

Authority: Ontario Land Tribunal Decision issued October 3, 2017 and Order issued July 22, 2021 in Tribunal File PL160872

## **CITY OF TORONTO**

### **BY-LAW 883-2021(OLT)**

**To amend Zoning By-law 569-2013, as amended, with respect to lands municipally known in the year 2020 as 55 Eglinton Avenue East.**

Whereas the Ontario Municipal Board, by its Decision issued October 3, 2017, and the Ontario Land Tribunal, by its Order issued July 22, 2021 in Tribunal File PL160872, determined to amend Zoning By-law 569-2013, as amended, with respect to the lands known municipally as 55 Eglinton Avenue East; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted 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 and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters in accordance with Schedule A of this By-law; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

Therefore, pursuant to the Decision of the Ontario Municipal Board issued October 3, 2017 and the Order of the Ontario Land Tribunal issued July 22, 2021 in Tribunal File PL160872, Zoning By-law 569-2013 is hereby amended as follows:

1. This By-law applies to the lands municipally known in the year 2020 as 55 Eglinton Avenue East, delineated by a heavy line on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black

lines on Diagram 1 to CR 5.0 (c3.0; r3.0) SS2 (x356) as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number (x356), so that it reads:

**Exception CR 356**

The lands are subject to the following Site-Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On lands known municipally as 55 Eglinton Avenue East, if the requirements of Section 8 and Schedule A of By-law 883-2021(OLT) are complied with, a **building, structure**, addition or enlargement is permitted in compliance with (B) to (BB) below;
- (B) Despite Regulations 40.5.1.10(3) and 40.10.40.40(1) and (3), the maximum **gross floor area** of all **buildings** and **structures** permitted on the **lot** is 41,300 square metres, provided that:
  - (i) a minimum of 6,314 square metres of **gross floor area** is provided for office uses; and
  - (ii) a maximum of 400 square metres of **gross floor area** on the **first floor** may be devoted to **retail store** and **retail service** uses;
- (C) In addition to the exclusions listed in Regulation 40.5.40.40(3), the **gross floor area** of a **mixed use building** is also reduced by:
  - (i) all **bicycle parking spaces** at or above-ground;
  - (ii) all indoor **amenity space** in excess of that required by By-law 883-2021(OLT); and
  - (iii) all shower/change facilities provided;
- (D) Despite Regulation 40.10.40.10(7), a maximum of 50 **storeys** is permitted, excluding mezzanine levels, interstitial structural and mechanical levels, and **amenity space** at the mechanical penthouse level;
- (E) Despite Regulation 40.5.40.10(8)(C), the permitted maximum **gross floor area** of each **storey** constructed above a Canadian Geodetic Datum elevation of 206.0 metres is 788 square metres, subject to the **gross floor area** exclusions of Regulation 40.5.40.40(3) and (C) above, as applied to each **storey**;
- (F) Despite Regulations 40.5.40.10(1) and (2), the **height** of a **building** or **structure** is measured between the Canadian Geodetic Datum elevation of 163.0 metres and the elevation of the highest point of the **building** or **structure**;

- (G) Despite Regulations 40.10.40.10(2) and 40.10.40.70(2)(E), (F) and (G), the maximum permitted **height** of a **building** or **structure** is specified in metres by the numbers following the symbol "HT" on Diagram 3 attached to By-law 883-2021(OLT);
- (H) Despite (G) above and Regulations 40.5.40.10(4), (5), (6), (7) and (8), 40.10.40.10(2), 40.10.40.70(2)(E), (F) and (G) and 40.10.40.60(9), the following **building** elements and **structures** are not subject to area restrictions and may exceed all height limits, with the exception of the 177.9 metres height limit, shown on Diagram 3 of By-law 883-2021(OLT):
- (i) eaves, canopies, cornices, light fixtures, awnings, architectural features, **structures** used for outside or open air recreation, trellises, mechanical and architectural screens, chimneys, vents, stacks, transformer vaults, ornamental elements, architectural elements, **landscape** elements, elements and **structures** associated with a **green roof**, stairs, covered/enclosed stairwells, stairs and stair enclosures associated with an entrance or exit from an underground parking garage, underground garage ramps and their associated structures, public art, window washing equipment and crane **structures**, solar panels and equipment, lightning rods, satellite dishes, utility, mechanical and ventilation equipment, roof access, and maintenance equipment storage by a maximum of 6.5 metres; and
  - (ii) fences, safety railings and other elements or **structures** on the roof of the **building** used for safety or wind protection and mitigation purposes, parapets, bollards, balustrades, seating areas, privacy screens, guardrails, terraces, terrace guards, platforms, wheelchair ramps, retaining walls, roof drainage, and planters by a maximum of 3.0 metres;
- (I) Despite (G) and (H) above and Regulations 40.5.40.10(4), (5), (6), (7) and (8), 40.10.40.10(2), 40.10.40.70(2)(E), (F) and (G), and 40.10.40.60(9), the following **building** elements and **structures** are not subject to area restrictions and may exceed the 177.9 metres height limit shown on Diagram 3 of By-law 883-2021(OLT):
- (i) elements and **structures** associated with a **green roof**, lightning rods, antennae, flagpoles, satellite dishes, cornices, parapets, chimneys, vents, stacks, window washing equipment and crane **structures**, stair enclosure and stairs exclusively for access to maintain the **green roof** on the top of the mechanical penthouse by a maximum of 6.5 metres; and
  - (ii) fences, safety railings and other elements or **structures** on the roof of the **building** used for safety purposes by a maximum of 3.0 metres;
- (J) Despite Regulation 40.10.40.10(5), the required minimum height of the first **storey**, is 3.75 metres, measured from the floor level above ground to the mezzanine floor level;

- (K) Despite Clause 40.5.40.70 and Regulation 40.10.40.70(2), the required above-ground minimum **building setbacks** are as shown in metres on Diagram 3 of By-law 883-2021(OLT);
- (L) Despite (K) above, Clauses 40.5.40.60, 40.5.40.70 and 40.10.40.60, and Regulations 5.10.40.70(1) and 40.10.40.70(2), the following may encroach into the required minimum **building setbacks**;
- (i) louvres, cornices, light fixtures, damper equipment to reduce **building** movement, ornamental elements, parapets, trellises, balconies, eaves, window sills, guardrails, balustrades, window washing equipment and crane **structures**, railings, stairs, stair enclosures, doors, wheelchair ramps, screens, air vents and air intakes and site servicing features by a maximum of 2.5 metres; and
  - (ii) **loading spaces**, art and **landscape** features, patios, decks, terraces, planters, awnings and canopies, pillars, columns and other structural elements, railings, fences, ventilation shafts, site servicing features, elements required for the functional operation of the **building** and underground garage ramps and associated **structures**;
- (M) Despite (L) above, no balconies are permitted within 10 metres of the east **lot line**, and no balconies or windows are permitted on the west elevation of any **building** or **structure** on the **lot** below a height of 202.5 metres Canadian Geodetic Datum elevation;
- (N) Despite (K) above, Regulations 5.10.40.70(1) and (4) and 40.10.40.60(2), (3), (4), (5), (7) and (8), and Clause 40.5.40.60:
- (i) the **main wall** of a **building** will be set back a minimum of 2.6 metres from the **front lot line** between ground level and 6.5 metres in height within Area 'A' shown on Diagram 3 of By-law 883-2021(OLT); and
  - (ii) structural elements, including but not limited to those that support the **building** and the elements identified in (L) above are permitted to encroach into the **building setback** required in (N)(i) above;
- (O) A minimum of 30 percent of **dwelling units** must be two-bedroom or three-bedroom **dwelling units**, or a combination thereof;
- (P) Despite Regulations 40.5.80.1(1), 200.5.1(2), Clause 200.5.10.1 and Table 200.5.10.1, **parking spaces** must be provided and maintained in accordance with the following:
- (i) a minimum of 0.23 **parking spaces** per **dwelling unit** for the use of residents of the **building**;
  - (ii) no **parking spaces** are required for residential visitors; and
  - (iii) no **parking spaces** are required for non-residential uses;

- (Q) Despite Regulation 200.5.1(3) and 200.5.1.10(2)(B), the minimum width of a **parking space** may be 2.6 metres where accessed by a two way **drive aisle** that has a minimum width of 5.5 metres;
- (R) Despite Regulation 200.5.1.10(2) and (Q) above, a maximum of 10 percent of the total **parking spaces** provided and maintained on the **lot** may have a minimum width of 2.6 metres, despite being obstructed in accordance with Regulation 200.5.1.10(2)(D);
- (S) Despite Regulations 200.5.1.10(2)(A) and (D), Electric Vehicle Infrastructure, including electric vehicle supply equipment, does not constitute an obstruction to a **parking space**;
- (T) For each car-share **parking space** provided, the minimum number of required **parking spaces** for residents required pursuant to (P) above may be reduced by four (4) **parking spaces**, up to a maximum of seven (7) car-share **parking spaces**;
- (U) Despite Regulation 200.15.10(1), a minimum of six accessible **parking spaces** are required;
- (V) Despite Article 200.15.1, an accessible **parking space** must comply with the following:
- (i) minimum length of 5.6 metres;
  - (ii) minimum width of 3.4 metres;
  - (iii) minimum vertical clearance of 2.1 metres; and
  - (iv) at least one side of the length of an accessible **parking space** must be adjacent to a 1.5 metres wide accessible barrier free aisle;
- (W) Despite Regulations 200.15.1(4) and 200.15.1.5(1), accessible **parking spaces** are not required to be the **parking spaces** closest to a barrier free entrance to a **building** or passenger elevator or be the shortest route from such entrance or elevator;
- (X) Despite Regulation 40.5.80.10(1), the required **parking spaces** may be located off-site within 500 metres of the **lot**;
- (Y) Despite Regulations 230.5.1.10(9) and (10) and Clause 230.40.1.20, long-term and a short-term **bicycle parking spaces** may be:
- (i) provided in a **stacked bicycle parking space** arrangement, in any combination of vertical, horizontal or stacked positions;
  - (ii) located within a secured room or area on any floor of the **building** above or below ground level; and

- (iii) located more than 30 metres from a pedestrian entrance;
- (Z) Despite Regulations 230.5.1.10(4) and (5), a **stacked bicycle parking space** must have the following minimum dimensions:
  - (i) length of 1.8 metres;
  - (ii) width of 0.45 metres; and
  - (iii) height of 1.2 metres;
- (AA) Despite Regulation 40.10.40.1(6), an entrance to a **bicycle parking space** storage room may be located within 12.0 metres of a **lot** in the Residential Zone category or the Residential Apartment Zone category; and
- (BB) Despite Article 220.5.10, one Type "G" **loading space** and one Type "C" **loading space** must be provided and maintained on the **lot**.

Prevailing By-laws and Prevailing Sections (None Apply).

5. 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 be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable.
6. Car-share **parking space** means a **parking space** that is exclusively reserved and actively used for car-sharing.
7. Despite any existing or future severance, partition, or division of the lands, the provisions of this Exception apply as if no severance, partition or division occurred.
8. Section 37 Provisions
  - (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in **height** and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 attached to and forming part of this By-law, in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
  - (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and

- (C) The owner shall not use, or permit the use of, a **building** or **structure** erected with an increase in **height** and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

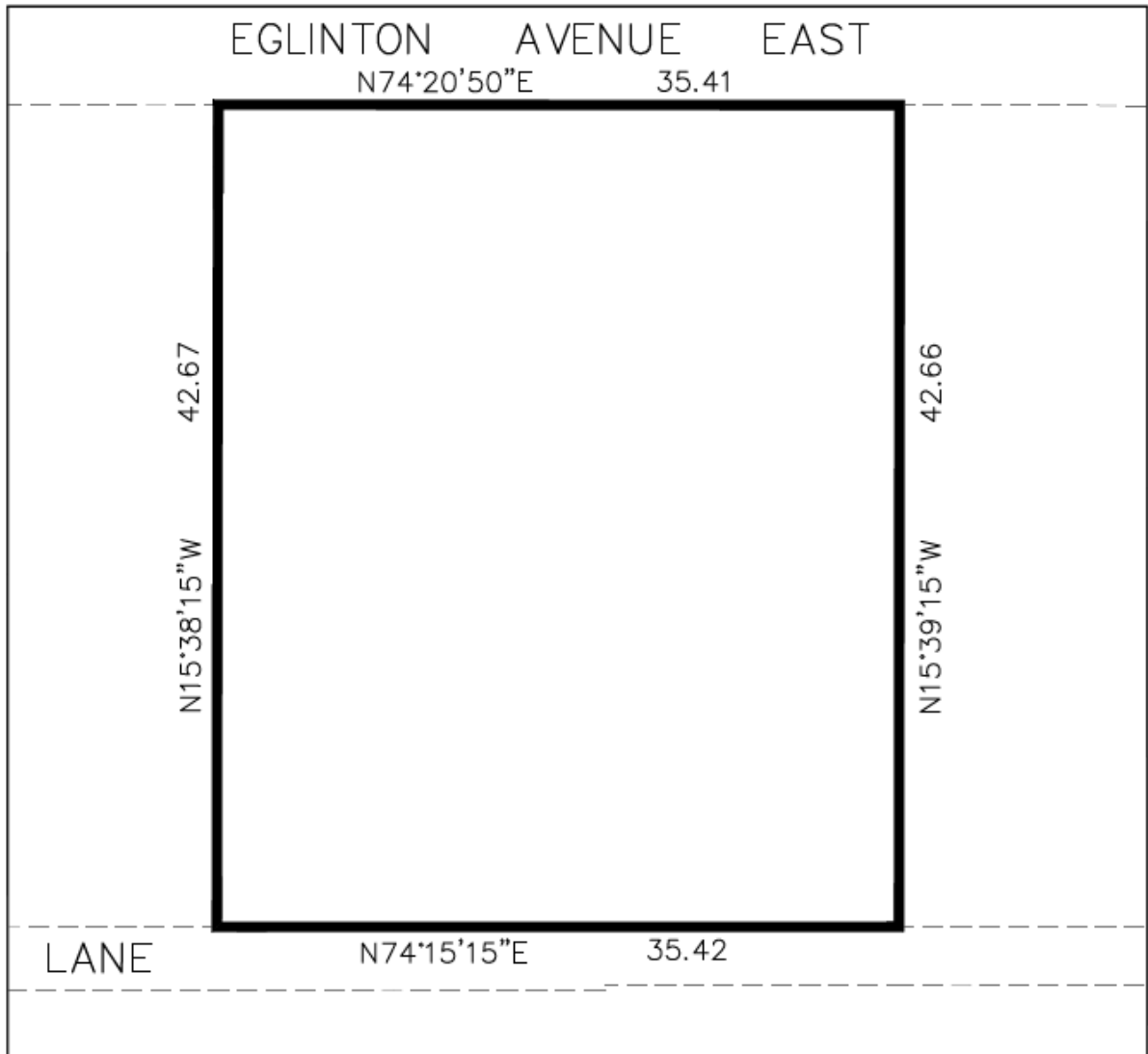
Ontario Land Tribunal Decision issued October 3, 2017 and Order issued July 22, 2021 in Tribunal File PL160872.

**SCHEDULE A**  
**Section 37 Provisions**

The facilities, services and matters set out below are required to be provided to the City at the Owner's expense in return for the increase in **height** and density of the proposed development on the **lot** and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

1. Prior to the issuance of any above-grade Building Permit, the Owner shall pay a financial contribution of two hundred and fifty thousand dollars (\$250,000.000 CAN) to the City to be allocated towards the Davisville Aquatic and Community Recreation Centre or other community facilities in the vicinity of the lands to the satisfaction of the Chief Planner, in consultation with the Ward Councillor.
2. The cash contribution set out above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto and calculated from the date of this Agreement to the date of payment by the Owner to the City.
3. In the event the cash contribution above has not been used for the intended purpose within three (3) years of the by-law coming into full force and effect, the cash contribution may be redirected for another purpose(s), at the discretion of the Chief Planner, in consultation with the Ward Councillor, provided that the purpose(s) is identified in the Official Plan and will benefit the community in the vicinity of the lands.





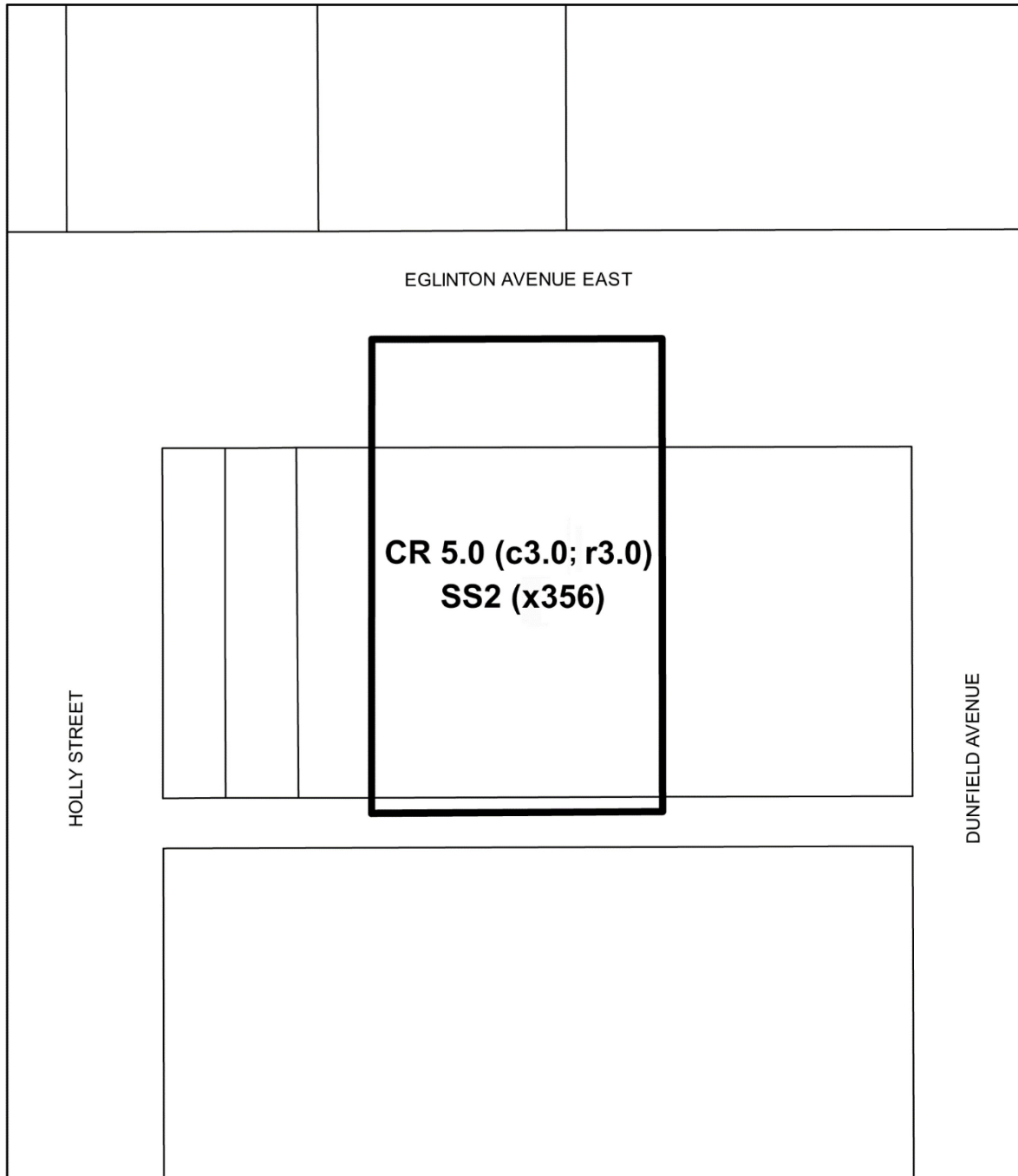
55 Eglinton Avenue East, Toronto

Diagram 1

File #10 \_\_\_\_\_



Not to Scale

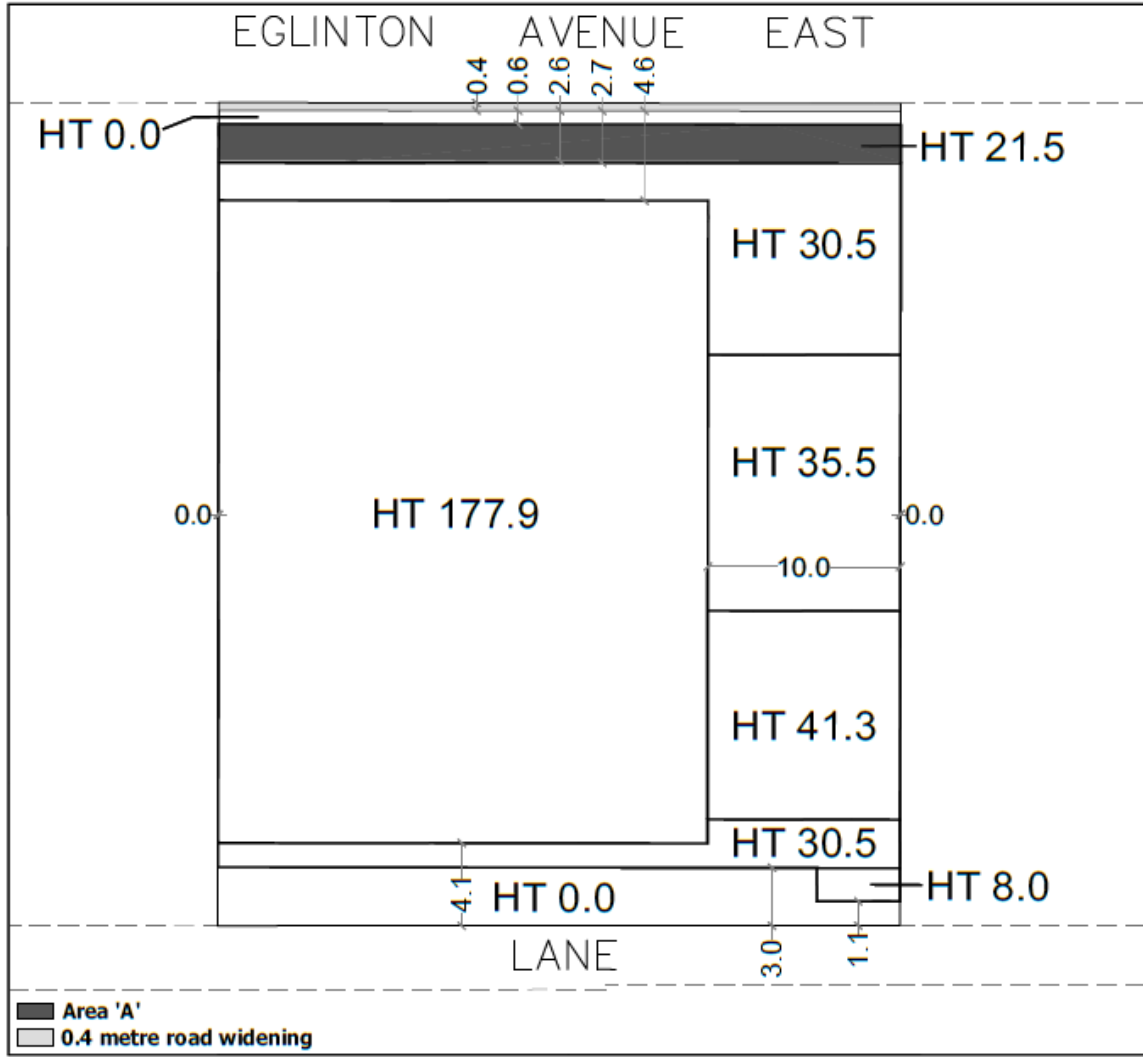


 **TORONTO**  
Diagram 2

**55 Eglinton Avenue East**

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55 Eglinton Avenue East, Toronto

Diagram 3

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