

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. 338-2003

To amend former City of North York By-law No. 7625, as amended, respecting the lands municipally known as 3792 - 3846 Bathurst Street.

WHEREAS authority is given to Council by 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*;

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

1. Schedules “B” and “C” of By-law No. 7625 are amended in accordance with Schedule “1” of this By-law.
2. Section 64.20-A of By-law No. 7625 is amended by adding the following subsection:

“64.20-A (127) RM6(127)

EXCEPTION REGULATIONS

Subject to the owner complying with subsection (j) herein:

- (a) The maximum number of apartment house dwelling units shall be 96.
- (b) The maximum gross floor area shall be 9,095 square metres.
- (c) Section 20-A2.2 regarding lot coverage shall not apply.
- (d) Section 15.6 regarding separation distance to a One Family Detached Dwelling Zone shall not apply.
- (e) The maximum building height shall not exceed 11.5 metres.
- (f) The minimum yard setbacks are as set out on Schedule “RM6(127)”.
- (g) Section 20-A 2.4.1 regarding the separation distance between buildings does not apply.
- (h) The landscaped open space shall be a minimum of 3550 square metres.

(i) Parking

- (i) A minimum of 1.25 parking spaces per dwelling unit shall be provided for Building A on Schedule “RM6(127)” of which 0.25 shall be for the use of visitors.
- (ii) A minimum of 1.5 parking spaces per dwelling unit shall be provided for Building B and Building C on Schedule “RM6(127)” of which 0.25 shall be for the use of visitors.

(j) Section 37 Agreement

The owner of the lands set out in Schedule “RM6(127)” shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to secure the facilities, services and matters referred to below, which agreement or agreements may be registered against the title of the lands to which this By-law applies in the manner and to the extent specified in such agreements. The owner of the subject lands, at the owner’s expense and in accordance with, and subject to the agreements referred to above, shall provide at its expense the following facilities, services and/or matters on terms satisfactory to the City of Toronto, in order to permit the increase in gross floor area and height authorized under the exception regulations subsections (b) and (e):

- (I) provide and maintain not less than 81 new affordable replacement rental dwelling units on the site in a conventional rental building subject to the following:
 - (i) 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;

- (ii) 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;
 - (iii) 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;
 - (iv) rents charged to tenants occupying an affordable replacement dwelling unit at the end of the 10 year period set forth in (iii) 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
 - (v) 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.
- (II) provide additional assistance to the tenants of the site over and above the minimum levels required under the Tenant Protection Act, as follows:
 - (i) 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;
 - (ii) 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 (i) ("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;

- (iii) all eligible tenants as set forth in (ii) shall receive financial assistance in addition to compensation required under the Tenant Protection Act; and
- (iv) 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.

EXCEPTION REGULATIONS

- (k) An additional 205 units above the number of units specified in exception regulations subclause (a) shall be permitted resulting in a total dwelling unit count of 301 for the site.
 - (l) Additional gross floor area of 18,525 square metres above the gross floor area specified in exception regulations subclause (b) shall be permitted resulting in a total gross floor area of 27,620 square metres on the overall site zoned RM6(127).
 - (m) Height
 - (i) for Building A shown on Schedule “RM6(127)”, additional height of 6 metres above the height specified in exception regulations subclause (e) shall be permitted resulting in a maximum height of 17.5 metres;
 - (ii) for Building B and Building C shown on Schedule “RM6(127)” additional height of 12 metres above the height specified in exception regulations subclause (e) shall be permitted resulting in a maximum height of 23.5 metres for each building.
 - (n) The provisions of this exception shall apply collectively to the lands zoned “RM6(127)” notwithstanding their future severance, partition or division for any purpose”.
3. Section 64.20 A of By-law No. 7625 is amended by adding Schedule “RM6(127)” attached to this By-law.

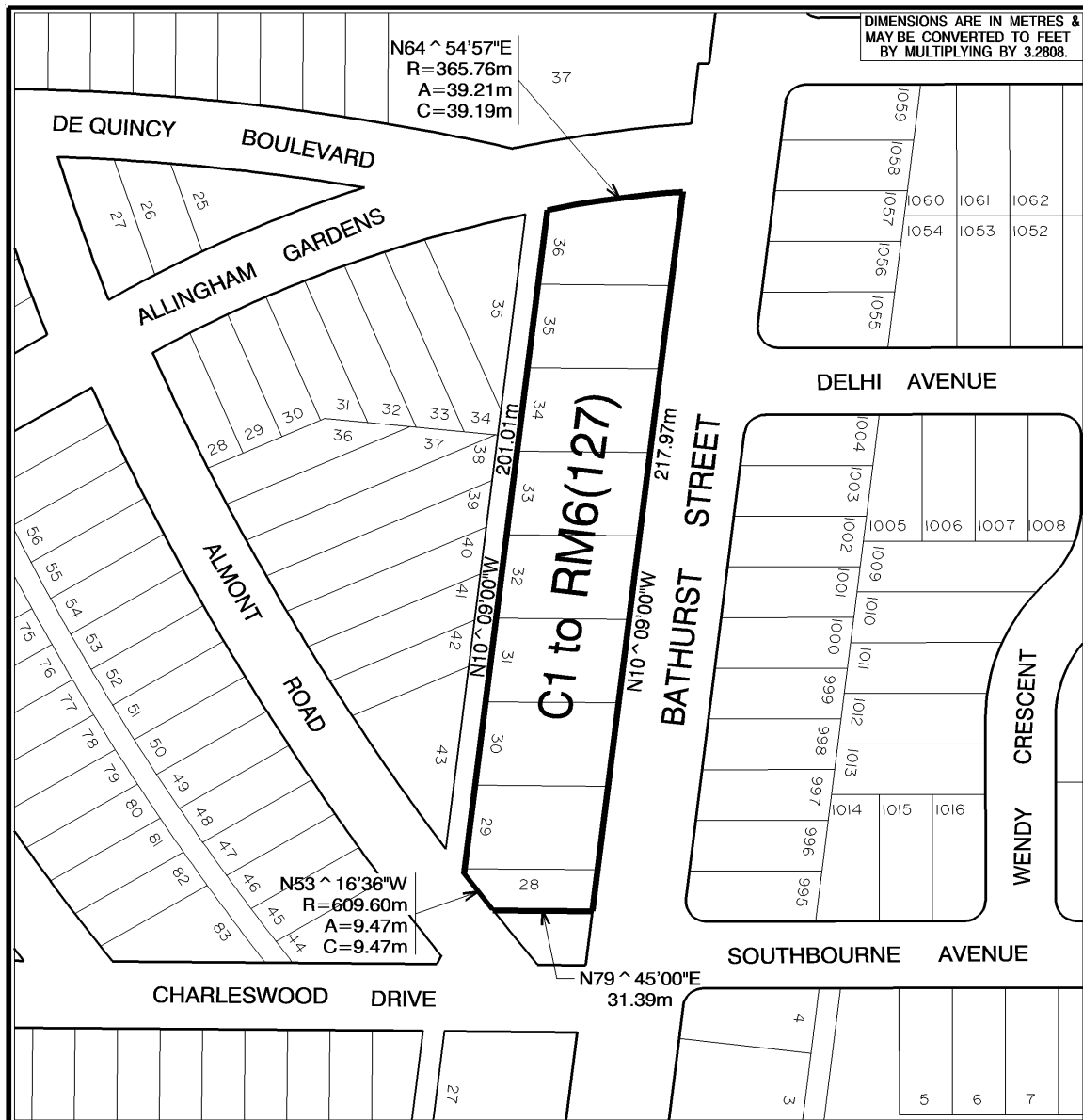
ENACTED AND PASSED this 16th day of April, A.D. 2003.

CASE OOTES,
Deputy Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE "1"



This is Schedule " 1 " to By-Law _____
 passed the _____ day of _____, 20 _____

(Sgd.)

CLERK

(Sgd.)

MAYOR

Location: Part of Lot 28 & Lots 29 to 36, R.P. 3497, City of Toronto

File: TB CMB 2002 0004

Prepared by: A.A.

Approved by: L.P.

Date: SEPT. 25, 2002

Filename: RM6(127)

Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District.
 Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.



SUBJECT PROPERTY



SCHEDULE "RM6(127)"

<p style="font-size: small; margin: 0;">DIMENSIONS ARE IN METRES, AND MAY BE CONVERTED TO FEET BY MULTIPLYING BY 3.2808</p> <p style="text-align: center; margin-top: 10px;">BATHURST STREET</p>		<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> Toronto <small>City Planning North</small> </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; width: 20px; height: 20px; margin-right: 5px;"></div> <div style="font-size: x-small; margin: 0;">SUBJECT PROPERTY</div> </div> </div> <div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center; font-weight: bold; margin: 0;">This is Schedule "RM6(127)" to By-Law _____, passed</p> <p style="text-align: center; font-weight: bold; margin: 0;">the _____ day of _____, 20____</p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%; text-align: center;"> <small>(Sgd.)</small> _____ <small>CLERK</small> </div> <div style="width: 45%; text-align: center;"> <small>(Sgd.)</small> _____ <small>MAYOR</small> </div> </div> </div>
File No. TB CMB 2002 0004 Prepared by: A.K. Approved by: L.P. Date: January 30, 2003 Filename: RM6(127).ai		Location: Part of Lot 28 & Lots 29 to 36, R.P. 3497, City of Toronto Source: Zoning, By-Law, Lot Lines, Street Line and Street Name Data - City of Toronto, City Planning Division, North District.