

CITY OF TORONTO

BY-LAW No. 60-2008(OMB)

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 4, 6 and 8 St. Thomas Street and 100-110 Charles Street West.

WHEREAS Council at its meeting of February 5, 6, 7 and 8, 2007, adopted Motion M18 as a settlement, amongst other matters, of the proposed official plan and zoning by-law amendments before the Ontario Municipal Board; and

WHEREAS the Ontario Municipal Board pursuant to its Orders issued November 29, 2007 and December 14, 2007, deems it advisable to amend the former City of Toronto Zoning By-law No. 438-86, as amended;

THEREFORE By-law No. 438-86, as amended, of the former City of Toronto, is amended as follows:

1. None of the provisions of Section 2(1) with respect to the definitions of *height*, *lot*, *parking space*, *residential amenity space* and *grade*, Sections 4(2)(a), 4(5)(b), 4(8), 4(12), 4(17), 8(3) Part I, 8(3) Part III 1(a) and 8(3) Part XI 2 (ii) of Zoning 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, shall apply to prevent the use of the building existing at the date of enactment of this By-law on *Parcel A* shown on Plan 1 attached to and forming part of this By-law for the purpose of an office building, the use of the building existing at the date of enactment of this By-law on *Parcel B1* shown on Plan 1 for the purpose of *dwelling units* and *accessory* uses thereto, together with the erection and use of a building or buildings containing residential and or non-residential uses, including *accessory* uses thereto, on *Parcel B2* and *Parcel B3* shown on Plan 1, provided
 - (1) the *lot* on which such building or buildings is erected comprises at least the lands outlined by heavy lines and identified as *Parcel A* and *Parcel B* on Plan 1;
 - (2) the total of the *residential gross floor area* and the *non-residential gross floor area* erected and used on the *lot* does not exceed 30,700 square metres, of which the *residential gross floor area* is only permitted to be erected and used on *Parcel B*;

PARCEL A

- (3) on *Parcel A*,
 - (a) the *non-residential gross floor area* erected or used does not exceed 5,400 square metres;
 - (b) no portion of any building or structure erected or used on *Parcel A* is located above the *height limits* shown on Plan 2 attached to and forming part of this By-law;

- (c) despite Sections 1(3) (a) and (b) herein, following the erection and initial occupancy of the building permitted on *Parcel A*, an addition to such building may be erected and used, provided
 - (i) the *non-residential gross floor area* erected and used on *Parcel A*, including such addition, does not exceed 6,582 square metres; and
 - (ii) no portion of such building including such addition exceeds a *height limit* of 20.0 metres inclusive of rooftop structures and elements permitted pursuant to Section 4(2)(a)(i) or (ii) of By-law No. 438-86, as amended, save and except for chimney stacks;
- (d) no part of any building or structure located above *grade* on *Parcel A* is located otherwise than wholly within the heavy lines shown on Plan 2;
- (e) despite any other provision herein, balconies located within the hatched areas shown as such on Plan 2, garden walls not exceeding 2.5 metres in height and canopies not exceeding 4.0 metres in height and projecting not more than 3.5 metres from a wall to which they are attached, are permitted on *Parcel A*;
- (f) the level of the floor of the main floor level of such building is within 0.79 metres of the level of the sidewalk on Charles Street West adjacent to such building;
- (g) a loading area containing not less than three *loading spaces – type B* and two *loading spaces-type C* is provided and maintained on *Parcel A* which may serve both the uses on *Parcel A* and the uses on *Parcel B2* and *Parcel B3*, provided that the *loading spaces-type C* may be in tandem arrangement and the *loading spaces-type B* may have a vertical clearance of not less than 3.7 metres;
- (h) with the exception of Section 2(1) of By-law No. 438-86, as amended, as it relates to the definition of the terms *loading space – Type B* and *lot* and Sections 4(2)(a)(i) and (ii), 4(8), 8(3) PART I 1, 2 and 3 and 8(3) PART XI 2(i) and (iii), all other provisions of By-law No. 438-86, as amended, respecting *Parcel A* are complied with;
- (i) 25 *parking spaces* are provided and maintained on *Parcel A* to serve such building;
- (j) none of the provisions of this By-law shall prevent the erection and use of a driveway or garage ramp on *Parcel A* to serve both the uses on *Parcel A* and the uses on *Parcel B2* and *Parcel B3*; and
- (k) for the purpose of this Section 1(3) the following definitions shall apply:
 - (i) “*height limit*” means the level above *grade* as shown on Plan 2 or as set forth in Sections 1(3)(b) and 1(3)(c)(ii) herein; and

- (ii) “*Parcel A*” shall mean the lands identified as “*Parcel A*” on the attached Plan 1;

PARCEL B

(4) on *Parcel B*

- (a) the total of the *non-residential gross floor area* and the *residential gross floor area* erected and used shall not exceed 24,100 square metres, of which:
- (i) the *non-residential gross floor area* shall only be erected and used on *Parcel B2*, and
- A. shall only be used for one or more of the uses listed in Section 8(1)(f)(b)(iv) of By-law No. 438-86, as amended, and shall not exceed a total of 725 square metres; or
- B. shall only be used for a *hotel*, *accessory* uses thereto, and the uses in A. herein, provided the total *non-residential gross floor area* shall not exceed 8,100 square metres, of which the uses listed in A. herein shall not exceed a total of 725 square metres; and
- (ii) a maximum of 136 *dwelling units* may be erected or used, or alternatively, in the event a *hotel* is erected and used on *Parcel B2* a maximum of 76 *dwelling units* and a maximum of 98 *hotel room/suites* may be erected and used;
- (b) no portion of a building erected above *grade* on *Parcel B* located otherwise than wholly within the areas delineated by heavy lines on the attached Plan 2, with the exception that the following may each extend beyond the heavy lines shown on the attached Plan 2,
- (i) on *Parcel B1*, light fixtures, railings, stairs, fences and landscape features, cornices, ornamental and architectural elements including stone treatments, eaves and window sills;
- (ii) on *Parcel B2* and *Parcel B3*, cornices, light fixtures, awnings, canopies, ornamental and architectural elements including stone treatments, parapets, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, retaining walls, fences, underground garage ramps and their associated structures and landscape features; and
- (iii) balconies located within the hatched areas shown as such on Plan 2;

- (c) the following minimum *parking space* requirements shall apply to each of *Parcel B2* and *Parcel B3* and shall be provided and signed exclusively for the use of the residents, their residential visitors, *hotel* guests and visitors to the *hotel*, respectively, for each such Parcel and shall be provided and maintained on *Parcel B*,
- (i) Dwelling Units:
- Residents' Parking:
- A. 0.3 parking spaces for each *bachelor dwelling unit*;
- B. 0.5 parking spaces for each *one-bedroom dwelling unit*;
- C. 0.75 parking spaces for each *two-bedroom dwelling unit*;
- D. 1.20 parking spaces for each three or more *bedroom dwelling unit*;
- Residential Visitors' Parking:
- E. 0.06 *parking spaces* for every *dwelling unit* contained therein;
- (ii) *Hotel*: 1 *parking space* for each 371 square metres of *total floor area*, or fraction thereof equal to or greater than one-half thereof; and
- (iii) for all other uses, the minimum number of *parking spaces* shall be provided in accordance with Section 4(5)(b) of By-law No. 438-86, as amended;
- (d) none of the provisions of this By-law shall prevent the shared use of a driveway or garage ramp on *Parcel B2* and *Parcel B3* to serve both the uses on *Parcel A* and the uses on *Parcel B2* and *Parcel B3*;
- (e) a minimum of one *loading space – type G* shall be provided and maintained on *Parcel B2* to serve the uses on *Parcel B2* and *Parcel B3*;
- (f) no *parking spaces* or loading spaces shall be required for the *dwelling units* located within the building existing at the date of the enactment of this By-law on *Parcel B1*;

- (g) *residential amenity space* shall be provided on *Parcel B* in accordance with the following:
- (i) for each of *Parcel B2* and *Parcel B3*, a minimum of 2 square metres per *dwelling unit* of indoor *residential amenity space* is provided and maintained on the respective parcel for the use of residents of such parcel and if applicable, may be available to the guests of the *hotel*, in a multi-purpose room or rooms, whether or not such rooms are contiguous, and shall incorporate at least one associated washroom for each such parcel; and
 - (ii) a minimum of 2 square metres per *dwelling unit* of outdoor *residential amenity space* shall be provided and maintained on *Parcel B* of which not less than 23 square metres shall be provided on *Parcel B1* for the use of residents of *Parcel B1*;
- (h) none of the provisions of this By-law respecting use shall prevent the following:
- (i) the use of terraces and balconies as shown on Plan 2, surface driveways, *accessory* uses below *grade*, outdoor *residential amenity space*, or *mechanical areas* associated with permitted uses on *Parcel B2*; or
 - (ii) the use of *mechanical areas* associated with permitted uses on *Parcel B3*;

provided all other provisions of this By-law are complied with and provided that on *Parcel B1* such outdoor *residential amenity space* is located on the roof of the building referred to in Section 1(5) herein;

- (i) despite clause (iii) of the definition of “*bicycle parking space – visitor*” in Section 2(1) of By-law No. 438-86, as amended, on *Parcel B2* and *Parcel B3*, a maximum of 11 *bicycle parking spaces – visitor* may be provided and maintained within a secured room or area on the first level immediately below *grade* in the visitor parking area of the *parking garage*;

PARCEL B1

- (5) on *Parcel B1*, the heritage building existing at the date of enactment of this By-law and shown on Plan 2 shall:
- (a) continue to be erected, subject to permitted alterations;
 - (b) contain not less than 16 *dwelling units*; and

- (c) not exceed a *height* of 12.5 metres, with the exception of the following:
- (i) structures used for outside open air recreation, safety or wind protection purposes may exceed such *height* provided,
 - A. such structure is not located within the Heritage Setback Area as shown on Plan 2 on the roof of such building;
 - B. the maximum vertical dimension of any such structure does not exceed 3.0 metres above the *height* of the roof of the building as shown on *Parcel B1*; and
 - C. the structure does not enclose space so as to constitute a form of penthouse or other room or rooms;
 - (ii) the elements and structures identified in Sections 1(4)(b)(i) and (iii) of this By-law;
 - (iii) vents provided the maximum vertical dimension of any such element on the building does not exceed 1.0 metre above the portion of the building subject to a *height* limit of 12.5 metres as shown on Plan 2;
 - (iv) screens to conceal roof top equipment, structures and elements provided the maximum vertical dimension of any such screen does not exceed 1.2 metres above the portion of the building subject to a *height* limit of 12.5 metres as shown on Plan 2;

PARCEL B2

- (6) on *Parcel B2*, no person shall erect or use a building or structure having a greater *height* in metres than the *height* limits specified by the numbers following the symbol H shown on the attached Plan 2, including any elements otherwise permitted in Sections 4(2)(a)(i) and (ii) of the aforesaid By-law No. 438-86, as amended, but that does not prevent the erection or use of the following:
- (a) roofing materials, including roof insulation and sloping of the roof to provide for drainage, elements on the roof used for green technology or alternative roof systems, provided the maximum vertical dimension of any such elements is no higher than the sum of 0.5 metres and the *height* of the applicable portions of the roof of the building as shown on Plan 2 and such permission is not applicable to the portions of the building subject to a *height* limit of 36.0 metres as shown on Plan 2;

- (b) parapets, provided the maximum vertical dimension of any such parapet does not exceed 1.4 metres above the *height* of the applicable portion of the roof of the building as shown on Plan 2, and provided:
 - (i) such permissions are not applicable to the portions of the building subject to a *height* limit of 36.0 metres as shown on Plan 2; and
 - (ii) parapets on that portion of the building facing St. Thomas Street which are subject to a *height* limit of 34.0 metres as shown on Plan 2 shall be limited to a vertical dimension of 0.6 metres;
- (c) railings and guardrails, provided the maximum vertical dimension of any such element does not exceed 1.5 metres above the *height* of the applicable portion of the roof of the building as shown on Plan 2;
- (d) privacy screens, provided the maximum vertical dimension of any such screen does not exceed 2.2 metres and provided that such screens shall not be located on the portions of the building subject to *height* limits of 34.0 metres and 36.0 metres as shown on Plan 2;
- (e) window washing equipment, provided the maximum vertical dimension of any such equipment does not extend 0.6 metres above the top of the elements and structures identified in Section 1(6)(a) above;
- (f) vents, provided the maximum vertical dimension of any such element does not exceed 0.5 metres above the *height* of the applicable portion of the roof of the building as shown on Plan 2, and provided:
 - (i) such permission is not applicable to the portions of the building subject to a *height* limit of 36.0 metres as shown on Plan 2; and
 - (ii) a maximum of 2 vents shall be permitted to a maximum vertical dimension of 2.0 metres;
- (g) a roof hatch provided the maximum vertical dimension of any such element does not exceed 0.5 metres above the top of the elements and structures identified in Section 1(6)(a) above and such permission is not applicable to the portions of the building subject to a *height* limit of 36.0 metres as shown on Plan 2; and
- (h) screening of roof top equipment, structures and elements, provided the maximum vertical dimension of any such element does not exceed 2.0 metres above the *height* of the applicable portion of the roof of the building shown on Plan 2 and such permission is not applicable to the portions of the building subject to a *height* limit of 36.0 metres as shown on Plan 2;

PARCEL B3

- (7) on *Parcel B3*, no person shall erect or use a building or structure having a greater *height* in metres than the height limits specified by the numbers following the symbol H shown on the attached Plan 2, including any elements otherwise permitted in Sections 4(2)(a)(i) and (ii) of the aforesaid By-law No. 438-86, as amended, but that does not prevent the erection or use of the following:
- (a) roofing materials, including roof insulation and sloping of the roof to provide for drainage, elements on the roof used for green technology or alternative roof systems, provided the maximum vertical dimension of any such elements is no higher than the sum of 0.5 metres and the *height* of the applicable portion of the roof of the building shown of Plan 2 and such permission is not applicable to the portion of the building subject to a *height* limit of 80.5 metres as shown on Plan 2;
 - (b) parapets, provided the maximum vertical dimension of any such parapet does not exceed 1.4 metres above the *height* of the applicable portion of the roof of the building as shown on Plan 2, and provided:
 - (i) such permission is not applicable to the portion of the building subject to a *height* limit of 80.5 metres as shown on Plan 2; and
 - (ii) parapets on those portions of the building facing St. Thomas Street and subject to *height* limits of 11.5 metres or 78.5 metres as shown on Plan 2, shall be limited to a vertical dimension of 0.6 metres;
 - (c) railings and guardrails, provided the maximum vertical dimension of any such elements does not exceed 1.5 metres above the *heights* of 75.5 metres or 11.5 metres on those portions of the building subject to *height* limits of 75.5 metres or 11.5 metres as shown on Plan 2;
 - (d) privacy screens provided the maximum vertical dimension of any such screen does not exceed 2.2 metres and provided that such screens shall not be located on the portions of the building subject to *height* limits of 78.5 metres and 80.5 metres as shown on Plan 2;
 - (e) window washing equipment, provided the maximum vertical dimension of any such equipment does not extend 0.6 metres above the top of the elements and structures identified in Section 1(7)(a) above, and such permission is not applicable to that portion of the building subject to a *height* limit of 80.5 metres as shown on Plan 2;

- (f) vents, provided the maximum vertical dimension of any such element does not exceed 0.5 metres above the *height* of the applicable portion of the roof of the building as shown on Plan 2, and provided:
 - (i) such permission is not applicable to the portion of the building subject to a *height* limit of 80.5 metres as shown on Plan 2; and
 - (ii) a maximum of 1 vent may be permitted to a maximum vertical dimension of 2.0 metres; and
- (g) a roof hatch, provided the maximum vertical dimension of any such element does not exceed 0.5 metres above the top of the elements and structures identified in Section 1(6)(a) above and such permission is not applicable to that portion of the building subject to a *height* limit of 80.5 metres as shown on Plan 2; and
- (8) notwithstanding Section 1(7) above, on *Parcel B3*, the portion of the building subject to a *height* limit of 80.5 metres as shown on Plan 2, above a *height* of 79.0 metres:
 - (a) shall be erected and used only for an elevator shaft, chimney stack or other heating, cooling, or ventilating equipment;
 - (b) shall be setback a minimum of 12.6 metres from the east limit of *Parcel B3*, as shown on Plan 2; and
 - (c) shall have a maximum width of 4.0 metres, measured parallel to the east limit of *Parcel B3*, as shown on Plan 2;
- (9) the owner of the lands identified as *Parcel B*, and in respect of clause (i) herein, the owner of the portions therein set out, at its expense and in accordance with and subject to the agreement referred to in Section 1(10) herein, provides the following facilities, services and matters:
 - (a) pays to the City the sum of \$250,000 for a Museum Subway station upgrade;
 - (b) pays to the City the sum of \$500,000 for affordable housing as a cash payment;
 - (c) pays to the City the sum of \$200,000 for the City's Heritage Grant Program;
 - (d) exterior building materials and landscape materials satisfactory to the City's Chief Planner;
 - (e) deposits with the City a tree protection security for four London Plane trees, to the satisfaction of the City's Chief Forester prior to the issuance of any site plan approval;

- (f) documentation of the existing buildings known in the year 2006 as 100-108 Charles Street West and 4 and 6 St. Thomas Street, satisfactory to the Manager, Heritage Preservation Services prior to the issuance of any demolition permits with respect to any such properties;
- (g) pays to the City for improvement of municipal infrastructure and municipal lighting required for the redevelopment as set out in the owner's technical reports, satisfactory to the City's Executive Director of Technical Services prior to the respective issuance of the first *foundation building permit* for *Parcel B2* or *Parcel B3*, should the site servicing review determine that upgrades are required to the infrastructure to support this development;
- (h) pays to the City the sum of \$28,000 to be directed to the Toronto Parking Authority for the cost of removing the two pay and display parking spaces on Charles St. West and the lost revenue of such spaces, such payment to be made prior to the removal of the two pay and display parking spaces;
- (i) the owner of the lands identified as *Parcel B1* and *Parcel B2* provides and maintains 16 *Replacement Units* on *Parcel B1* within the heritage building existing at the date of enactment of this By-law on *Parcel B1*, for a period of ten years (the "Ten Year Period") subject to the following provisions:
 - (i) each *Replacement Unit* shall have its *Initial Renovations* substantially completed, if required, and be occupied or available for occupancy prior to the issuance of any above grade building permit to permit the construction of the permitted uses and buildings, or portion of a building, on the lands identified as *Parcel B2* and *Parcel B3* in accordance with the provisions of this By-law;
 - (ii) the Ten Year Period for each *Replacement Unit* shall commence on the later of:
 - A. the date this By-law is final and binding; or
 - B. the date the *Replacement Unit* is available for occupancy with all *Initial Renovations*, if required, in respect of that unit substantially completed;
 - (iii) during the Ten Year Period, the rents for the *Replacement Units* will be affordable ("Affordable Rents") according to the following criteria:
 - A. an *Existing Tenant* renting a *Replacement Unit* will pay a rent based on the current rent paid by that *Existing Tenant* immediately prior to moving into the *Replacement Unit*, or if remaining in such unit, the current rent paid by that *Existing Tenant* immediately prior to commencement of the Ten Year Period;

- B. if a *Replacement Unit* is initially or subsequently rented by someone other than an *Existing Tenant* (the “Other Tenant(s)”), the Other Tenant will pay a rent based on average rent by unit type for the Toronto Zone as most recently reported by the Canada Mortgage and Housing Corporation; and
- C. all rents referred to in A. and B. herein shall be subject to increases permitted in accordance with the *Residential Tenancies Act*, or successor legislation in force at that time (“Provincial Legislation”), except that the cost of the *Initial Renovations* shall not be passed onto the *Existing Tenants* or the Other Tenants;
- (iv) after the Ten Year Period, rents charged for the *Replacement Units* shall be governed by Provincial Legislation and the provision of Affordable Rents will no longer be required;
- (v) the rents charged to the *Existing Tenants* and Other Tenants shall in each case be personal to the subject tenant. *Existing Tenants* and Other Tenants shall not be entitled to assign or sublet a *Replacement Units* without the consent of the landlord;
- (vi) all rents referred to in (iii) A. and B. herein will include utilities and cable, and may exclude other services or matters, including but not limited to parking;
- (vii) the *Replacement Units* shall have unit areas similar to the *Existing Units*;
- (viii) all *Existing Tenants* shall or have been offered a relocation package equal to 12 times the current monthly rent paid by the *Existing Tenant* immediately prior to moving, plus \$500 for moving expenses;
- (ix) *Existing Tenants* who have not accepted a relocation package shall have a right of first refusal to occupy a *Replacement Unit*;
- (x) an *Existing Tenant* who has selected to return to a *Replacement Unit* may be required to be temporarily relocated to the building known in the year 2006 as 6 St. Thomas Street or comparable accommodation as offered by the owner, to permit the *Initial Renovations*;
- (xi) the *Replacement Units* will be maintained as rental for the Ten Year Period and shall not form part of a condominium during such period, and thereafter the owner is not precluded from making a condominium application; and

- (xii) the owner of the lands identified as *Parcel B1* may select any Other Tenant in accordance with Provincial legislation; and
- (j) the payments required in clauses (a), (b), (c) and (h) herein are not subject to indexing and shall be paid prior to the issuance of the first above *grade* building permit to permit construction of a building or a portion of a building on *Parcel B3*;
- (10) the owner of the lands identified as *Parcel B* enters 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 Section 1(9) herein and registers such agreement against title to *Parcel B* as a first charge, all to the satisfaction of the City Solicitor prior to this By-law coming into full force and effect; and
- (11) a temporary *sales office* on *Parcel B2* and or *Parcel B3* is a permitted use provided such office is used only for the sale of premises to be erected on such lands.

2. Definitions:

- (a) For the purposes of Section 1 of this By-law and subject to Sections 1.(3)(k) and 2(b) herein, the terms set forth in italics shall have the same meaning as such terms have for the purposes of By-law No. 438-86, as amended; and
- (b) the following definitions shall apply to *Parcel B1*, *Parcel B2* and *Parcel B3*:
 - (i) “*Existing Tenants*” means the named tenant in an existing lease who is occupying a *dwelling unit* in one of the buildings known municipally in the year 2006 as 6 or 8 St. Thomas Street as of July 3, 2007;
 - (ii) “*Existing Units*” means the *dwelling units* occupied by the *Existing Tenants* as of the date that this By-law is final and binding;
 - (iii) “*foundation building permit*” means the first building permit that permits the erection of any below ground concrete structure;
 - (iv) “*grade*” means 114.45 metres Canadian Geodetic datum;
 - (v) “*height*” means the vertical distance between *grade* and the lowest point of the upper exterior of the roof slab, and where there is no roof, the highest point of the structure;
 - (vi) “*Initial Renovations*” means the renovations to the existing building located on *Parcel B1* as shown on the attached Plan 2 which are required to certain units in order to create 16 *dwelling units*, substantially in accordance with the *Plans*, which does not include specific upgrades which may be requested by *Existing Tenants*, initial tenants or any future tenant as agreed to by the owner, or any future maintenance, renovations or changes to the *Replacement*

Units, or renovations which do not require the vacating of a particular *dwelling unit*;

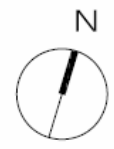
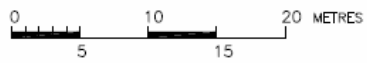
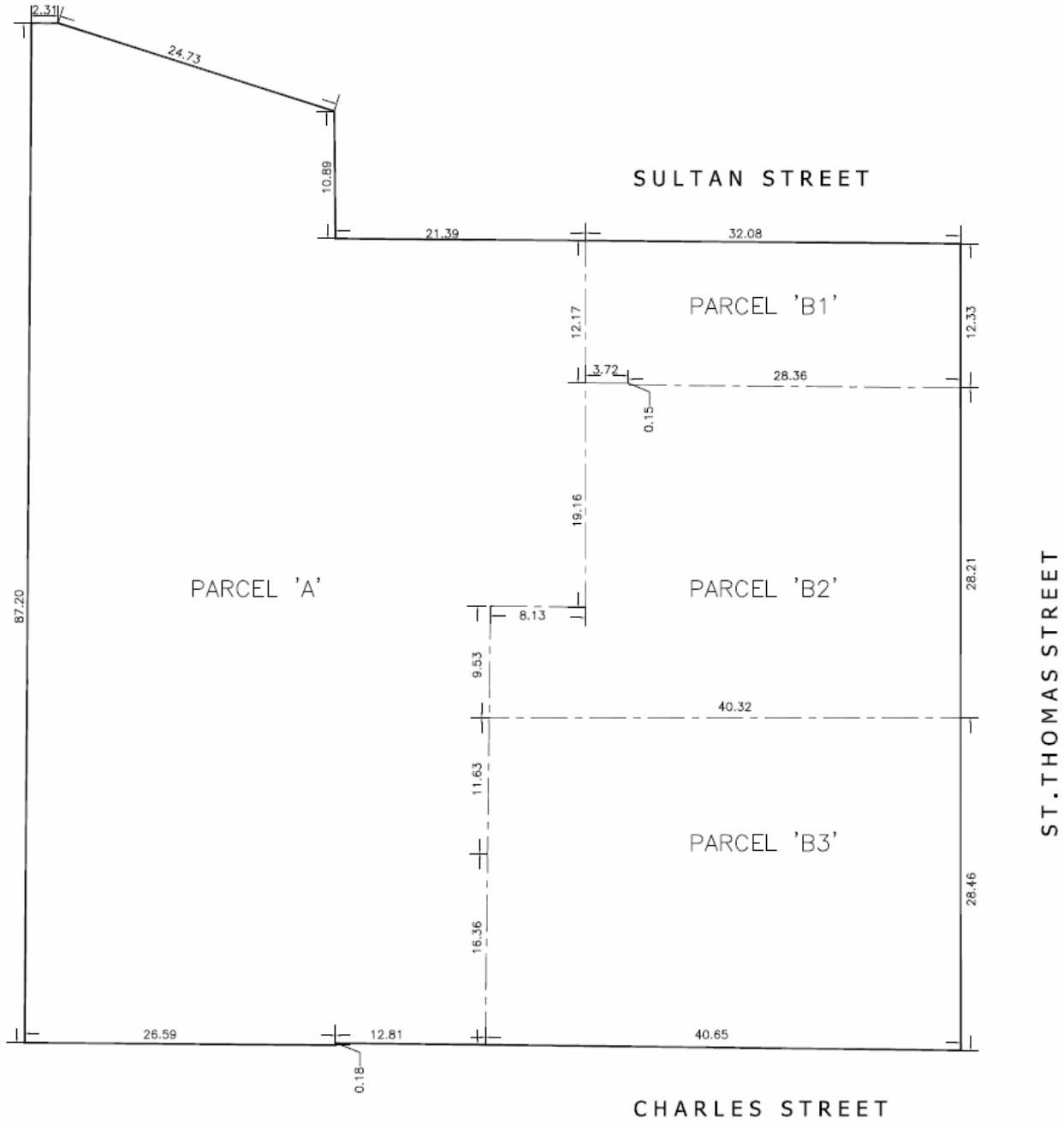
- (vii) “*mechanical area*” means, for the purposes of Sections 1(4)(h)(i) and (ii) herein, an area used for the accommodation of heating, cooling, ventilating, electrical, mechanical, natural gas or telecommunications equipment;
- (viii) “*Parcel B*” means, collectively, *Parcel B1*, *Parcel B2*, and *Parcel B3*;
- (ix) “*Parcel B1*”, “*Parcel B2*” and “*Parcel B3*” means the lands identified as “*Parcel B1*”, “*Parcel B2*” and “*Parcel B3*” respectively as shown on the attached Plan 1;
- (x) “*parking space*”, despite any provision of Section 4(17) of By-law No. 438-86, as amended, to the contrary, means an unimpeded area, readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle, accessed by a one way or two-way drive aisle having a width of 6.0 metres or more measured at the entrance to the *parking space*, with minimum dimensions of:
 - A. length: 5.6 metres;
 - B. width: 2.6 metres, except that the minimum required width shall be increased by 0.3 metres for each side of the *parking space* that is obstructed; and
 - C. height: 2.0 metres in height, unobstructed for the entire length and width of the *parking space*; and

for the purpose of B., the side of a *parking space* is obstructed when any part of a fixed object such as, but not limited to, a wall, column, bollard, fence or pipe is situated within 0.3 metres of the side of the *parking space*, measured at right angles and more than 1.0 metres from the front or rear of the *parking space*;
- (xi) “*Replacement Units*” means the 16 *dwelling units* to be provided in the existing heritage building on *Parcel B1* shown hatched on the attached Plan 2;
- (xii) “*residential amenity space*” means a common area or areas within *Parcel B* which are provided for the exclusive use of residents of one or more portions of a building on *Parcel B* for recreational or social purposes and which may be used by guests of a *hotel* erected on *Parcel B2*; and

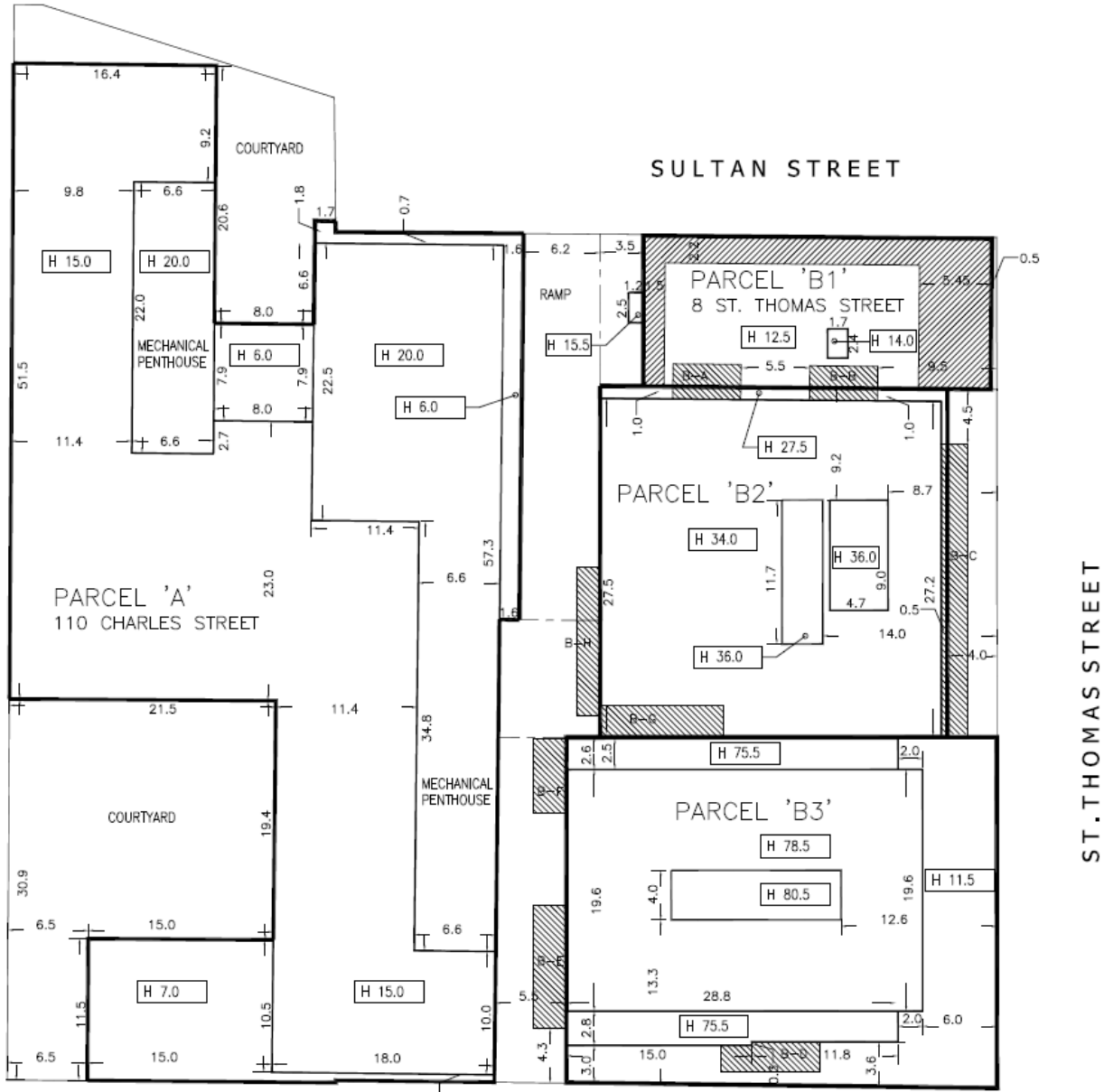
(xiii) “*sales office*” means an office located on *Parcel B2* or *Parcel B3* in a building existing on the *lot* at the date of enactment of this By-law or in a temporary building, structure, facility or trailer satisfactory to the City’s Chief Planner used exclusively for the sale of *dwelling units* to be erected on *Parcel B2* or *Parcel B3*.

3. Despite any existing or future severance, partition, or division, *Parcel A*, *Parcel B1*, *Parcel B2*, and *Parcel B3* shall continue to be one *lot* for the purposes of this By-law and the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.
4. Sections 12(1) 438 and 440 of By-law No. 438-86, as amended, are hereby repealed.

PURSUANT TO ORDERS OF THE ONTARIO MUNICIPAL BOARD, ISSUED ON NOVEMBER 29, 2007 AND DECEMBER 14, 2007 IN BOARD FILE NO. PL050720.

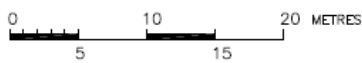


PLAN 1.



EXISTING HERITAGE BUILDINGS:
 PARCEL A - 110 CHARLES STREET
 PARCEL B1 - 8 ST. THOMAS STREET

- BALCONIES:**
- B-A = 1.85m X 5.5m
 - B-B = 1.85m X 5.5m
 - B-C = 1.65m X 23.5m
 - B-D = 2.50m X 8.0m
 - B-E = 2.65m X 10.0m
 - B-F = 2.65m X 6.0m
 - B-G = 2.65m X 10.0m
 - B-H = 1.85m X 12.0m
- HERITAGE SETBACK AREA**



PLAN 2.