

Authority: Toronto and East York Community Council Report No. 9, Clause No. 7,  
as adopted by City of Toronto Council on November 30, December 1 and 2, 2004  
Enacted by Council: December 2, 2004

**CITY OF TORONTO**

**BY-LAW No. 1070-2004**

**To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally in the year 2004 as 50 and 56 Gerrard Street East and 380 Church Street.**

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

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

WHEREAS pursuant to Section 37 of the *Planning Act*, Council may, in a by-law passed under Section 34 of the *Planning Act*, authorize increases in height or density of development beyond those otherwise permitted by the by-law, 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 or density of development, Council may require the owner to enter into one or more agreements with the City dealing with the facilities, services and matters; and

WHEREAS the owner of the lands herein after referred to has elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increases in density and height permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provision of facilities, services and matters set out in this by-law and are to be secured by one or more agreements between the owner of such lands and the City; and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this by-law;

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

1. None of the provisions of Section 4(2)(a), Section 4(5)(b), Section 4(12), Section 4(13)(d), Section 4(16), Section 8(3) PART I 3(a) and (b), Section 12(2) 260(ii) and Section 12(2) 286 of Zoning By-law No. 438-86, as amended, shall apply to prevent on the *lot* the erection and use of an *apartment building* containing a maximum of 190 *dwelling units* and a below-grade parking garage provided that:

- (1) the *lot* consists of those lands delineated by heavy lines on the attached Plan 1;
- (2) the *residential gross floor area* erected or used on the *lot* does not exceed 12,500 square metres;
- (3) no portion of an *apartment building* erected and used above *grade* is located otherwise than wholly within the building envelope identified on the attached Plan 2 with the exception of cornices, lighting fixtures, awnings, canopies, ornamental elements, parapets, trellises, guardrails, balustrades, railings, stairs, wheel chair ramps, underground garage ramps and their associated structures and landscape features, all of which may extend beyond the building envelope on the attached Plan 2;
- (4) no portion of an *apartment building* on the *lot*, shall have a greater *height* in metres than the *height* limit specified by the numbers following the symbol “H”, shown on Plan 2 with the exceptions as listed within Section 4(2)(a)(i) and (ii) of By-law No. 438-86, provided such elements comply with the restrictions set out in such Section and are located within the hatched area shown on Plan 2;
- (5) the maximum number of *dwelling units* provided in an *apartment building* on the *lot* does not exceed 190 units, of which:
  - (a) the average floor area of the *dwelling units*, as measured from the exterior walls of such units, shall be at least 47 square metres;
  - (b) not less than 40 percent are one *bedroom dwelling units*; and
  - (c) not less than 20 percent are two or three *bedroom dwelling units*;
- (6) not less than 57 *parking spaces* are provided and maintained in a below-*grade parking garage* on the *lot* and:
  - (a) a maximum of 10 of the required *parking spaces* are designated as *small car spaces*; and
  - (b) the following minimum parking ratios are complied with:
    - (i) 0.05 *parking spaces* for each *bachelor dwelling unit*;
    - (ii) 0.30 *parking spaces* for each one-*bedroom dwelling unit*;
    - (iii) 0.72 *parking spaces* for each two-*bedroom dwelling unit*; and
    - (iv) 1.20 *parking spaces* for each three or more *bedroom dwelling unit*; and

- (7) the *owner* of the *lot* enters into an agreement with the City, pursuant to Section 37(3) of the *Planning Act*, to secure the facilities, services and matters referred to in Section 2 of this By-law and that such an agreement be registered on title to the *lot*.
2. Pursuant to Section 37 of the *Planning Act*, the increased *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 *owner* of the *lot*, at its sole expense and in accordance with the agreement referred to in subsection 1(7) of this By-law, agreeing to:
- (1) provide the City with a \$30,000.00 contribution for Allan Gardens, prior to the issuance of an above *grade* building permit for any development on the *lot*;
  - (2) provide and maintain not less than 27 new affordable replacement rental *dwelling units* which shall generally be of the same unit type as in the building to be demolished on the *lot* subject to the following:
    - (a) the 27 designated replacement rental *dwelling units* shall be maintained as conventional rental units for at least 20 years, beginning with the date that each unit is occupied, and until the *owner* obtains approval for an Official Plan Amendment and zoning by-law amendment removing the requirement for the designated units to be maintained as rental units. If the tax rate were to increase such that the *owner* is paying more tax than they would if the rental replacement units were registered as a condominium, the *owner* will have the right to apply for an Official Plan Amendment and zoning by-law amendment removing the requirement for the designated rental units to be maintained as rental units prior to the expiry of this 20 year period, provided the 27 designated replacement rental *dwelling units* remain as rental *dwelling units* until the *owner* obtains approval for an Official Plan Amendment and zoning by-law amendment removing the requirement that the *owner* provide and maintain the designated *dwelling units* as rental *dwelling units*;
    - (b) all of the 27 designated replacement rental *dwelling units* shall be ready and available for occupancy no later than the date by which 60% of the other *dwelling units* erected on the *lot* after the date of enactment of this amendment are available and ready for occupancy;
    - (c) the *owner* of the *lot* shall provide and maintain affordable rents charged to the tenants who rent each of the 27 designated affordable replacement rental *dwelling units* during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount based on the October, 2003 Canada Mortgage and Housing Corporation Rental Market Survey average rent for the City of Toronto by unit type plus annual Provincial rent guideline increases, plus a one-time allowance of 4% and, upon turn-over, the rent charged to any new tenant shall not exceed the most recently reported Canada Mortgage and Housing Corporation Rental Market

Survey average rent for the City of Toronto by unit type and over the course of the 10 year period, annual increases shall not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases;

- (d) rents charged to tenants occupying an affordable replacement rental dwelling unit at the end of the 10 year period set forth in (c) shall be subject only to annual increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, so long as they continue to occupy their dwelling unit; and
  - (e) rents charged to tenants newly occupying an affordable replacement rental dwelling unit after the completion of the 10 year period set forth in (c) will not be subject to restrictions by the City of Toronto under the terms of the Section 37 Agreement; and
- (3) provide additional assistance to the tenants of the *lot* over and above the minimum levels required under the *Tenant Protection Act*, as follows:
- (a) the *owner* shall give eligible tenants residing in a rental unit existing on the *lot* at least six (6) months prior notice of the termination of their tenancy for demolition;
  - (b) all eligible tenants residing on the *lot* on the date of the application, December 11, 2003, and who receive the six (6) months notice of termination set forth in (a) (“eligible tenants”) shall have a right of first refusal based on seniority to occupy a designated affordable replacement rental dwelling unit at an initial rent not exceeding the amount of their rent as of December 2003 plus the amount permitted by the Provincial rent increase guidelines between that date and the date of their first occupancy as adjusted by the anniversary date of each lease and a one-time allowance of 4%;
  - (c) all eligible tenants as set forth in (b) shall receive financial assistance in an amount no less than the amount specified in the Section 37 Agreement in addition to compensation required under the *Tenant Protection Act*;
  - (d) any prospective (new) tenant of an existing rental unit on the *lot* after December 11, 2003 shall be advised prior to entering into any legal agreement to rent a unit of the development applications and the potential demolition, and they shall also be advised that they will not receive the extra assistance set forth in (c) being offered to tenants residing on the *lot* on December 11, 2003 who are eligible tenants; and

- (e) any new tenant in an existing rental unit after December 11, 2003 shall receive the following assistance over and above the minimum requirements of the *Tenant Protection Act*: at least six months notice of the termination of their tenancy for demolition, and the right of first refusal to occupy a designated affordable replacement rental dwelling unit at an initial rent not exceeding the October 2003 amount of the average rent for the City of Toronto by unit type as reported in the Canada Mortgage and Housing Corporation Rental Market Survey plus a one-time allowance of 4% plus annual Provincial rent guideline increases until the date of first occupancy;
  - (4) agree not to erect third party advertising signage on the building's elevations at any time;
  - (5) submit the following reports for review and acceptance by the Commissioner of Works and Emergency Services, prior to Site Plan Approval:
    - (a) a Site Servicing Review to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and demonstrate how this site can be serviced and whether the existing municipal infrastructure is adequate; and
    - (b) a Street Lighting Review to determine the adequacy of the existing street lighting, including the impact of relocating the light standard situated within the limits of the Church Street site access, and identify any improvements that may be required;
  - (6) require the *owner* to pay for any improvements and upgrades to the municipal infrastructure and municipal lighting, should it be determined that improvements and upgrades are required to support the development, according to the reports identified in subsection 2(5) as reviewed and accepted by the Commissioner of Works and Emergency Services; and
  - (7) require the *owner* to install, at their expense, an irrigation system with automatic timer, to the satisfaction of the Commissioner of Works and Emergency Services when three or more trees are planted in a City right-of-way, and ensure that the irrigation system is designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer including requirements to maintain in good order and operation.
3. For the purposes of this by-law, the following expressions shall have the following meaning:
- (1) "*small car space*" means a parking space with a width of 2.6 metres and a length of 5.0 metres; and

- (2) each other word or expression that is italicized in this By-law shall have the same meaning as that word or expression as defined in the said By-law No. 438-86, as amended.
4. Upon execution of an agreement by the *owner* of the *lot* and registration of such agreement against the *lot* pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, the *lot* is subject to the provisions of this By-law.

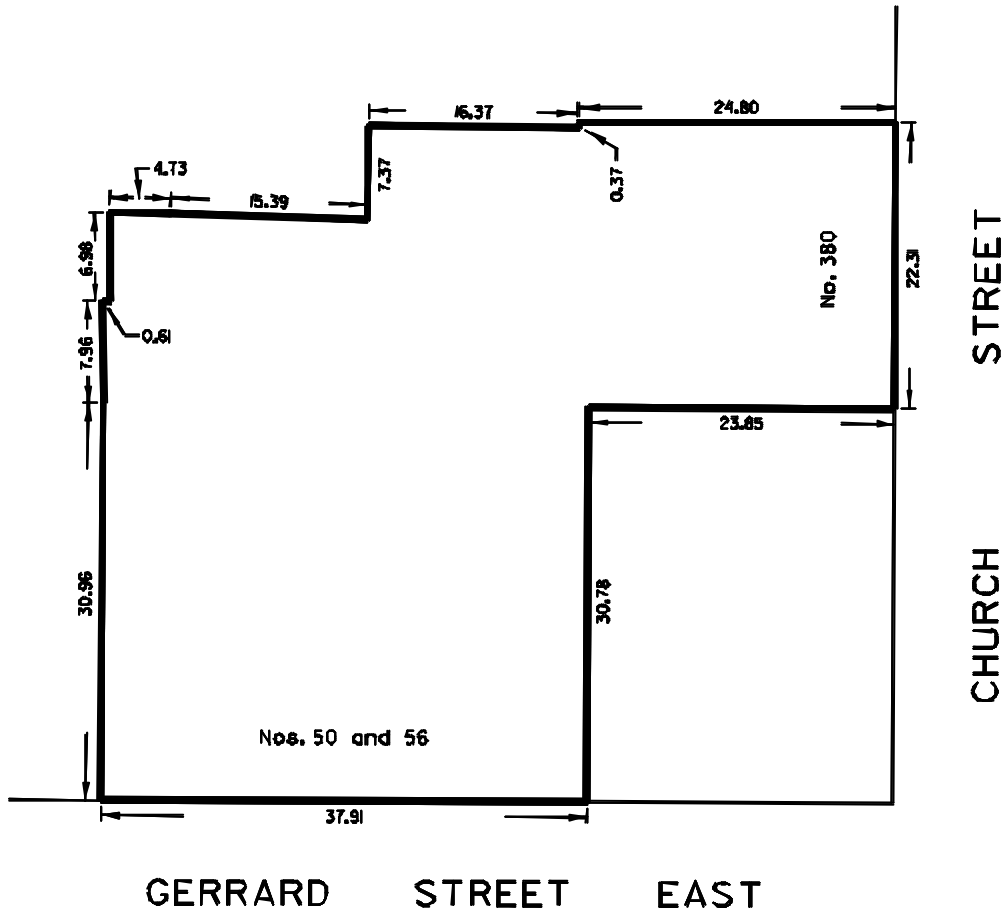
ENACTED AND PASSED this 2nd day of December, A.D. 2004.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

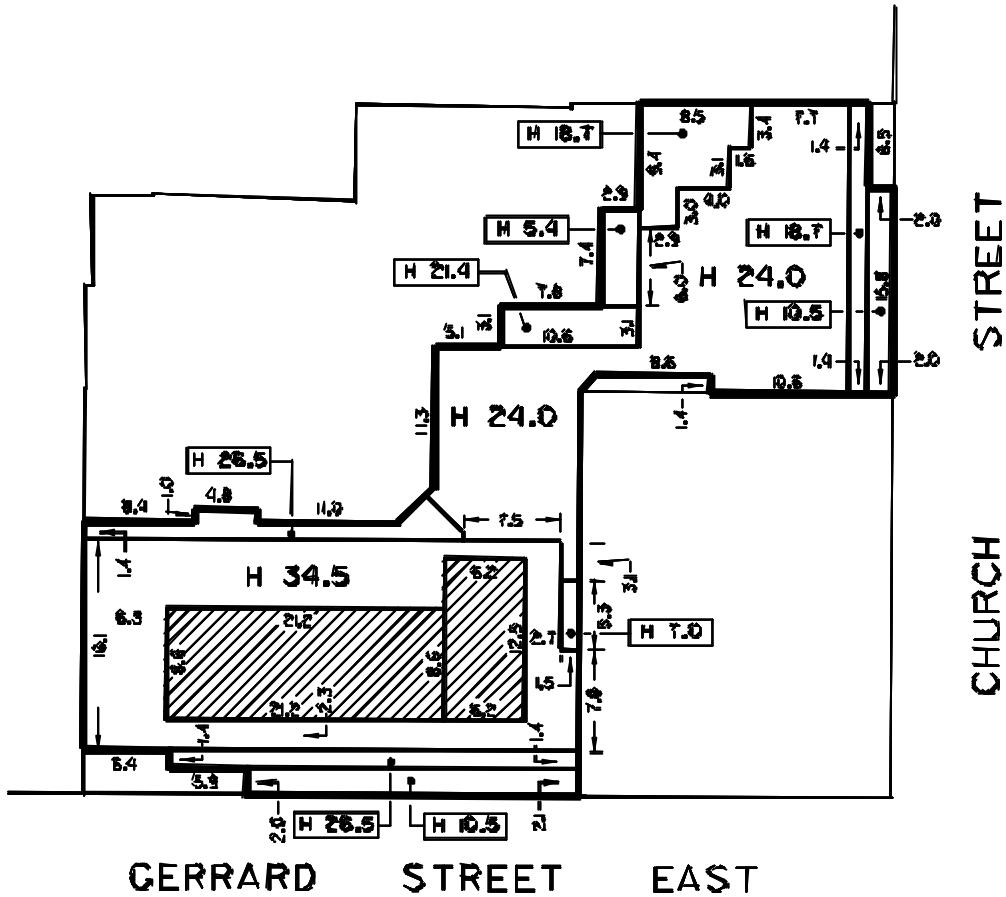
(Corporate Seal)

PLAN 1



WORKS AND EMERGENCY SERVICES  
SURVEY AND MAPPING SERVICES  
TORONTO NOVEMBER, 2004  
FILE: C12-213  
MAP No. 51H-311 DRAWN: VG

# PLAN 2



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE

 Mechanical as identified in Section 4(2)(a)(i) and (ii) of By-law 438-86, as amended



WORKS AND EMERGENCY SERVICES  
 SURVEY AND MAPPING SERVICES  
 TOPDATA      MDT/EBP 2000  
 BLDG/ISSRANG.BOM  
 FILE: C12-C13  
 MAP No. 57H-511      DRAWN: V8