

Authority: Executive Committee Item 44.5,
as adopted by City of Toronto Council on June 8 and 9, 2010
Enacted by Council: August 27, 2010

CITY OF TORONTO

BY-LAW No. 1053-2010

To amend the Parks Dedication By-laws of the former Cities of Etobicoke (Ch. 302), North York (30152), Scarborough (22660), York (13-83), Toronto (Ch. 165) and East York (85-92) to provide for certain exemptions.

WHEREAS section 6 of By-law No. 2930-94 of the former City of York, "Being a by-law to adopt a Municipal Code.", permits an amendment to be made to a by-law listed in the Concordance of the former City of York's Municipal Code, in which event it shall be added to the corresponding Chapter of the Municipal Code; and

WHEREAS former City of York By-law No. 13-83, "A By-law to Require the Conveyance of Lands for Park or Other Public Recreational Purposes", as amended, is listed in the Concordance as being codified as Chapter 445, Parkland-Conveyance;

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

1. The by-laws and municipal code chapters listed in subsection A are amended as set out in subsection B.
 - A. Parks dedication by-laws of former municipalities:
 - (1) Former City of North York By-law No. 30152, "A By-law Respecting the Conveyance of Land for Parks Purposes".
 - (2) Former City of Scarborough By-law No. 20152, "A By-law to Provide for the Dedication of Land for Park Purposes for Residential Development".
 - (3) Former City of York By-law No. 13-83, "A By-law to Require the Conveyance of Lands for Parks and Other Public Recreational Purposes", [and as codified in Chapter 445, Parkland-Conveyance].
 - (4) Former City of Etobicoke Municipal Code Chapter 302, Parks Dedication (Non-residential).
 - (5) Former City of Etobicoke Municipal Code Chapter 303, Parks Dedication (Residential).
 - (6) Former City of Toronto Municipal Code Chapter 165, Development of Land, Article I, Conveyance of Land for Park Purposes.
 - (7) Former Borough of East York By-law No. 85-92, "A By-law to Require a Park Dedication as a Condition of Development or Redevelopment of Land for Residential Purposes".

B. Amendments to parks dedication by-laws of former municipalities:

- (1) Former City of North York By-law No. 30152 is amended by adding the following definitions:

DWELLING UNIT — Living accommodation comprising a single housekeeping unit within any part of a building or structure used, designed or intended to be used by one person or persons living together, in which both culinary and sanitary facilities are provided for the exclusive use of such person or persons, but does not include a room or suite of rooms in a hotel.

LONG TERM CARE HOME — Living accommodation for persons dependent upon regular nursing care, in a building where there are personal and medical facilities, common lounges and dining areas, and that is licensed under the *Long Term Care Homes Act, 2007, S.O. 2007, c.8*.

NON-PROFIT HOUSING — Housing which is or is intended to be offered primarily to persons or families of low income on a leasehold or co-operative basis and which is owned or operated by:

- A. A non-profit corporation, being a corporation, no part of the income of which is payable to or otherwise available for the personal benefit of a member or shareholder thereof; or
- B. A non-profit housing co-operative having the same meaning as in the *Co-operative Corporations Act, R.S.O. 1990, c. C.35*.

- (2) Former City of North York By-law No. 30152 is amended by adding the following as sections 8 and 9 respectively:

- 8. The provisions of this by-law shall not apply in respect of residential development or redevelopment of land for purposes of:
 - (i) The creation of 1 additional dwelling unit in an existing residential building.
 - (ii) Non-Profit Housing
 - (iii) Long Term Care Homes
- 9. The provisions of this by-law shall not apply to the commercial development or redevelopment of land for purposes of municipal child care centres and non-profit child care providers on Toronto District School Board, Toronto Catholic District School Board or municipal land.

- (3) Former City of Scarborough By-law No. 20152 is amended by adding the following definitions:

DWELLING UNIT — Living accommodation comprising a single housekeeping unit within any part of a building or structure used, designed or intended to be used by one person or persons living together, in which both culinary and sanitary facilities are provided for the exclusive use of such person or persons, but does not include a room or suite of rooms in a hotel.

LONG TERM CARE HOME — Living accommodation for persons dependent upon regular nursing care, in a building where there are personal and medical facilities, common lounges and dining areas, and that is licensed under the *Long Term Care Homes Act, 2007, S.O. 2007, c.8*.

NON-PROFIT HOUSING — Housing which is or is intended to be offered primarily to persons or families of low income on a leasehold or co-operative basis and which is owned or operated by:

- A. A non-profit corporation, being a corporation, no part of the income of which is payable to or otherwise available for the personal benefit of a member or shareholder thereof; or
- B. A non-profit housing co-operative having the same meaning as in the *Co-operative Corporations Act, R.S.O. 1990, c. C.35*.

RESIDENTIAL USE — Land, buildings or structures of any kind whatsoever, or any portion thereof, used, designed or intended to be used as living accommodations. This includes accessory uses naturally and normally incidental in purpose as well as those exclusively devoted to the residential use, for one or more individuals. This also includes a unit designed for combined live/work uses, but does not include a hotel or similar building or structure providing temporary accommodation.

- (4) Former City of Scarborough By-law No. 20152 is amended by adding the following;

The provisions of this by-law shall not apply to the following types of residential development or redevelopment:

- (a) Enlargement to or replacement of existing dwelling units on an existing lot.
- (b) The creation of 1 additional dwelling unit in an existing residential building.
- (c) Non-Profit Housing

(d) Long Term Care Homes

- (5) Former City of York By-law No. 13-83 [Municipal Code, Section 445.1.2] is amended by adding the following definitions:

DWELLING UNIT – Living accommodation comprising a single housekeeping unit within any part of a building or structure used, designed or intended to be used by one person or persons living together, in which both culinary and sanitary facilities are provided for the exclusive use of such person or persons, but does not include a room or suite of rooms in a hotel.

LONG TERM CARE HOME – Living accommodation for persons dependent upon regular nursing care, in a building where there are personal and medical facilities, common lounges and dining areas, and that is licensed under the *Long Term Care Homes Act, 2007, S.O. 2007, c.8*.

NON-PROFIT HOUSING — Housing which is or is intended to be offered primarily to persons or families of low income on a leasehold or co-operative basis and which is owned or operated by:

- A. A non-profit corporation, being a corporation, no part of the income of which is payable to or otherwise available for the personal benefit of a member or shareholder thereof; or
- B. A non-profit housing co-operative having the same meaning as in the *Co-operative Corporations Act, R.S.O. 1990, c. C.35*.

RESIDENTIAL USE — Land, buildings or structures of any kind whatsoever, or any portion thereof, used, designed or intended to be used as living accommodations. This includes accessory uses naturally and normally incidental in purpose as well as those exclusively devoted to the residential use, for one or more individuals. This also includes a unit designed for combined live/work uses, but does not include a hotel or similar building or structure providing temporary accommodation.

- (6) Former City of York By-law No. 13-83 [Municipal Code, Section 445.1.2] is amended by adding the following:

The provisions of this by-law shall not apply to the following types of residential development or redevelopment:

- (a) Enlargement to or replacement of existing dwelling units on an existing lot.
- (b) The creation of 1 additional dwelling unit in an existing residential building.

- (c) Non-Profit housing
- (d) Long Term Care Homes

The provisions of this by-law shall not apply to the following types of commercial development or redevelopment:

- (a) An addition of 200 square metres or less to an existing building.
 - (b) Municipal child care centres and non-profit child care providers on Toronto District School Board, Toronto Catholic District School Board or municipal land.
- (7) Former City of Etobicoke Municipal Code Chapter 302 (Non-Residential) is amended by adding the following to § 302-3. Exemptions:
- D. Municipal child care centres and non-profit child care providers on Toronto District School Board, Toronto Catholic District School Board or municipal land.
- (8) Former City of Etobicoke Municipal Code Chapter 303 (Residential) is amended by adding the following definitions to § 303-1 in alphabetical sequence;

LONG TERM CARE HOME — Living accommodation for persons dependent upon regular nursing care, in a building where there are personal and medical facilities, common lounges and dining areas, and that is licensed under the *Long Term Care Homes Act, 2007, S.O. 2007, c.8*.

NON-PROFIT HOUSING — Housing which is or is intended to be offered primarily to persons or families of low income on a leasehold or co-operative basis and which is owned or operated by:

- A. A non-profit corporation, being a corporation, no part of the income of which is payable to or otherwise available for the personal benefit of a member or shareholder thereof; or
 - B. A non-profit housing co-operative having the same meaning as in the *Co-operative Corporations Act, R.S.O. 1990, c. C.35*.
- (9) Former City of Etobicoke Municipal Code Chapter 303 (Residential) is amended by adding the following to § 303-3, Exemptions:
- C. Non-Profit Housing.

- (10) Former Borough of East York By-law No. 85-92, section 1, is amended by:

- (a) Adding the following definitions:

LONG TERM CARE HOME — Living accommodation for persons dependent upon regular nursing care, in a building where there are personal and medical facilities, common lounges and dining areas, and that is licensed under the *Long Term Care Homes Act, 2007, S.O. 2007, c.8*.

NON-PROFIT HOUSING — Housing which is or is intended to be offered primarily to persons or families of low income on a leasehold or co-operative basis and which is owned or operated by:

- A. A non-profit corporation, being a corporation, no part of the income of which is payable to or otherwise available for the personal benefit of a member or shareholder thereof; or
- B. A non-profit housing co-operative having the same meaning as in the *Co-operative Corporations Act, R.S.O. 1990, c. C.35*.

RESIDENTIAL USE — Land, buildings or structures of any kind whatsoever, or any portion thereof, used, designed or intended to be used as living accommodations. This includes accessory uses naturally and normally incidental in purpose as well as those exclusively devoted to the residential use, for one or more individuals. This also includes a unit designed for combined live/work uses, but does not include a hotel or similar building or structure providing temporary accommodation.

- (b) By deleting the definition of "Dwelling Unit" and substituting the following definition:

DWELLING UNIT — Living accommodation comprising a single housekeeping unit within any part of a building or structure used, designed or intended to be used by one person or persons living together, in which both culinary and sanitary facilities are provided for the exclusive use of such person or persons, but does not include a room or suite of rooms in a hotel.

- (11) Former Borough of East York By-law No. 85-92, section 2, is amended by deleting subsection 2(a) and (b) and substituting the following:

- (a) results in the enlargement to or replacement of existing dwelling units on an existing lot.

- (b) results in the creation of 1 additional dwelling unit in an existing residential building.
 - (c) is for Non-Profit Housing
 - (d) is for Long Term Care Homes
- (12) Former City of Toronto Municipal Code Chapter 165, Article 1, § 165-1 is amended by adding the following definitions in alphabetical sequence:

DWELLING UNIT — Living accommodation comprising a single housekeeping unit within any part of a building or structure used, designed or intended to be used by one person or persons living together, in which both culinary and sanitary facilities are provided for the exclusive use of such person or persons, but does not include a room or suite of rooms in a hotel.

LONG TERM CARE HOME — Living accommodation for persons dependent upon regular nursing care, in a building where there are personal and medical facilities, common lounges and dining areas, and that is licensed under the *Long Term Care Homes Act, 2007, S.O. 2007, c.8*.

NON-PROFIT HOUSING — Housing which is or is intended to be offered primarily to persons or families of low income on a leasehold or co-operative basis and which is owned or operated by:

- A. A non-profit corporation, being a corporation, no part of the income of which is payable to or otherwise available for the personal benefit of a member or shareholder thereof; or
- B. A non-profit housing co-operative having the same meaning as in the *Co-operative Corporations Act, R.S.O. 1990, c. C.35*.

NON-RESIDENTIAL — Land, buildings or structures or portions thereof used, or designed or intended for a use other than for a residential use.

RESIDENTIAL USE — Land, buildings or structures of any kind whatsoever, or any portion thereof, used, designed or intended to be used as living accommodations. This includes accessory uses naturally and normally incidental in purpose as well as those exclusively devoted to the residential use, for one or more individuals. This also includes a unit designed for combined live/work uses, but does not include a hotel or similar building or structure providing temporary accommodation.

(13) Former City of Toronto Municipal Code Chapter 165, Article 1, § 165-7 is amended by adding the following:

- K. Enlargement to or replacement of existing dwelling units on an existing lot.
- L. The creation of one additional dwelling unit in an existing residential building.
- M. Buildings owned and used for the purposes of:
 - (1) The Government of Canada
 - (2) The Government of Ontario
 - (3) The City of Toronto
 - (4) Toronto Hydro Corporation
- N. Long Term Care Homes
- O. Non-Profit Housing

ENACTED AND PASSED this 27th day of August, A.D. 2010.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)