

Authority: Midtown Community Council Report No. 8, Clause No. 23,
adopted as amended, by City of Toronto Council on November 6, 7 and 8, 2001
Enacted by Council: November 8, 2001

CITY OF TORONTO

BY-LAW No. 983-2001

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known as No. 319 Merton Street.

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may, in a by-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond that otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services and matters as are set out in the by-law; and

WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an owner of land elects to provide facilities, services or 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 lands hereinafter referred to has elected to provide the facilities, services and matters as are hereinafter set forth; and

WHEREAS the increase in the density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this by-law and to be secured by one or more agreements between the owner of such lands and the City of Toronto; and

WHEREAS the Council of the City of Toronto has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increase in height and density in connection with the aforesaid lands as permitted;

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

1. None of the provisions of Sections 4(2)(a), 4(4)(b) or the amount of indoor *residential amenity space* required by Section 4(12), or Section 5 or Section 8(3) PART I 3.(a) of By-law No. 438-86 of the former City of Toronto, 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*, provided:
 - (1) the *lot* comprises the lands shown outlined by heavy lines on the attached Plan 1;
 - (2) no portion of any building is erected and used on the *lot* above *grade* otherwise than wholly within the areas delineated by heavy lines as shown on the attached Plan 2, except outdoor terraces, the underground parking garage, eaves and cornices;

- (3) *residential amenity space* is provided in accordance with Section 4(12) of By-law No. 438-86, except that no less than 310 square metres of indoor *residential amenity space* is provided;
 - (4) the building contains not more than 255 *dwelling units*;
 - (5) the *residential gross floor area* of the building does not exceed 19 608 square metres;
 - (6) at least 230 *parking spaces* are provided and maintained in an underground garage on the *lot*; and
 - (7) no building, exclusive of rooftop elements and facilities permitted in Section 4(2)(a) (i) of By-law No. 438-86, is erected or used on the *lot* above the *height* in metres specified by the numbers following the symbol H within the areas delineated by heavy lines on the attached Plan 2.
2. The density of development and *height* of development permitted by Section 1 is permitted subject to compliance with the conditions set out therein and in return for the provision by the owner of the *lot* of the following facilities, services or matters to the City of Toronto, being that the owner:
- (1) pay to the City of Toronto \$175,667.00, being the park contribution prior to the issuance of the first building permit;
 - (2) pay to the City of Toronto \$26,350.00 as a consulting fee for Master Planning and detailed park design work to be provided by the City of Toronto;
 - (3) pay to the City of Toronto at least \$10,000.00 for the provision of a permanent interpretive display on the Belt Line Park and/or Mount Pleasant Road relating to the historic silos which previously occupied the property;
 - (4) identify and secure in as much detail as possible obligations relating to the establishment of a park on the Belt Line and a stair and accessory improvements to provide an access between the Belt Line Park and Mount Pleasant Road, including conveyance to the City of Toronto, indemnification, insurance, legal descriptions and plans of survey, park improvements, letters of credit, park utilities and services, design and construction drawings, changes, grading and fill, inspection, certification, default, warranties, remedial work, lighting, drainage, rough grading, fill and topsoil quality and depth, tree planting along public road allowances, further parks contribution for additional building density, maintenance and condition of abutting walls and embankments.
 - (5) 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 subsections 2(1) - 2(4) inclusive with such agreement or agreements appropriately registered against the title to the *lot*.

- 3.** For the purposes of this by-law, each word or expression which is italicized shall have the same meaning as such word or expression as defined in By-law No. 438-86, as amended.

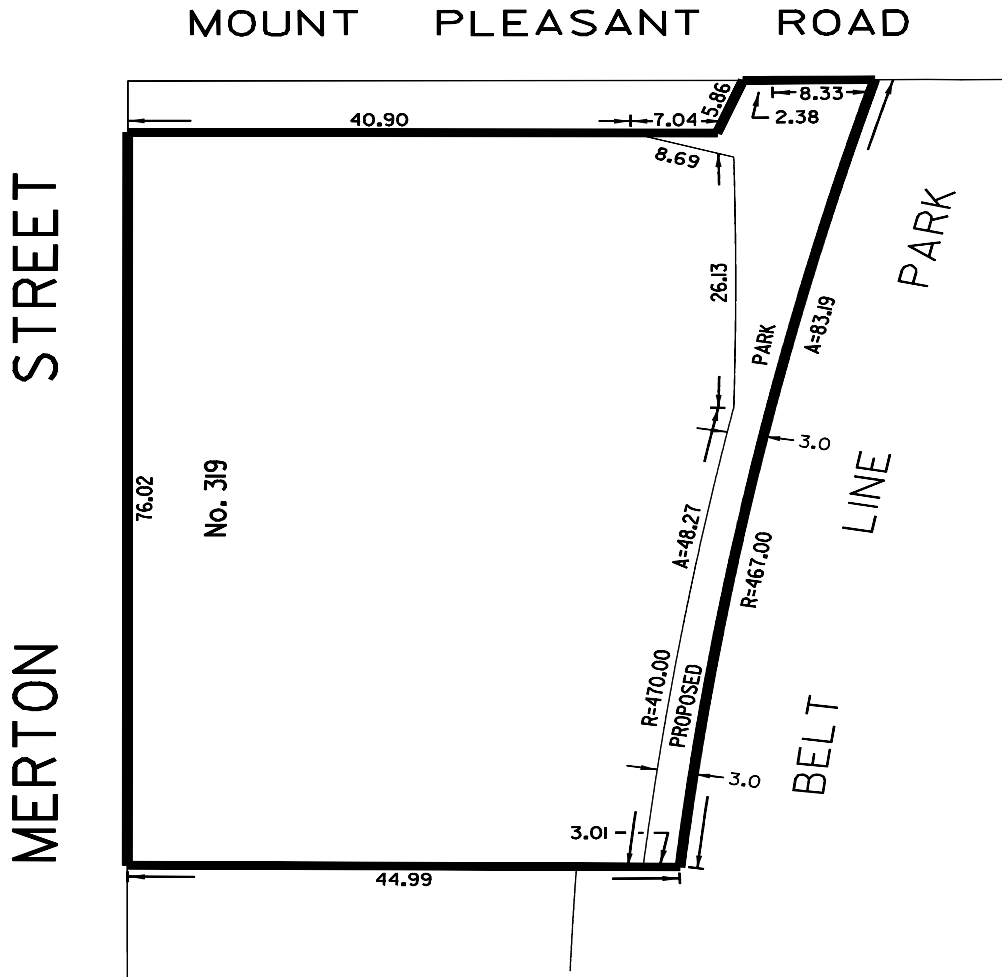
ENACTED AND PASSED this 8th day of November, A.D. 2001.

CASE OOTES,
Deputy Mayor

ULLI S. WATKISS
City Clerk

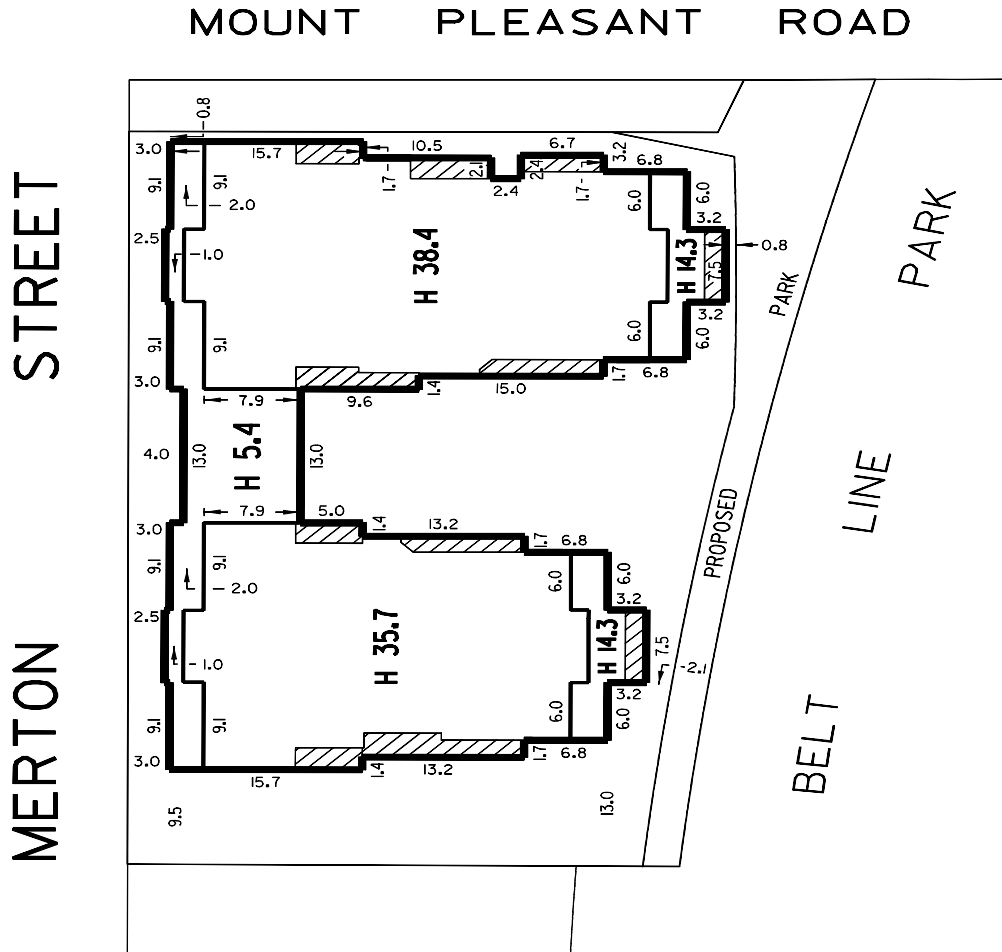
(Corporate Seal)

PLAN 1



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO NOVEMBER, 2001
BLO1/319MER1.DGN
FILE: M41-Z5
MAP No. 51K-311 DRAWN: D.R.

PLAN 2



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE

 BALCONIES



WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO NOVEMBER, 2001
 BLO1/319MER2.DGN
 FILE: M41-Z5
 MAP No. 51K-311 DRAWN: D.R.