

Authority: Ontario Municipal Board Order issued on February 16, 2016 in Board File No. PL141461

## CITY OF TORONTO

### BY-LAW No. 383-2016(OMB)

#### To amend City of Toronto Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known as 175-191 Dundas Street East and 235 Jarvis Street.

Whereas the Ontario Municipal Board pursuant to its Order dated February 16, 2016 in Board File No. PL141461, upon hearing the appeal of Dundas Residences Inc., under Section 34(11) of the *Planning Act*, R.S.O. c. P.13, as amended, deems it advisable to amend the Zoning By-law for the City of Toronto, being By-law No. 569-2013;

The Ontario Municipal Board orders:

1. This By-law applies to the lands delineated by a heavy line on Diagram 1 attached to and forming part of this By-law.
2. Except as otherwise provided herein, the regulations of Zoning By-law No. 569-2013 continue to apply to the lands delineated by a heavy line on Diagram 1 attached to and forming part of this By-law.
3. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
4. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black line to CR 2.5 (c2.0; r1.5) SS2 (x1605) as shown on Diagram 2 attached to this By-law.
5. Zoning By-law No. 569-2013, as amended, is further amended by deleting the contents of Exception 900.11.10 (1605) and adding the following text so that it reads:

#### **Exception CR 1605**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing Bylaws and Prevailing Sections:

Site Specific Provisions:

- (A) If the requirements of Schedule "A" of By-law 383-2016(OMB) are complied with then (B) to (O) apply;
- (B) None of the provisions of Regulations 5.10.40.70 (1) and (2), 40.5.40.10 (1), (4) and (5), 40.5.40.40 (1), (2), (3) and (4), 40.10.40.1 (1), 40.10.40.10 (2), 40.10.40.40 (1), 40.10.40.50 (1), 40.10.40.60, 40.10.40.70 (2), 40.10.90.40 (3), , 200.15.1.5 (1), 200.15.10 (1), 220.5.10.1, 230.5, 230.40.1.20, will apply to prevent the construction and use of a **mixed use building** on the lands municipally known as 175-191 Dundas Street East and 235 Jarvis Street;

- (C) The **lot** is the lands outlined by heavy lines on Diagram 1 of By-law 383-2016(OMB);
- (D) The **gross floor area** used for **dwelling units** must not exceed 37,200 square metres;
- (E) The **gross floor area** used for other than **dwelling units** must not exceed 200 square metres;
- (F) Height is measured from Canadian Geodetic Datum elevation 89.25 metres;
- (G) The height of a building or structure must not exceed the height in metres permitted as indicated by the numbers following the letter "H" on Diagram 3 of By-law 383-2016(OMB);
- (H) Despite (G) above, the following may exceed the height indicated by the number following the letter "H" as shown on Diagram 3 of By-law No. 383-2016(OMB):
  - (i) Structures used for outside or open air recreation, maintenance, safety, or wind protection purposes, terraces, elements of a green roof, insulation and roof surface materials, railings, parapets, window washing equipment, ornamental or architectural features, ramps, electrical and mechanical equipment, stair enclosures, elevator overruns, chimney stacks, vents and air intakes, communications equipment, lightning rods, cornices, light fixtures, canopies and awnings, landscape features, public art features, trellises, eaves, window sills, balustrades and doors;
- (I) A minimum of 1,200 square metres of indoor **amenity space** and a minimum of 600 square metres of outdoor **amenity space** must be provided on the **lot**;
- (J) Despite 800.50 (15), a guest suite unit is considered indoor **amenity space**;
- (K) A minimum of 475 long-term **bicycle parking spaces** and a minimum of 53 short-term **bicycle parking spaces** must be provided on the **lot** for residential uses and a minimum of 5 short-term **bicycle parking spaces** and 1 long-term **bicycle parking space** must be provided on the **lot** for commercial uses, and long term and short term **bicycle parking spaces** may be located in a **stacked bicycle parking space** or in bicycle lockers or on a rack/hook on a wall including the wall associated with a vehicle **parking space**;
- (L) Despite 200.5.10.1 (1), a minimum of 45 **parking spaces** must be provided on the **lot** for the residents of the **dwelling units** of which 2 **parking spaces** may be used as car-share **parking spaces** and 1 **parking space** must be an accessible **parking space**;
- (M) Despite 200.5.10.1 (1), no visitor **parking spaces** are required and no **parking spaces** are required for gross floor area used for uses other than dwelling units;

- (N) Despite Regulation 200.5.1.10(2), up to 7 **parking spaces** which are obstructed on one side may have minimum dimensions of 2.6 metres in width by 5.6 metres in length;
- (O) A minimum of one type G **loading space** and one type C **loading space** must be provided and maintained on the **lot**;

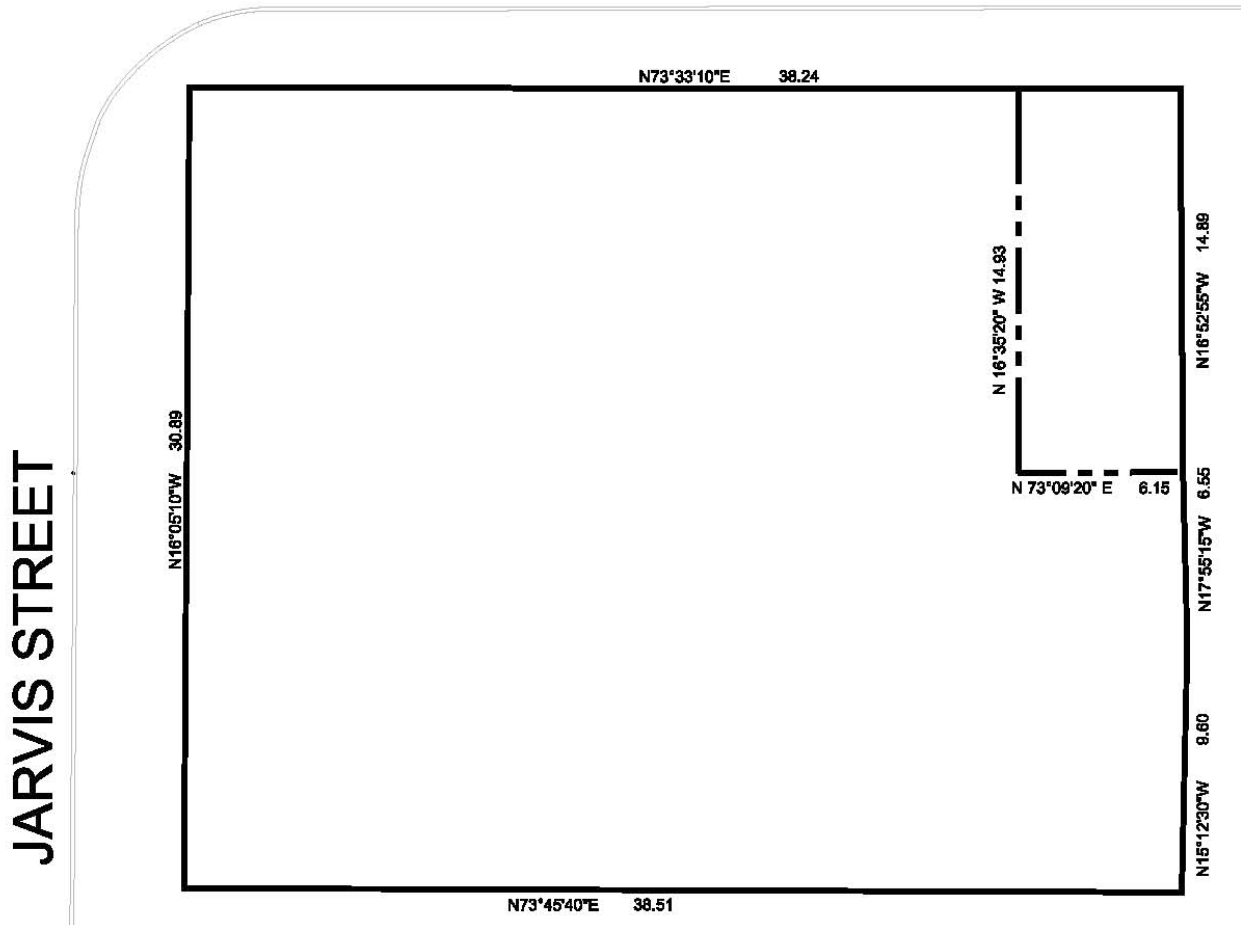
Prevailing By-laws and Prevailing Sections: (None Apply)

**6. Section 37 Provisions**

- (A) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 2 in return for the provision by the owner, at the owner's expense, as a mechanism to support development, of the facilities, services and matters set out in Appendix 1 hereof which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- (B) Where Schedule 'A' of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule 'A' are satisfied.

PURSUANT TO ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON  
FEBRUARY 16, 2016 IN BOARD CASE NO. PL141461.

# DUNDAS STREET EAST



JARVIS STREET

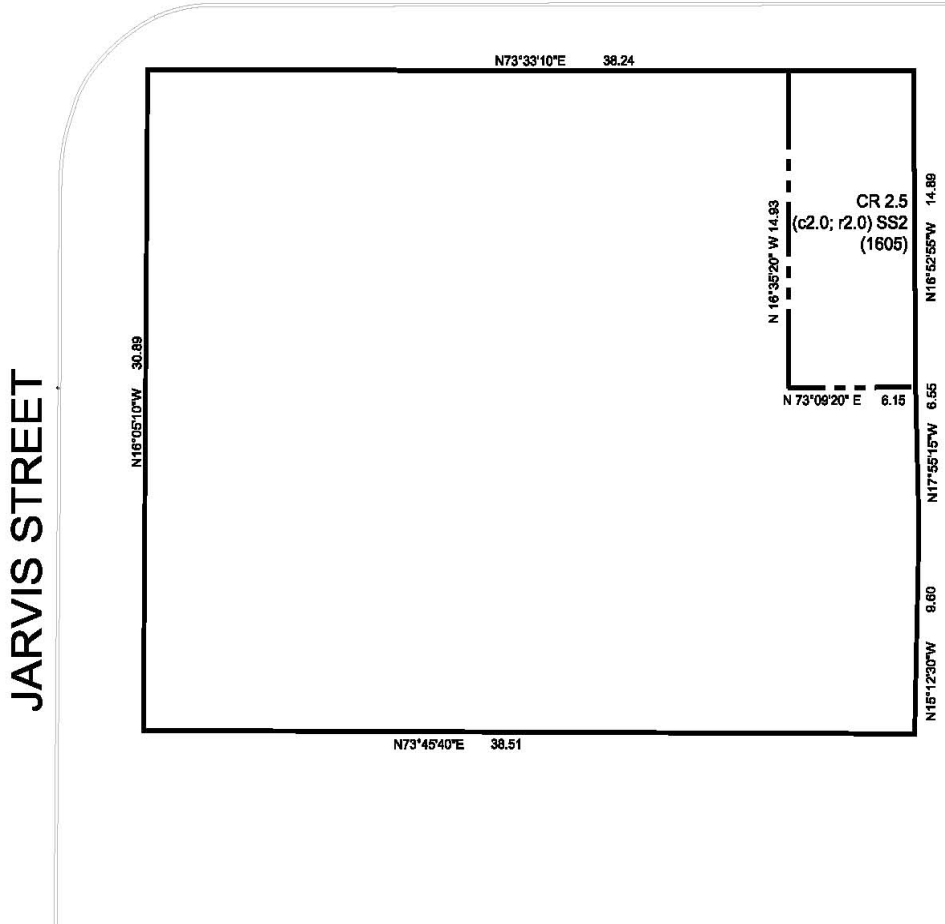
175 - 191 DUNDAS STREET EAST  
/ 235 JARVIS STREET  
TORONTO, ON

DIAGRAM 1



NOT TO SCALE

# DUNDAS STREET EAST



175 - 191 DUNDAS STREET EAST  
/ 235 JARVIS STREET  
TORONTO, ON

DIAGRAM 2



# DUNDAS STREET EAST

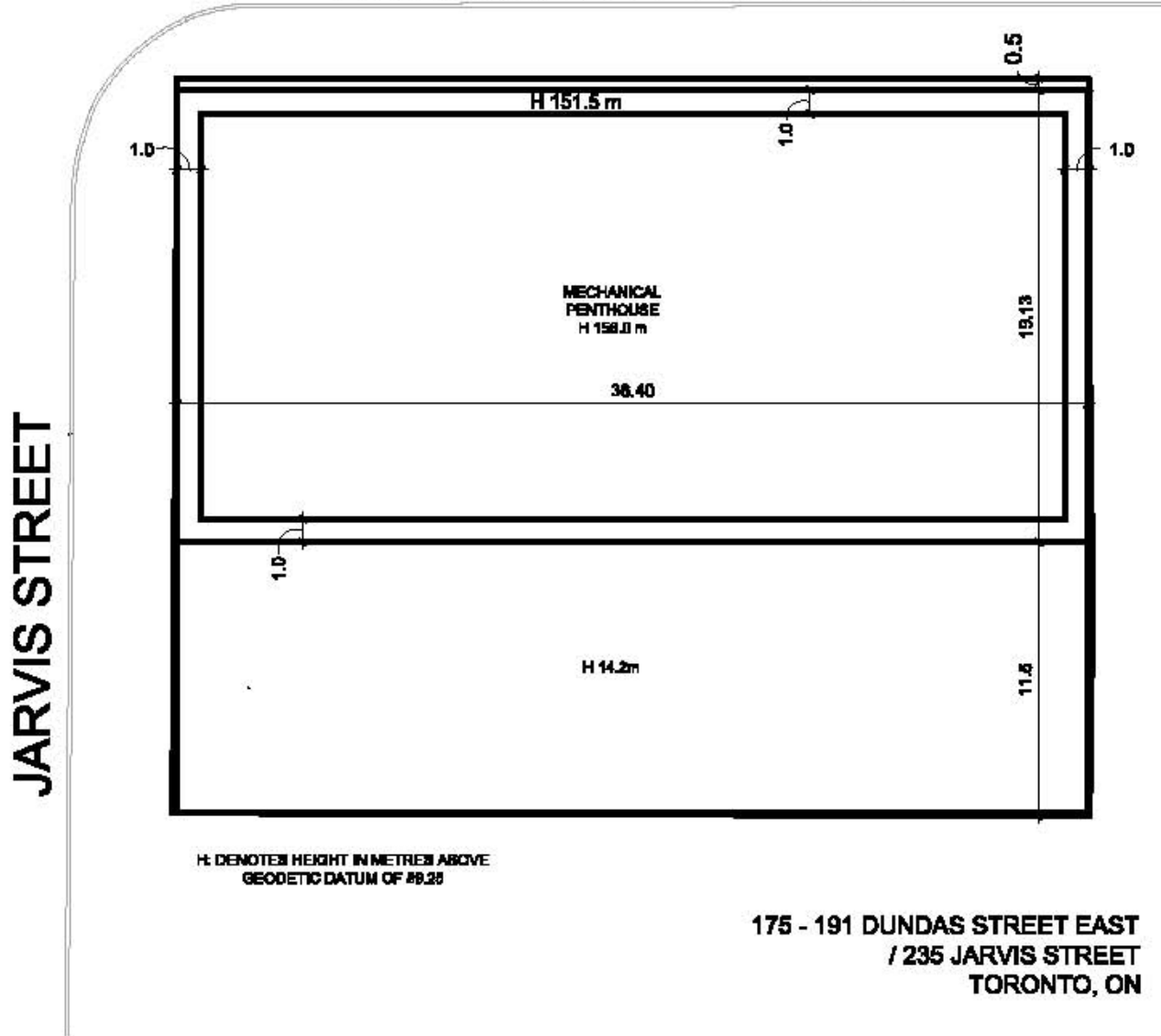


DIAGRAM 3



**SCHEDULE 'A'**

## Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

1. The Owner shall implement a tenant relocation and assistance plan satisfactory to the City's Chief Planner as generally outlined below and as more particularly outlined in the Section 37 Agreement:
  - a) The Owner shall provide all eligible tenants living within dwelling rooms at 235 Jarvis Street:
    - (i) with a minimum 5 months' prior notice to vacate; and
    - (ii) with a relocation moving allowance equal to 5 months' rent (inclusive of the 3 months' rent required by the *Residential Tenancies Act*);
  - b) The Owner shall provide all eligible tenants living within dwelling units at 175-191 Dundas Street East:
    - (i) with a minimum 5 months' prior notice to vacate;
    - (ii) with relocation assistance equal to the 3 months' rent required by the *Residential Tenancies Act*; and
    - (iii) with a moving allowance of \$1500.00;
  - c) the Owner shall provide funding in the amount of \$35,000.00 to a City-approved community agency to deliver the necessary housing access support services associated with relocation and moving to such relocated eligible tenants;
  - d) the *Owner* shall provide funding of up to \$125,000.00 to a City-approved community agency for its staff to deliver the necessary housing follow-up services to assist each relocated eligible tenant at 235 Jarvis for a 12 month period;
  - e) the Owner shall provide funding in the amount of \$225,000.00 to the City to establish a Rooming Housing Relocation and Housing Allowance Fund, to assist with rent payments for relocated eligible tenants of dwelling rooms at 235 Jarvis; and
  - f) the use of the funding provided by the Owner pursuant to paragraphs 1(c), 1(d) and 1(e) above shall be directed by the City's Shelter Support and Housing Office.
2. The Owner shall use all reasonable efforts to secure and convey to the City a mutually acceptable property at nominal consideration and inclusive of all closing costs, including but not limited to, transfer tax, registration fees, and the costs of obtaining a building

condition assessment, Phase 1 environmental study and cost estimate, satisfactory to the City's Chief Planner and Executive Director, City Planning in consultation with the Director, Affordable Housing Office, for any needed renovations or major repairs to bring the building up to industry standards for the purpose of providing a residential property to be operated by a non-profit housing provider to be selected by the City.

Provisions will be agreed upon for maintaining the tenancies of any existing tenants and the Owner will provide the rent roll for the building, satisfactory to the City. The Owner shall provide an up-to-date survey of the property, satisfactory to the City, the property shall be legally zoned for multi-residential use at the time of closing, and the property shall be free and clear of encumbrances, to the satisfaction of the City Solicitor.

Furthermore, the Owner shall provide the City or the non-profit housing provider selected by the City with a cash contribution equal to 2 years of estimated operating expenses to support the operations of the property following conveyance by the owner on mutually agreeable terms. The City and Owner will agree to work in good faith to finalize all such arrangements and any resulting agreements, including the Agreement of Purchase and Sale, will be in a form and with content satisfactory to the City Solicitor in consultation with the Director, Affordable Housing Office and the Chief Planner and Executive Director, City Planning.

3. In the event that the City and Owner are unable to finalize the conveyance of a property as outlined in paragraph 2 above prior to the issuance of the first above-grade permit for the mixed use building, the Owner shall pay to the City a financial contribution in the amount of \$4,250,000 (less any amounts paid by the Owner pursuant to the tenant relocation provisions outlined in paragraph 1 above prior to the issuance of the first above-grade building permit to be used by the City for one or more of the following:
  - (i) Creation of new affordable housing;
  - (ii) Creation of new community space; and
  - (iii) Capital improvements for existing City-owned facilities in the immediate area.
  
4. The cash amount identified in paragraph 3 above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of funds by the Owner to the City.