

Authority: Toronto and East York Community Council Report No. 8, Clause No. 5a,
adopted as amended, by City of Toronto Council on November 24, 2005
Enacted by Council: December 16, 2005

CITY OF TORONTO

BY-LAW No. 1090-2005

To adopt Amendment No. 345 to the Official Plan for the former City of Toronto with respect to the lands municipally known 109 Bernard Avenue, 100 Spadina Road and 97 Walmer Road.

WHEREAS authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

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

1. The text and map annexed hereto as Schedule "A" are hereby adopted as an amendment to the Official Plan for the former City of Toronto.
2. This is Official Plan amendment No. 345.

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

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE “A”

1. Section 18 of the former City of Toronto Official Plan is hereby amended by adding the following Section 18.668 and the attached Map 18.668:

“18.668 Lands municipally known as 100 Spadina Road, 109 Bernard Avenue and 97 Walmer Road.

Notwithstanding any of the provisions of this Plan, City Council may pass by-laws applicable to the lands delineated by heavy lines on Map 18.668, to maintain the existing 22-storey apartment building, the accessory underground parking garage and the existing semi-detached house and permit the erection and use of a 6-storey apartment building and 5 stacked townhouses on the *lot* provided,

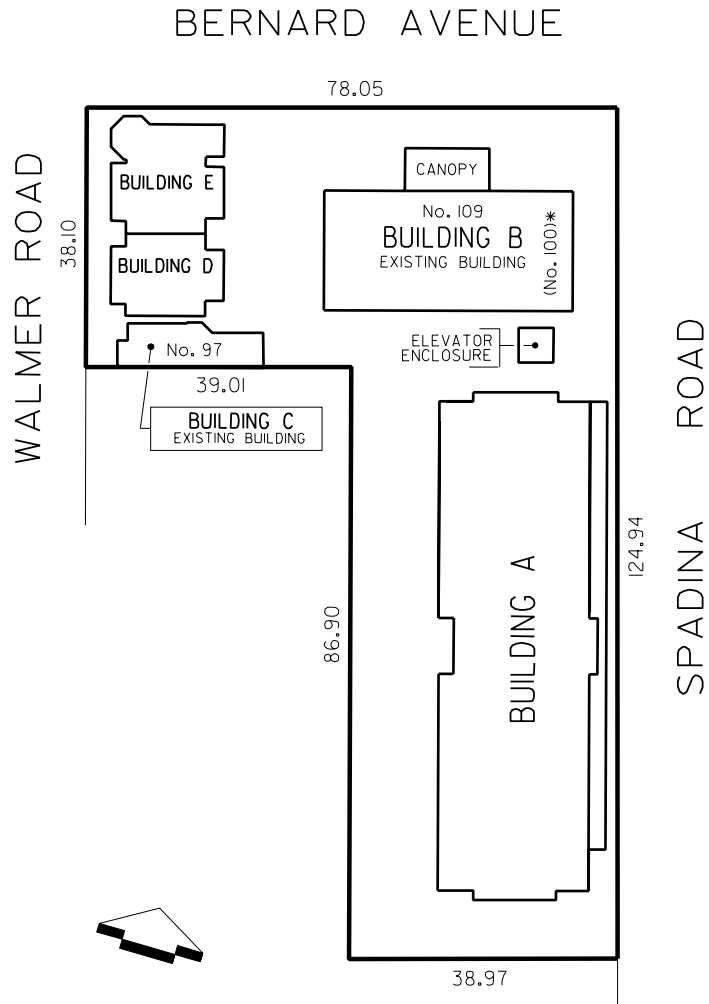
- (1) the *residential gross floor area* erected and used on the *lot* does not exceed:
 - (a) 7,200 square metres within *Building A*;
 - (b) an aggregate of 1,710 square metres within *Building D* and *Building E*; and
 - (c) within the *Existing Buildings* the amount of *residential gross floor area* located within each such building on May 1, 2005, together with any additional *residential gross floor area* resulting from internal modifications to such buildings as permitted by the Zoning By-law;
- (2) the owner of the *lot* enters into a Heritage Easement Agreement under Section 37 of the *Ontario Heritage Act* with the City respecting the apartment building currently existing on the *lot* and shown as *Building B* in order to conserve the existing heritage building and such agreement is registered against the portion of the *lot* containing such heritage building;
- (3) the owner of the *lot* at its expense and in accordance with and subject to the agreement referred to in subsection (4) herein:
 - (a) provides and maintains the existing 216 rental *dwelling units* located within *Building B* and *Building C* as rental for a minimum period of at least 20 years from the date *Building A* is first occupied as a rental building, with no application to convert *Building B* or *Building C* to condominium or to demolish such buildings or rental *dwelling units*, during that time period;

- (b) makes improvements to the *lot*, the *Existing Buildings*, the existing residential amenity space, bicycle parking and parking spaces and in any other way related to the construction of the development permitted by this By-law, the costs of which the owner shall not pass through in any form to residents of the *Existing Buildings*;
- (c) shall not apply to any tribunal or otherwise including under the *Tenant Protection Act*, or any successor legislation, for the purpose of obtaining any increase in rent above the Guidelines established under that Act or any successor Act in relation to the *Existing Buildings* or the *lot* and the residents of the *Existing Buildings*, arising from the cost of the improvements required in paragraph (b) herein;
- (d) provides the new *dwelling units* in *Building A* as rental units, and maintains them as rental units for at least 20 years commencing from the date of initial occupancy of each such unit with no application to convert such buildings to condominium or to demolish such buildings or rental units, during that time period;
- (e) provides to the City and carries out in accordance with, a Construction Mitigation Plan and Tenant Communication Strategy, for tenants of the *Existing Buildings* and the Walmer Road and 74 Spadina Road neighbouring property owners abutting the *lot* satisfactory to the City, prior to the issuance of the first building permit;
- (f) pays to the City for local park improvements the total sum of \$350,000.00, as follows:
 - (i) \$250,000.00 prior to the issuance of the first building permit; and
 - (ii) \$100,000.00 after this By-law and the implementing Zoning By-law Amendment come into full force and effect and prior to the issuance of the first building permit, of which 90 percent is to be allocated to Jean Sibelius Park and 10 percent is to be allocated to Walmer Road Circle Park;
- (g) constructs *Building D* and *Building E* using brick cladding to the satisfaction of the City's Director of Urban Design;

- (h) enters into a Heritage Easement Agreement respecting *Building B* with the City to the satisfaction of the City's Manager of Heritage Preservation Services, prior to the enactment of this By-law and such agreement is registered to the City's satisfaction;
- (i) provides the City with a Condition Assessment for *Building B* to the satisfaction of the City's Manager of Heritage Preservation Services prior to the earlier of, the issuance of any site plan approval or building permit connected with this By-law, and remedies any deficiencies identified in the Condition Assessment to the City's satisfaction;
- (j) for *Building A*, uses translucent glass or other material which provides at least the same level of privacy for the lower portions of any French balcony and for at least one of the panes of glass for each bedroom window on the first three floors facing west and facing south, including the second floor connecting section;
- (k) completes a Toronto Transit Commission (TTC) Technical Review of the proposed development as applicable to the particular permit under application, provides the requisite information and pays the associated review fee, and obtains the TTC's written acknowledgement that the owner has satisfied all of the conditions arising out of the review prior to starting any demolition or construction, and prior to the issuance of any building permit;
- (l) provides the TTC with three sets of the approved building permit drawings at the completion of the permitting process;
- (m) agrees that warning clauses regarding the TTC right-of-way shall be inserted in all offers to purchase, agreements of purchase and sale or agreements to lease, and condominium declaration document(s) for each affected residential unit, lot, and/or lot and/or block within the proposed development, such warning clauses advising of the potential for noise, vibration or electrical magnetic interference and stray current impacts on the proposed development, and that the TTC accepts no responsibility or such effects; and
- (n) installs and maintains satisfactory security equipment and personnel on the *lot* to provide security to persons using the underground parking garage;

- (4) the owner of the *lot* enters into and registers on title to the *lot* an agreement with the City pursuant to Section 37 of the *Planning Act*, as a first charge to secure the facilities, services and matters set forth in paragraph (3) of this By-law;
- (5) none of the provisions of the Official Plan shall apply to prevent the provision and maintenance for gain of 4 parking spaces on the *lot* for the exclusive use of the residents of the lands known municipally in the year 2005 as 81 Madison Avenue; and
- (6) for the purpose of this Amendment:
 - (a) “*Building A*”, “*Building B*”, “*Building C*”, “*Building D*”, “*Building E*” mean Building A, Building B, Building C, Building D and Building E as shown on the attached Map 18.668;
 - (b) “*Existing Buildings*” means the buildings located on the *lot* in the year 2005 and shown as Building B and Building C on Map 18.668;
 - (c) all words, terms and phrases appearing in italics shall have the same meaning as they have for the purpose of the aforesaid By-law No. 438-86, as amended, except as herein provided.”

MAP 18.668



* ENTRANCE ADDRESS FOR 109 BERNARD AVENUE



SURVEY AND MAPPING SERVICES
TORONTO DECEMBER 6, 2005
DPA05/18668.DGN
FILE: W6-214
MAP No. 50J-311 DRAWN: VG