

Authority: Toronto and East York Community Council Report No. 5, Clause No. 5,
as adopted by City of Toronto Council on June 14, 15 and 16, 2005
Enacted by Council: June 16, 2005

CITY OF TORONTO

BY-LAW No. 589-2005

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands known municipally as 50 Rosehill Avenue.

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

1. None of the provisions of Section 2(1) with respect to the definitions of *lot*, *grade*, *height*, *row house*, *rowplex* and *parking space* and Sections 4(2)(a), 4(4)(b), 4(6), 4(11)(b), 4(11)(c), 4(12), 6(1)(a), 6(3) PART I 1., 6(3) PART II 3., 6(3) PART II 4., 6(3) PART II 5., 6(3) PART II 6.(i), 6(3) PART III 1., 6(3) PART III 4., 6(3) PART IV 1.(e), 6(3) PART IV 4., and 6(3) PART IX 1.(b) of By-law No. 438-86 as amended, being a by-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in the City of Toronto shall apply to prevent the erection and use of a maximum of 32 *rowplex* or *row house dwelling units* and the maintenance of the 22-storey *existing apartment building*, *accessory* uses, including a *parking garage* and *parking station* provided:
 - (1) the *lot* on which the proposed buildings are to be located is comprised of the lands outlined by heavy lines on Plan 1, attached to and forming part of this By-law;
 - (2) no portions of the buildings above the finished ground level are located otherwise than wholly within the areas delineated by heavy lines as shown on Plan 2, with the exception of:
 - (i) canopies, balustrades, underground garage ramps and associated ramp structures, vents, stairs, stair enclosures, landscape features, guard rails, retaining walls, patios, decks, surface driveways and wheel chair ramps which may extend beyond the heavy lines shown on Plan 2; and
 - (ii) balconies on the *rowplex* or *row house dwelling units* to be constructed may project up to 1.5 metres beyond the heavy lines shown on Plan 2;
 - (3) the *height* of any buildings or structures shall not exceed those *heights*, in metres above *grade*, following the symbol "H" shown on Plan 2, provided that:
 - (i) this does not prevent the erection or use of the structures, elements and enclosures permitted by Section 1.(2) of this By-law and Section 4(2)(a) of By-law No. 438-86, subject to the limitations contained therein; and
 - (ii) the *height* of the *existing apartment building* shall not exceed the height of the *existing apartment building* as of the date of enactment of this By-law;

- (4) the *residential gross floor area* on the *lot* shall not exceed the following maximums:
 - (i) the *residential gross floor area* of the *existing apartment building* as of the date of enactment of this By-law; and
 - (ii) *row house* and *rowplex*: 4000 square metres of *residential gross floor area*;
- (5) a maximum of 245 *dwelling units* in the *existing apartment building* and a maximum of 32 *rowplex* and *row house dwelling units* shall be permitted on the *lot*;
- (6) *parking spaces* shall be provided on the *lot* in accordance with the following minimum standards:
 - (i) *existing apartment building*: 0.6 *parking spaces* per *dwelling unit*, plus 0.12 *parking spaces* per *dwelling unit* for visitors; and
 - (ii) *row house* and *rowplex*: 1 *parking space* per 102 square metres of *residential gross floor area*, plus 0.12 *parking spaces* per *dwelling unit* for visitors;
- (7) *parking spaces* required by Section 1.(6) of this By-law shall be provided on the *lot* as follows:
 - (i) *parking spaces* within the *existing apartment building* may continue to be permitted with their existing dimensions; and
 - (ii) *new parking spaces* shall have a minimum dimension of 2.6 metres by 5.9 metres, except that 30 *new parking spaces* may have a minimum dimension of 2.6 metres by 5.7 metres;
- (8) a minimum of 4,800 square metres of *landscaped open space* shall be provided and maintained on the *lot*;
- (9) the density of the development hereinbefore set out is permitted subject to compliance with the conditions of this By-law and the provision by the owner of the *lot* of the following facilities, services and matters referred to in this By-law, and those matters deemed appropriate for the orderly development of the lands as set out in an agreement with the City pursuant to Section 37 of the *Planning Act* namely that the owner agrees to:
 - (A) provide payment of \$280,000.00 to the City for use in improving neighbourhood community facilities, of which an initial payment of \$140,000.00 is payable upon the adoption of this By-law by City Council with the balance payable upon the issuance of the first above-grade building permit to be paid by certified cheque payable to the City of Toronto;

- (B) maintain the 245 existing rental *dwelling units* as rental for a minimum term of 20 years calculated from the date this By-law comes into effect, and to make no application during such period for demolition to construct anything other than rental *dwelling units* nor an application for the purpose of condominium registration as it relates to the aforementioned 245 *dwelling units*;
 - (C) make improvements to the existing rental building and related facilities as set out in the Section 37 Agreement, 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 existing rental units arising from the cost of these improvements and/or the costs associated with the construction of the 32 new units or associated improvements to the landscaped amenity areas, walkways and the parking and loading areas;
 - (D) provide a Construction Mitigation and Tenant Communication Plan to the satisfaction of the Director of Community Planning, South District, prior to the issuance of the first building permit for the proposed additional residential buildings;
 - (E) provide and maintain those services, facilities and matters collateral to those secured by site plan approval pursuant to Section 41 of the *Planning Act*; and
 - (F) the agreement with the City of Toronto pursuant to Section 37 of the *Planning Act*, as amended, shall be registered on title to the lands to which this By-law applies prior to the issuance of any building permit for the proposed additional residential buildings.
2. “*grade*” shall mean 141.05 metres Canadian Geodetic Datum.
 3. “*height*” shall mean the vertical distance between *grade* and the highest point of the building or structures.
 4. “*row house*” shall mean one of a series of more than two attached buildings, comprising one *dwelling unit* and each building divided vertically from another by a party wall.
 5. “*rowplex*” shall mean one of a series of more than two attached buildings comprising *duplexes* and each building is vertically divided from one another by a party wall.
 6. “*existing apartment building*” shall mean the existing *apartment building* and *accessory* structures, including a swimming pool and *parking garage*, subject to internal modifications or alterations which do not result in any additional *residential gross floor area*, located on the *lot* in the year 2005, as shown on Plan 2.
 7. “*new parking space*” shall mean a parking space constructed after the date of this By-law.

8. With the exception of any defined terms to the extent modified by this By-law and provisions noted herein, all other provisions and defined terms of By-law No. 438-86 of the former City of Toronto, as amended, continue to apply.
9. By-law No. 462-67 is hereby repealed.
10. Notwithstanding any of the provisions of By-law No. 438-86, as amended, or any of the provisions of this By-law, the owner of the *lot* may erect a temporary sales office on the *lot* provided:
 - (i) the temporary sales office is only for the sale of residential condominium units to be constructed on the *lot*; and
 - (ii) the temporary sales office shall be a permitted use on the lands for a period of time not to exceed 3 years from the date of the passing of this By-law.
11. Despite any existing or future severance, partition, or division of the lot, the provisions of this By-law and By-law No. 438-86, as amended, shall apply to the whole of the *lot* as if no severance, partition or division had occurred.

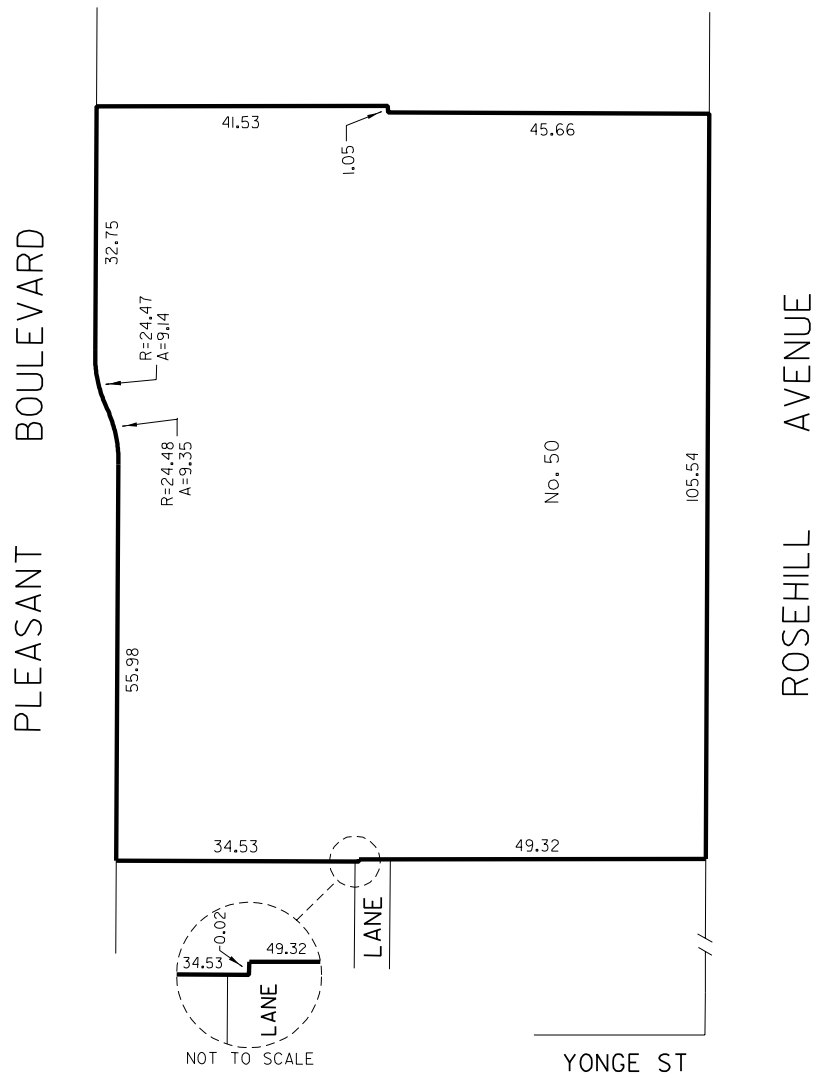
ENACTED AND PASSED this 16th day of June, A.D. 2005.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

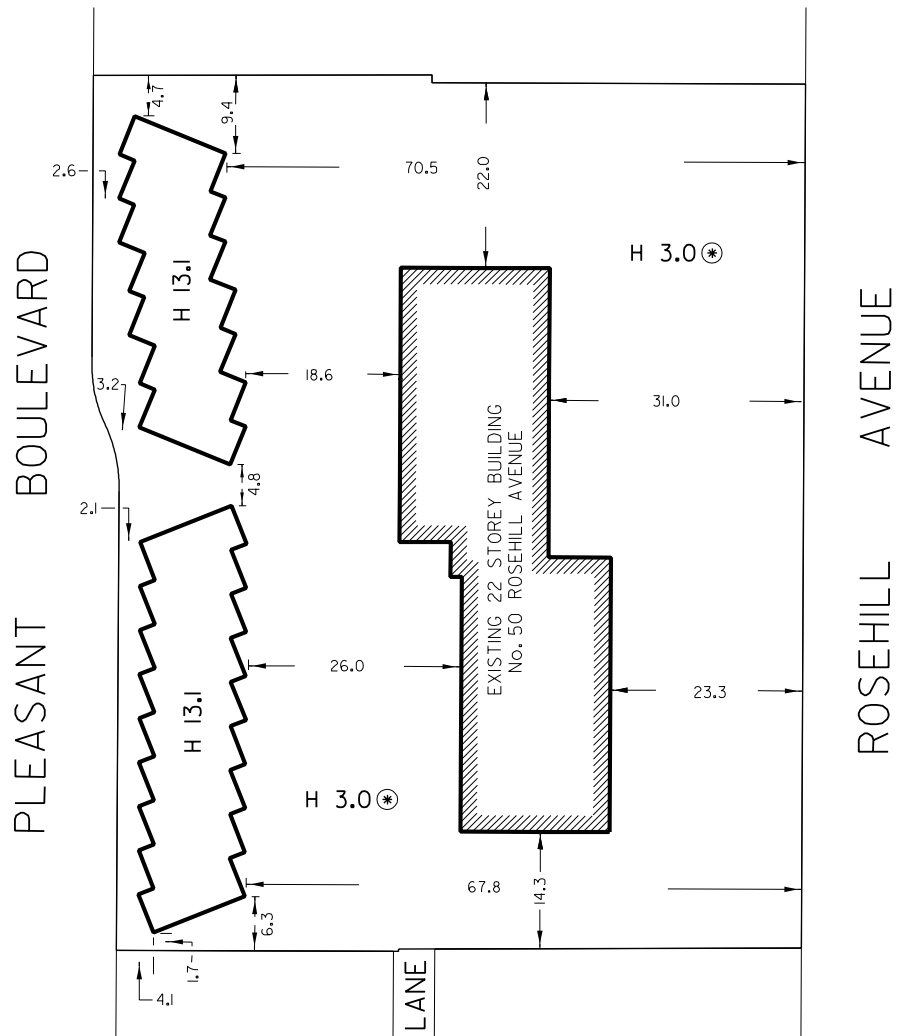
(Corporate Seal)

PLAN I



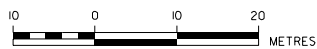
SURVEY AND MAPPING SERVICES
 TORONTO JUNE 14, 2005
 BL05/50RDSEH1.DGN
 FILE: R10-Z3
 MAP No. 51J-321 DRAWN: VG

PLAN 2



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE

*H3.0 APPLIES TO ALL AREAS OUTSIDE OF THE BUILDING ENVELOPE



SURVEY AND MAPPING SERVICES
TORONTO JUNE 14, 2005
BL05/SOROSEH2.DGN
FILE: R10-23
MAP No. 51J-321 DRAWN: VG