

Authority: Planning and Housing Committee Item PH31.4,
as adopted by City of Toronto Council on June 24, 25 and
26, 2026

CITY OF TORONTO

Bill 645

BY-LAW -2026

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2025 as 40 Bushby Drive.

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act, as amended; and

Whereas pursuant to Section 36 of the Planning Act, as amended, the council of a municipality may, in a by-law passed under Section 34 of the Planning Act, use a holding symbol "(H)" in conjunction with any use designation to specify the use to which lands, buildings or structures may be put once the holding symbol "(H)" is removed by amendment to the by-law; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of holding symbol "(H)"; and

Whereas pursuant to Section 39 of the Planning Act, as amended, the council of a municipality may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the by-law;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines 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, as amended, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: (H) CR 0.2 (c0.2, r0.1) SS1 (x 1239) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Article 995.10.1 and applying the following Policy Area label to these lands: PA2, as shown on Diagram 3 attached to this By-law.

5. Zoning By-law 569-2013, as amended, is further amended by adding the lands to the Height Overlay Map in Article 995.20.1, and applying the following height and storey label to these lands: HT 15.0, as shown on Diagram 4 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands to the Lot Coverage Overlay Map in Article 995.30.1, and applying no value.
7. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.[11].[10] Exception Number 1239 so that it reads:

(1239) Exception CR 1239

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) On lands municipally known as 40 Bushby Drive, if the requirements of By-law [Clerks to insert By-law number] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (X) below;
- (B) For the purpose of this exception:
 - (i) The **lot** is as shown on Diagram 1 of By-law [Clerks to insert By-law number];
 - (ii) A maximum of one **building** or part thereof is permitted on the lands shown as "Area A" on Diagram 5 of By-law [Clerks to insert By-law number];
 - (iii) A maximum of one **building** or part thereof is permitted on the lands shown as "Area B" on Diagram 5 of By-law [Clerks to insert By-law number];
 - (iv) A maximum of one **building** or part thereof is permitted on the lands shown as "Area C" on Diagram 5 of By-law [Clerks to insert By-law number];
 - (v) A **building**, part thereof or **structure** on the lands shown as "Area C" on Diagram 5 of By-law [Clerks to insert By-law number], may be no closer than 3.0 metres above and below ground measured at horizontal distance from the furthest extent of the "Scarborough Rapid Transit Infrastructure";
 - (vi) (B)(v) above does not apply if the "Scarborough Rapid Transit Infrastructure" no longer exists;

- (C) Despite regulation 40.5.40.10(1) and (2) the height of a **building** or **structure** is the distance between the following and the elevation of the highest point of the **building**;
- (i) on the lands shown as "Area A" on Diagram 5 of By-law [Clerks to insert By-law number] Canadian Geodetic Datum of 166.0 metres;
 - (ii) on the lands shown as "Area B" on Diagram 5 of By-law [Clerks to insert By-law number] Canadian Geodetic Datum of 164.0 metres; and
 - (iii) on the lands shown as "Area C" on Diagram 5 of By-law [Clerks to insert By-law number] Canadian Geodetic Datum of 161.8 metres;
- (D) Despite regulation 40.10.40.10(1) and 40.10.40.10(7), the permitted maximum height and **storeys** of a **building** or **structure** is as follows:
- (i) on the lands shown as "Area A" on Diagram 5 of By-law [Clerks to insert By-law number], 186 metres and 59 **storeys**, and shall not exceed a maximum height for the following:
 - (a) the first 3 **storeys**, 11.0 metres; and
 - (b) in addition to (a) above, the first 7 **storeys**, 24.0 metres;
 - (ii) on the lands shown as "Area B" on Diagram 5 of By-law [Clerks to insert By-law number], 166 metres and 52 **storeys** and shall not exceed a maximum height for the following:
 - (a) the first 3 **storeys**, 11.0 metres; and
 - (b) in addition to (a) above, the first 7 **storeys**, 24.0 metres;
 - (iii) on the lands shown as "Area C" on Diagram 5 of By-law [Clerks to insert By-law number], 144 metres and 44 **storeys**, and shall not exceed a maximum height for the following:
 - (a) the first 3 **storeys**, 11.0 metres;
 - (b) in addition to (a) above, the first 5 **storeys**, 24.0 metres; and
 - (iv) for the purpose of this exception, a mezzanine and a mechanical penthouse does not constitute a **storey**;
- (E) Despite regulation 40.10.40.1(1)(C)(i) all **dwelling units** in a **building** must be located above non-residential use portions of a **building**;
- (F) Despite regulations 40.5.40.10(3) to (8) and (D) above, the following equipment and **structures** may project beyond the permitted maximum height:

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- (i) equipment used for the functional operation of the **building**, including electrical, utility, mechanical and ventilation equipment, as well as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 8.0 metres;
 - (ii) **structures** that enclose, screen, or cover the equipment, **structures** and parts of a **building** listed in (i) above, including a mechanical penthouse, by a maximum of 8.0 metres;
 - (iii) for the purpose of (i) and (ii) above:
 - (a) the total area of all equipment, **structures**, or parts listed in (i) and (ii), on the roof of the "tower" portion of the **building**, may cover no more than 70 percent of the total roof area, measured horizontally; and
 - (b) a "tower" is the portions of a **building** which collectively enclose the entirety of a **storey** higher than a height of 24.0 metres;
 - (iv) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 4.5 metres;
 - (v) **building** maintenance units and window washing equipment, by a maximum of 6.5 metres;
 - (vi) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 4.5 metres;
 - (vii) antennae, flagpoles and satellite dishes, by a maximum of 6.0 metres; and
 - (viii) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 5.0 metres;
- (G) Despite regulations 40.5.75.1(2)(A)(ii) and (D) above, no part of a photovoltaic **solar energy** device or a thermal **solar energy** device may be higher than 2.5 metres beyond the permitted maximum height;
- (H) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 112,000.0 square metres, of which:
- (i) the required minimum **interior floor area** for non-residential uses is 1,000.0 square metres; and
 - (ii) the permitted maximum **interior floor area** for non-residential uses is 19,600.0 square metres;
- (I) Despite regulation 40.5.40.40(3) and (5), the following elements apply to reduce the **gross floor area** of a **building**;

- (i) all areas located below ground;
 - (ii) **loading spaces**;
 - (iii) **bicycle parking spaces** and the entirety of the room separated by demising walls containing those **bicycle parking spaces**;
 - (iv) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms that are not within a **dwelling unit**;
 - (v) shower and change facilities not within a **dwelling unit**;
 - (vi) indoor **amenity space**;
 - (vii) elevator shafts;
 - (viii) garbage shafts;
 - (ix) mechanical penthouse;
 - (x) exit stairwells; and
 - (xi) areas open to below or voids in the floor;
- (J) Despite regulation 5.10.40.70 (2) and 40.10.40.70(1), the required minimum **building setbacks** are as listed in (K) and (L) below;
- (K) On the lands shown as "Area A" and "Area B" on Diagram 5 of By-law [Clerks to insert By-law number] the required minimum **building setbacks** are as follows;
- (i) From the west **lot line** abutting McCowan Road:
 - (a) below ground, at least 3.0 metres;
 - (b) at ground level and up to and including the 3rd **storey** of a **building**, at least 6.0 metres;
 - (c) above (b), at least 3.0 metres; and
 - (d) in addition to (c), any part of a **main wall** above the 7th **storey** must be set back at least 3.0 metres from the **main wall** below;
 - (ii) From the north **lot line** abutting Bushby Drive;
 - (a) at ground level and up to and including the 3rd **storey** of a **building**, at least 3.0 metres;
 - (b) above (a), no building setback is required; and

- (c) in addition to (b) any part of a **main wall** above the 7th **storey** must be set back at least 3.0 metres from the **main wall** below;
 - (iii) From the south **lot line**:
 - (a) at ground level and up to and including the 7th **storey** of a **building**, at least 7.5 metres;
 - (b) above (a), at least 12.5 metres; and
 - (c) in addition to (b), any part of a **main wall** above the 7th **storey** must be set back at least 3.0 metres from the **main wall** below;
 - (iv) any part of a **main wall** above the 7th **storey** and not described in (i) to (iii) above must be set back at least 2.5 metres from the **main wall** below; and
 - (v) at ground level and up to and including the 3rd **storey** of a **building**, at least 75 percent of the **main wall** of a **building** must be between 0.0 metres and 1.5 metres from the required **building setback** in (i), and (ii) above, and all of the **main walls** of a **building** must be between 0.0 metres and 5.5 metres from the required **building setback** in (i), and (ii) above;
- (L) On the lands shown as "Area C" on Diagram 5 of By-law [Clerks to insert By-law number] the required minimum **building setbacks** are as follows;
- (i) From the east **lot line** abutting Grangeway Avenue:
 - (a) At the first **storey** of a **building**, at least 2.5 metres; and
 - (b) any part of a **main wall** above the 5th **storey** must be set back at least 2.5 metres from the **main wall** below;
 - (ii) From the north **lot line** abutting Bushby Drive;
 - (a) at ground level and above, at least 5.0 metres; and
 - (b) in addition to (a), any part of a **main wall** above the 5th **storey** must be set back at least 2.0 metres from the **main wall** below;
 - (iii) From the south **lot line**:
 - (a) at ground level and up to and including the 5th **storey** of a **building**, at least 7.5 metres;
 - (b) above (a), at least 12.5 metres; and

- (c) in addition to (b), any part of a **main wall** above the 5th **storey** must be set back at least 3.0 metres from the **main wall** below;
 - (iv) any part of a **main wall** above the 5th **storey** and not described in (i) to (iii) above must be setback at least 2.5 metres from the **main wall** below; and
 - (v) at ground level and up to and including the first **storey** at least 75 percent of the **main wall** of a **building** must be between 0.0 metres and 1.5 metres from the required **building setback** in (i), (ii) above, and all of the **main wall** of a **building** must be between 0.0 metres and 5.5 metres from the required **building setback** in (i), and (ii) above;
- (M) Despite regulation 40.10.40.80(1), where a line projected at a right angle from the **main wall** of a **building** intercepts another **main wall** of a **building** on the same **lot**, the required minimum above-ground distance between the **main walls** is as follows:
 - (i) for the first 3 **storeys** of a **building**, at least 15 metres;
 - (ii) for the 4th to 7th **storey** of a **building**, at least 20 metres;
 - (iii) above the 7th **storey** of a **building**, at least 25 metres; and
 - (iv) for the purpose of (M) above, the required minimum above-ground distance does not apply to architectural recesses in a **main wall** and **main walls** around inset balconies, corridors and doorways;
- (N) In addition to (M) above, a minimum 15.0 metre above-ground separation distance is required between a **building** or part thereof in "Area B" and "Area C" as shown on Diagram 5 of By-law [Clerks to insert By-law number], within which:
 - (i) a "mid-block connection" must be provided;
 - (ii) a "mid-block connection" is a publicly accessible open space with access between Bushby Drive and the southern **lot line** for pedestrians, that may include cycling facilities, **landscaping** and **soft landscaping**; and
 - (iii) the "mid-block connection" in (i) above must provide a minimum 5.0 metre wide unobstructed walkway;
- (O) Regulation 40.10.40.60 applies to **building setbacks** and **main wall** separation distances;

- (P) On the lands shown as "Area A" and "Area B" on Diagram 5 of By-law [Clerks to insert By-law number], the permitted maximum floor plate for each **storey** of a **building**, at the 4th **storey** to the 7th **storey** as measured from the exterior of the **main wall** of each **storey**, is 1,100.0 square metres;
- (Q) On the lands shown as "Area A" and "Area B" on Diagram 5 of By-law [Clerks to insert By-law number], the permitted maximum tower floor plate for each **storey** of a **building**, above the 7th **storey** as measured from the exterior of the **main wall** of each **storey**, is 775.0 square metres;
- (R) On the lands shown as "Area C" on Diagram 5 of By-law [Clerks to insert By-law number], the permitted maximum tower floor plate for each **storey** of a **building**, above the 5th **storey** as measured from the exterior of the **main wall** of each **storey**, is 775.0 square metres;
- (S) Pursuant to regulation 200.5.10.1(1) and Table 200.5.10.1, visitor **parking spaces** must be provided in accordance with the regulation on each of the lands shown as "Area A", "Area B" and "Area C" on Diagram 5 of By-law [Clerks to insert By-law number];
- (T) Pursuant to regulation 200.15.10.10(1) and Table 200.5.10.1, accessible **parking spaces** must be provided in accordance with the regulation on each of the lands shown as "Area A", "Area B" and "Area C" on Diagram 5 of By-law [Clerks to insert By-law number];
- (U) Despite regulation 200.15.1(1) and (3), an accessible **parking space** must have the following minimum dimensions:
- (i) length of 5.6 metres;
 - (ii) width of 3.4 metres;
 - (iii) vertical clearance of 2.1 metres; and
 - (iv) the entire length of an accessible **parking space** must be adjacent to a 1.5 metres wide accessible barrier free aisle or path;
- (V) Despite regulation 200.15.1(4), an accessible **parking space** must be the **parking spaces** closest to a barrier free entrance to:
- (i) a **building**; and
 - (ii) a passenger elevator that provides access to the first **storey** of a **building**;
- (W) The provision of **dwelling units** is subject to the following:
- (i) a minimum of 15 percent of the total number of **dwelling units** must have 2 or more **bedrooms**;

- (ii) a minimum of 10 percent of the total number of **dwelling units** must have 3 or more **bedrooms**;
 - (iii) any **dwelling units** with 3 or more **bedrooms** provided to satisfy (ii) above are not included in the provision required by (i) above; and
 - (iv) If the calculation of the number of required **dwelling units** in accordance with each of (i) and (ii) results in a number with a fraction, the number is rounded up to the nearest whole number, but there may not be less than one **dwelling unit**;
- (X) For the purpose of this exception, each word or expression that is in bold font will have the same meaning as such word or expression as defined in Chapter 800 of Zoning By-law 569-2013, as amended, except for the following:
- (i) "Scarborough Rapid Transit Infrastructure" means any below or above ground transportation use, buildings or structures lawfully existing on March 20th, 2025, used for, or formerly used for, the operation or maintenance of elevated rail transit.
8. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.
9. Nothing in this By-law except (S) and (T) above shall apply to prevent the phased construction of the development, provided that the minimum requirements of the By-law are complied with upon full development.
10. Holding Symbol Provisions
- (A) The lands zoned with the holding symbol "(H)" delineated by heavy lines on Diagram 1 attached to this By-law must not be used for any purpose other than those uses and buildings existing as of the date of the passing of this By-law, until the holding symbol "(H)" has been removed; and
 - (B) An amending by-law to remove the holding symbol "(H)" referred to in (A) above may be enacted when the following are fulfilled:
 - (i) the proposed new municipal sewers of approximately 350m in length and their appurtenances on Bushby Drive and Grangeway Avenue are constructed all in accordance with the accepted Functional Servicing Report and to the satisfaction of the Director, Engineering Review, and operational.

- (ii) the proposed upgrades to approximately 465m of existing municipal sanitary sewer along Progress Avenue, from Grangeway Avenue to the trunk sewer, are constructed all in accordance with the accepted Functional Servicing Report and to the satisfaction of the Director, Engineering Review, and operational.

Enacted and passed on June , 2026.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

Diagram 1

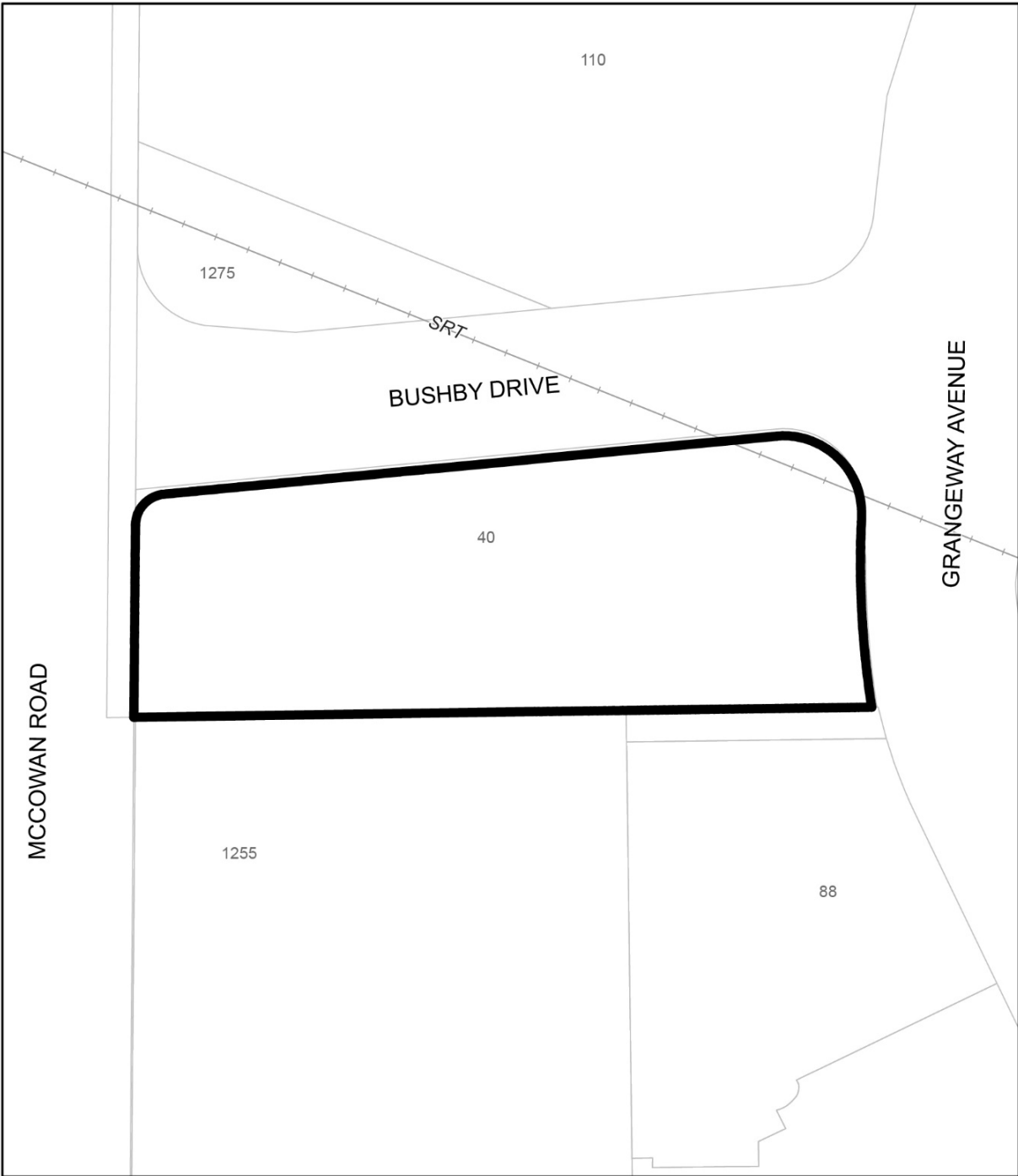


Diagram 2

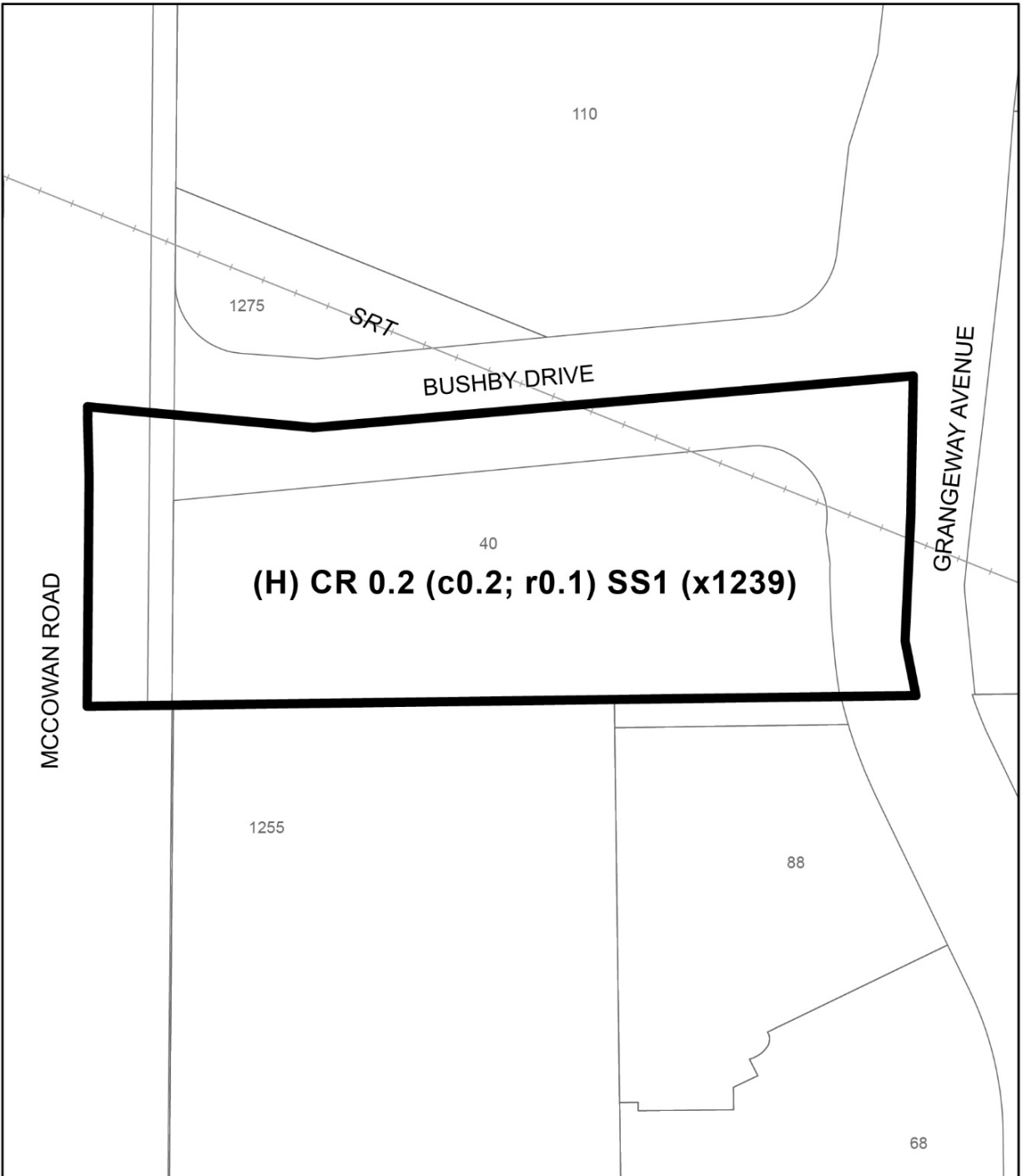


Diagram 3

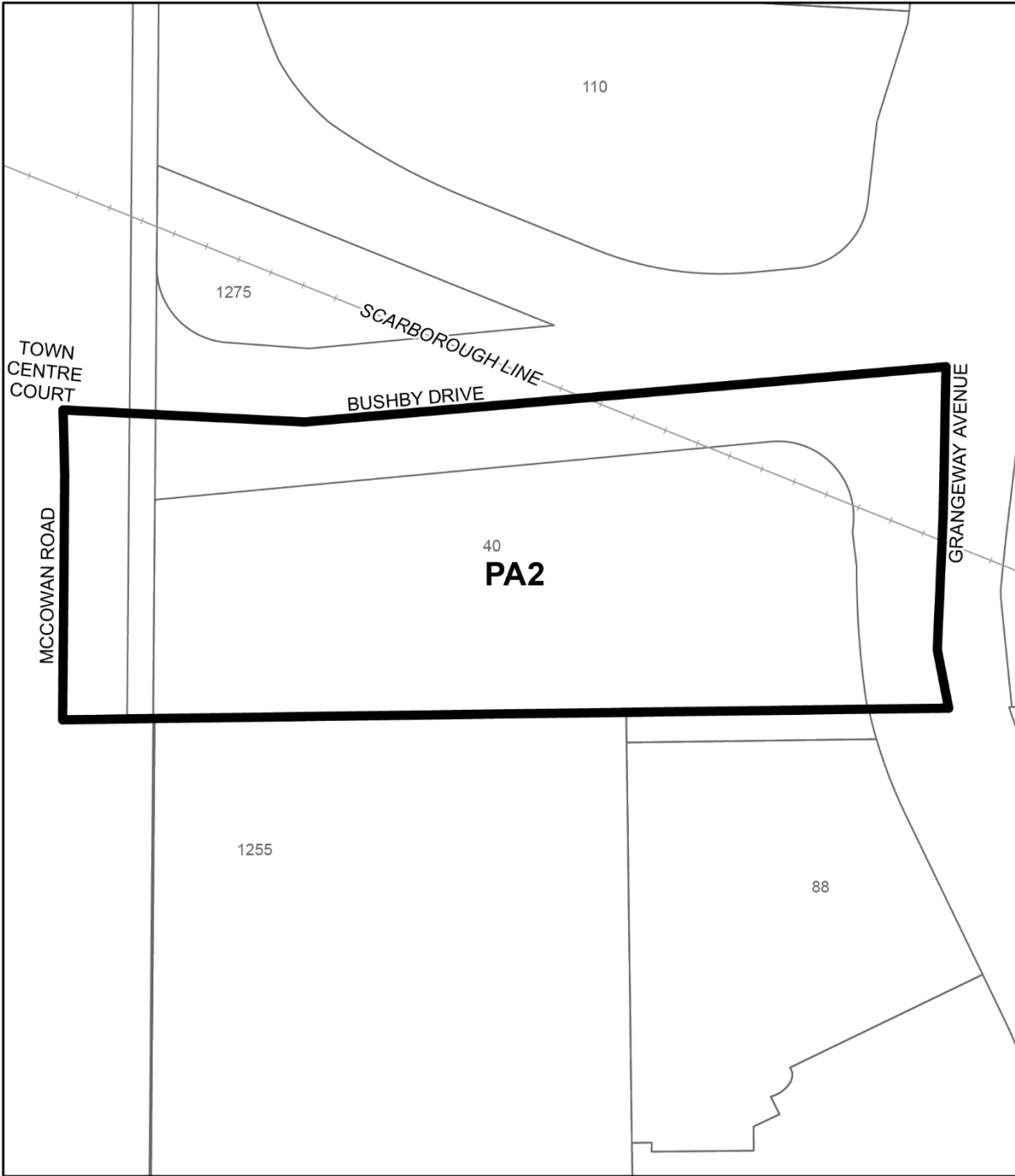


Diagram 4

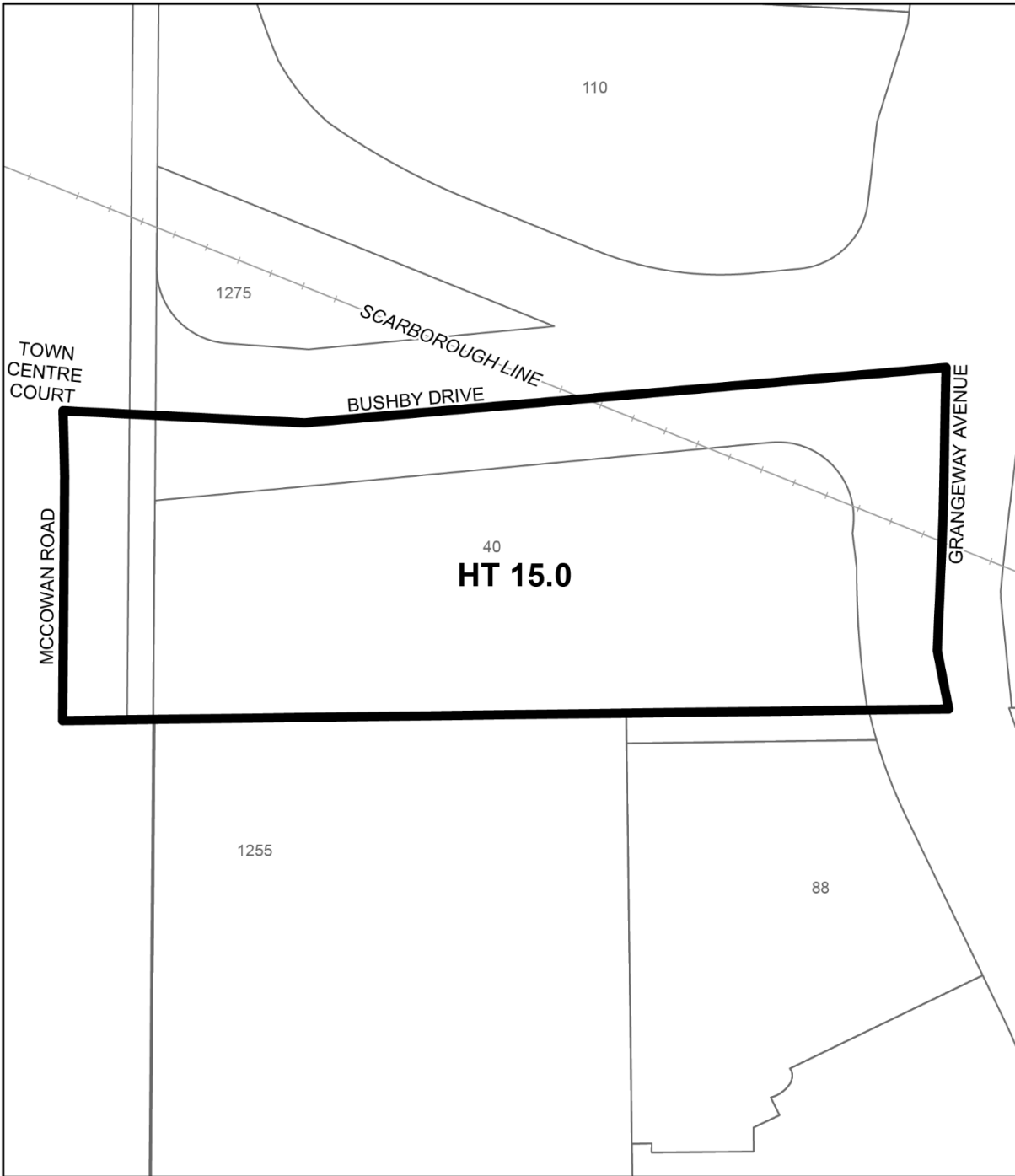


Diagram 5

