

Authority: North York Community Council Report No. 1, Clause No. 13,
as adopted by City of Toronto Council on February 4, 5 and 6, 2003
Enacted by Council: April 16, 2003

CITY OF TORONTO

BY-LAW No. 337-2003

**To amend former City of North York Official Plan in respect of lands municipally known
as 3792 - 3846 Bathurst Street.**

WHEREAS authority is given to Council by 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*;

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

1. Amendment No. 531 to the Official Plan of the City of North York, consisting of the
attached text and map, is hereby adopted.
2. This By-law shall come into force and take effect on the day of the final passing thereof.

ENACTED AND PASSED this 16th day of April, A.D. 2003.

CASE OOTES,
Deputy Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

PREFACE AND EXPLANATORY NOTES
TO AMENDMENT NO. 531
TO THE OFFICIAL PLAN OF THE FORMER
CITY OF NORTH YORK

LANDS AFFECTED BY THIS AMENDMENT

This amendment concerns lands on the west side of Bathurst Street north of Wilson Avenue. The municipal address in March, 2003, is 3792 - 3846 Bathurst Street.

EFFECT OF AMENDMENT

The effect of this amendment is to permit the development of three apartment buildings with a maximum FSI for the entire site of 3.4 and a maximum height as specified in the Zoning By-Law.

PUBLIC MEETINGS

The North York Community Council considered an Amendment Application at a statutory public meeting held on January 21, 2003, after written notice of such meeting had been sent to all persons assessed in respect of land within 120 metres of the subject lands. It was the Community Council's decision to recommend approval of this application subject to conditions.

A meeting to consider this matter was held by City Council on February 4, 5 and 6, 2003.

On April 16, 2003, Council enacted By-law No. 337-2003.

AMENDMENT NO. 531
TO THE OFFICIAL PLAN OF THE FORMER
CITY OF NORTH YORK

The following text and schedule constitute Amendment No. 531 to the Official Plan of the City of North York.

ITEM 1

Clause 1

Map C.1 (Land Use Map) is amended by designating the lands as RD4 from RD3 as shown in Schedule “A” attached.

Clause 2

Part C.9 is amended by adding the following policy:

“C.9.240 ANDS ON THE WEST SIDE OF BATHURST STREET AND NORTH
 OF WILSON AVENUE, KNOWN ON MARCH, 2003 AS
 3792 - 3846 BATHURST STREET”.

1. Despite the Residential Density Four (RD4) designation of the lands, a density of 3.4 FSI is permitted provided that, pursuant to Section 37 of the *Planning Act*, the owner of the lands, at it's expense and in accordance with and subject to the agreement referred to in paragraph 2 herein:
 - (I) provides and maintains not less than 81 new affordable replacement rental dwelling units on the site in a conventional rental building subject to the following:
 - (a) the rental replacement building shall be maintained as a conventional rental building for at least 20 years, beginning with the date that the first unit is occupied or until the owner obtains approval for an Official Plan Amendment and zoning by-law amendment removing the requirement for the building to be maintained as a rental building. If the tax rate were to increase such that the owner is paying more tax than they would if the rental replacement building were registered as a condominium, the owner will have the right to apply for an Official Plan Amendment and zoning by-law amendment removing the requirement for the building to be maintained as a rental building prior to the expiry of this 20 year period, provided the 81 new dwelling units in such building remain as rental dwelling units until the owner obtains approval for an Official Plan Amendment and zoning by-law amendment removing the requirement that the owner provide and maintain the dwelling units as rental dwelling units;

- (b) the rental replacement building shall be ready and available for occupancy on or before the date of the first occupancy of any other dwelling unit erected on the site after the date of enactment of this amendment;
 - (c) the owner of the site shall provide and maintain affordable rents charged to the tenants who rent each of the 81 affordable replacement dwelling units during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount based on the October 2002 Canada Mortgage and Housing Corporation Rental Market Survey average rent by unit type plus a one-time allowance of 4% and upon turn-over, the rent charged to any new tenant shall not exceed the most recently reported Canada Mortgage and Housing Corporation Rental Market Survey average rent by unit type and over the course of the 10 year period, annual increases shall not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases;
 - (d) rents charged to tenants occupying an affordable replacement dwelling unit at the end of the 10 year period set forth in (c) shall be subject only to annual increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, so long as they continue to occupy their dwelling unit; and
 - (e) rents charged to tenants newly occupying a dwelling unit in the rental replacement building after the completion of the 10 year period set forth in (iii) will be governed by the Provincial rent legislation in force at that time; and
- (II) shall provide additional assistance to the tenants of the site over and above the minimum levels required under the *Tenant Protection Act*, as follows:
- (a) the owner shall give eligible tenants residing in a building existing on the site at least 6 months prior notice of the termination of their tenancy for demolition;
 - (b) all tenants residing on the site on the date of the application, April 2, 2002, and who receive the 6 months notice of termination set forth in (a) ("eligible tenants") shall have a right of first refusal to occupy an affordable replacement rental unit at an initial rent not exceeding the amount of their rent as of April 2002 plus the 2002 Provincial rent increase guideline and a one-time allowance of 4%, as escalated by the Provincial rent increase guideline annually each March beginning March 2003 and ending the March prior to the date of occupancy of the affordable replacement rental dwelling unit;

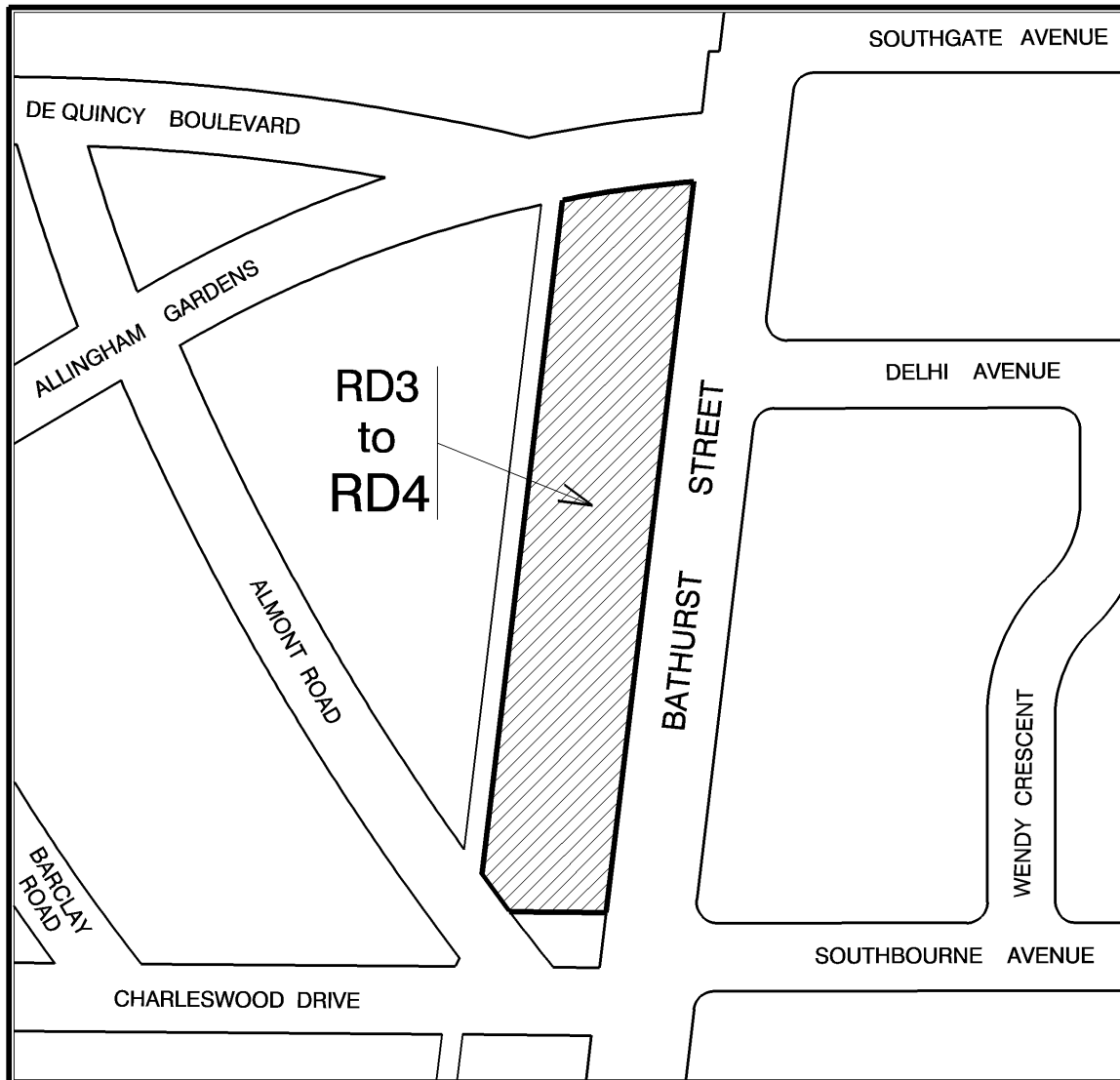
- (c) all eligible tenants as set forth in (b) shall receive financial assistance in addition to compensation required under the Tenant Protection Act, and
 - (d) any prospective tenant of an existing rental unit on the site after April 2, 2002, shall be advised prior to entering into any legal agreement to rent a unit of the development applications and the potential demolition, and they shall also be advised that they will not receive the assistance being offered to tenants residing on the site on April 2, 2002 who are eligible tenants.
- 2. The owner of the site shall enter into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters required in Section 1 herein and agrees to the registration of such agreement against the site, as a first charge.

Clause 3

Section C.9 is amended by adding Map C.9.240 as attached in Schedule “B”.

Schedule " A "

(Amendment No. 531)

**LAND USE MAP**

RESIDENTIAL DENSITY THREE (RD3)
to
RESIDENTIAL DENSITY FOUR

File No. TB CMB 2002 0004
Prepared by: A.A.
Approved by: L.P.
Date: OCT. 17, 2002
Filename: OPA531



SCALE:

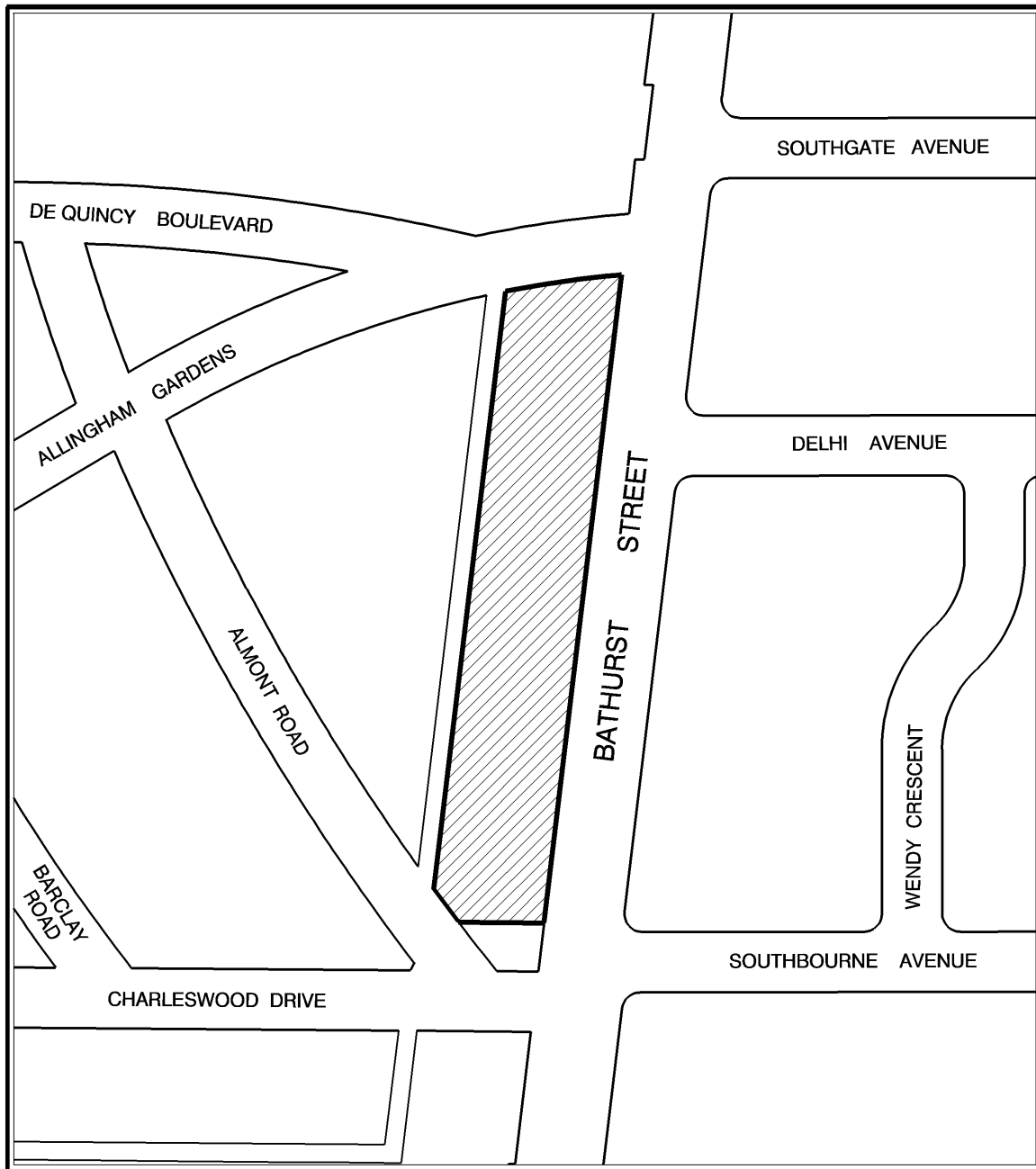


**SUBJECT
PROPERTY**

Source: Official Plan, By-Law, Lot Line, Street Line and Street Name Data - North York Planning Department.
Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.

Schedule " B "

(Amendment No. 531)

**MAP C.9.240****SUBJECT AREA**FILE NAME : OPA531DATE : Sept. 30, 2002

Source: Lot Line, Street Line and Street Name Data - North York Planning Department.

Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.