

**CITY OF TORONTO**

**BY-LAW No. 85-2010(OMB)**

**To amend the General Zoning By-law No. 438-86 of the former City of Toronto  
with respect to the lands municipally known as 359-377 Roehampton Avenue.**

WHEREAS the Ontario Municipal Board in a Decision issued March 3, 2008, approved a Zoning By-law Amendment as a result of a zoning by-law appeal with respect to lands known as 359-377 Roehampton Avenue;

THEREFORE, pursuant to an Order of the Ontario Municipal Board issued on March 3, 2008, in Board Case No. PL060990, By-law No. 438-86, as amended, of the former City of Toronto, is amended as follows:

1. None of the provisions of Sections 2(1), with respect to the definition of *rowhouse*, 4(2)(a), 4(4)(B), 4(11)(B), 6(1)(A), 6(3) Part I 1, 6(3) Part II 2(II), 6(3) Part II 4, 6(3) Part II (5) I, 6(3) Part III 1(B), and 6(3) Part IX 1(B), 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 erection and use of one or more *residential buildings* above a common underground parking structure, on the lands shown on Map 1 attached to and forming part of this By-law, provided that:
  - (1) the *lot* on which the proposed buildings are to be located comprises not less than the lands outlined by heavy lines on Map 1, attached to and forming part of this By-law;
  - (2) no portion of any building or structure is located otherwise than wholly within the areas delineated by heavy lines as shown on Map 2, attached to and forming part of this By-law;
  - (3) subsection (2) hereof does not apply to the type of structure listed in the column entitled "STRUCTURE" in the following chart, provided that the restrictions set out opposite the structure in the columns entitled "MAXIMUM PERMITTED PROJECTION" are complied with:

STRUCTURE	MAXIMUM PERMITTED PROJECTION
eaves, cornices	maximum 1.0 metre projection from the wall to which it is attached
verandah	Not more than 2.5 metres from the wall to which it is attached
3rd storey deck	maximum 0.45 metres

- (4) the *height* of any building or structure, or portion thereof, including those elements referred to in Section 4(2)(a)(i) and (ii) of Zoning By-law No. 438-86, as amended, does not exceed the *height* in metres specified on Map 2 attached to and forming part of this By-law;
- (5) the total *residential gross floor area* of all of the buildings erected on the *lot* shall not exceed 2,400.2 square metres;
- (6) the maximum aggregate number of *dwelling units* erected and maintained on the *lot* shall not exceed 15 *dwelling units*;
- (7) the minimum number of *parking spaces* provided and maintained on the *lot* is the aggregate of the following:
  - (i) 1 space for each *dwelling unit*; and
  - (ii) 2 spaces for the visitors to the dwelling units.
- (8) the provisions of the By-law shall continue to apply to the lands shown on Map 1 attached hereto notwithstanding their division into one or more parcels;
- (9) the owner shall enter into a Section 37 Agreement to secure the provision of the following facilities, services and/or matters on terms satisfactory to the City of Toronto:
  - (i) The owner shall provide a cash payment of \$ 200,000 to the City of Toronto Capital Revolving Fund for Affordable Housing; and
  - (ii) The owner shall provide a tenant re-location package, consisting of three months rent plus a \$500 lump sum for moving expenses, to all tenants existing at the date of issuance of any demolition permit(s) for the properties known municipally as 359-367 Roehampton Avenue.

2. For the purpose of this By-law the following definition shall apply;

- (a) "*row house*" means one of a series of more than two attached buildings:
  - (i) each building comprising one *dwelling unit*; and
  - (ii) each building divided vertically from another by a party wall.
- (b) "*height*" shall be measured according to Map 2.
- (c) each other word or expression, which is italicized in this by-law, shall have the same meaning as each such word or expression as defined in the said By-law No. 438-86, as amended.

3. Despite any existing or future severance, partition, or division, this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.
4. Within the lands shown on Map "1" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
  - (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
  - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

PURSUANT TO THE DECISION/ORDER OF THE ONTARIO MUNICIPAL BOARD  
ISSUED ON MARCH 3, 2008 IN BOARD FILE NO. PL060990.



