

CITY OF TORONTO

BY-LAW No. 461-2005(OMB)

To amend former City of Scarborough Zoning By-law No. 12466, as amended, with respect to L'Amoreaux Community.

WHEREAS the Ontario Municipal Board pursuant to its Decision/Order No. 0511, dated March 8, 2005, upon hearing the appeal of Verbana Construction Limited under Section 34 (11) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, deems it advisable to amend By-law No. 12466, the L'Amoreaux Community By-law, of the former City of Scarborough;

THEREFORE By-law No. 12466, as amended, of the former City of Scarborough is further amended as follows:

1. **SCHEDULE "A"**, as amended, is hereby further amended by deleting the current zoning and replacing it with the following zoning, as shown on Schedule "1" to this By-law:

A - 84 - 99 - 225 - 247 - 279 - 315 - 407 - 408 - 409

2. **SCHEDULE "B", PERFORMANCE STANDARD CHART**, as amended, is hereby further amended by adding the following Performance Standards:

PARKING

247. Minimum of 1.0 **parking spaces** per **dwelling unit** of which a minimum 0.85 **parking spaces** per **dwelling unit** shall be provided for residents and a minimum 0.15 **parking spaces** per **dwelling unit** shall be provided for visitors.

MISCELLANEOUS

279. Maximum building **height** 58 m measured from the average grade at the streetline to the top of the building, excluding parapet walls, rooftop mechanical equipment and mechanical penthouses.

INTENSITY OF USE

315. Maximum density 287 **dwelling units** per hectare.

BUILDING SETBACKS FROM STREET

407. Minimum building **setback** 2.8 m from the **street** line of Sheppard Avenue except that above the first **storey** a portion of the **main wall** with a length along Sheppard Avenue not exceeding 5.0 m may project into the required **setback** to a distance of 2.0 m from the **street** line of Sheppard Avenue.
408. Minimum building **setback** 2.8 m from the **street** line of Chichester Place.
409. Minimum building **setback** 2.0 m within 10 m from the intersection of the **street** lines of Sheppard Avenue and Chichester Place.

3. **SCHEDULE “C”, EXCEPTIONS LIST**, is amended by adding the following Exceptions 35 and 36 to the lands as shown on Schedule “2” to this By-law.

35. On those lands identified as Exception 35 on Schedule “C”, the following provisions shall apply, provided that all other provisions of this By-law, as amended, not inconsistent with this Exception, shall continue to apply:

- (1) **CLAUSE V1 – PROVISIONS FOR ALL ZONES**, Sub-Clause 6, Coverage, and Sub-Clause 10, Height of Apartment Buildings, shall not apply.
- (2) **CLAUSE V11**, Sub-Clause 2, Residential Parking Regulations, Sub-Clause 2.1.1, Street Yard Parking shall not apply.

36. On those lands identified as Exception 36 on Schedule “C”, the following provisions shall apply:

The density and height of development permitted by this By-law is subject to the Owner of the land, at its expense, and in accordance with and subject to entering 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 following facilities, services and matters:

- (a) to maintain the 220 existing rental dwelling units as rental housing for a minimum period of fifteen (15) years commencing from the date this By-law comes into effect, and agrees that no application will be made for a demolition permit or for conversion to condominium will be made for these units during the fifteen year period;
- (b) to construct and maintain one additional apartment building on the site with up to 210 new rental units as rental housing for at least 15 years commencing from the date of initial occupancy of each unit subject to the following:
 - (i) no application shall be made for condominium conversion or for demolition to construct anything other than rental dwelling units during the 15-year period; if the property tax rate were to increase such that the Owner is paying more tax than they would if the rental units 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 designated rental units to be maintained as rental units prior to the expiry of this 15 year period, provided that all of the rental dwelling units 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 designated dwelling units as rental dwelling units;

- (ii) all of the rental dwelling units in the new apartment building on the site shall be Mid-range Rental units;
 - (iii) the initial rent for any of the new Mid-range Rental Units and the rents upon turnover for all these units during the first 5 years of the building's occupancy shall be below 1.5 times the average rents for the same unit type for the City of Toronto as reported by Canada Mortgage and Housing Corporation in their most recent annual Rental Market Survey Report prior to the month that the unit is first occupied by the new tenant;
 - (iv) annual increases to tenants who occupy the units in the initial 5 year period shall not exceed the Provincial Rent Guideline and, if applicable, permitted above guideline increases, for as long as the named tenant remains in the same unit; and
 - (v) rents charged to tenants newly occupying the units after the completion of the 5 year period set forth in (iii) and (iv) above will not be subject to restriction from the City of Toronto under the terms of the Section 37 Agreement.
- (c) The Owner shall provide a Construction Mitigation and Tenant Communication Plan in consultation with the Director, Community Planning, East District, subject to the provisions of the *Arbitrations Act*;
- (d) The Owner shall construct, provide and maintain the following private, on-site amenities for the use and enjoyment of residents of the property, and the Owner agrees that it 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 that Act in relation to the 220 rental units in the existing apartment building arising from the initial capital cost of these improvements, and in accordance with the terms of the agreement:
- (i) a junior playground;
 - (ii) improvements to the existing outdoor pool apron;
 - (iii) a resident allotment garden area including a secure source of water;
 - (iv) outdoor benches on site;
 - (v) safety and access improvements through the renovation of the underground parking facilities provided for the existing 220 unit apartment building; and

- (vi) provide, equip and maintain kitchen and washroom facilities within the indoor recreational floor space within the existing 220 unit apartment building.
- (e) The Owner shall provide, equip and maintain kitchen and washroom facilities within the indoor recreation room of the proposed 210 unit apartment building in accordance with the terms of the agreement.

PURSUANT TO DECISION/ORDER NO. 0511 OF THE ONTARIO MUNICIPAL BOARD
ISSUED ON MARCH 8, 2005 IN BOARD FILE NO. PL040680.

Schedule "1"

Lot 35



A-84-99-225-247-279-315-407-408-409

Toronto Urban
Development Services
Zoning By-Law Amendment

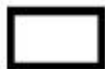
10 Chichester Place

File # 02 035460 0Z

 Area Affected By This By-Law

L'Amoreaux Community Bylaw

Not to Scale
1/10/04

Schedule "2"**Lot 35****Exception No. 35 & 36****Zoning By-Law Amendment****10 Chichester Place**File # **02 035460 0Z****Area Affected By This By-Law**

L'Amoreaux Community Bylaw



Not to Scale

1/10/04