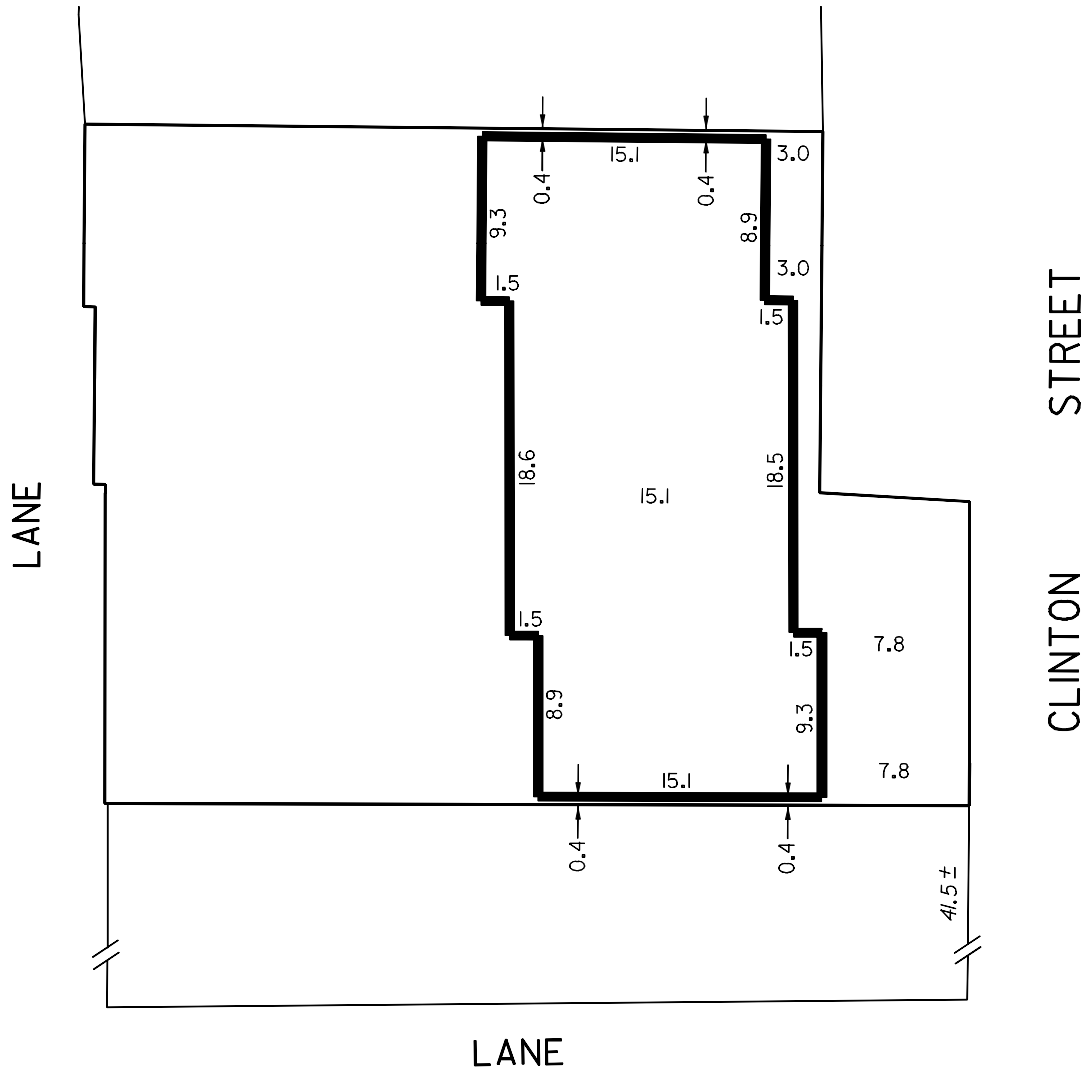


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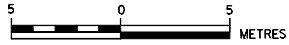
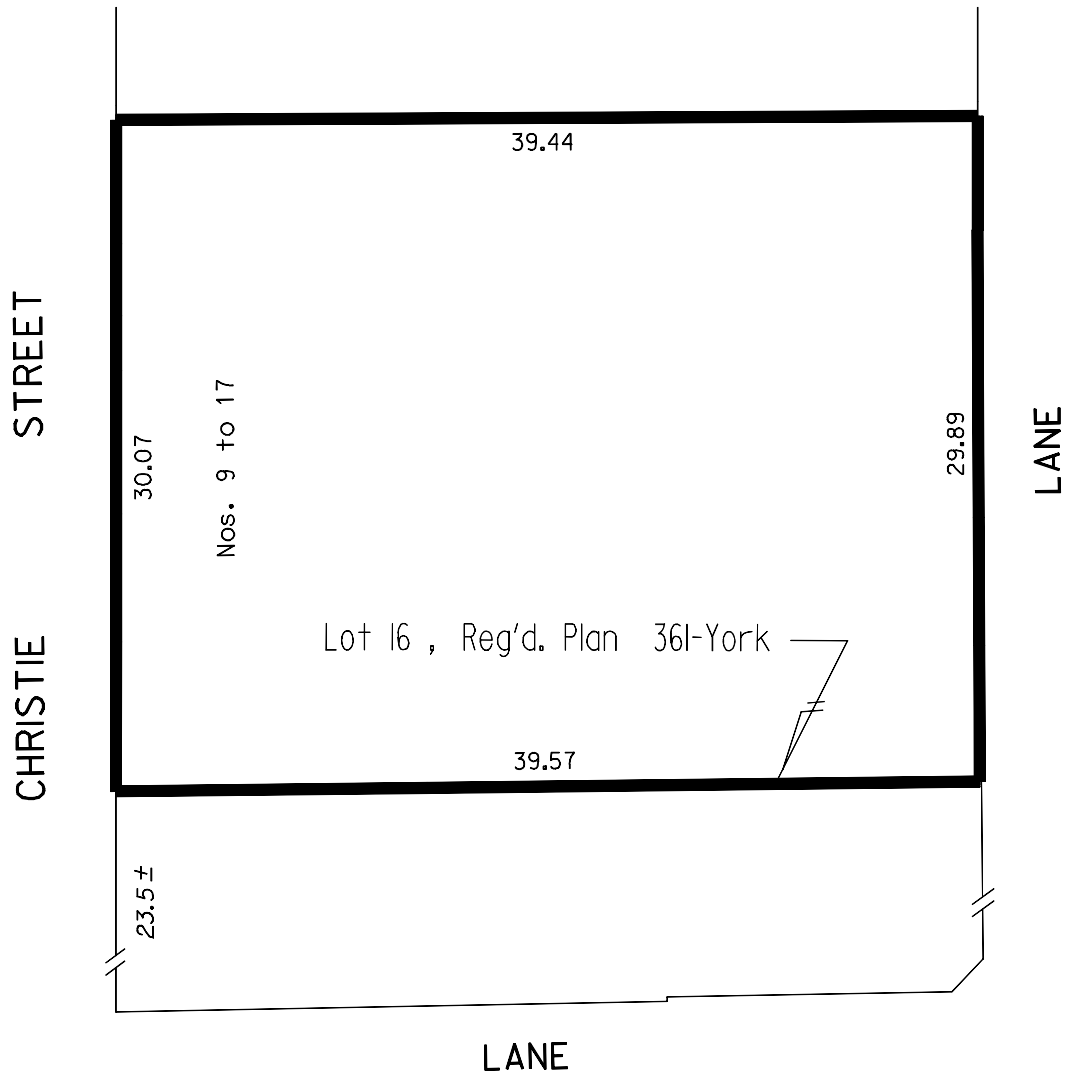
WORKS AND EMERGENCY SERVICES  
SURVEY SERVICES SECTION  
TORONTO  
BL2/388CLIN1.DGN  
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MAP No. 49J-313  
MARCH, 1999  
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## MAP 2



WORKS AND EMERGENCY SERVICES  
 SURVEY SERVICES SECTION  
 TORONTO  
 BL2/388CLIN2.DGN MARCH, 1999  
 FILE: C26-Z2  
 MAP No. 49J-313 DRAWN: PG

## MAP 3



WORKS AND EMERGENCY SERVICES  
SURVEY SERVICES SECTION  
TORONTO MARCH, 1999  
BL2/9CHRIS3.DGN  
FILE: C26-Z2  
MAP No. 49J-313 DRAWN: PG