

**CITY OF TORONTO**

**BY-LAW No. 137-2008(OMB)**

**To amend the General Zoning By-law No. 438-86 for the former City of Toronto,  
with respect to lands municipally known as 175 Avenue Road.**

WHEREAS the Ontario Municipal Board in a Decision issued October 7, 2004, approved a Zoning By-law Amendment as a result of a zoning by-law appeal with respect to lands known as 175 Avenue Road;

NOW THEREFORE, pursuant to an Order of the Ontario Municipal Board issued on February 5, 2008, in Board Case No. PL030047, By-law No. 438-86, as amended, of the former City of Toronto, is amended as follows:

1. Section 12 (2) 137, is amended by the addition of the following text:

“This paragraph shall not apply to prevent the existing structure at No. 175 Avenue Road from being used as a *restaurant* subject to the following conditions:

- (a) an outdoor *patio* or a rooftop *patio* is not permitted;
- (b) all garbage will be stored indoors, in a refrigerated room;
- (c) roof mounted heating, cooling or ventilation (HVAC) systems are to be appropriately screened with a continuous sound barrier, along the northern portion of the roof, 2 metres from the HVAC unit. Height of sound barrier is required to be a minimum of 0.1 metres higher than HVAC unit; and
- (d) kitchen exhaust is to be connected to an operating and maintained odour control system, located on the south east portion of the roof structure, which may be inspected from time to time, with prior notice being given by the City of Toronto at a time convenient to the owner.

PURSUANT TO THE ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD  
ISSUED ON FEBRUARY 5, 2008 IN BOARD CASE NO. PL030047.