

Authority: North York Community Council Report No. 7, Clause No. 45,
as adopted by City of Toronto Council on September 28, 29, 30 and October 1, 2004
Enacted by Council: September 30, 2004

CITY OF TORONTO

BY-LAW No. 857-2004

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 21-45 St. Clements Avenue and 575-583 Duplex Avenue.

WHEREAS authority is given to Council by Section 34 and 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

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

1. Section 12(2) 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 adding exception 337, as follows:

“337. No person shall, on lands known municipally in the year 2004 as 21-45 St. Clement’s Avenue and 575-583 Duplex Avenue and shown outlined by dashed and dotted lines on Map 1 following this exception, erect or use a building or structure except as a private academic school provided:

- (i) the building existing on the lands in 2003 known as the St. Clement’s School and shown as the “Existing Private School” on Map 1, continues to be erected in accordance with the provisions of By-law No. 551-90;
- (ii) no part of a building to be erected or used for such purpose is located otherwise than wholly within the area designated “Proposed Private School Addition” on Map 1;
- (iii) notwithstanding subsection (ii), a canopy over a building entrance may project into the required setbacks shown on Map 1 by up to 7.2 metres from the north building face and by up to 3.2 metres from the west building face;
- (iv) the *non-residential gross floor area* of the “Proposed Private School Addition” shown on the Map 1 does not exceed 3545 square metres;
- (v) Notwithstanding section 12(2)119(vii) no part of a building to be erected or used on the lands exceeds the *height* limits set out on Map 1;

- (vi) Notwithstanding subsection 1(4) of By-law No. 551-90, not more than 500 of the school's students shall be permitted on the site at any one time; and
- (vii) Notwithstanding Section 6(3) Part III 1(a), the minimum landscaped open space required on the lot shall be 23 percent.

For the purposes of this exception:

- (a) “*grade*” means 165.86 metres Canadian Geodetic Datum.
- (b) “*height*” means the vertical distance between *grade* and the highest point of the roof.

“A stair tower, chimney stack, or other heating, cooling or ventilating equipment may project above that *height* if:

- A. the top of those elements is no higher than 2.5 metres above that *height*;
- B. the aggregate horizontal area of those elements, measured at any point above the level of that *height*, does not exceed 30 percent of the area of the roof of that building; and
- C. the width of any of those elements within six metres of a lot line that is a *street* line, does not exceed 20 per cent of the width of the main wall of the building facing the lot line, provided the width is to be measured parallel to the *lot* line.”

2. The density and the *height* of the development permitted by Section 1 are permitted subject to compliance with the conditions set out therein and in return for the provision by the *owner* of the *lot* of a tenant assistance plan consisting of the following:

- (i) compensation in the amount equal to 3 months rent, and at minimum, a moving allowance equal to \$1500, for those tenants whose leases do not contain notice that the school expansion will require the termination of their tenancy; and
- (ii) compensation in the amount equal to 3 months rent for all other current tenants

and enter into one or more agreements pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters required to be provided by this Section and the agreement or agreements have been appropriately registered against the title to the *lot*.

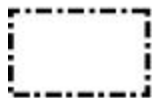
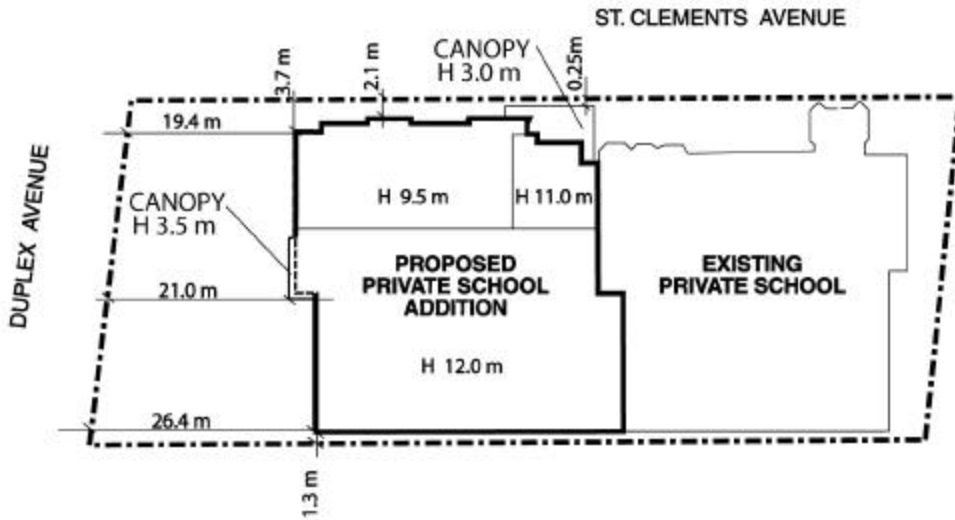
ENACTED AND PASSED this 30th day of September, A.D. 2004.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

Map 1



Lands referred to in section 12(2)337

H: Denotes maximum height in metres above grade