

CITY OF TORONTO

BY-LAW No. 1021-2003(OMB)

**To adopt Amendment No. 269 to the Official Plan for the former City of Toronto
respecting the Fort York Neighbourhood (formerly the Bathurst/Strachan Area).**

WHEREAS, the Ontario Municipal Board pursuant to its Order No. 1227 issued September 15, 2003, upon hearing the appeal of 640 Fleet Street Developments Limited, 650 Fleet Street Developments Limited, Fleet Boulevard Limited and St. Mary's Cement (Canada) Inc. under Section 22(7) of the *Planning Act* R.S.O. 1990, c.P. 13, as amended, deems it advisable to amend the Official Plan of the former City of Toronto;

THEREFORE, the Official Plan of the former City of Toronto is amended by the Ontario Municipal Board as follows:

1. The text and map annexed hereto as Schedule "A" is hereby adopted as an amendment to Section 19.46 of the Official Plan for the Fort York Neighbourhood (formerly the Bathurst/Strachan Area).
2. This is Official Plan Amendment No. 269.

PURSUANT TO THE ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON SEPTEMBER 15, 2003 IN BOARD CASE NO. PL001302.

SCHEDULE “A”

Section 19.46 of the Official Plan, being the Bathurst/Strachan Part II Plan, is amended by adding a new Section 4.6 as follows:

“4.6 Holding Provisions

4.6.1 Pursuant to section 36 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, Council may, in a by-law passed pursuant to section 34 of the *Planning Act*, use the holding symbol “h” in conjunction with any use designation permitted in this Plan to identify the uses to which land, buildings and structures may be put at such time in the future as the holding symbol is removed by amendment to the by-law. A holding symbol may be used where one or both of the following circumstances apply:

- (a) Where the subject property, or any part thereof, is located within the “Holding Symbol Area” identified on Map M and is immediately adjacent to lands held under different ownership and not separated by a Street; or
- (b) When residential land uses are proposed to be located on lands within the “Holding Symbol Area” identified on Map M. Such lands are currently used for industrial activity or are in such proximity to an industrial activity that adverse effects related to, but not limited to, noise, dust and vibration, may result.

4.6.2 Prior to the passage of a by-law to remove a holding symbol, in whole or in part, that was implemented pursuant to section 4.6.1(a) hereof, Council will be satisfied that the subject lands have merged into one ownership with the adjacent lands or that the landowner has submitted the Development Context Plan, as contemplated in sections 9.2.5 and 9.2.6 hereof, satisfactory to the Commissioner of Urban Development Services.

4.6.3 Prior to the passage of a by-law to remove a holding symbol, in whole or in part, that was implemented pursuant to section 4.6.1(b) hereof, Council will be satisfied that:

- (a) the industrial activity that was the basis of implementing the holding symbol has ceased or arrangements have been made and are being implemented such that, in all likelihood, the industrial activity will cease on or before a reasonable specified date; or

- (b) notwithstanding the continuation of the industrial activity that was the basis of implementing the holding symbol:
 - (i) the landowner of the subject property has submitted a report, satisfactory to the Commissioner of Works and Emergency Services, establishing that the proposed development can proceed in accordance with the guidelines of the Ministry of Environment as generally contemplated in D1-Land Use Compatibility Guidelines and D6-Compatibility Between Industrial Land Uses and Sensitive Land Uses, as amended, or any successors thereof; and
 - (ii) arrangements, satisfactory to the Commissioner of Works and Emergency Services, are in place requiring the landowner to be responsible for the cost of incorporating all mitigating measures, including the cost of any studies or peer reviews that may be required, to ensure that the development can proceed as contemplated in i) above.

4.6.4 It is the policy of Council:

- (a) to use the holding symbol in accordance with 4.6.1(a) and (b) for lands proposed to be zoned residential or mixed commercial-residential unless the applicable conditions for the removal of the holding symbol have already been satisfied,
- (b) that, prior to Council passing a by-law utilizing the holding symbol “h”, Council will be satisfied that all of the conditions for the passage of a by-law in accordance with Sections 9.2 and 9.3 of this Plan have first been met. Such conditions include:
 - (i) execution of a Section 37 Agreement in the case of the Section 37 Process set out in Section 9.2 or execution of a Section 37 Agreement and receipt of an application for a plan of subdivision in the case of the Plan of Subdivision and Section 37 Process set out in Section 9.3;
 - (ii) receipt of satisfactory plans, lists, schedules, studies, strategies and reports required by this Plan to be submitted to the City for review and approval, and
 - (iii) execution of agreements with the respective School Boards pursuant to the requirements of this Plan, and

- (c) that, prior to the removal of the holding symbol “h”, lands subject to an “h” may be used for uses existing or permitted on the date of passing of the by-law utilizing the holding symbol, temporary sales showrooms for the purpose of selling units on the lands, non-habitable buildings, structures or improvements that are accessory to or an integral part of approved development on adjacent properties, surface parking, or similar uses as Council may determine”.



19.46 Bathurst / Strachan Area Part II Plan

- Part II Plan Boundary
- Holding Symbol Area

Holding Provision



Urban Development Services Sept. 1998
Revision July 2003