

Authority: Midtown Community Council Report No. 3, Clause No. 14, as adopted by City of Toronto Council on April 16, 17 and 18, 2002, and Notice of Motion J(19), moved by Councillor Walker, seconded by Councillor Flint, as adopted by City of Toronto Council on June 18, 19 and 20, 2002

Enacted by Council: June 20, 2002

CITY OF TORONTO

BY-LAW No. 546-2002

To repeal By-law No. 22148 of the former City of Toronto, as amended and to amend By-law No. 438-86, as amended, of the former City of Toronto with respect to lands known municipally in the year 2001 as 45 Dunfield Avenue.

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

1. None of the provisions of sections 2 *Definitions - parking space*, 4(2), 4(4), 4(10), 4(12), 4(13), 6(3) Part I, 6(3) Part II, 6(3) Part III, 6(3) Part IV, 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, and none of the provisions of this by-law shall apply to prevent the existing use of the *apartment building* and enclosed swimming pool existing on January 1, 2002, and the erection of an addition provided:
 - (1) the *lot* on which the proposed building is to be located comprises those lands delineated by heavy lines on Map 1 attached to and forming part of this by-law;
 - (2) no portion of any buildings located above *grade* are located otherwise than wholly within the areas delineated by heavy lines and within the height limitations shown on Map 2 attached to and forming part of this By-law with the exception of cornices, canopies, ornamental elements, balconies, bay windows, vents, fences, copulas, retaining walls and ramps to underground garages, railings, and the existing enclosed swimming pool which may extend beyond the building envelope shown on Map 2 and with the exception of mechanical penthouses, chimneys and stairwells which may extend beyond the permitted height as shown on Map 2;
 - (3) the *residential gross floor area* does not exceed 53,500 square metres, not including mechanical penthouse and basement;
 - (4) there are not more than 684 *dwelling units* located on the lot wholly within the areas delineated by heavy lines shown on Map 2 provided that not more than 108 dwelling units may be located outside the building in existence as of the date of enactment of this zoning by-law;

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- (5) a minimum of 30 per cent of the new units shall be any mix of the following sizes:
- | | |
|--------------|----------------------|
| bachelor: | 46.45 m ² |
| one-bedroom: | 60.39 m ² |
| two-bedroom: | 60.39 m ² |
- (6) at least one *loading space-Type G* is provided and has the minimum dimension of 3.5 metres in width (4 metres where enclosed) by 13 metres in length;
- (7) at least a total of 536 *parking spaces* are provided of which 454 are for the occupants and 82 are for visitors and 174 of the total *parking spaces* can be undersized having dimensions less than the required 5.9 metres in length by 2.6 metres in width, however in no case shall such undersized spaces have a dimension of less than 2.2 m in width and 5.0 m in length;
- (8) driveway widths for two-way operation shall be at least 4.5 metres in width at the loading space, 5.14 metres at a portion of the driveway aisle in the basement garage at level P1, and 5.12 metres at a portion of the driveway aisle in the basement garage at level P2;
- (9) a minimum of 216 square metres of indoor *residential amenity space* and 216 square metres of outdoor *residential amenity space* shall be maintained.
- (10) not less than 9,785 square metres of *landscaped open space* including the area of any enclosed swimming pool located shall be located outside the building;
- (11) the area of the existing enclosed swimming pool shall be deemed to be *landscaped open space*;
- (12) a minimum of 81 *bicycle parking spaces* of which 80 per cent shall be allocated for use by residents and 20 per cent shall be allocated for use by visitors.
- (13) the provisions of Section 6(3)IX shall not apply to the *lot* in order for the City to secure the proposed park as identified on Map 3.
2. The density and height of development permitted by Section 1 is permitted subject to compliance with the conditions set out therein and provided that the owner, at its expense and in accordance with and subject to the agreement referred to in Section 3 of this By-law:
- (a) grant a long term lease to the City of Toronto a minimum of 1,000.0 m² as identified on Map 3 for use as a public park for a minimum term of 50 years to a maximum term of 99 years;
- (b) develop the leased lands as identified on Map 3 as a base level park where construction will include grading, topsoil supply and placement, sod, fencing, all necessary drainage systems, electrical and water connections to the street;

- (c) design and build a park with improvements of up to \$100,000 over and above the base level park;
 - (d) covenant that existing *dwelling units* on the *lot* as of the date of the enactment of this By-law shall remain as purpose-built rental units and that the owner of the land shall not apply for condominium conversion pursuant to the *Condominium Act*, S.O. 1998, c.19 (as amended) for a minimum period of ten (10) years after the date when this By-law comes into force and effect as such application may pertain to that portion of the building on the *lot*, which existed as of the date of the enactment of this By-law;
 - (e) covenant that existing *dwelling units* on the *lot* as of the date of the enactment of this By-law shall remain as purpose-built rental units and that the owner of the land shall not demolish or apply for a demolition permit for a minimum period of twenty (20) years after the date when this By-law comes into force and effect as such application may pertain to that portion of the building on the *lot*, which existed as of the date of the enactment of this By-law;
 - (f) contribute \$77,700.00 in the form of rent abatement applicable to existing *dwelling units* as described in the agreement referred to in section 3 of this By-law as a measure of compensation for negative impacts that construction of the proposed addition may have on such *dwelling units*; and
 - (g) covenant that no rent increases will be implemented for *dwelling units* in existence as of the date of enactment of this By-law, arising from the impact of construction of the proposed addition and related improvements to the lands, which rent increases are above guidelines established pursuant to the *Tenant Protection Act* 1997, S.O.
3. The density and height of development permitted by Section 1 is permitted provided the owner enters 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 Section 2 and such agreement or agreements have been registered as a first priority against the title to the lot.
4. For the purposes of this By-law, *grade* shall mean 163.25 Canadian Geodetic Datum.
5. In cases where there is a conflict between this By-law and the provisions of By-law No. 438-86, as amended, this By-law shall apply.
6. For the purposes of this By-law, each word or expression, which is italicized herein shall have the same meaning as each word or expression as defined in the aforesaid By-law No. 438-86, as amended.

7. District Map No. 51K contained in Appendix "A" of By-law No. 438-86, as amended, is further amended by redesignating as G the lands outlined by heavy lines on Map 3 attached to and forming part of this By-law and as shown thereon as G.

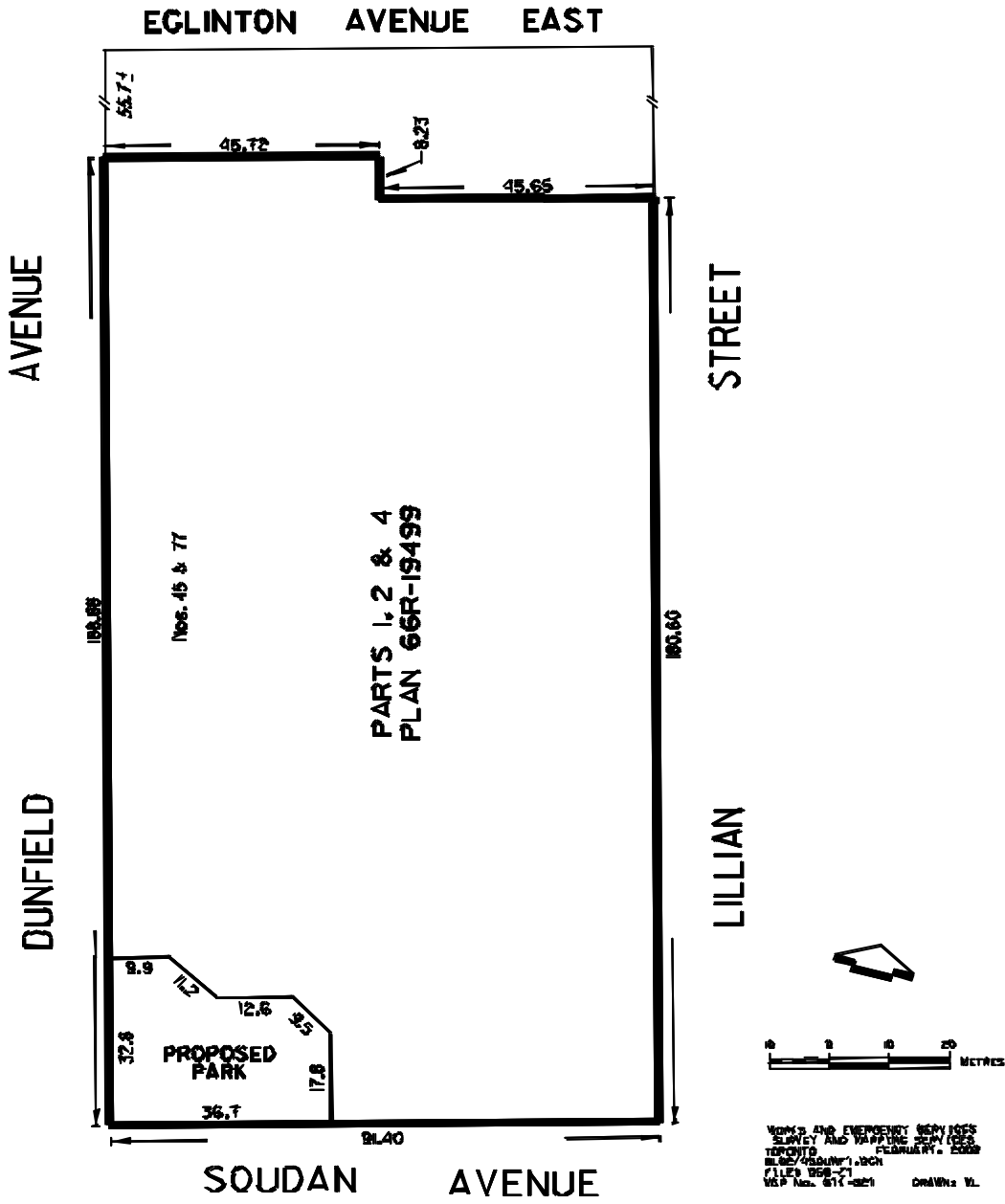
ENACTED AND PASSED this 20th day of June, A.D. 2002.

CASE OOTES,
Deputy Mayor

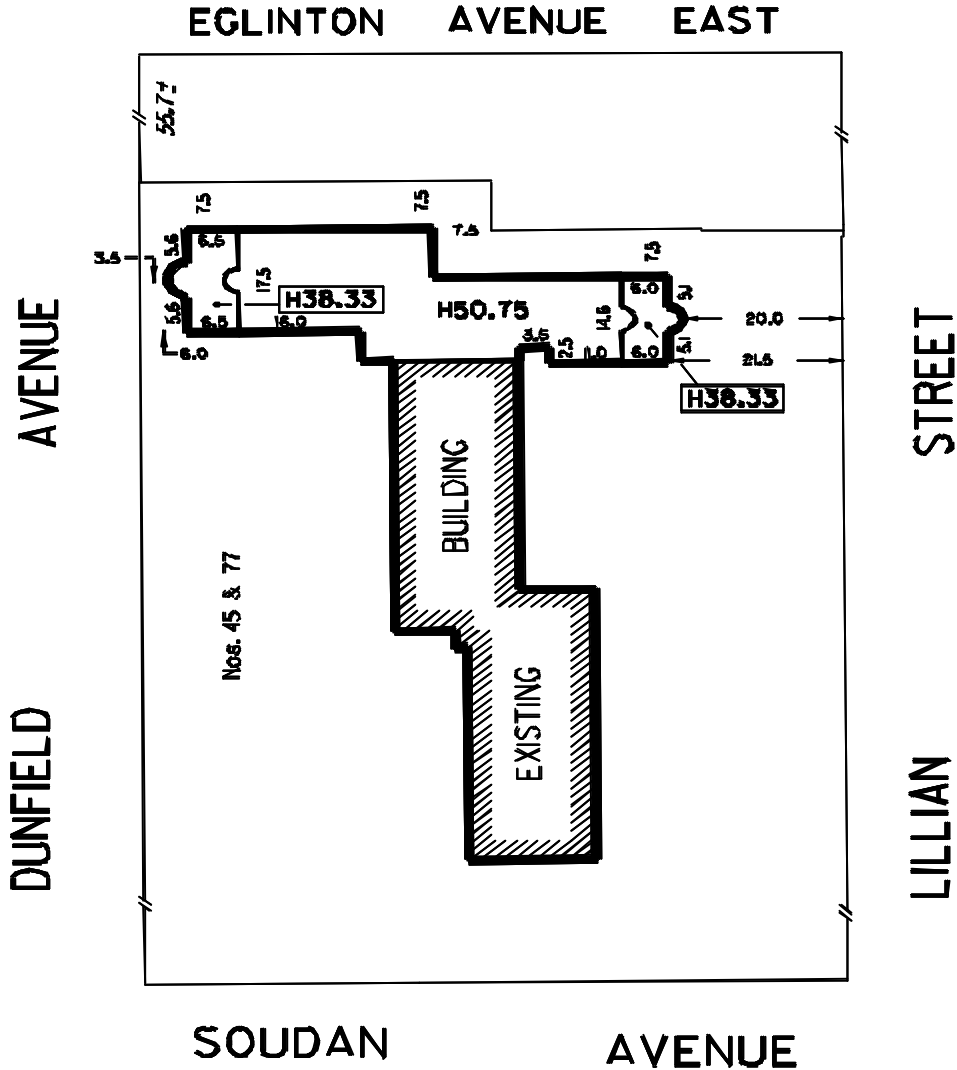
ULLI S. WATKISS
City Clerk

(Corporate Seal)

MAP 1



MAP 2



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO FEBRUARY, 2002
 BLO2/45DUNFE.DGN
 FILE: D38-21
 MAP No. 31K-321 DRAWN: #L

MAP 3

