

Authority: Humber York Community Council Report No. 11, Clause No. 51,  
as adopted by City of Toronto Council on October 1, 2 and 3, 2002  
Enacted by Council: October 3, 2002

## CITY OF TORONTO

### BY-LAW No. 841-2002

#### **To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands known as 274 St. John's Road, 637 Runnymede Road and 40 Fisken Avenue.**

WHEREAS the Council of the City of Toronto has been requested to amend its zoning by-law, pursuant to Section 34 of the *Planning Act*, R.S.O. 1990 c.P. 13, as amended, respecting the lands municipally known in the year 2002 as 274 St. John's Road, 637 Runnymede Road and 40 Fisken Avenue; and

WHEREAS Humber York Community Council conducted a public meeting on September 17, 2002 under Section 34 of the *Planning Act* regarding the zoning amendment; and

WHEREAS the Council of the City of Toronto, at its meeting held October 1, 2 and 3, 2002 determined to amend Zoning By-law No. 438-86, as amended, for the former City of Toronto;

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

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the *Site* of the facilities, services and matters set out in Appendix 1 hereof, the provision of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*, and the *Site* shall be subject to the provisions of this By-law upon the execution and registration of such agreement or agreements.
2. None of the provisions of Sections 2 (Definition of parking space), 4(2)(a), 4 (5)(i)(ii), 6(1)(a), 6(3) Part I, 6(3) Part II 3 (A) II, 6(3) Part II 4, 6(3) Part II 5(i), and 6(3) Part III of Zoning By-law No. 438-86, as amended, 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", shall apply to prevent the erection and use on the *Site* of a *long term care facility* and *accessory* uses including gift shop, *restaurant/take-out restaurant* and pharmacy, provided
  - (1) the *lot* upon which the *long term care facility* is located comprises the *Site*;
  - (2) no portion of any building or structure erected and used above *grade* within the *Site* is located otherwise than wholly within the heavy lines on Map 2, attached to and forming part of this by-law, except fences;

- (3) the *height* above *grade* of any building or structure within the *Site* shall not exceed the *height* limits shown on Map 3, attached to and forming part of this by-law, inclusive of rooftop facilities, elements, structures and mechanical penthouse otherwise permitted by Section 4(2)(a)(i) of By-law No. 438-86;
  - (4) the maximum combined *non-residential gross floor area* of the *long term care facility* and *accessory* uses shall be not more than 26,000 square metres and there shall be no *residential gross floor area*;
  - (5) not less than 110 *parking spaces* are provided on the *Site* to serve the *long term care facility* and the *long term care facility* is serviced by two full access driveways, one from Runnymede Road and one from St. John's Road;
  - (6) not less than 3 *loading space – type B* and not less than 2 *loading space – type C* are provided on the *Site* to serve the *long term care facility*.
3. For the purposes of this By-law, the *Site* shall be considered as a single *lot* notwithstanding any division of ownership of the *Site* so that any internal lot lines created by any such division shall not be construed to create new *lot* lines, provided all other provisions of Zoning By-law No. 438-86, including the provisions relating to set backs from the external *lot* lines of the *Site* are complied with.
4. For the purposes of this By-law, the following expressions shall have the following meaning:
- (a) “*City*” means the City of Toronto,
  - (b) “*long term care facility*” means a combined *public hospital* and *home for the aged*,
  - (c) “*owner*” of the *Site* means the owner of the fee simple of the *Site*,
  - (d) “*Site*” means those lands outlined by heavy lines on Map 1 attached hereto,
  - (e) each other word or expression, which is italicized in this by-law, shall have the same meaning as each such word or expression as defined in the said By-law No. 438-86, as amended.

ENACTED AND PASSED this 3rd day of October, A.D. 2002.

CASE OOTES,  
Deputy Mayor

ULLI S. WATKISS  
City Clerk

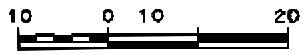
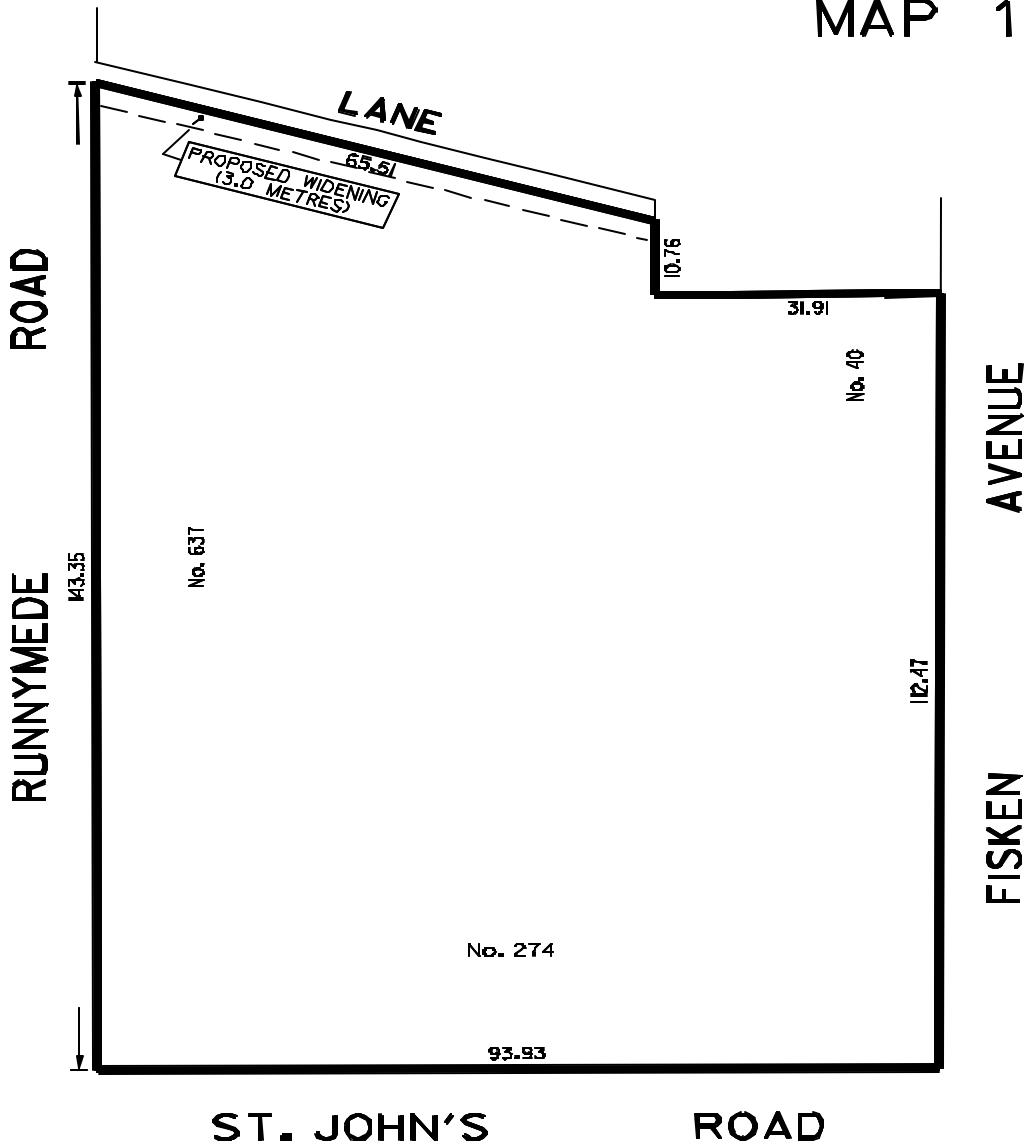
(Corporate Seal)

**APPENDIX 1**  
**SECTION 37 PROVISIONS**

The facilities, services and matters set out herein are the facilities, services and matters required pursuant to Section 37(1) of the *Planning Act*, the provision of which by the *owner* of the *Site* shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*:

1. The *owner* is to provide and maintain consolidated landscaping of 350 m<sup>2</sup> at the corner of Fisken Avenue and St. John's Road (the "*publicly assessable open space*");
2. The *owner* is to make such the *publicly assessable open space* available to the community for passive enjoyment and shall ensure that it is open and accessible to the general public, for that purpose, 24 hours a day seven days a week such that the public has the right to use such lands and that access may be refused or a person required to leave such lands only in the case of a person who,
  - (a) unreasonably interferes with other members of the public or lawful occupants of the *Site*,
  - (b) carries on an unlawful activity,
  - (c) acts in a manner unreasonably inconsistent with the intended use of the lands,
  - (d) injures or attempts to injure any person, property or property rights,
  - (e) obstructs or injures any lawful business or occupation carried on by the *owner* or person in lawful possession of any component of the *Site*, or
  - (f) commits any criminal or quasi-criminal offence.
3. In addition to the rights of public access to the *publicly assessable open space* as secured by the above provisions, the *owner* shall also grant an easement in a form acceptable to the City Solicitor, in perpetuity to the City, and at no cost to the City, to permit such public use of the *publicly assessable open space*.
4. The Section 37 Agreement securing the said facilities, services and matters, shall be in a form satisfactory to the City Solicitor and registered with priority.

# MAP 1



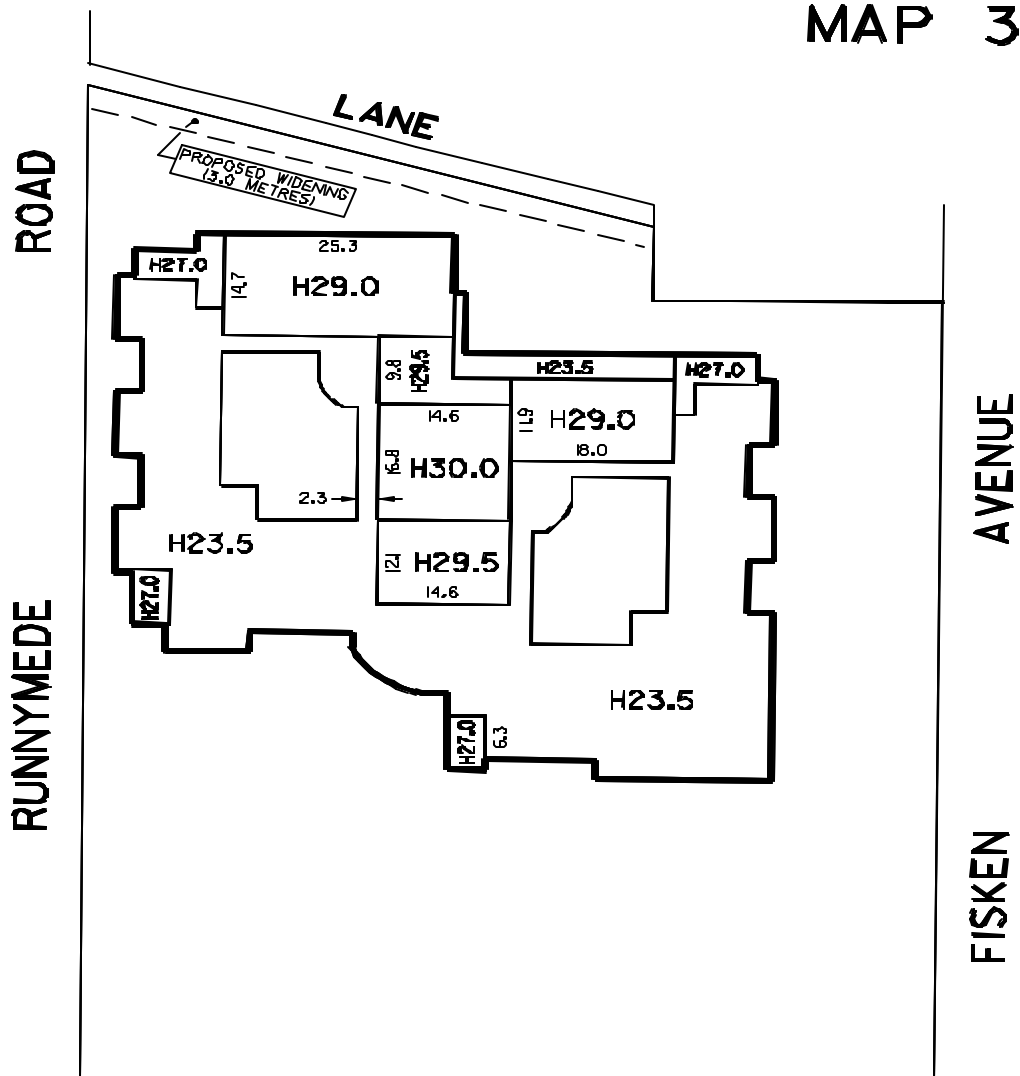
METRES



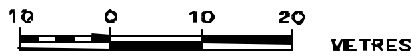
WORKS AND EMERGENCY SERVICES  
 SURVEY AND MAPPING SERVICES  
 TORONTO OCTOBER, 2002  
 BLDG / 274SJDH1.DGN  
 FILE: RB-Z1  
 MAP No. 47J-322 DRAWN: D.R.



# MAP 3



**ST. JOHN'S ROAD**  
H<sub>i</sub> DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



WORKS AND EMERGENCY SERVICES  
SURVEY AND MAPPING SERVICES  
TORONTO OCTOBER, 2002  
BLO2/ 2745JCH3.DGN  
FILE: R8-Z1  
MAP No. 47J-322 DRAWN: D.R.