

Authority: Ontario Municipal Board Order issued October 24, 2007, Decision/Order No. 2801 and Ontario Municipal Board Order issued November 18, 2011 in Board Case No. PL060046

## CITY OF TORONTO

### BY-LAW No. 1065-2012(OMB)

#### **To amend By-law No. 438-86 of the former City of Toronto respecting lands municipally known as 44-66 Havelock Street and 1-11 Sylvan Avenue.**

WHEREAS the Ontario Municipal Board, by way of Order No. 2801 issued on October 24, 2007, and its Order dated November 18, 2011, determined to amend the former City of Toronto Zoning By-law No. 438-86 with respect to lands known municipally in the year 2011 as 44-66 Havelock Street and 1-11 Sylvan Avenue (the "Lands"); and

WHEREAS authority is given to the Ontario Municipal Board under Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass Zoning By-laws; and

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

WHEREAS the owner of the Lands has elected to provide the facilities, services or matters as are set out in this By-law; and

WHEREAS the increase in height and density of development permitted under this By-law beyond that otherwise permitted on the Lands by By-law No. 438-86, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the Lands and the City of Toronto;

THEREFORE the Ontario Municipal Board orders as follows:

1. Section 12(1) Permissive Exceptions of By-law No. 438-86 is hereby amended by adding the following:
  489. The following provision shall apply to the lands subject to this amendment, municipally known in 2007 as 44 to 66 Havelock Street and 1 to 11 Sylvan Avenue:
    - (i) Section 4(2)(a)(i) shall not apply, except that this provision shall not prevent roof top mechanical equipment to project 1.52 metres and skylights to project 0.6 metres beyond the maximum height specified on Schedule "A", provided the roof top mechanical equipment is set back

from the roof edge a minimum of 2.0 metres and they shall occupy twenty-five percent (25%) of less of the roof area;

- (ii) Section 4(2)(a)(ii) shall not apply;
- (iii) Section 4(12) shall not apply;
- (iv) Section 4(16) shall not apply;
- (v) A 1.5 metre landscaped strip be provided along the west and south property line which is unencumbered by a parking garage below as shown in dashed lines and identified as "landscaped strip" on Schedule "A", attached hereto;
- (vi) A minimum of four (4) three bedroom units shall be provided;
- (vii) Only a single continuous U-shaped building is permitted;
- (viii) Building Envelope D will remain as existing;
- (ix) The maximum number of dwelling unit permitted is 42;
- (x) Notwithstanding Section 4(4)(b) parking shall be provided at a rate of 0.3 spaces for each bachelor/studio unit, 0.7 spaces for each one bedroom unit, 1.0 spaces for each two bedroom unit, 1.2 spaces for each three bedroom unit and visitor parking at a rate of 0.12 per unit;
- (xi) Parking will be provided in a below grade garage only;
- (xii) The below grade garage will be setback a minimum of 0.23 metres from the north property line, 13.25 metres from the south property line, 0.60 metres from the east property line, and 1.5 metres from the west property line;
- (xiii) The ramp to the underground garage to be fully enclosed and the garage door be located at the top of the ramp;
- (xiv) All garbage will be collected and stored below grade;
- (xv) Notwithstanding Section 4(4)(c)(ii) the minimum driveway width in metres shall be as shown on Schedule "A" attached hereto;
- (xvi) Notwithstanding Section 6(3) Part I 1, the maximum gross floor area permitted in 4475 square metres;
- (xvii) Notwithstanding Section 6(3) Part II 2 (front yard setbacks), Section 6(3) Part II 3 (side yard setbacks), Section 6(3) Part II 4 (rear yard setbacks),

Section 6(3) Part II 5 (building depth), the building envelope shall not extend beyond the heavy lines as shown on Schedule "A" attached hereto;

(xviii) Notwithstanding Section 6(3) Part II 8 (permitted projections) the following projections will be permitted:

STRUCTURE	LOCATION OF PROJECTION	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
A. eaves or cornices	Beyond building envelope on Schedule "A"	0.45 metres	
B. fences and safety railings	Required setback from any lot line	No restrictions	No fence allowed between building and Sylvan Avenue and Havelock Street
C.(i) balconies	Facing courtyard from Building Envelopes A, B, or C	Maximum 1.5 metres	No balconies on the west and south sides of Building Envelope C and the west side of Building Envelope A
C.(ii) balconies	Facing Sylvan Avenue and Havelock Street from Building Envelopes A and B	Maximum 0.45 metres	
D. canopy for an apartment building	Facades facing the courtyard or streets	Maximum 1.5 metres	

(xix) Notwithstanding Section 6(3) Part III 1(b) minimum landscaped open space will be 29% of the area of the lot;

(xx) Notwithstanding any severance, partition, or division of the site, as shown on Schedule "A", the provisions of this By-law shall apply to the whole of the site as if no severance, partition or division occurred.

2. Section 15 Index of Exceptions is amended to identify the property at 44 to 66 Havelock Street and 1 to 11 Sylvan Avenue to be subject to Exception 12(1)489 as set out on Schedule "A" to this by-law.
3. The owner of the subject lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the Planning Act to secure the facilities, services and matters referred to below, which agreements may be registered against title of the lands to which this By-law applies in the manner and to the extent specified in such agreements. The owner of the subject lands, at the owner's expense and in accordance with, and subject to, the agreements referred to above shall provide or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto:

- (i) Replacement of existing rental units with ten (10) rental units to be located at 767 Dovercourt Road;
- (ii) Eight (8) units will be two (2) bedroom units;
- (iii) Two (2) units will be one (1) bedroom units;
- (iv) All ten (10) units will be self-contained with 3-piece bathroom and kitchens equipped with two appliances;
- (v) For a period of at least ten (10) years, rents for replacement units will be at CMHC Average Market Rent, increased annually by not more than the Provincial Rent Increase Guideline, plus a 4% one-time capital increase. After a period of ten (10) years market rental rates will apply;
- (vi) The owner agrees not to convert these ten (10) rental units to condominium for a period of twenty (20) years;
- (vii) Existing tenants of 1-11 Sylvan Avenue and 48-66 Havelock Street are offered a right of first refusal to relocate to the new units at 767 Dovercourt Road;
- (viii) Existing tenants of 1-11 Sylvan Avenue and 48-66 Havelock Street not taking a unit at 767 Dovercourt Road are offered a one-time payment equivalent to three (3) months current rent plus three (3) additional months current rent and a moving expense up to a maximum \$1500.00;
- (ix) Existing tenants of 1-11 Sylvan Avenue and 48-66 Havelock Street taking a new unit at 767 Dovercourt are offered a one-time payment of three (3) months current rent and a moving expense up to a maximum of \$1500.00.

PURSUANT TO ORDER NO. 2801 OF THE ONTARIO MUNICIPAL BOARD ISSUED ON OCTOBER 24, 2007 UNDER OMB CASE NO. PL060046 AND FINAL ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED NOVEMBER 18, 2011.

