

CITY OF TORONTO

BY-LAW No. 561-2004(OMB)

To amend former City of North York By-law No. 7625 with respect to lands known municipally as 39 Green Belt Drive.

WHEREAS the Ontario Municipal Board pursuant to its Order No. 1010, dated June 3, 2004, and upon hearing the appeal of English Lane Homes Inc. under subsection 34(11) of the *Planning Act*, as amended, and with respect to lands known municipally as 39 Green Belt Drive deemed it advisable to further amend By-law No. 7625, as amended; and

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

WHEREAS pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, a By-law passed under Section 34 of the *Planning Act*, can authorize increases in the height and/or 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 are 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 height and/or 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 owners of the lands hereinafter referred to have elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increase in the density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by the By-law, 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 owners of such lands and the City of Toronto; and

WHEREAS a condition of the approval will require the owners of the aforesaid lands to enter into one or more agreements with the City of Toronto 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;

THEREFORE By-law No. 7625, as amended, of the former City of North York is further amended as follows:

1. Section 64.16(17)(h)(i) is amended by replacing the number 183 with 210 so that the Section now reads as follows:

“(h) Dwelling Units

- (i) The maximum number of dwelling units shall be 210.”

Section 37 Agreement

2. Notwithstanding Section 1 hereof, the owner of the lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to secure the matter referred to below, which agreement or agreements may be registered against the title of the lands to which this by-law applies in the manner and to the extent specified in the agreements. The owner of the subject lands, at the owner's expense and in accordance with, and subject to the agreements referred to above, shall provide the following on terms satisfactory to the City of Toronto, in return for the increase in the number of dwelling units authorized under clause 64.16(17)(h)(i) above:
- (i) a certified cheque in the amount of \$27,000.00 to the satisfaction of the Chief Financial Officer and Treasurer for the purposes of improvements to the neighbourhood park.

PURSUANT TO ORDER NO. 1010 OF THE ONTARIO MUNICIPAL BOARD ISSUED ON JUNE 3, 2004 IN BOARD CASE NO. PL030957.