

## CITY OF TORONTO

### BY-LAW No. 754-2011(OMB)

**To amend former City of North York Zoning By-law No. 7625, as amended, with respect to lands generally located north of Sheppard Avenue, east of Kenneth Avenue and more particularly identified as 120 Sheppard Avenue East, 160 Greenfield Avenue, 150 Maplehurst Avenue, 166 Sheppard Avenue East and 163 Maplehurst Avenue.**

WHEREAS the Ontario Municipal Board pursuant to its Order dated August 6, 2010, upon hearing the appeal under Section 34 of the *Planning Act*, R.S.O. 1990, c.P 13, as amended, determined to amend the former City of North York By-law No. 7625, as amended;

The Ontario Municipal Board has ordered the enactment of the following:

1. Schedules "B and "C" of By-law No. 7625, as amended, are hereby amended in accordance with Schedule "1" of this by-law.
2. Section 64.20-A of By-law No. 7625 is amended by adding Schedule "RM6(118)" attached to this by-law.
3. Section 64.20-A of By-law No. 7625, as amended, is hereby amended by adding the following subsection:

**"64.20-A(118)RM6(118)**

#### DEFINITIONS

Apartment House	(a) For the purpose of this exception, "apartment house dwelling" means a building containing more than four (4) dwelling units, each unit having access either from a common entrance or entrances from the street level, an internal corridor system or direct access at grade, or any combination thereof.
Bicycle Storage Space	(b) For the purpose of this exception, "bicycle storage space" means an area set aside and designed so as to accommodate the storage of bicycles and related equipment in individual cubicles for the exclusive use and access of residents of the building.
Building Height	(c) For the purpose of this exception, "building height" means the vertical distance between the established grade, and in the case of a flat roof, the highest point of the roof surface, or in the case of a mansard roof the deck line, or in the case of a gabled, hip, or a gambrel roof, the mean height between eaves and ridge. For buildings other than single family dwellings, a penthouse, tower, cupola, steeple or other roof structure which is used only as an ornament upon or to house the mechanical equipment of the building or to house or serve as structural support for "green roof": landscaping, shall be disregarded in calculating the height of such building.

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Eligible Tenant	(d) For the purpose of this exception, "eligible tenant" shall have the same meaning as "Eligible Tenant" defined in clause (w)(ii)(H)(1).
Established Grade	(e) For the purpose of this exception, "established grade" as defined in By-law No. 7625, as amended, shall be taken from Sheppard Avenue East for Building "A", from Maplehurst Avenue for Building "B" and from Greenfield Avenue for Building "C".
Gross Floor Area	<p>(f) For the purpose of this exception, "gross floor area" means the total area of all the floors, measured between the outside of the exterior walls of the building at the level of each floor, including all areas used as balconies measured to the outside edges of the balcony floors, but excluding:</p> <ul style="list-style-type: none"> <li>(i) any part of the building used for Mechanical Floor Area;</li> <li>(ii) any area used for motor vehicle access or parking, including that contained in an above-grade parking structure provided the structure does not exceed three storeys in height above-grade and provided that its roof deck is fully landscaped and made directly accessible to adjacent residential projects; and</li> <li>(iii) the floor area of unenclosed residential balconies.</li> </ul>
Mechanical Floor Area	(g) For the purpose of this exception, "Mechanical Floor Area" means the floor area within a building that is used exclusively for the accommodation of mechanical equipment necessary to physically operate the building such as heating, ventilation, air conditioning, electrical, telephone, telecommunications, cable, plumbing, fire protection and elevator equipment.
Recreational Space	(h) For the purpose of this exception, "recreational space" means an area set aside for social and/or recreational purposes, which is common to all occupants of the building. Social and/or recreational purposes include indoor or outdoor space, such as playgrounds, tennis courts, lawn bowling greens, indoor or outdoor swimming pools, exercise or entertainment rooms, change rooms, library space, meeting or party rooms and other similar uses.

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| Retail and Service Commercial | <p>(i) For the purpose of this exception, "Retail and Service Commercial Uses" shall mean:</p> <p>artist studios,<br/>automatic laundry shops,<br/>business and professional offices,<br/>commercial schools,<br/>custom workshops making articles to be sold at retail on the premises,<br/>dry-cleaning and laundry collecting establishments,<br/>financial institutions,<br/>fitness centres<br/>information processing,<br/>out-door café in conjunction with a restaurant,<br/>personal service shops,<br/>restaurants,<br/>retail stores,<br/>service shops,<br/>studios,<br/>synthetic dry-cleaning establishments,<br/>take-out restaurants,<br/>or any combination thereof.</p> |
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### **PERMITTED USES**

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| Permitted Uses       | <p>(j) The only permitted uses shall be:</p> <p>(i) Residential Uses as follows:</p>   |
| Residential Uses     | <p>Apartment House Dwellings;<br/>uses accessory thereto including recreational space;</p>   |
| Non-Residential Uses | <p>for purposes of this Exception, Building "C" as shown on Schedule "RM6(118)" is deemed to be an Apartment House Dwelling; and</p> <p>(ii) Retail and Service Commercial Uses;</p> |

**EXCEPTION REGULATIONS**

Total Gross Floor Area	<p>(k) Subject to the provisions of clause (y) herein, the total gross floor area of all buildings permitted on the lands shown on Schedule "RM6(118)", exclusive of the Increased Height and Density provisions of this Exception, shall not exceed a total aggregate of 11,505 m<sup>2</sup> provided that:</p> <p>(i) the total gross floor area of Building "A" shall not exceed 11,505 m<sup>2</sup>;</p> <p>(ii) the total gross floor area of Building "B" shall not exceed 5,000 m<sup>2</sup>;</p> <p>(iii) the total gross floor area of Building "C" shall not exceed 4,600 m<sup>2</sup>; and</p> <p>(iv) the total gross floor area of that portion of Building "A" located on Parcel 3 shall not exceed 723 m<sup>2</sup>;</p>
Non-Residential Uses	<p>(l) All Retail and Service Commercial Uses shall be located only within Building "A" as shown on Schedule "RM6(118)", along the Sheppard Avenue East frontage, shall be located on the first floor only and shall not exceed 1,700 m<sup>2</sup>.</p>
Residential Units	<p>(m) Subject to the provisions of clause (z) herein, the total aggregate maximum number of permitted dwelling units in all buildings on the lands shown on Schedule "RM6(118)", exclusive of the Increased Height and Density provisions of this Exception, shall be 175, provided that:</p> <p>(i) the maximum number of dwelling units within Building "A" shall be 175 units;</p> <p>(ii) the maximum number of dwelling units within Building "B" shall be 63 units; and</p> <p>(iii) the maximum number of dwelling units within Building "C" shall be 80 units;</p>
Affordable Housing	<p>(n) A minimum of 25% of the total number of dwelling units shall have a maximum floor area of 55 m<sup>2</sup> for a bachelor unit, 62 m<sup>2</sup> for a one-bedroom unit, 82 m<sup>2</sup> for a two-bedroom unit and 115 m<sup>2</sup> for a three-bedroom unit, or any combination of the above;</p>

Building Height	<p>(o) Subject to the provisions of clause (aa) herein, the maximum building height above established grade, exclusive of the Increased Height and Density provisions of this Exception, shall be in accordance with the following:</p> <p>(i) For Building "A", the maximum height shall be as shown on Schedule "RM6(118)", or 7 storeys, to a maximum of 22 metres, whichever is the lesser; and</p> <p>(ii) For Building "B", the maximum height shall be as shown on Schedule "RM6(118)", or 4 storeys, to a maximum of 11 metres, whichever is the lesser; and</p> <p>(iii) For Building "C", the maximum height is 4 storeys, to a maximum of 11 metres;</p>
Distance Between Buildings	<p>(p) The minimum distance between buildings shall be as shown on Schedule "RM6(118)";</p>
Landscaped Open Space	<p>(q) A minimum landscaped open space of 3,200 m<sup>2</sup> shall be provided;</p>
Parking	<p>(r) Parking for residential and/or non-residential uses shall be provided at or below grade on the Schedule "RM6(118)" lands subject to the following requirements:</p> <p>(i) Non-residential:</p> <p>a minimum of 0.8 parking spaces per 100 m<sup>2</sup> of gross floor area plus 0.1 parking space per 100 m<sup>2</sup> of gross floor area for visitor uses; and</p> <p>a maximum of 1.3 parking spaces per 100 m<sup>2</sup> of gross floor area plus 0.1 parking space per 100 m<sup>2</sup> of gross floor area for visitor uses;</p> <p>(ii) Residential:</p> <p>a minimum of 0.9 parking spaces per dwelling unit plus 0.1 parking space per dwelling unit for visitor uses; and</p> <p>a maximum of 1.3 parking spaces per dwelling unit plus 0.1 parking space per dwelling unit for visitor uses;</p> <p>(iii) A maximum aggregate total of 18 surface parking spaces shall be permitted for separate and/or joint use by Building A, Building B and/or Building C;</p>

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- (iv) Parking for residential and/or non-residential uses as prescribed in (i) and (ii) above may be provided in separate and/or common below-grade structure(s) within the Schedule "RM6(118)" lands.
- Loading (s) A minimum of one loading space each for Building "A" and Building "B" shall be provided. No loading space is required for Building C.
- Yard Setbacks (t) The minimum yard setbacks shall be as set out on Schedule "RM6(118)". Every part of any required yard shall be open and unobstructed by any structure, from the ground to the sky, except for driveways, circulation areas, surface parking areas, ramps, amenity areas, landscape areas and except for accessory structures including, but not limited to, garbage pickup stations, stair enclosures, retaining walls, ventilation shafts and elevated portions of garages, in addition to the provisions of Section 6(9). Such accessory structures may have a minimum yard setback of 0.0 metres. There shall be no minimum yard setbacks for below grade structures, save and except that below grade structures shall be setback a minimum of 2.5 metres from that portion of the easterly property line located north of the northerly Maplehurst Avenue right-of-way line.
- Provisions Not Applied (u) The provisions of Bylaw No. 7625 as amended, respecting Landscaping, Lot Area, Lot Coverage, Lot Frontage, Yard Setbacks, Building Height, Distance Between Buildings, Distance From R and RM2 Zones, parking, loading and gross floor area shall not apply.
- Severance (v) Despite any severance, partition, or division of the lands shown on Schedule "RM6(118)", the regulations of this exception shall continue to apply to the whole of the said lands as if no severance, partition or division has occurred.

### **INCREASED HEIGHT AND DENSITY**

- Section 37 Agreement (w) Matters which are to be provided pursuant to Section 37 of the *Planning Act* R.S.O. 1990, c.P. 13, as amended, in order to permit the increased maximums in gross floor area, number of units and height authorized under clauses (x), (y), (z) and (aa) of this exception are:
- (i) The owner of the lands set out in Schedule "RM6(118)" shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters referred to in clause (ii), which agreement or agreements may be registered against the title of the lands to which this Bylaw applies in the manner and to the extent specified in such agreements.

- (ii) The owner of the lands, at the owner's expense and in accordance with, and subject to the agreements referred to in clause (i), shall provide the following facilities, services and/or matters on terms satisfactory to the City of Toronto:
  - (A) the conveyance to the City of Toronto for public parks purposes, free and clear of all encumbrances but including current improvements and easements, of lands comprising:
    - (1) 629 m<sup>2</sup>, described as the northerly portion of Part 31 on Plan 66R-13018, being lands conveyed for 5% Parks Conveyance purposes; and
    - (2) 1,260 m<sup>2</sup>, described as Parts 22, 24 and 30 and a portion of the southerly portion of Part 31 on Plan 66R-13018; and
    - (3) 150 m<sup>2</sup>, described as the balance of the southerly portion of Part 31 on Plan 66R-13018;
  - (B) the provision of a minimum of 1.5 m<sup>2</sup> per dwelling unit of private indoor recreational space for Building A and for Building B;
  - (C) the provision of a minimum of 1.5 m<sup>2</sup> per dwelling unit of bicycle storage space;
  - (D) the provision of a privately owned but publicly accessible east-west walkway linking Greenfield Avenue or Maplehurst Avenue to the land conveyed under (A) above;
  - (E) construction, provision and maintenance on the lands of Building "C" or one or more apartment house dwelling(s) comprising in aggregate not less than 74 dwelling units having approximately 64% one-bedroom units and approximately 36% two-bedroom units, to be utilized as rental replacement units, subject to subparagraph (G) and in accordance with the provisions of the agreement under section 37 of the *Planning Act*, for a period of twenty (20) years from the date on which any of such units is first occupied; provided the requirements as set out in the foregoing portion of this paragraph (E) shall be of no force or effect after the date which is twenty (20) years after the date on which any of the rental replacement units is first occupied; provided that the owner's obligations as set out in the foregoing portion of this clause shall be of no force or effect after the date which twenty (20) years after the date on which any of the rental replacement units is first occupied; and further provided that

the dwelling units in Building "C" may be registered as condominium units, in accordance with the provisions of the agreement under section 37 of the *Planning Act*, at the earliest of:

- (1) subject to clauses (2) and (3), the new Multi-Residential Property Tax Class no longer applying to Building "C"; or
  - (2) at any time that the municipal property tax rate on the replacement units is higher than the tax rate on rental condominiums (i.e. the rate applicable to individual condominium units); or
  - (3) in any event, after twenty years following first occupancy, provided the application can be submitted in sufficient time to ensure that the registration is effective at the end of the twentieth year; and
- (F) in accordance with the provisions of the agreement under section 37 of the *Planning Act*, a lump-sum contribution in the amount of \$980,000.00 to the City's Capital Leverage Fund or to an approved recipient of the City's Let's Build funds to be paid no later than 5 business days after the execution of an agreement under section 37 of the *Planning Act*, by the City;
- (G) setting of rents for the rental replacement units in Building "C" shall be as follows and in accordance with the provisions of the agreement under section 37 of the *Planning Act*:
- (1) the initial rents (which, for the purposes of this section (G) shall include charges for heat, hydro and water but not parking and cable television and where an included utility is not provided, the rent will be adjusted downward) charged to the initial tenants of each of the rental replacement units shall be based on the city-wide CMHC average rent for the same unit type for the calendar year prior to the year the unit is first occupied, escalated by the provincial rent increase guideline for the year that the tenant first occupies the unit;
  - (2) the initial rent for tenants occupying rental replacement units after the initial tenant (for the first ten (10) years after first occupancy of any of the units) to be limited to the city-wide CMHC average rent for the same unit type for the calendar year preceding the year of occupancy by the subsequent tenant (escalated by the provincial rent increase guideline for the year of occupancy);



- (3) vacancy decontrol shall apply (if permitted under applicable provincial law) following the ten (10) year period commencing from the first occupancy of any of the rental replacement units and if vacancy decontrol does not apply then the initial rent on re-letting shall be established in accordance with applicable provincial law without any reference to this by-law;
  - (4) after the initial year of occupancy, rents may be escalated for the rental replacement units by annual guideline or above guideline increases for a period of up to ten (10) years (measured from the first occupancy of any of the units) with rents for tenants occupying a unit at the end of year ten to be escalated by annual guideline or above guideline increases until they vacate those units, such above guideline increases to be in accordance with the provisions of the agreement under section 37 of the *Planning Act*; and
  - (5) property tax increases or decreases during the ten (10) year period following the first occupancy of any rental replacement units shall be passed onto tenants in accordance with the provisions of the agreement under section 37 of the *Planning Act*;
- (H) a tenant assistance package consisting of the following principles:
- (1) Eligible Tenants:

All tenants who signed a lease before March 1, 1999 and who are still in possession of an existing rental unit in one of the existing low-rise rental apartment buildings on the date a statutory notice of termination for demolition of such building is served;
  - (2) Length of Notice of Termination for Demolition for tenants considered Eligible Tenants under clause 1 above: one hundred and eighty (180) days (applicable to first statutory notice of termination for demolition only; one hundred and twenty (120) days for subsequent statutory termination notices for the same tenant, if required);

- (3) Cash payments to Eligible Tenants in addition to any compensation required under the *Residential Tenancies Act, 2006* or any successor:
  - (a) \$1,000 upon delivery of statutory termination notice (applicable to first statutory termination notice only; not applicable to subsequent statutory termination notices for the same tenant, if required);
  - (b) Upon vacating, any monetary compensation required by applicable provincial law, plus 2 months rent; and
  - (c) What constitutes vacating and how such cash payments and compensation are to be paid shall be defined in the agreement under section 37 of the *Planning Act*;
- (4) Entitlement to replacement units in Building C for Eligible Tenants: In order of length of tenure, ranked with Eligible Tenants of all buildings;
- (5) For greater certainty, the foregoing constitutes the complete tenant assistance package for Eligible Tenants; and
- (6) Any tenant of a rental unit in an affected building who is not an Eligible Tenant shall not be entitled to the tenant assistance package and shall be entitled to only such notice and compensation as is provided under the *Residential Tenancies Act, 2006*, or successor legislation;

Additional  
Gross Floor  
Area:  
Incentives

- (x) Additional gross floor area permitted on the lands shown on Schedule "RM6(118)" hereto shall be as follows:

Incentive:  
Bicycle  
Storage

- (i) a maximum gross floor area of 1.5 m<sup>2</sup> per dwelling unit may be exempted from the calculation of gross floor area for each of Building "A", Building "B" and/or Building "C" as shown on Schedule "RM6(118)" hereto, provided that such gross floor area is used for bicycle storage and provided such space is located either separately or jointly in Building A and/or Building B and/or Building C; and

Incentive: Private indoor recreational space	(ii) a maximum gross floor area of 1.5 m <sup>2</sup> per dwelling unit may be exempted from the calculation of gross floor area for each of Building "A", Building "B" and/or Building "C" as shown on Schedule "RM6(118)" hereto, provided that such gross floor area is used for private indoor recreational space and provided such space is located either separately or jointly in Building A and/or Building B;
Maximum Gross Floor Area	<p>(y) Despite clause (k), an additional gross floor area of 19,449 m<sup>2</sup> shall be permitted so that the total gross floor area of all buildings permitted on the lands shown on Schedule "RM6(118)" shall not exceed a total aggregate maximum of 30,954 m<sup>2</sup>, exclusive of incentives, provided that:</p> <p>(i) the total gross floor area, exclusive of incentives, of Building "A" shall not exceed 18,500m<sup>2</sup>;</p> <p>(ii) the total gross floor area, exclusive of incentives, of Building "B" shall not exceed 11,250 m<sup>2</sup>; and</p> <p>(iii) the total gross floor area, exclusive of incentives, of Building "C" shall not exceed 5,000 m<sup>2</sup>;</p>
Maximum Dwelling Units	<p>(z) Despite clause (m), an additional 210 dwelling units shall be permitted, to a total aggregate maximum of 385 dwelling units in all buildings provided that:</p> <p>(i) the maximum number of dwelling units within Building "A" shall be 210 units;</p> <p>(ii) the maximum number of dwelling units within Building "B" shall be 122 units; and</p> <p>(iii) the maximum number of dwelling units within Building "C" shall be 80 units;</p>
Maximum Building Height	<p>(aa) Despite clause (o), the maximum building height above established grade shall be as shown on Schedule "RM6(118)";</p> <p>(bb) Despite clauses (k), (m), (y) and (z), the rental replacement units in Building "C" shall be available for occupancy before or at the same time as any other new dwelling unit is available for occupancy in Building "A" or Building "B";</p>

Building "C" (cc) For the purposes of Development Charges By-law No. 547-2004 and any successor by-laws under the Development Charges Act, the Education Act, and successor legislation, Building "C" is conclusively deemed to be an "apartment house dwelling" and contain apartment units as defined in By-law No. 476-1999.

(dd) Notwithstanding the foregoing, the owner and the City may modify or amend the said agreement(s), from time to time and upon the consent of the City and the owner, without further amendment to those provisions of this zoning by-law which identify the facilities, services and matters to be secured.

4. Section 64.13 of By-law No. 7625 is amended by adding the following subsection:

**"64.13-(67)R4(67)**

### **EXCEPTION REGULATIONS**

163 Maplehurst Ave. (a) Despite the provisions of Section 13 of By-law No. 7625, accessory uses, aisles, at or below-grade parking, loading, access, recreational space, yards, landscaping, driveways and walkways associated with the development outlined in Exception "RM6(118)" are permitted.

5. By-law No. 28182, as amended, is hereby further amended as follows:

(a) Schedules "A" and "B" of By-law No. 28182, as amended by By-law No. 30186, are hereby deleted and Schedules "A" and "B", attached hereto, are hereby substituted in their place;

(b) Section 7 and Section 8 of By-law No. 28182, as amended, are hereby deleted;

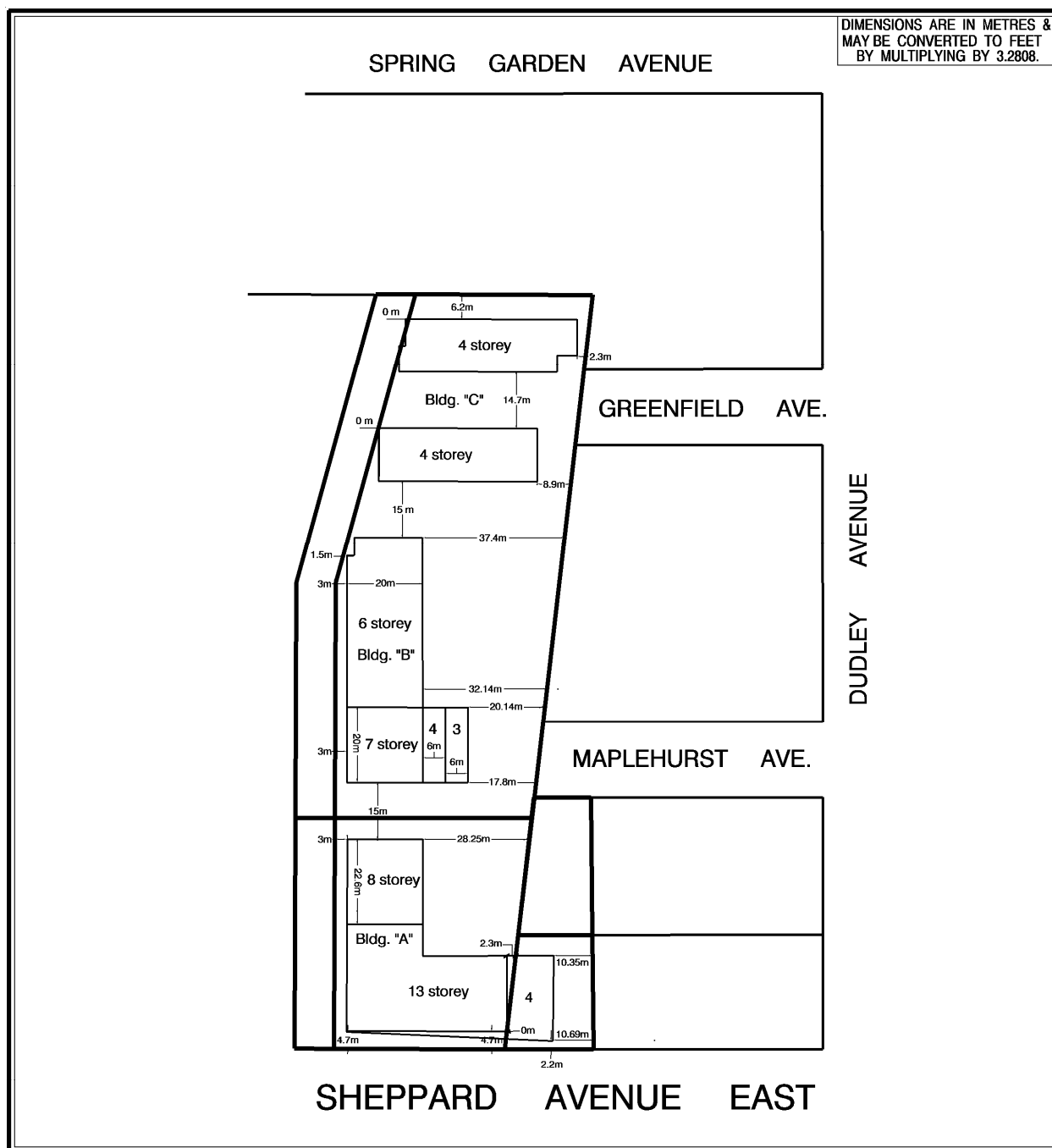
(c) Clause (a) of Section 9 of By-law No. 28182, as amended, is hereby amended by replacing the reference to "250%" with "326%" and by replacing the reference to "180%" with "255%";

(d) Section 12 is added by inserting the following text:

"12. The regulations of Exception "RM6(118)" shall supersede the provisions and regulations of Bylaw No. 28182, as amended, as are applicable to the lands shown on Schedule "RM6(118)" but shall not apply to nor affect the balance of the Bylaw No. 28182 lands for purposes of zoning conformity."

(e) By-law No. 28182, as amended, be and the same is hereby ratified and confirmed in all other respects.

PURSUANT TO THE DECISION/ORDERS OF THE ONTARIO MUNICIPAL BOARD ISSUED ON AUGUST 6, 2010 IN BOARD CASE FILE NOS. PL990139, PL990621, PL001235 AND PL030412.



This is Schedule "RM6(118)" to By-Law \_\_\_\_\_  
passed the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

(Sgd.)

(Sgd.)

CLERK

MAYOR

Location:

File No. UDZ-00-04 &  
UDOP-99-05

Prepared by: A.A.

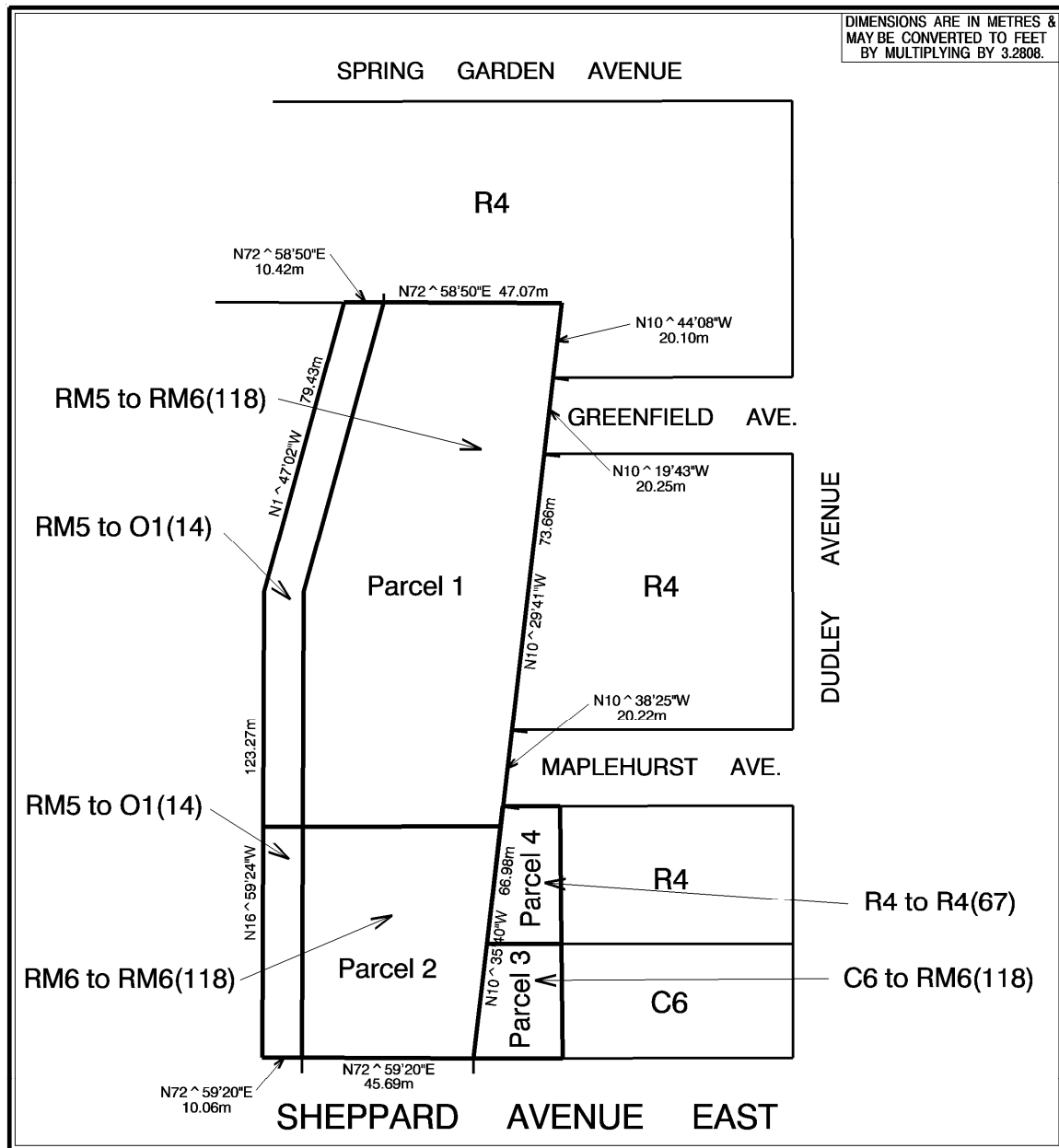
Approved by: K.W.

Date: MAY 7, 2002

Filename: RM6(118)

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.





This is Schedule " 1 " to By-Law \_\_\_\_\_  
passed the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

(Sgd.)

CLERK

(Sgd.)

MAYOR

Location:

File: UDZ-00-04 &  
UDOP-99-05

Prepared by: A.A.

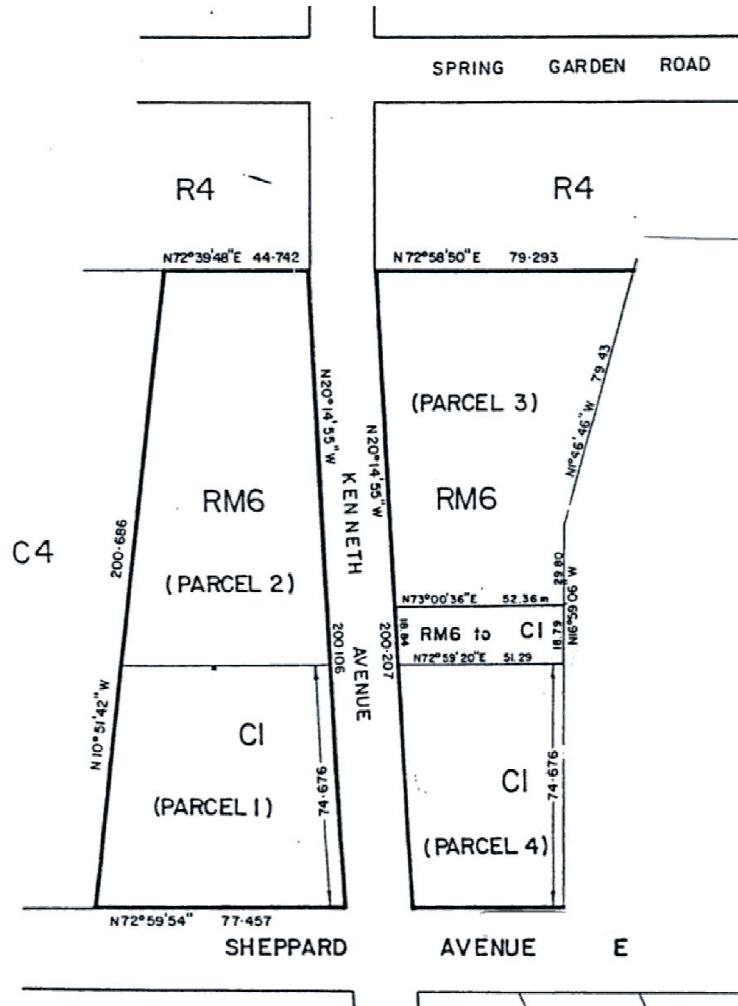
Approved by: K.W.

Date: MAY 7, 2002

Filename: RM6(118)

Source: Zoning, By-Law, Lot 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.





This is Schedule " A " to By-Law \_\_\_\_\_  
passed the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

(Sgd.)

CLERK

(Sgd.)

MAYOR

Location:

File No. UDZ-00-04 &  
UDOP-99-05

Prepared by: A.A.

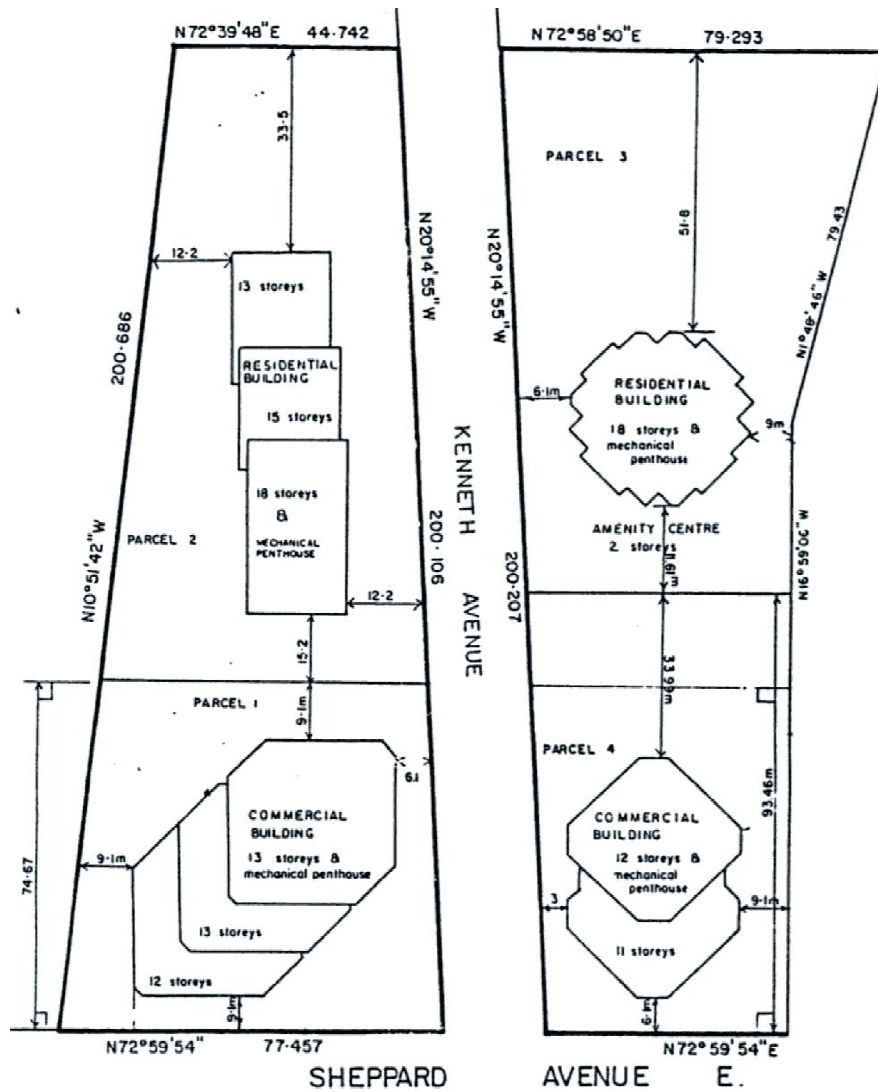
Approved by: K.W.



Date: MAY 7, 2002

Filename: RM6(118)

Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - North York Planning Department.  
Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.





This is Schedule "B" to By-Law _____		 City Planning Division North District	
passed the _____ day of _____, 20 ____			
(Sgd.) _____ (Sgd.) _____		 SUBJECT PROPERTY	
CLERK MAYOR			
Location: _____			
File No. UDZ-00-04 & UDOP-99-05	Prepared by: A.A.	Approved by: K.W.	Date: May 9, 2002
Filename: RM6(118)B.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.