

CITY OF TORONTO

BY-LAW No. 196-2005(OMB)

To amend former City of North York By-law No. 7625 with respect to lands municipally known as 775 Steeles Avenue West.

WHEREAS the Ontario Municipal Board, by way of an Order issued on the September 28, 2004 in connection with Ontario Municipal Case No. PL 030768, determined to amend former City of North York Zoning By-law No. 7625 in respect of lands known municipally in the year 2004 as 775 Steeles Avenue West;

The Ontario Municipal Board orders as follows:

1. Schedules “B” and “C” of By-law No. 7625, as amended, are hereby amended in accordance with Schedule “1” attached hereto.
2. Section 64.20-A of By-law No. 7625, as amended, of the former City of North York is amended by adding the following subsection:

“64.20-A(128)RM6(128)

DEFINITIONS

- (a) For the purpose of this exception, the apartment house dwelling in existence on the day prior to (date of passing of this by-law) shall be defined as Building 1 and the proposed apartment house dwelling shall be defined as Building 2, as shown on the lands delineated in Schedule “RM6(128)” hereto (the “Site”).

PERMITTED USES

- (b) Apartment house dwellings and accessory uses thereto shall be the only permitted use on the Site.

EXCEPTION REGULATIONS RELATING TO BUILDING 1

- (c) No portion of any building or structure erected and used above grade shall be located otherwise than wholly within the “Building 1” building envelope identified on Schedule “RM6(128)”, provided however that ramps leading to the underground garage may be covered.
- (d) The maximum number of dwelling units shall be 194.
- (e) The maximum gross floor area shall not exceed 18,830 m².
- (f) The maximum building height shall not exceed 15 storeys.
- (g) Landscaping and surface parking areas shall be provided on the site in the locations shown on Schedule “B” to By-law No. 21781.

- (h) A minimum of 218 parking spaces shall be provided on the site as follows:

	Building 1		
	Residential	Visitor	Total
Surface	42	24	66
Underground	152	0	152
Total	194	24	218

- (i) The maximum number of surface parking spaces shall be 66.

EXCEPTION REGULATIONS FOR THE SITE, INCLUDING BUILDING 2

- (j) In order to permit the increase in density authorized in this By-law in relation to Building 2, the owner of the Site, at the owner's expense and in accordance with and subject to the agreement(s) referred to in this By-law, shall provide or fund the following facilities, services and/or matters on terms satisfactory to the City:
- (i) The owner shall maintain the 194 existing rental residential units in Building 1 as purpose-built rental units and shall not apply for condominium conversion pursuant to the *Condominium Act*, S.O. 1998, c.19 (as amended or successor legislation thereto) for fifteen (15) years after the date when this zoning by-law amendment comes into force and effect. The owner shall not demolish, nor shall it apply for a demolition permit pursuant to the *Building Code Act* 1992 S.O. c.23 (as amended or successor legislation thereto) in relation to the existing residential rental units in Building 1 for a period of fifteen (15) years after the date when this zoning by-law amendment comes into force and effect. The owner shall not apply to the Ontario Rental Housing Tribunal, or to any successor tribunal with jurisdiction to hear applications made under the *Tenant Protection Act*, for the purpose of obtaining an increase in rent above the Guidelines established under the *Tenant Protection Act* in relation to the existing residential rental units in Building 1 arising from the impact of construction of the Building 2 upon those units, including improvements made to the Site in connection with Building 2 or from the provision of \$125,000 in required capital improvements.
- (ii) The owner will provide for capital improvements to Building 1 in the amount of \$125,000. The expense of the capital improvements will be allocated on the basis of a minimum of \$30,000 for a new tot lot to be provided on the south side of the Building 1 as shown on Plan L1, filed in connection with the development; a minimum of \$20,000 for new decking for the existing pool located on the south side of Building 1; a minimum of \$25,000 for upgrades to the exercise room in Building 1; a minimum of \$15,000 for new laundry facilities to be provided within Building 1, with such funds to include payment for new washers and dryers, lighting, tables and a television; and a minimum of \$35,000 to be used to improve common areas in Building 1, such as the lobby or the hallways. The capital improvements save and except for the tot lot and pool deck

improvements, will be completed prior to the issuance of the final building permit for Building 2. The tot lot and pool deck improvements will be commenced within 12 months after the issuance of the final building permit for Building 2 and will be completed within 18 months of the issuance of the final building permit for Building 2. The owner will provide an itemized list indicating how the required capital improvements, save and except for the tot lot and pool deck improvements, have been spent prior to the issuance of the final building permit for Building 2. The owner will provide an itemized list indicating how the required capital improvements to the tot lot and pool deck have been spent prior to occupancy of Building 2.

- (iii) Prior to the issuance of the final building permit for Building 2, the owner shall provide \$75,000 for capital improvements to park and/or community facilities in Ward 10. The timing and decision as to what facilities this contribution will be spent upon shall be determined in the sole discretion of the Economic Development, Culture and Tourism Department, in consultation with the Urban Development Services Department and the local Councillor.
- (iv) Prior to the issuance of any building permit, including an excavation permit, for Building 2, the owner will develop and implement a communications strategy in relation to the tenants of the existing rental residential units in Building 1 to the satisfaction of the Acting Director, Community Planning, North District, at the owner's own cost and expense, to keep tenants informed about the construction work.
- (v) The owner shall undertake work on the balconies, underground parking garage, damaged retaining wall and concrete curb under guard mounts and in both stairwells of Building 1. This work will be performed as is further described in the provisions of the section 37 agreement relating to these improvements.
- (k) The density of development permitted by this By-law in relation to Building 2 is permitted provided the owner enters into one or more agreements satisfactory to the City of Toronto, pursuant to Section 37 of the *Planning Act*, to secure the facilities, services and matters required to be provided in this By-law and such agreement or agreements have been registered as a first priority against the title to the Site.
- (l) In the event that the owner has satisfied the requirements of this By-law in relation to the facilities, services and matters to be secured under subclauses (j) and (k) of this by-law, the following additional provisions shall also apply.
- (m) Additional gross floor area of 7,662 m² above the gross floor area specified in subclause (e) shall be permitted, resulting in a total gross floor area of 26,492 m² on the overall site zoned "RM6(128)".

- (n) The maximum number of dwelling units shall be 266, as follows: 194 dwelling units in Building 1, and 72 dwelling units in Building 2.
- (o) No portion of any building or structure erected and used above grade shall be located otherwise than wholly within the “Building 1” and “Building 2” building envelopes identified on Schedule “RM6(128)”.
- (p) The maximum building height shall not exceed the building heights shown on Schedule “RM6(128)”.
- (q) A minimum of 64 m² gross floor area shall be provided in Building 2 for indoor amenity space. Such amenity space shall be located at grade level with direct access to the exterior landscaped area abutting the south side of Building 2.
- (r) A minimum of 6,100 m² of landscaping shall be provided on the site.
- (s) Landscaping and surface parking areas shall be provided generally as shown on Schedule “RM6(128)”.
- (t) A minimum of 326 parking spaces shall be provided on the site, as follows:

	Building 1			Building 2		
	Residential	Visitor	Total	Residential	Visitor	Total
Surface	42	24	66	0	16	16
Underground	152	0	152	90	2	92
Total	194	24	218	90	18	108

- (u) The number of surface parking spaces shall not exceed 82 (66 for Building 1 and 16 for Building 2).
- (v) Notwithstanding any severance, partition or division of the site as shown on Schedule “RM6(128)”, the provisions of this By-law shall apply to the whole of the Site as if no severance, partition or division occurred. This provision applies whether the owner does or does not take advantage of available additional density in relation to Building 2.
- (w) The regulations of this exception shall supersede the provisions and regulations of By-law No. 7625 as amended by By-law No. 21781 with respect to the Site, but the regulations applicable to the remainder of the lands affected by By-law No. 21781 immediately prior to the enactment of this exception shall continue in force and effect notwithstanding the provisions of this exception. This provision applies whether the owner does or does not take advantage of available additional density in relation to Building 2.

PURSUANT TO THE ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON SEPTEMBER 28, 2004, IN BOARD FILE NO. PL030768.

SCHEDULE "1"



This is Schedule " 1 " to By-Law _____
Approved by the Ontario Municipal Board
the _____ day of _____, 2004



Location: Part of Block C, Registered Plan 6715, City of Toronto

File: TB CMB 2002 0003

Prepared by: A.K.

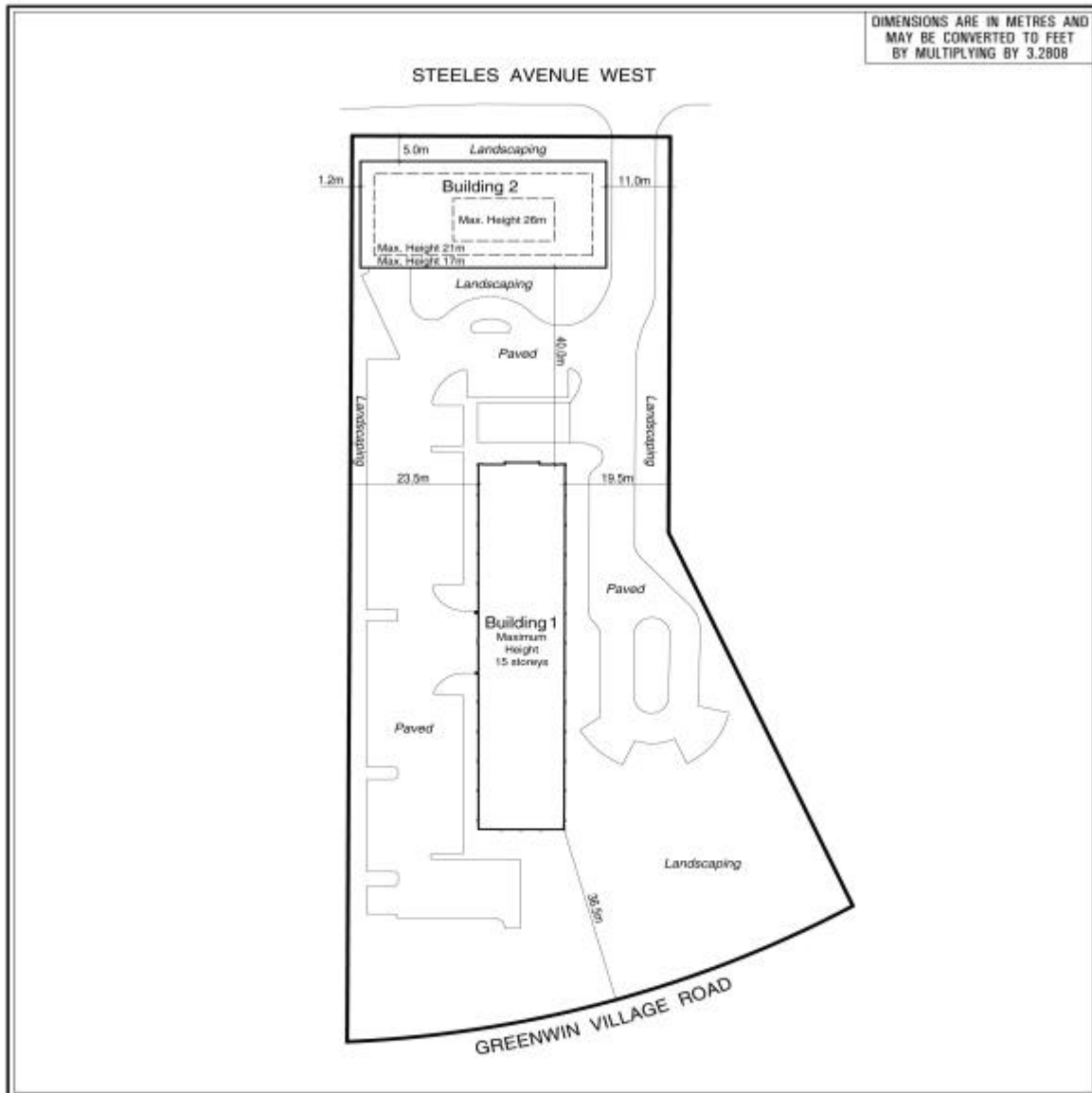
Approved by: C.P.

Date: Jan. 27, 2004

Filename: RM6(128)_1

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.

SCHEDULE “RM6(128)”



This is Schedule " RM6(128)" to By-Law _____
 Approved by the Ontario Municipal Board
 the _____ day of _____, 2004



Location: Part of Block C, Registered Plan 6715, City of Toronto

File No. TB CMB 2002 0003

Prepared by: A.K.

Approved by: C.C.

Date: Jan. 27, 2004

Filename: RM6(128).ai

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.