

CITY OF TORONTO

BY-LAW No. 941-2002(OMB)

To adopt an amendment to the Official Plan for the former City of Toronto respecting lands known as No. 164 Cheritan Avenue.

WHEREAS the Ontario Municipal Board pursuant to its Order No. 1290 issued on September 24, 2002, upon hearing the appeal of the 1160963 Ontario Incorporated under Section 22(7) of the *Planning Act*, R. S. O. 1990, c.P. 13, as amended, deems it advisable to amend the Official Plan for the former City of Toronto;

THEREFORE the Official Plan of the former City of Toronto is amended by the Ontario Municipal Board as follows:

1. The text and map annexed hereto as Schedule "A" are hereby adopted as an amendment to the Official Plan for the former City of Toronto.
2. This is Official Plan Amendment No. 231.

PURSUANT TO THE ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON SEPTEMBER 24, 2002, IN BOARD CASE NO. PL000143.

SCHEDULE “A”

1. Section 18 of the Official Plan for the former City of Toronto is hereby amended by adding the following Section 18.565, and the attached Map 18.565, as follows:

“18.565 Lands known as 164 Cheritan Avenue.

Despite any of the provisions of this Plan, Council may pass by-laws with respect to the lands showing on Map 18.565 (the “Lands”) to permit the erection and use of an *apartment building* and *accessory uses* provided:

- (a) such *apartment building* contains not more than 437 *dwelling units*;
- (b) the maximum *residential gross floor area* of such *apartment building* shall not exceed 35,305 square metres;
- (c) a minimum of 35% of the total *dwelling units* shall be *low-end-of-market housing*, as defined herein; and
- (d) (i) the owner of the Lands at its expense and in accordance with and subject to the agreement referred to in paragraph (d)(iii) shall:
 - A. provide to the City of Toronto \$35,000.00 for future traffic modifications prior to applying for, or the issuance of, the first building permit for the Lands or any portion thereof, to be secured by way of letter of credit or certified cheque payable to the City of Toronto;
 - B. convey to the City of Toronto for nominal consideration the lands required for a roundabout at the intersection of Rosewell Avenue and Cheritan Avenue, prior to the earlier of:
 - (a) the first occupancy of any *dwelling unit* on the Lands;
 - (b) the date excavation commences on that portion of the Lands located south of the northern limit of the area identified as “Area C” on Map 18.565; and

- (c) 90 days after the date of commencement of the demolition of the buildings existing as of June 1, 2002 which are on the lands to be conveyed for the roundabout, labelled as “lands to be conveyed to the City for roundabout on Map 18.565”;

failing which, in addition to any other remedies, the City of Toronto may revoke any and all permits issued pursuant to the *Building Code Act, 1992*;

C. construct a roundabout, subject to the following:

- (a) the construction shall be completed prior to the earlier of:
 - (i) the first occupancy of any *dwelling unit* in the area identified within “Area C” on Map 18.565; and
 - (ii) three years from the date that a demolition permit has been issued for all of the buildings that existed on June 1, 2002 and excavation has commenced on the Lands;
- (b) the construction shall substantially occur only in the months of July and August unless otherwise acceptable to the Commissioner of Works and Emergency Services; and
- (c) the provision of a letter of credit to the City of Toronto in the amount of 120 percent of the construction costs of the roundabout prior to the completion of the conveyance required in paragraph (d)(i)B., herein;

D. complete the construction of the widening of Lawrence Avenue West to accommodate a west bound left turn lane into the Lands, subject to the following:

- (a) the construction shall be completed prior to the first occupancy of any *dwelling unit* on the Lands; and

- (b) the provision of a letter of credit to the City of Toronto in the amount of 120 percent of the construction costs prior to the issuance of a building permit for the foundation of the *apartment building* to be constructed on the Lands or any portion thereof;

- E. provide and maintain on the Lands 25 affordable replacement rental dwelling units in the northern building area shown as Area A on Map 18.565 attached hereto (“Building A”), subject to the following provisions:
 - (a) the owner of the Lands shall provide and maintain affordable rents charged to the tenants who rent each affordable replacement rental dwelling unit in Building A for a period of 5 years from the date that the 25 units are available for occupancy (the “5 Year Period for New Units”), in an amount based on the 2001 Canada Mortgage and Housing Corporation Rental Market Survey average rent by unit type, subject to certain adjustments and to annual increases in accordance with the Provincial rent guideline and other permitted increases;
 - (b) rents charged to subsequent tenants who rent an affordable replacement rental dwelling unit in Building A after the completion of the 5 Year Period for New Units, shall be governed by the Provincial legislation in force at the time;
 - (c) the owner of the Lands agrees to not apply to convert Building A to a condominium during the 5 Year Period for New Units; and
 - (d) the owner of the Lands shall generally provide access to, both initially and for the duration of the 5 Year Period for New Units, the 25 affordable replacement rental dwelling units to tenants referred by a local non-profit agency for tenant placement that is jointly agreed to by the owner and the City;

- F. provide to the City of Toronto the sum of \$21,000 for affordable housing upon the later of the issuance of a demolition permit in respect of the existing buildings on the Lands or issuance of a full building permit in respect of new construction on the Lands;
 - G. provide a construction management plan satisfactory to the City of Toronto prior to the issuance of the first building permit for the Lands or any portion thereof and shall implement such plan; and
 - H. provide a noise impact statement and dust control plan satisfactory to the City of Toronto prior to the issuance of the first building permit for the Lands or any portion thereof, and shall implement such statement and plan; and
- (ii) the owner of the lands known as 3000 Yonge Street (the “3000 Yonge Lands”), at its expense, shall provide and maintain on the 3000 Yonge Lands, 25 affordable replacement rental dwelling units, subject to the following provisions and in accordance with and subject to the agreement referred to in paragraph (d)(iii):
- A. the owner of the 3000 Yonge Lands shall provide and maintain affordable rents charged to the tenants who rent each affordable replacement rental dwelling unit on the 3000 Yonge Lands which are available for occupancy for a period of 5 years (the “5 Year Period for Existing Units”) in an amount based on the 2001 Canada Mortgage and Housing Corporation Rental Market Survey average rent by unit type, subject to certain adjustments and increases permitted by Provincial legislation in force at the time;
 - B. rents charged to subsequent tenants who rent an affordable replacement rental dwelling unit after the completion of the 5 Year Period for Existing Units on the 3000 Yonge Lands, shall be governed by the Provincial legislation in force at the time; and

- C. the owner of the 3000 Yonge Lands shall generally provide access to both initially and for the duration of the 5 Year Period for Existing Units, the 25 affordable replacement rental dwelling units on the 3000 Yonge Lands to tenants referred by a local non-profit agency for tenant placement that is jointly agreed to by the owner of the 3000 Yonge Lands and the City;
- (iii) the owner of the Lands and the owner of the 3000 Yonge Lands 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 required in the above paragraphs (d)(i) with respect to the Lands and (d)(ii) with respect to the 3000 Yonge Lands, and each such owner agrees to the registration of such agreement against the Lands and the 3000 Yonge Lands, prior to the implementing Zoning By-law Amendment coming into full force and effect; and
- (iv) notwithstanding paragraph (d)(iii) above, the owner of the Lands shall also enter into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters required in the above paragraph (d)(ii) above, only until such time as the 5 Year Period for New Units has commenced, and agrees to the registration of such agreement against the Lands, prior to the implementing Zoning By-law Amendment coming into full force and effect.
2. For the purpose of this section:
- (a) “*low-end-of-market housing*” means *dwelling units* which are subject to the following size restrictions:
- (i) the *residential gross floor area* of a bachelor *dwelling unit* does not exceed 46.45 square metres;
- (ii) the *residential gross floor area* of a one bedroom *dwelling unit* does not exceed 60.39 square metres; and
- (iii) the *residential gross floor area* of a two bedroom *dwelling unit* does not exceed 78.97 square metres.
- (b) All other italicized words or expressions have the same meaning as the definitions contained in By-law No. 438-86, as amended, of the former City of Toronto.

MAP 18.565

