

CITY OF TORONTO

BY-LAW No. 732-2005(OMB)

To amend the General Zoning By-law No. 438-86 of the former City of Toronto, with respect to lands municipally known as 150 Roehampton Avenue.

WHEREAS the Ontario Municipal Board pursuant to its Order No. 1554 issued on June 16, 2005, upon hearing the appeal of the owner under Section 34 of the *Planning Act*, determined to amend By-law No. 438-86 for the former City of Toronto;

THEREFORE By-law No. 438-86 of the former City of Toronto is amended as follows:

1. None of the provisions of Section 2(1) with respect to the definitions of the words “*grade*” and “*height*”, Sections 4(2)(a), 4(12), 6(3) PART I 1, 6(3) PART II 2(ii), 6(3) PART II 3 F(II), 6(3) PART II 5(i) and 6(3) PART III 1(b) of Zoning 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 various areas of the City of Toronto”, shall apply to prevent the erection and use on the lands shown delineated by heavy lines on Map 1 attached hereto of an *apartment building*, provided:
 - (1) the *lot* comprises the lands delineated by heavy lines on Map 1 attached hereto;
 - (2) no portion of any building or structure erected and used above *grade* is located otherwise than wholly within the heavy lines on Map 2 attached hereto except eaves, cornices, canopies, ornamental elements including planters and plants, fences, ramps to underground garages, chimney breasts, mechanical vents, lighting fixtures, stairways and railings, windows and door sills, and an entrance canopy that may project up to 2.0 metres into the front yard of the building;
 - (3) the *height* of any building to be erected shall not exceed those *heights*, in metres, following the symbol “H”, shown on Map 2 exclusive of the following rooftop facilities; decorative roof top parapets, balcony and terrace guards and dividers, planters and plants, mechanical flues and vents, and elements and structures otherwise permitted in Section 4(2)(a)(i) of By-law No. 438-86, as amended;
 - (4) the *residential gross floor area* of the apartment building does not exceed 9,880 square metres and contains not more than 143 *dwelling units*;
 - (5) the owner or occupant of the building to be erected provides and maintains at least 134 *parking spaces* on the lot in an underground parking facility for the exclusive use of the residents and of which at least 17 *parking spaces* are for residential visitors and of which not more than 5 (notwithstanding the definition of *parking space* contained in Section 2 of By-law No. 438-86) may have minimum dimensions of 4.9 metres by 2.4 metres;
 - (6) *landscaped open space* to the extent of at least 295 square metres is provided and maintained on the *lot*;

- (7) the height and density of 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 to the City of Toronto:
- A. the owner shall pay to the City a contribution in the amount of \$287,000.00, as escalated in accordance with the Consumer Price Index (CPI) from April 22, 2003, being the date of the Final Report of the Commissioner of Urban Development Services, to the date of payment, for use in improving community services and facilities within the neighbourhood as deemed appropriate by the Commissioner of Urban Development Services in consultation with the Ward Councillor and such payment shall be apportioned and payable as follows:
- (i) \$180,000.00 upon the issuance of an Order of the Ontario Municipal Board bringing into effect the Official Plan Amendment and Zoning By-law Amendment;
- (ii) \$107,000.00 plus the amount resulting from the *Consumer Price Index* as applied to the \$287,000.00 for the period from April 22, 2003 to the date of payment of the \$180,000.00 to the City and as applied to the \$107,000.00 from the date of payment of the \$180,000.00, all payable prior to the issuance of a Building Permit;
- B. the owner shall 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
- (8) the owner of the lands is required to enter into an agreement with the City pursuant to Section 37 of the *Planning Act*, to secure the provision of the said facilities, services and matters required to be provided by subsection (7) and with conditions providing for: indexed escalation of financial contribution, no credit for development charges or parks contributions under the *Planning Act*, indemnity, termination and unwinding, and registration and priority of agreement.

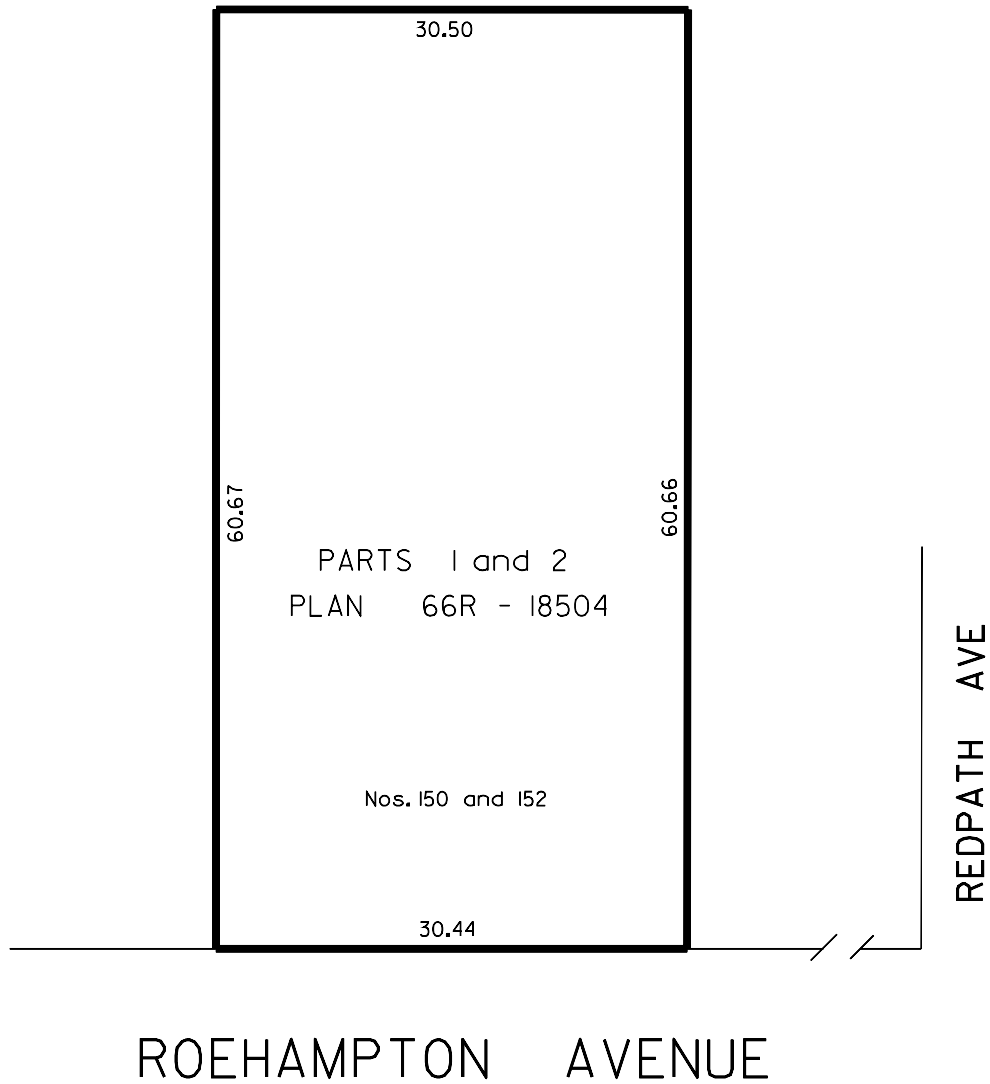
2. For the purposes of this By-law:

- (i) *grade* means 162.2 metres Canadian Geodetic Datum;
- (ii) *height* means the level in metres above grade; and
- (iii) each other word or expression which is italicized herein shall have the same meaning as each such word and expression as defined in By-law No. 438-86, as amended.

3. Notwithstanding any of the provisions of By-law No. 438-86, as amended, the owner of the *lot* may use the church building which exists on the *lot* as of January 1, 2005 as a temporary sales office provided:
 - (i) the temporary sales office is used only for the sale of residential condominium units to be constructed on the *lot*; and
 - (ii) the temporary sales office use ceases to exist by March 1, 2007.
4. By-law No. 41-90 being “A By-law to amend By-law No. 438-86 with respect to lands municipally known as 152 Roehampton Avenue” is hereby repealed.

PURSUANT TO THE DECISION/ORDER NO. 1554 OF THE ONTARIO MUNICIPAL BOARD ISSUED ON JUNE 16, 2005 IN BOARD FILE NO. PL030223.

MAP I

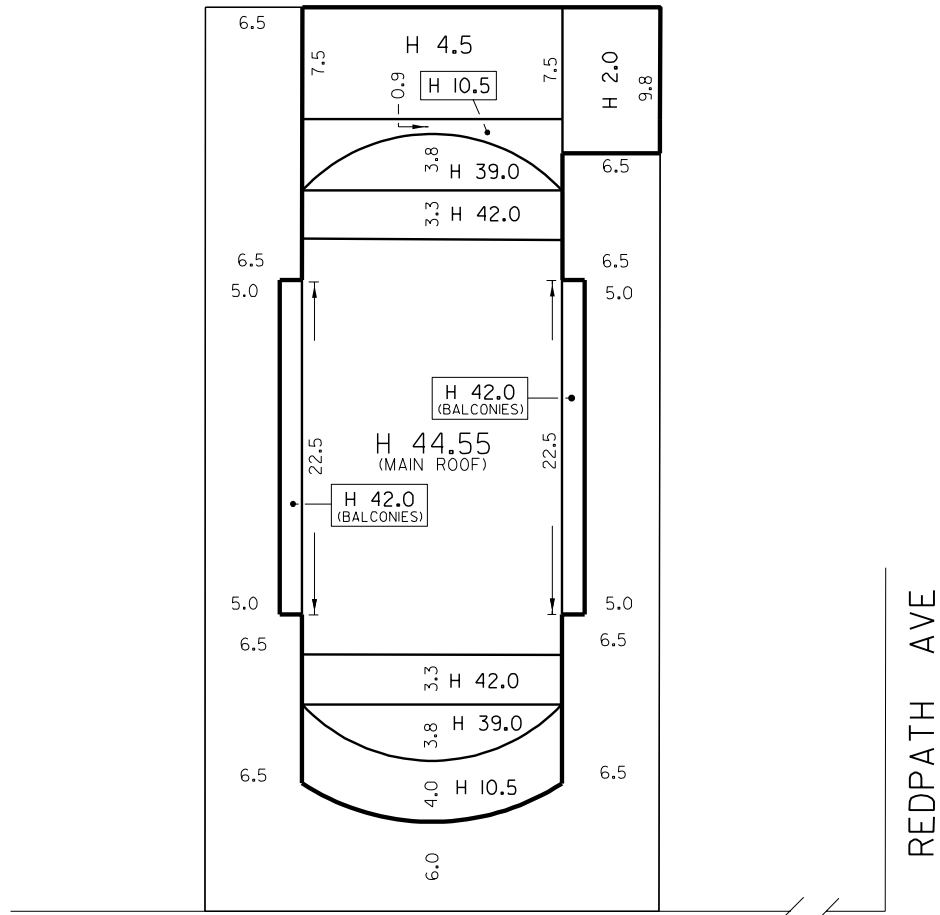


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METRES



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO DECEMBER, 2004
BL04/ 150ROEHA1.DGN
FILE: R13-Z6
MAP No. 51L-311 DRAWN: VG

MAP 2



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



SURVEY AND MAPPING SERVICES
TORONTO MAY, 2005
BL05/150R0EHA2A.DGN
FILE: R13-Z6
MAP No. 51L-311 DRAWN: VG