

Authority: Ontario Municipal Board Order/Decisions issued November 25, 2015 and March 21, 2016, in Board Case No. PL150219

## **CITY OF TORONTO**

### **BY-LAW No. 390-2016(OMB)**

**To amend the former City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known in the year 2015 as 195 Exbury Road.**

Whereas the Ontario Municipal Board, by its Order/Decisions issued November 25, 2015 and March 21, 2016 in Board Case No. PL150219 has determined to amend Zoning By-law No. 7625, as amended, with respect to the lands known municipally as 195 Exbury Road; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of Section 37 of the *Planning Act* to conserve rental housing in accordance with the provisions of the Official Plan and as a mechanism to secure capital facilities required to support development; and

Whereas the Owner has agreed to certain matters hereinafter set out which is secured by one or more agreements between the Owner of the land and the City of Toronto;

The Ontario Municipal Board Orders:

1. Schedules "B" and "C" of By-law No. 7625 of the former City of North York are hereby amended in accordance with Schedule 1 of this By-Law.
2. Section 64.20-A of By-law No. 7625 is amended by adding the following subsection:

#### **Section 64.20-A (239) RM6 (239)**

##### **PERMITTED USES**

- (a) The only permitted uses are Apartment House Dwellings and accessory administrative offices and 2 Multiple Attached Dwellings.
- (b) The Multiple Attached Dwellings will contain a maximum of ten dwelling units.

##### **EXCEPTION REGULATIONS**

##### **LOT AREA**

- (c) The provisions of 16.2.1 will not apply.

##### **LOT COVERAGE**

- (d) The provisions of 16.2.2 will not apply for the Multiple Attached Dwelling portion of the site.

##### **STREET FRONTAGE**

- (e) The Multiple Attached Dwellings will only be permitted on a future severed parcel fronting onto Monclova Road.

**YARD SETBACKS**

- (f) The minimum front yard setback will be 7 metres.
- (g) The minimum rear yard setback will be 7 metres.
- (h) The minimum side yard setback for a townhouse is 2.7 metres abutting Exbury Road and 1.1 metres to the north property line.

**BUILDING HEIGHT**

- (i) The maximum number of storeys permitted in the Multiple Attached Dwellings will be three and the maximum height will be 9.7 metres, measured from established grade of 152.53.

**DISTANCE BETWEEN BUILDINGS**

- (j) The minimum separation distance from the existing Apartment House Dwelling and the rear of the Multiple Attached Dwellings will be 32 metres.

**DIVISION OF LANDS**

- (k) Notwithstanding any severance or division of the lands subject to this exception, the regulations of this exception shall continue to apply to the whole of the lands.

**SECTION 37 AGREEMENT**

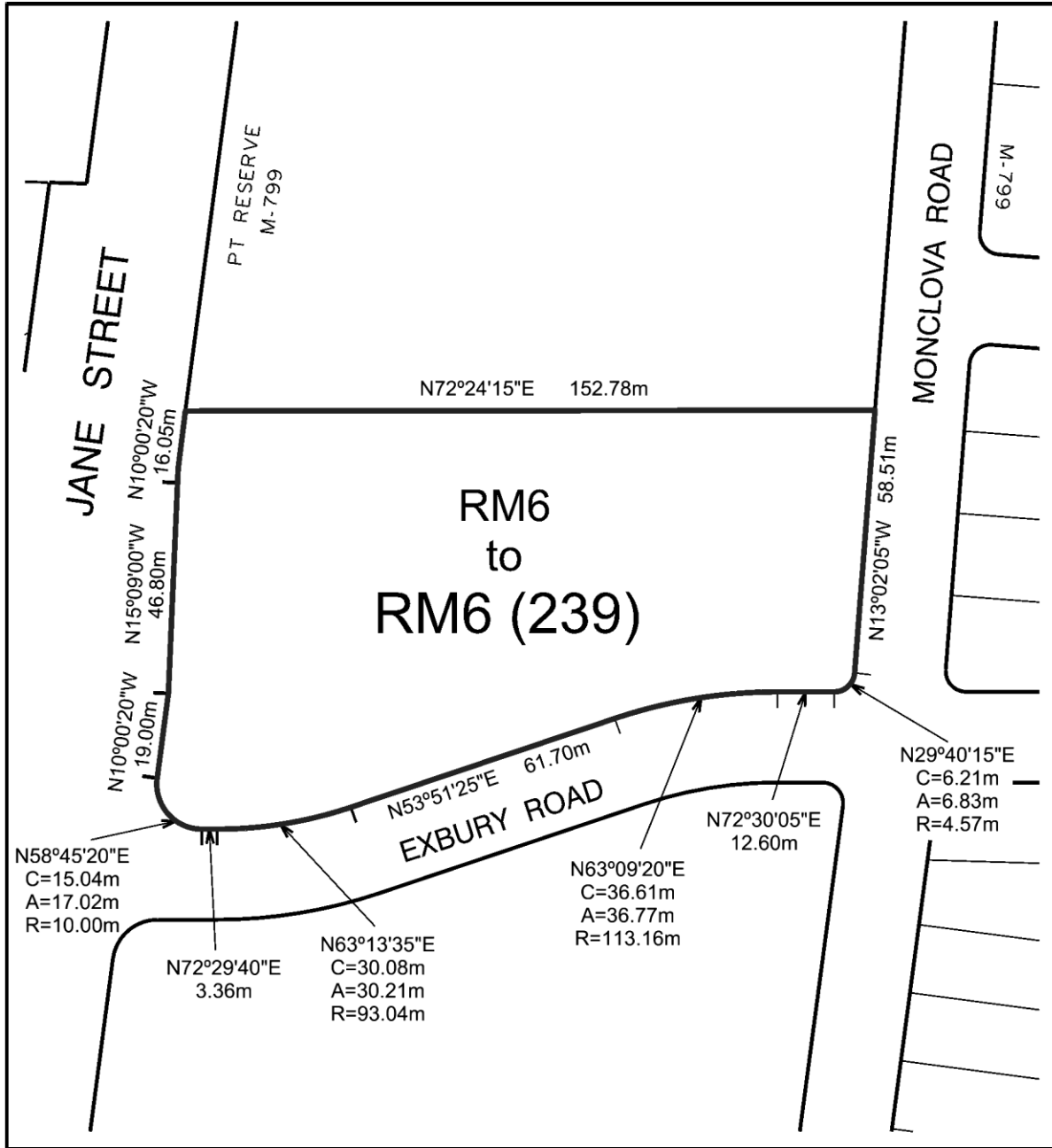
- (l) The owner of the lands set out in Schedule 1 shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters referred to below, which agreement or agreements may be registered against the title of the lands to which this by-law applies in the manner and the extent specified in the 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 facilities, services and/or matters described in (m) and (n) below on terms satisfactory to the City of Toronto, in order to permit two Multiple Attached Dwellings as cited in (a) to (k) above.
- (m) The securing of the rental tenure of the 158 dwelling units in the existing building municipally known as 195 Exbury Road for a period of at least 20 years commencing from the date that the Zoning By-law Amendment comes into full force and effect. None of the existing rental dwelling units shall be registered as condominium or any other form of ownership, such as life lease or co-ownership which provide a right to exclusive possession of a unit, and no conversion to a non-residential rental purpose or application to demolish the existing rental units can be made during such 20 year period.

- (n) The following building improvements are recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
- (i) That the owner provide for a laundry payment system in the existing laundry room and the conversion of all existing laundry machines from coin to card operation for the use and enjoyment of current and future tenants of the existing residential rental building, to the satisfaction of the Chief Planner and Executive Director City Planning;
  - (ii) That the owner improve and expand the existing walkways throughout the site, connecting outdoor amenity areas and other site features to all existing entrances of the existing residential rental building;
  - (iii) That the owner upgrade landscaping throughout the existing residential rental property;
  - (iv) That the owner install outdoor seating at key locations throughout the existing residential rental property;
  - (v) That the owner provide an attractive recreation area primarily for the use of young children on the existing residential rental property;
  - (vi) That the owner provide a new garbage and recycling enclosure for use by the tenants of the existing residential rental property;
  - (vii) That the owner provide for upgraded outdoor lighting throughout the site, along the proposed walking path and at all entrances;
  - (viii) That the Owner shall, prior to execution of the Section 37 Agreement by the City, provide financial security in a form and amount acceptable to the Chief Planner and Executive Director, City Planning, to construct all improvements listed in (i) to (vii) above;
  - (ix) That the Owner shall, prior to the execution of the Section 37 Agreement by the City, provide the following plans and drawings to the satisfaction of the Chief Planner and Executive Director, City Planning:
    - (a) Landscape plans for the existing residential rental property portion of the site that demonstrates the provision of loading spaces and an enclosed refuse area of appropriate size.
    - (b) Landscape plans for the existing residential rental property portion of the site that demonstrates the provision of appropriate outdoor residential amenity space for the existing residential tenants and pedestrian pathway linkages on the site towards the southeast corner of the site at Exbury Road and Monclova Road.
    - (c) Landscape drawings which demonstrate tree planting within the municipal boulevard to the satisfaction of Urban Forestry Services.

- (x) The Owner shall complete construction of all improvements listed in (i) to (vii) above in accordance with the plans and drawings provided pursuant to (ix) above prior to receiving any Site Plan Approval for the multiple attached dwelling units;
- (xi) The design and materials of all improvements listed in (i) to (vii) above will be to the satisfaction of the Chief Planner and Executive Director, City Planning, and the costs of any such improvements as well as the costs of the development shall not be passed on in any form, including increases to the rents, to tenants of the existing rental building, such site plan approval being obtained prior to the applicant making application to sever the subject site;
- (xii) That the Chief Planner and Executive Director, City Planning be authorized to enter into agreements on title to secure the above-listed improvements, and:
  - (a) Prior to the issuance of the first building permit for the development, the owner shall provide, at its expense and to the satisfaction of the Chief Planner and Executive Director, City Planning a construction mitigation plan and tenant communication strategy for the development, and agrees to implement same;
  - (b) The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009; and
  - (c) The Owner shall, prior to receiving site plan approval, provide a revised Functional Servicing Report, Basement Flooding Study and Stormwater Management Report to the satisfaction of the Director, Engineering and Construction Services.

Prevailing By-law and Prevailing Sections: (None Apply)

PURSUANT TO ORDER/DECISIONS OF THE ONTARIO MUNICIPAL BOARD ISSUED ON NOVEMBER 25, 2015 AND MARCH 21, 2016 UNDER OMB FILE NO. PL150219.



Schedule 1

Part of Block E, Plan M-799, City of Toronto

File # 14 163592 NNY 09 02

Krcmar Surveyors Limited

Date: 09/16/2015

Approved by: B. DiRaimo



Not to Scale