

Authority: North York Community Council Report No. 1, Clause No. 16,
as adopted by City of Toronto Council on February 13, 14 and 15, 2002
Enacted by Council: February 15, 2002

CITY OF TORONTO

BY-LAW No. 127-2002

To amend City of North York By-law No. 7625 in respect of lands on Plan 66M-2354.

WHEREAS authority is given to Council by Sections 34 and 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

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*; and

WHEREAS the Official Plan of the former City of North York contains provisions relating to the authorization of increases in height and density of development; and

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 and density of development otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services and matters as 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 and density of development, the 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 have elected to provide the facilities, services and matters and hereinafter set forth; and

WHEREAS the increase in density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by By-law No. 7625, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owner of such lands and the City of Toronto; and

WHEREAS the City of Toronto has required the owner of the aforesaid lands to enter into one or more agreements having been executed dealing with certain facilities, services and matters in return for the increase in density in connection with the aforesaid lands as permitted by this By-law;

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

1. Section 64.20-A(52) of By-law No. 7625 of the former City of North York is amended by adding the following clauses after Section 64.20-A(52)(j)(vii) and before Section 64.20-A(52)(k):

“(viii) 1,223 m² attributable to the transfer of density from lands municipally identified as 34 Avondale Avenue, provided such Gross Floor Area is located on Blocks 4 and 5, Plan 66M-2354 only;

(ix) 672.4 m² attributable to the relocation of the Elihu Pease House (four times existing gross floor area), provided such Gross Floor Area is located on Blocks 4 and 5, Plan 66M-2354 only;

(x) 168.1 m² attributable to the existing gross floor area of the Elihu Pease House, provided such Gross Floor Area is provided on Blocks 4 and 5, Plan 66M-2354 only”.

2. Section 64.20-A(52) of By-law No. 7625 of the former City of North York is amended by deleting subsection 64.20-A(52)(k) in its entirety and replacing it with the following:

“(k) Residential Units

The maximum number of dwelling units shall be 2,611 units, of which, a minimum of 611 dwelling units shall be located on Blocks 4 and 5, Plan 66M-2354”.

3. Section 64.20-A(52) of By-law No. 7625 of the former City of North York is amended by adding the following subsection after 64.20-A(52)(v):

“INCREASED DENSITY

(w) In order to permit the transfer of density and the heritage preservation incentives permitted under subsections 64.20-A(52)(j)(viii), 64.20-A(52)(j)(ix) and 64.20-A(52)(j)(x), the owner of Blocks 4 and 5, Plan 66M-2354, at its expense, shall enter into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act* and to the satisfaction of the City, to secure, generally, the following services, matters and facilities:

Elihu Pease House:

- (i) The Owner shall execute a Heritage Easement Agreement prepared to the satisfaction of the City Solicitor and the Commissioner of Economic Development, Culture and Tourism, to register the approved drawings and conditions of approval on title;

- (ii) Prior to the execution of the Heritage Easement Agreement, the Owner shall post sufficient securities with the City in a form satisfactory to the Chief Financial Officer and Treasurer, to cover the cost of relocating the Elihu Pease House from 34 Avondale Avenue to Blocks 4 and 5, Plan 66M-2354;
 - (iii) The Owner agrees to the heritage designation of the relocated Elihu Pease House and further agrees that de-designation of the property located at 34 Avondale Avenue will occur after the designation of the Elihu Pease House at its new location is registered against the title; and
 - (iv) The Owner agrees to provide a Technical Preservation Specification and Relocation Plan to the satisfaction of the Commissioner of Economic Development, Culture and Tourism, prior to the issuance of any building permits for the property described as Blocks 4 and 5, Plan 66M-2354”.
4. Section 64.23(66) of By-law No. 7625 of the former City of North York is amended by deleting subsection 64.23(66)(n) and replacing it with the following:
- “(n) Gross Floor Area
- (i) The total Gross Floor Area permitted on the Net Site, excluding residential uses, shall be 46,450 m²; and
 - (ii) Notwithstanding (i) above, a maximum of 38,100 m² of Gross Floor Area may be used for either residential or non-residential purposes on Blocks 4 and 5, Plan 66M-2354”.

ENACTED AND PASSED this 15th day of February, A.D. 2002.

CASE OOTES,
Deputy Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)