

CITY OF TORONTO

BY-LAW No. 158-2002(OMB)

To amend By-law No. 438-86 of the former City of Toronto, as amended, respecting a portion of 45 Lisgar Street.

WHEREAS authority is given to the Ontario Municipal Board by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended;

THEREFORE pursuant to the Orders of the Ontario Municipal Board issued on February 23, 2001 and January 16, 2002, the Ontario Municipal Board orders as follows:

1. Provided there is compliance with the provisions of subsections 3 and 4 herein, the following provisions shall apply to the lands delineated by heavy black lines on Plan 1 attached hereto and forming part of this By-law.
2. District Map No. 49G-321 contained in Appendix "A" annexed to and forming part 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, is further amended by redesigning the lands shown outlined by heavy lines on Plan 3 attached to and forming part of this By-law from "I1 D3" to "R4 Z4.0".
3. None of the provisions of Sections 4(2), 4(4)(b), 4 (12), 4 (13), 4(16), 6(2) 12 and 21, 6(3) Part I 1, 6(3) Part II, 2, 3, 4, 5 and 6 and 6(3) Part III 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 related 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 on the lands delineated by heavy lines on Plan 1 attached to and forming part of this By-law of an *apartment building*, including a *day nursery* and *accessory* uses such as below *grade* parking, provided:
 - (1) the *lot* on which the *apartment building* and *day nursery* is located comprises at least those lands delineated by heavy lines on Plan 1 attached to and forming part of this By-law, with the exception of any stratified lands conveyed to the City of Toronto for lane widening purposes;
 - (2) no portion of the building above the natural level of the ground, exclusive of such items as canopies, balconies, ramps, decorative features, stairs, walls and trellis located above *grade* or set out in Section 6 (3) Part II 6, is located otherwise than wholly within the area delineated by heavy lines as shown on the attached Plan 2;

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- (3) the maximum building *height*, exclusive of a parapet wall not exceeding 0.5 metres in height, does not exceed the *height* shown on Plan 2, subject to the provisions regarding *height* for the structures or elements described in Section 4(2)(a)(i) and (ii) of By-law No. 438-86, with the exception that the maximum *height* of the top of such elements or enclosure as set out in Section 4(2)(a)(i)A of By-law No. 438-86 is no higher than the sum of 5.3 metres and the *height* shown on the attached Plan 2, rather than the sum of 5.0 metres and the *height* shown on the attached Plan 2;
- (4) the combined *residential gross floor area* and *non-residential gross floor area* of the *apartment building* and *day nursery* does not exceed 7,700 square metres;
- (5) one *loading space-type G* shall be provided and maintained on the *lot*;
- (6) not less than 61 *parking spaces* are provided and maintained by the owner on the *lot*, of which;
- (a) not less than 48 *parking spaces* are reserved for the exclusive use of the residents of the *apartment building*;
- (b) not less than 13 *parking spaces* are reserved for the exclusive use of visitors to the *apartment building* and the *day nursery*;
- (7) not less than 200 square metres of indoor *residential amenity space* is provided and maintained;
- (8) notwithstanding the provisions of Section 2(1), the following definition of *residential amenity space* shall apply;
- “*residential amenity space*” means a common area or areas within a lot which are provided for the exclusive use of residents of a building for recreational or social purposes, excepting however that said space may be shared in whole or in part, indoor or outdoor, with a *day nursery*.

4. Section 37 Agreement

The owner of the lands delineated by heavy lines on Plan 1 attached to and forming part of this By-law shall provide the City of Toronto with the following facilities, services and matters:

- 4.1 The construction and interior finishing of a *day nursery* on the ground floor of the *apartment building* having a minimum interior area of not less than 213 square metres and which shall contain a furnished kitchen, one barrier free adult washroom and a separate washroom facility for children;
- 4.2 The lease of said *day nursery* for an initial term of 25 years, renewable for up to four terms of 25 years each, at a nominal rental fee;

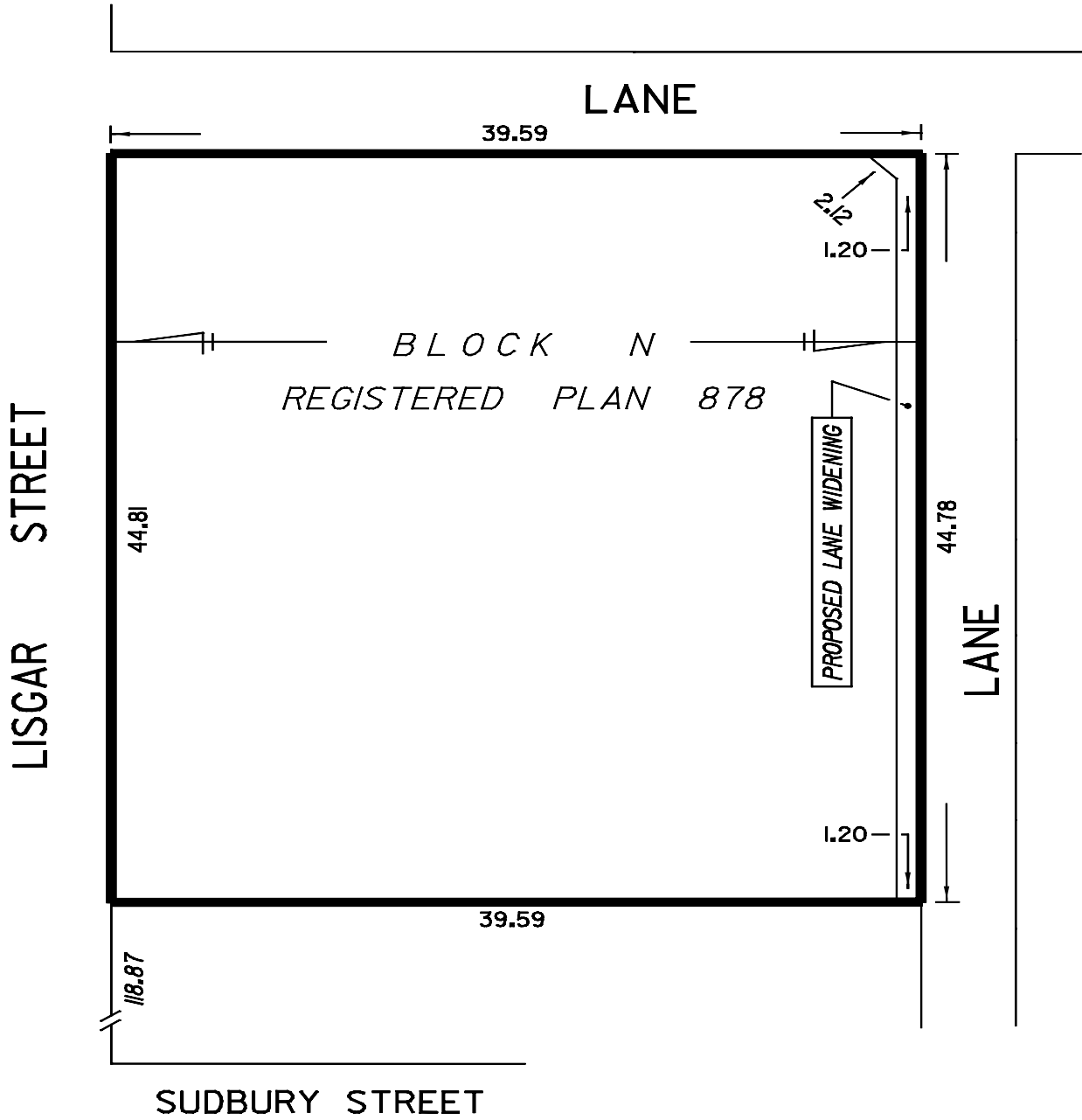
- 4.3 The provision of an outdoor play area which meets the standards set out in the Ontario Day Nurseries Act for 23 children;
- 4.4 Cost sharing of janitorial services;
- 4.5 Compensation for municipal taxes; and

PURSUANT TO ORDER NO. 0282, ISSUED ON FEBRUARY 23, 2001, AND ORDER NO. 0081, ISSUED ON JANUARY 16, 2002, OF THE ONTARIO MUNICIPAL BOARD IN BOARD CASE NO. PL000446.

- 4.6 Upon the issuance of a building permit for a new *apartment building* on the lands south of and abutting the lands delineated by heavy lines on Plan 1, provision for either the expansion of the above *day nursery* to accommodate 52 children, or the closing of the facility and its replacement with a new facility on the lands south of and abutting the lands delineated by heavy lines on Plan 1, in accordance with the City's standards for such facilities.
5. The owner of the lands which are outlined in heavy lines on Plan 1 attached hereto and forming part of this By-law shall enter into an Agreement with the City of Toronto, pursuant to Section 37 of the *Planning Act*, to secure the facilities, services and matters referred to in subsection 3 herein, and such Agreement is in a form satisfactory to the City and is registered on title to the said lands as a first priority, subject only to the fee interest in the lands; and
6. For the purpose of this By-law, each word or expression is italicized in this By-law, except for the definition of "*residential amenity space*", shall have the same meaning as each word or expression as defined in the aforesaid By-law No. 438-86, as amended.

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PLAN 1

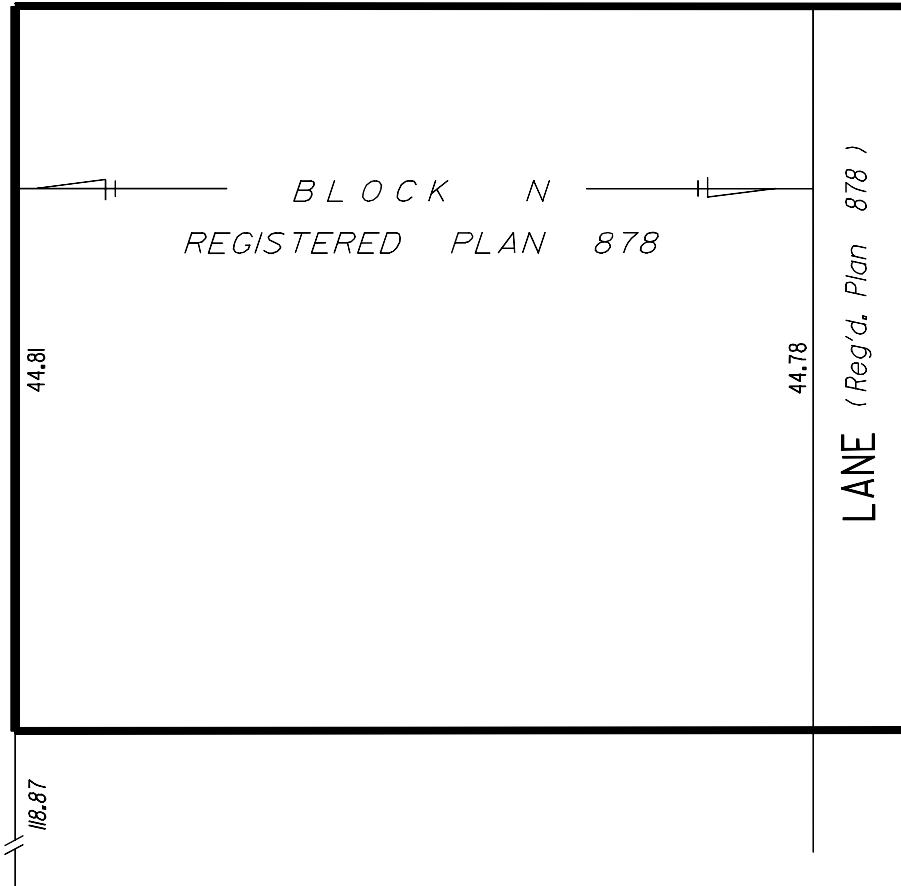


WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO OCTOBER, 2000
 BLOO/45LIS1.DGN
 FILE: L27-Z1
 MAP No. 49G-321 DRAWN: PG

PLAN 3

LANE

LISCAR STREET



SUDBURY STREET



REDESIGNATED TO "R4 Z4.0"



WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO JANUARY, 2001
 BLOO/45LIS3.DGN
 FILES: L27-Z1, 2402.53-3
 MAP No. 490-321 DRAWN: PG