

Authority: Ontario Municipal Board Order issued on February 16, 2016 in Board File No. PL141461

CITY OF TORONTO

BY-LAW No. 382-2016(OMB)

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to lands municipally known as 175-191 Dundas Street East and 235 Jarvis Street.

Whereas the *owner* of the lands known as 175-191 Dundas Street East and 235 Jarvis Street appealed a proposed zoning by-law amendment to the Ontario Municipal Board; and

Whereas the Ontario Municipal Board, by its Decision/Order issued on February 16, 2016 in Board File No. PL141461, approved amendments to the former City of Toronto Zoning By-law No. 438-86, as amended, with respect to those lands;

Pursuant to the Order of the Ontario Municipal Board, former City of Toronto By-law No. 438-86 is amended as follows:

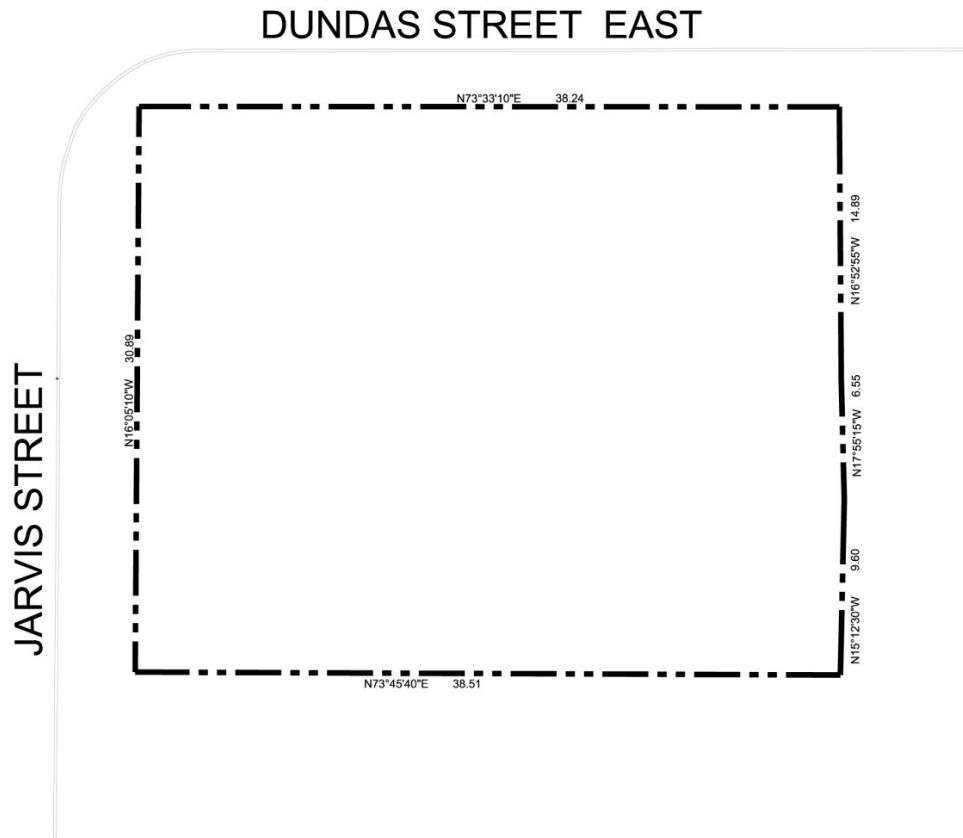
1. Pursuant to Section 37 of the *Planning Act*, the height and density of development permitted in this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the *lot* of the facilities, services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.
3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the *City* pursuant to Section 37 of the *Planning Act*, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
4. None of the provisions of Sections 2(1) "*grade*" and "*lot*", 4(2)(a), 4(5)(b), 4(8)(b), 4(12), 4(13), 4(16), 8(3) Part I 1 and 3, 8(3) Part II 1(a)(ii) and 8(3) Part XI 2(ii) of By-law No. 438-86 of the former City of Toronto, as amended, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing or 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", shall apply to prevent the erection and use of a *mixed-use building* on the *lot*, provided:
 - (a) the *lot* consists of at least the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;

- (b) the maximum *residential gross floor area* of the *mixed-use building* shall not exceed 37,200 square metres;
- (c) the maximum *non-residential gross floor area* of the *mixed-use building* shall not exceed 200 square metres;
- (d) a minimum of 1,200 square metres of indoor *residential amenity space* shall be provided on the *lot* in a multipurpose room or rooms at least one of which contains a washroom and a kitchen;
- (e) a minimum of 600 square metres of outdoor *residential amenity space* shall be provided on the *lot* of which at least 40 square metres is provided in a location adjoining or directly accessible from the indoor *residential amenity space*;
- (f) notwithstanding the definition of *residential amenity space* in Section 2(1) of By-law No. 438-86, guest suite units shall be considered *residential amenity space*;
- (g) no portion of the *mixed-use building* shall be located otherwise than wholly within the areas delineated by heavy lines on Map 2 attached to and forming part of this By-law and no portion of the *mixed-use building* shall have a *height* in metres greater than the *height* limits specified by the numbers following the symbol H on Map 2;
- (h) notwithstanding Section 1(g) above, the following may project beyond the heavy lines and above the *heights* shown on Map 2:
 - (i) structures used for outside or open air recreation, maintenance, safety, or wind protection purposes, terraces, elements of a green roof, insulation and roof surface materials, railings, parapets, window washing equipment, ornamental or architectural features, ramps, electrical and mechanical equipment, stair enclosures, elevator overruns, chimney stacks, vents and air intakes, communications equipment, lightning rods, cornices, light fixtures, canopies and awnings, landscape features, public art features, trellises, eaves, window sills, balustrades and doors;
- (i) at least one *loading space – type C* and one *loading space – type G* shall be provided and maintained on the *lot*;
- (j) a minimum of 45 *parking spaces* shall be provided and maintained on the *lot* for residents of the *dwelling units* of which a minimum of 2 will be *car-share parking spaces* and a minimum of 1 will be an accessible *parking space* having minimum dimensions of 5.6 metres in length, 3.9 metres in width and having a vertical clearance of 2.1 metres;
- (k) notwithstanding Section 4(17) of By-law No. 438-86, up to 7 *parking spaces* which are obstructed on one side may have minimum dimensions of 2.6 metres in width by 5.6 metres in length;

- (l) no *parking spaces* shall be required for visitors to the *dwelling units* or for the non-residential uses on the *lot*;
 - (m) *bicycle parking spaces* for residential uses shall be provided on the *lot* as follows:
 - (i) 475 *bicycle parking spaces - resident*; and
 - (ii) 53 *bicycle parking spaces - visitor*;
 - (n) a minimum of 5 *bicycle parking spaces - visitor* shall be provided for the non-residential uses on the *lot*;
 - (o) notwithstanding the definitions of *bicycle parking space – occupant* and *bicycle parking space – visitor* in Section 2(1) of By-law No. 438-86, *bicycle parking spaces* may be provided in a secured room, in a stacked manner or in bicycle lockers or on a rack/hook on a wall including a wall associated with a vehicle *parking space* and in such cases the above-referenced dimensions shall not apply;
 - (p) none of the provisions of By-law No. 438-86, as amended, or this By-law shall apply to prevent the erection and use of a *sales office* on the *lot*; and
 - (q) notwithstanding any existing or future severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.
5. For the purposes of this By-law:
- (a) "*car share*" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars to be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
 - (b) "*grade*" means 89.25 metres Canadian Geodetic Datum;
 - (c) "*lot*" means the lands outlined by heavy lines on Map 1 attached to and forming part of this By-law;
 - (d) "*sales office*" means a building or structure or part thereof on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot*; and
 - (e) each other word or expression that is italicized in the By-law herein shall have the same meaning as each word or expression as defined in By-law No. 438-86, as amended.

6. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.

PURSUANT TO ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON
FEBRUARY 16, 2016 IN BOARD CASE NO. PL141461.



175 - 191 DUNDAS STREET EAST
/ 235 JARVIS STREET
TORONTO, ON

FILE # _____

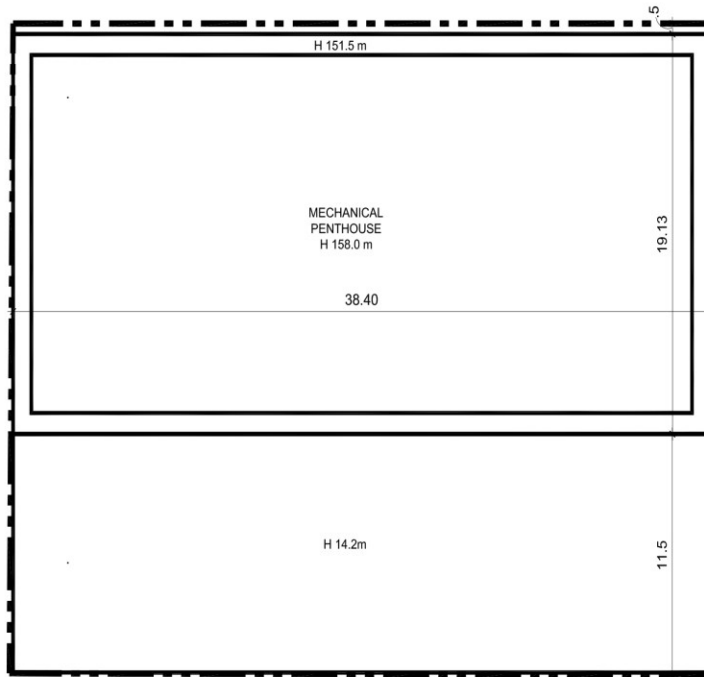
MAP 1



NOT TO SCALE

DUNDAS STREET EAST

JARVIS STREET



H: DENOTES HEIGHT IN METRES ABOVE GRADE

175 - 191 DUNDAS STREET EAST
/ 235 JARVIS STREET
TORONTO, ON

FILE # _____

MAP 2



NOT TO SCALE

APPENDIX 1

Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the *Owner* of the *lot* at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the City with conditions providing for indexing escalation of the financial contributions, and letters of credit, indemnity, insurance, HST, termination and unwinding, and registration and priority of agreement:

1. The *Owner* shall implement a tenant relocation and assistance plan satisfactory to the City's Chief Planner as generally outlined below and as more particularly outlined in the Section 37 Agreement:
 - (a) the *Owner* shall provide all eligible tenants living within dwelling rooms at 235 Jarvis Street:
 - (i) with a minimum 5 months' prior notice to vacate; and
 - (ii) with a relocation moving allowance equal to 5 months' rent (inclusive of the 3 months' rent required by the *Residential Tenancies Act*);
 - (b) the *Owner* shall provide all eligible tenants living within dwelling units at 175-191 Dundas Street East:
 - (i) with a minimum 5 months' prior notice to vacate;
 - (ii) with relocation assistance equal to the 3 months' rent required by the *Residential Tenancies Act*; and
 - (iii) with a moving allowance of \$1,500.00;
 - (c) the *Owner* shall provide funding in the amount of \$35,000.00 to a City-approved community agency to deliver the necessary housing access support services associated with relocation and moving to such relocated eligible tenants;
 - (d) the *Owner* shall provide funding of up to \$125,000.00 to a City-approved community agency for its staff to deliver the necessary housing follow-up services to assist each relocated eligible tenant at 235 Jarvis Street for a 12 month period;
 - (e) the *Owner* shall provide funding in the amount of \$225,000.00 to the City to establish a Rooming Housing Relocation and Housing Allowance Fund, to assist with rent payments for relocated eligible tenants of dwelling rooms at 235 Jarvis Street; and

- (f) the use of the funding provided by the *Owner* pursuant to paragraphs 1(c), 1(d) and 1(e) above shall be directed by the City's Shelter Support and Housing Office.
2. The *Owner* shall use all reasonable efforts to secure and convey to the City a mutually acceptable property at nominal consideration and inclusive of all closing costs, including but not limited to, transfer tax, registration fees, and the costs of obtaining a building condition assessment, Phase 1 environmental study and cost estimate, satisfactory to the City's Chief Planner and Executive Director, City Planning in consultation with the Director, Affordable Housing Office, for any needed renovations or major repairs to bring the building up to industry standards for the purpose of providing a residential property to be operated by a non-profit housing provider to be selected by the City. Provisions will be agreed upon for maintaining the tenancies of any existing tenants and the *Owner* will provide the rent roll for the building, satisfactory to the City. The *Owner* shall provide an up-to-date survey of the property, satisfactory to the City, the property shall be legally zoned for multi-residential use at the time of closing, and the property shall be free and clear of encumbrances, to the satisfaction of the City Solicitor. Furthermore, the *Owner* shall provide the City or the non-profit housing provider selected by the City with a cash contribution equal to 2 years of estimated operating expenses to support the operations of the property following conveyance by the *Owner* on mutually agreeable terms. The City and *Owner* will agree to work in good faith to finalize all such arrangements and any resulting agreements, including the Agreement of Purchase and Sale, will be in a form and with content satisfactory to the City Solicitor in consultation with the Director, Affordable Housing Office and the Chief Planner and Executive Director, City Planning.
3. In the event that the City and *Owner* are unable to finalize the conveyance of a property as outlined in paragraph 2 above prior to the issuance of the first above-grade building permit for the *mixed-use building*, the *Owner* shall pay to the City a financial contribution in the amount of \$4,250,000 (less any amounts paid by the *Owner* pursuant to the tenant relocation provisions outlined in paragraph 1 above) prior to the issuance of the first above-grade building permit to be used by the City for one or more of the following:
- (a) Creation of new affordable housing;
 - (b) Creation of new community space; and
 - (c) Capital improvements for existing City-owned facilities in the immediate area.
4. The cash amount identified in paragraph 3 above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of funds by the *Owner* to the City.