

Authority: Midtown Community Council Report No. 7, Clause No. 52,
as adopted by City of Toronto Council on October 1, 2 and 3, 2002
Enacted by Council: October 3, 2002

CITY OF TORONTO

BY-LAW No. 833-2002

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands known as 88 Redpath Avenue.

WHEREAS the Council of the City of Toronto has been requested to amend its zoning by-law, pursuant to Section 34 of the *Planning Act*, R.S.O. 1990 c. P. 13, as amended, respecting the lands municipally known in the year 2002 as 88 Redpath Avenue; and

WHEREAS the Midtown Community Council conducted a public meeting on September 17, 2002 under Section 34 of the *Planning Act* regarding the zoning amendment; and

WHEREAS the Council of the City of Toronto, at its meeting held October 1, 2 and 3, 2002 determined to amend Zoning By-law No. 438-86, as amended, for the former City of Toronto;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by 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 *Site* of the facilities, services and matters set out in Appendix 1 hereof, the provision of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*, and the *Site* shall be subject to the provisions of this By-law upon the execution and registration of such agreement or agreements.
2. The provisions of By-law No. 20623, as amended by By-law No. 22233, of the former City of Toronto, no longer apply to the *Site*.
3. None of the provisions of Sections 4(2)(a), 4(4)(b), 6(3) PART I 1, 6(3) PART II 2, 6(3) PART II 3 F (II), 6(3) PART II 4, 6(3) PART II 5, 6(3) PART III 1 (b), 12(2) 37 and 12(2) 38 of Zoning By-law No. 438-86, as amended, of the former City of Toronto, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of 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 the *new addition* on the *Site* together with the continued use of the *existing apartment building* within the *Site*, provided:
 - (1) the *lot* upon which the *existing apartment building* and the *new addition* are located comprises the *Site*;

- (2) no portion of any building or structure erected and used above *grade* within the *Site* is located otherwise than wholly within the heavy lines on Plan 2, attached to and forming part of this by-law, except cornices, canopies, ornamental elements, balconies, fences, copulas, retaining walls, ramps to underground garages and railings;
 - (3) the *height* above *grade* of any building or structure within the *Site* shall not exceed the *height* limits shown on Plan 2, exclusive of rooftop facilities, elements and structures otherwise permitted by Section 4(2)(a)(i) of By-law No. 438-86;
 - (4) the *existing apartment building* and the *new addition* have a maximum combined *residential gross floor area* of not more than 20,834 square metres and zero *non-residential gross floor area*,
 - (5) the *existing apartment building* and the *new addition* have a maximum combined total of not more than 262 *dwelling units*, of which,
 - (i) not more than 186 *dwelling units* are located within the *existing apartment building*, and
 - (ii) not more than 76 *dwelling units* are located outside the *existing apartment building*;
 - (6) at least 45% of the area of the *Site* is provided and maintained as *landscaped open space*; and
 - (7) not less than 231 *parking spaces* are provided on the *Site* to serve the *existing apartment building* and the *new addition*, of which,
 - (i) at least 114 *parking spaces* are for the exclusive use of the residents of the *existing apartment building*;
 - (ii) at least 51 *parking spaces* are for the exclusive use of the residents of the *new addition*, and
 - (iii) at least 66 *parking spaces* are for the exclusive use of visitors to the *existing apartment building* and the *new addition*.
4. For the purposes of this By-law, the following expressions shall have the following meaning:
- (a) “City” means the City of Toronto,
 - (b) “*existing apartment building*” means the *apartment building* located at the date of the passage of this by-law on that part of the *Site* identified as EXISTING BUILDING No. 88 on Plan 2 attached hereto,
 - (c) “owner” of the *Site* means the owner of the fee simple of the *Site*,

- (d) “*new addition*” means a building, exclusive of the *existing apartment building*, located within that part of the *Site* outlined by heavy lines on Plan 2 attached hereto,
- (e) “*Site*” means those lands outlined by heavy lines on Plan 1 attached hereto, and
- (f) each other word or expression, which is italicized in this by-law, shall have the same meaning as each such word or expression as defined in the said By-law No. 438-86, as amended.

ENACTED AND PASSED this 3rd day of October, A.D. 2002.

CASE OOTES,
Deputy Mayor

ULLI S. WATKISS
City Clerk

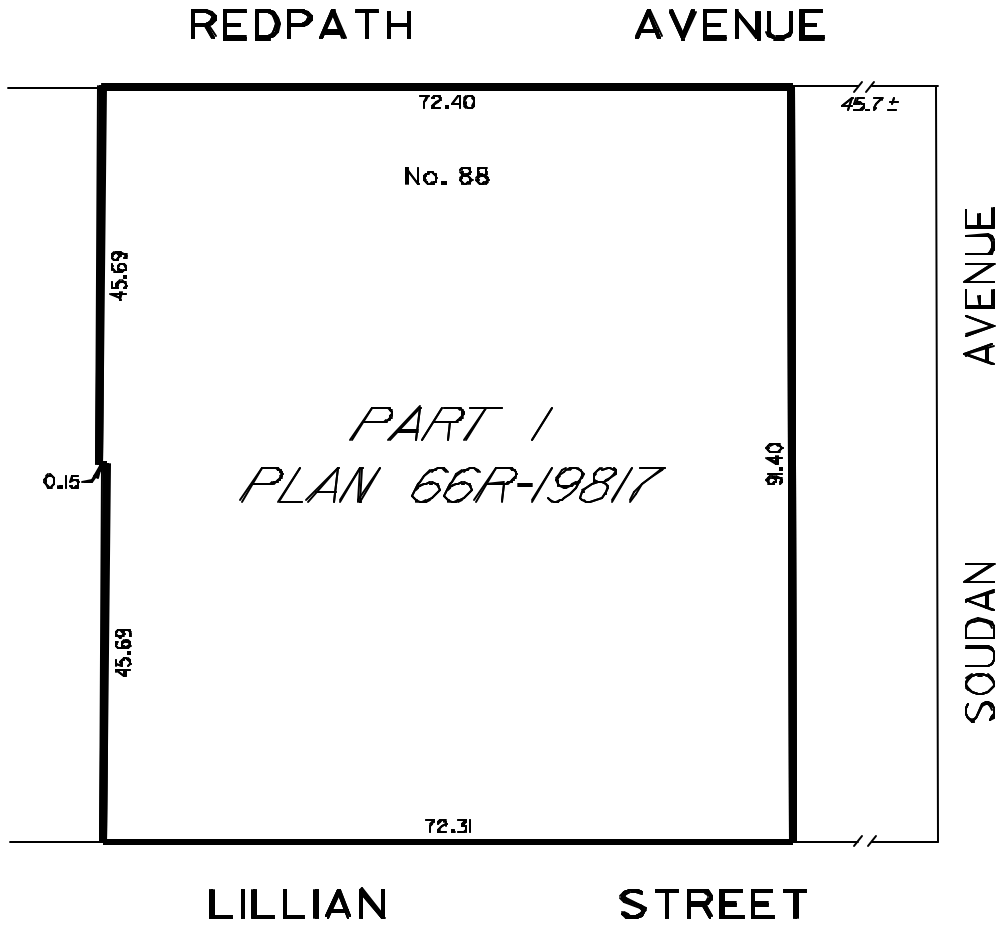
(Corporate Seal)

APPENDIX 1
SECTION 37 PROVISIONS

The facilities, services and matters set out herein are the facilities, services and matters required pursuant to Section 37(1) of the *Planning Act*, the provision of which by the *owner* of the *Site* shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*:

1. The *owner* is to make a payment of \$125,000 to the *City*, above the standard 5% parks contribution, for improvement of parks in the local community before the issuance of any building permit;
2. The *owner* is to covenant that existing *dwelling units* in the *existing apartment building* shall remain as rental units and that the *owner*,
 - (a) shall not apply for condominium conversion, in respect of the *existing apartment building*, pursuant to the *Condominium Act*, S.O. 1998, c.19 (as amended) for a minimum period of ten (10) years after the date this By-law comes into force and effect, and
 - (b) shall not demolish the *existing apartment building*, or apply for a demolition permit in respect thereof, for a minimum period of twenty (20) years after the date this By-law comes into force and effect;
3. The *owner* is to contribute a rent abatement applicable to existing *dwelling units* facing the *new addition* in a monthly amount of \$40.00 per unit for a ten month period commencing upon construction of the *new addition* to mitigate against negative impacts of its construction. The Commissioner of Urban Development Services will determine the required number of units, not to exceed 92, to have their rent abated, with a maximum total rent abatement of \$36,800.00;
4. The *owner* is to covenant that it shall not apply to the Ontario Rental Housing Tribunal for an increase in rent, in relation to the existing rental units, above the Guidelines established under the *Tenant Protection Act* arising from the construction of the development or associated improvements to the *Site*;
5. The *owner* is to covenant that the landscaped open space and recreational facilities are to be available, without charge, to the residents and occupants of the residential units within each of the *existing building* and the *new addition* so that all present and future residents of the *Site* shall have full and equal use of the said facilities;
6. The Section 37 Agreement securing the said facilities, services and matters, shall be in a form satisfactory to the City Solicitor with conditions providing for: indexed escalation of financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement.

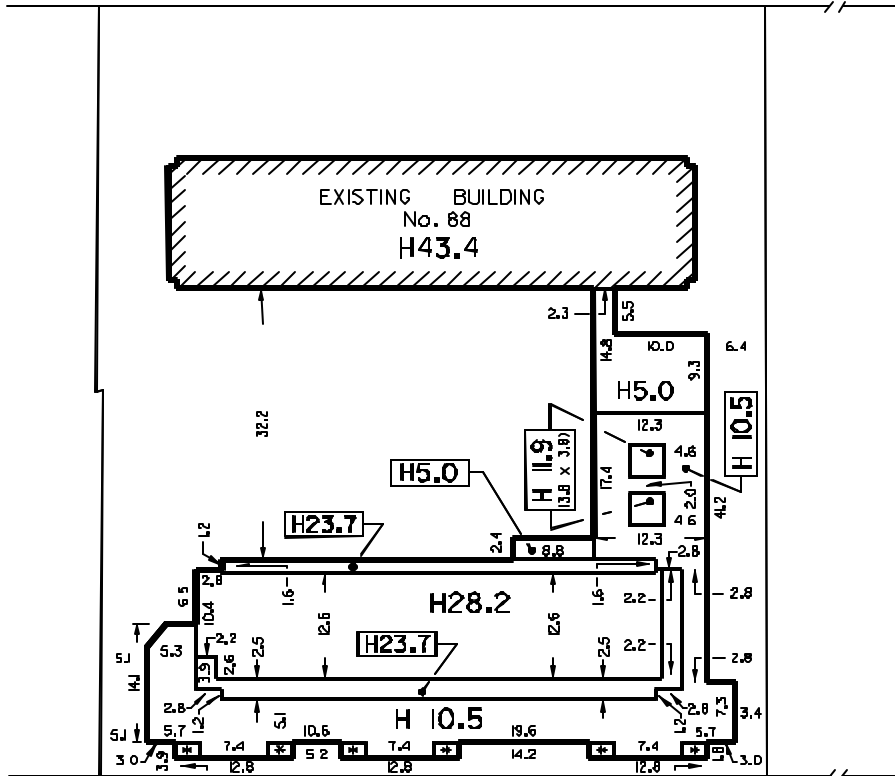
PLAN 1



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO SEPTEMBER, 2002
BLO2/ 88REDP1.DGN
FILE: R43-Z6
MAP No. 51K-321 DRAWN: D.R.

PLAN 2

REDPATH AVENUE

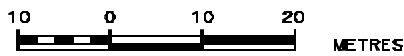


SODAN AVENUE

LILLIAN STREET

H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE

* H 7.8 (TOP OF RAILING)
(1.8 x 2.7)



WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO SEPTEMBER, 2002
 BLOZ/ 88REDP2.DGN
 FILE# R43-26
 MAP No. 51K-321 DRAWN: D.R.