

Authority: North York Community Council Item NY34.26,
as adopted by City of Toronto Council on July 29, 30 and
31, 2026

CITY OF TORONTO

Bill 1052

BY-LAW -2026

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2025 as 5 Fairview Mall 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, building 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)";

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 3.0 (r3.0, c3.0) SS3 (x1266) 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 no value.
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 11.0, as shown on Diagram 3 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 1266 so that it reads:

(1266) Exception CR 1266

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 5 Fairview Mall 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 (Q) below;
- (B) The maximum floor area of each storey of a "tower", measured from the exterior of the main wall of each floor level and inclusive of the entire floor, excluding inset and projecting balconies, is as follows:
 - (i) 750.0 square metres for "Tower A";
 - (ii) 750.0 square metres for "Tower B"; and
 - (iii) 750.0 square metres for "Tower C";
- (C) 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) "Existing Building" means the existing **building** located on the lands municipally known as 5 Fairview Mall Drive in the year 2025; and
 - (ii) "Building A", "Building B", and "Building C" mean the **buildings** labelled and shown as such on Diagram 4 of [Clerks to insert By-law number];
 - (iii) "Podium A" means a portion of "Building A" as labelled and shown on Diagram 4 of [Clerks to insert By-law number];
- (D) Despite regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum and the elevation of the highest point of the **building** or **structure**, as follows:
 - (i) Building A: 176.92 metres for "Building A";
 - (ii) Building B: 176.16 metres for "Building B"; and
 - (iii) Building C: 177.44 metres for "Building C";

- (E) Despite Regulation 40.10.40.10(3), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 4 of By-law [Clerks to insert By-law ##];
- (F) Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is the number following the letters "ST" as shown on Diagram 4 of By-law [Clerks to insert By-law number]; and
- (i) for the purpose of this exception, a mechanical penthouse does not constitute a **storey**;
- (G) Despite (D) and (E) above, the following height provisions will apply to "Building A":
- (i) The permitted maximum height of "Podium A" is 38.5 metres and 8-**storeys** if the required minimum of 7,000 square metres of **gross floor area** within "Podium A" is occupied by medical office uses; and
- (ii) The permitted maximum height of "Podium A" is 28.7 metres and 8-**storeys** if residential uses are provided within "Podium A";
- (H) Despite Regulations 40.5.40.10(3) to (8) and (E) and (F) above, the following equipment and **structures** may project beyond the permitted maximum height referenced in (F) above or as shown on Diagram 4 of By-law [Clerks to insert By-law number];
- (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 7.0 metres;
- (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) above, inclusive of a mechanical penthouse, by a maximum of 7.0 metres;
- (iii) architectural features, parapets, and elements and structures associated with a **green roof**, by a maximum of 2.0 metres;
- (iv) **building** maintenance units and window washing equipment, by a maximum of 2.75 metres;
- (v) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 1.8 metres; and
- (vi) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 2.75 metres;

- (I) Despite regulation 40.10.40.50(1), **amenity space** must be provided at the following rate:
- (i) at least 2.0 square metres for each **dwelling unit** as indoor **amenity space**;
 - (ii) at least 2.0 square metres of outdoor **amenity space** for each **dwelling unit** in "Building A", of which 40.0 square metres must be in a location adjoining or directly accessible to the indoor **amenity space**;
 - (iii) at least 0.7 square metres of outdoor **amenity space** for each **dwelling unit** in "Building B", of which 40.0 square metres must be in a location adjoining or directly accessible to the indoor **amenity space**; and
 - (iv) at least 1.02 square metres of outdoor **amenity space** for each **dwelling unit** in "Building C", of which 40.0 square metres must be in a location adjoining or directly accessible to the indoor **amenity space**;
- (J) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 98,700 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 82,000 square metres; and
 - (ii) the minimum **gross floor area** for a medical office is 7,000 square metres [Clerks to insert By-law number];
- (K) Despite Regulation 40.10.40.70, the required minimum **building setbacks** are as shown in metres on Diagram 4 of By-law [Clerks to insert By-law number];
- (L) Despite Regulation 40.10.40.80(2), the required separation of **main walls** are as shown in metres on Diagram 4 of By-law [Clerks to insert By-law ##];
- (M) Despite Regulation 40.10.50.10(1)(B), no **landscaping** is required on a **lot** where all portions of the **main walls** of a **building** are set back from the **front lot line** 5.0 metres or less;
- (N) Despite Clause 40.10.40.60 and (J) and (K) above, the following elements may encroach into the required minimum **building setbacks** and separation distances as shown in metres on Diagram 4 of By-law [Clerks to insert By-law ##] as follows:
- (i) decks, porches, and balconies, by a maximum of 1.5 metres;
 - (ii) canopies and awnings, by a maximum of 3.0 metres;
 - (iii) exterior stairs, access ramps and elevating devices, by a maximum of 3.0 metres;

- (iv) cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 0.3 metres;
 - (v) eaves, by a maximum of 1.8 metres; and
 - (vi) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 1.8 metres;
- (O) The provision of **dwelling units** is subject to the following:
 - (i) a minimum of 27 percent of the total number of **dwelling units** must have two or more bedrooms;
 - (ii) a minimum of 10 percent of the total number of **dwelling units** must have three or more bedrooms; and
 - (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**;
- (P) Regulation 200.5.1(3), and Clauses 200.5.1.10, 40.10.80.10, 40.10.80.20, and 40.10.100.10, relating to the dimensions, number and location of **parking spaces**, **drive aisles** and **driveways**, do not apply to **lawfully existing parking spaces** and **lawfully existing drive aisles**, that are existing on the **lot** as of the date of passing of By-law [Clerks to insert By-law number];
- (Q) Despite regulation 200.15.1(4), an accessible **parking space** must be located no more than a 30.0 metres long direct route from a barrier free entrance to:
 - (i) a **building**; and
 - (ii) a passenger elevator that provides access to the first **storey** of a **building**;

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

- 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. Holding Symbol Provisions;
 - a) The lands zoned with the holding symbol "(H)" delineated by heavy lines on Diagram 2 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 owner or applicant, at their sole cost and expense has submitted a revised Functional Servicing and Stormwater Management Report to demonstrate that the existing sanitary sewer system and watermain and any required improvements to them, have adequate capacity and supply to accommodate the development of the lands to the satisfaction of the Director, Engineering Review, Development Review; and
 - ii. If the Functional Servicing and Stormwater Management Report accepted and satisfactory from (i) above require any new municipal infrastructure or upgrades to existing municipal infrastructure to support the development, then either:
 - 1. The owner or applicant has secured the design, construction, and provision of financial securities for any new municipal infrastructure, or any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing and Stormwater Management Report, to support the development, in a financial secured agreement, all to the satisfaction of the Director, Engineering Review, Development Review; or
 - 2. The required new municipal infrastructure or upgrades to existing municipal infrastructure to support the development in the accepted and satisfactory Functional Servicing and Stormwater Management Report in (i) above are constructed and operational, all to the satisfaction to the Director, Engineering Review, Development Review; and
 - iii. The owner or applicant shall provide Solid Waste Management Services with confirmation that each of the proposed buildings in each Phase can provide appropriate waste collection facilities and services to the satisfaction of the Director, Engineering Review, Development Review.

Enacted and passed on July , 2026.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

Diagram 1

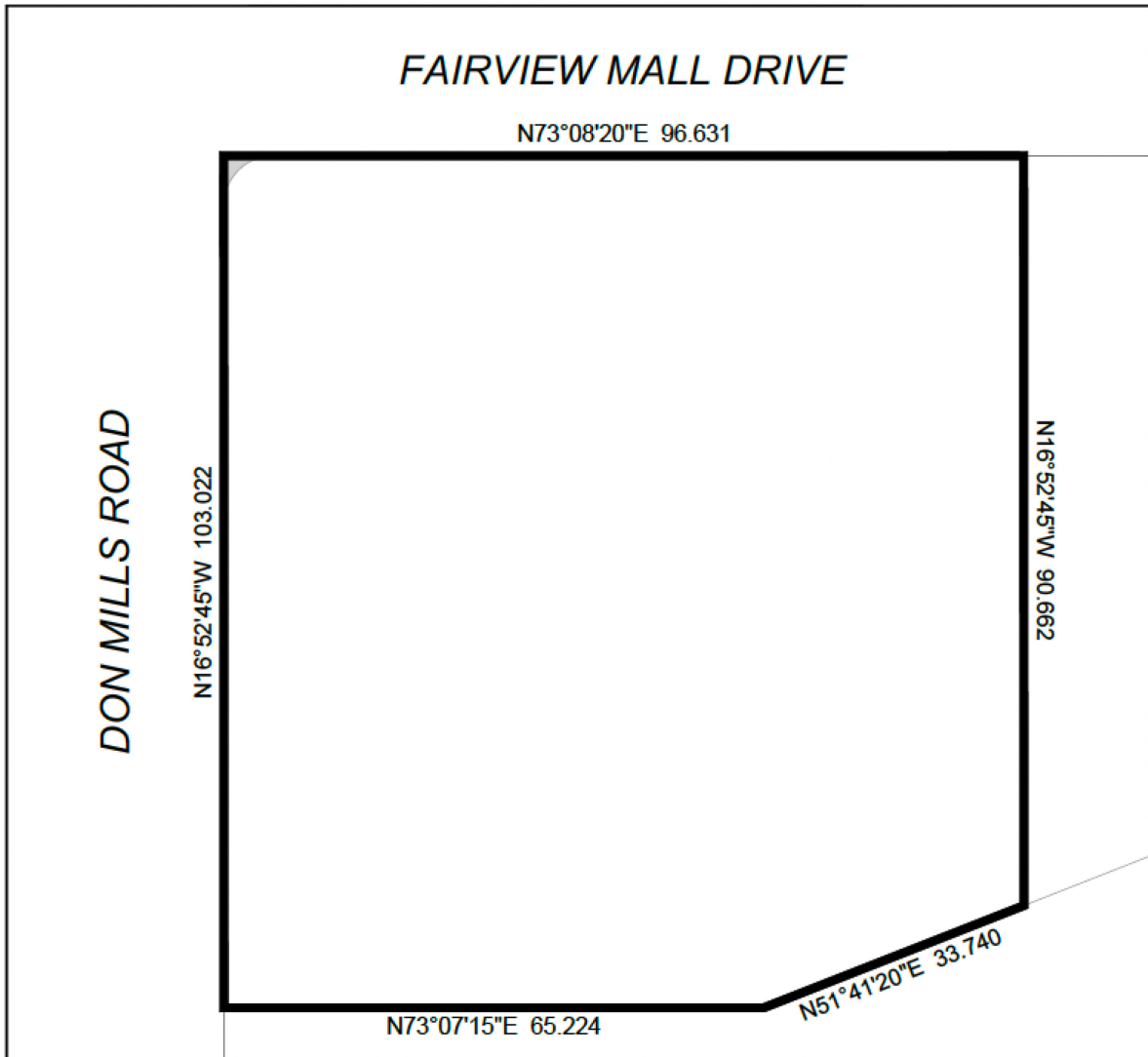


Diagram 1

5 Fairview Mall Drive

File #22 203142 NNY 170Z

 Road Dedication


Not to Scale

Diagram 2

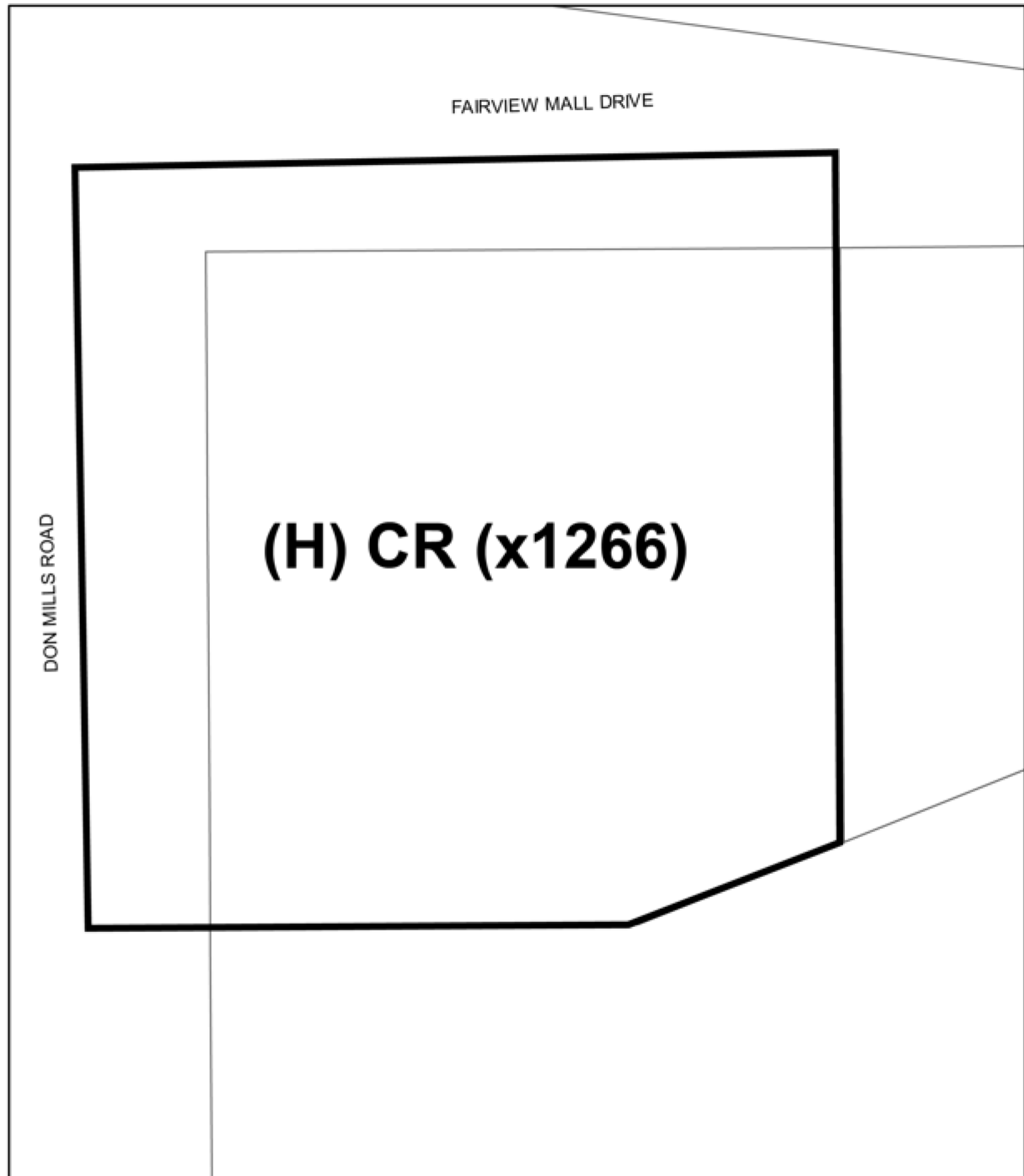
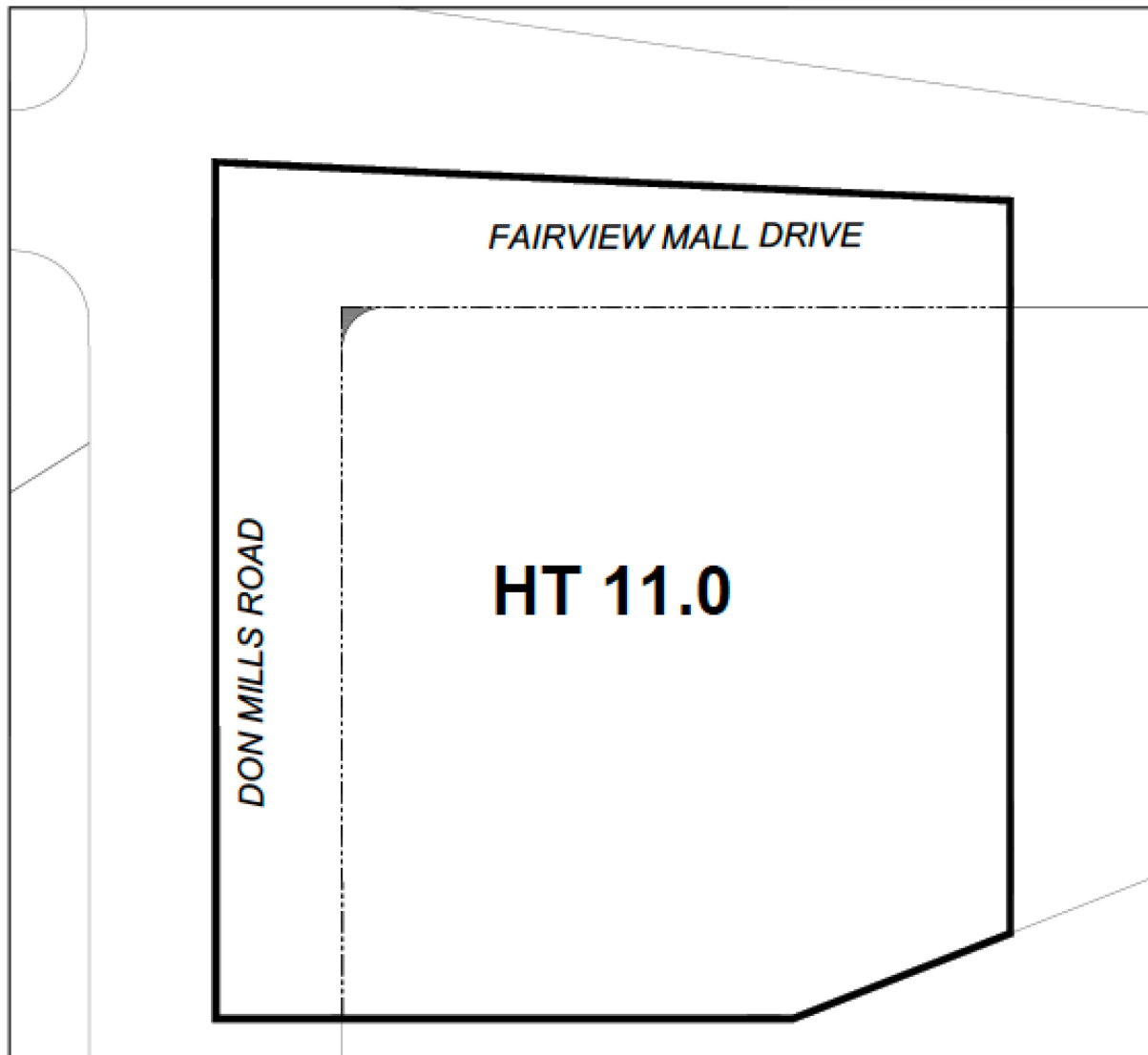


Diagram 3



5 Fairview Mall Drive

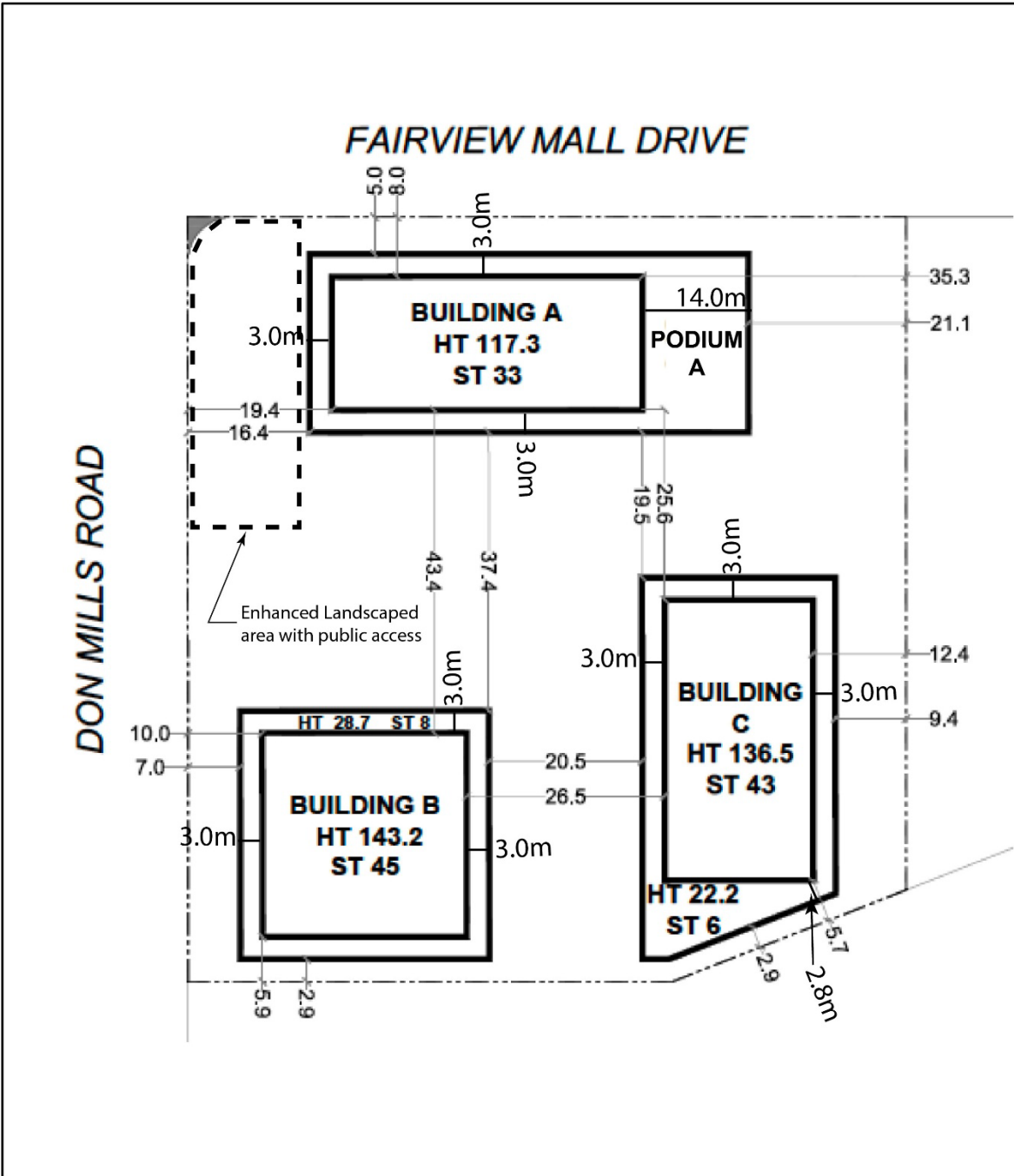
Diagram 3

File #22 203142 NNY 170Z

■ Road Dedication

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Not to Scale

Diagram 4



 **Toronto**
Diagram 4

5 Fairview Mall Drive

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