

Authority: Ontario Municipal Board Order/Decisions issued November 25, 2015 and March 21, 2016 in Board Case No. PL150219

## CITY OF TORONTO

### BY-LAW No. 391-2016(OMB)

#### **To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2015 as 195 Exbury Road.**

Whereas the Ontario Municipal Board, by its Order/Decisions issued November 25, 2015 and March 21, 2016 in Board Case No. PL150219 has determined to amend Zoning By-law No. 569-2013, with respect to the lands known municipally as 195 Exbury Road; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of Section 37 of the *Planning Act* to conserve rental housing in accordance with the provisions of the Official Plan and as a mechanism to secure capital facilities required to support development; and

Whereas the Owner has agreed to certain matters hereinafter set out which is secured by one or more agreements between the Owner of the land and the City of Toronto;

The Ontario Municipal Board orders:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. 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 lines to RA (f30.0; a1375; d1.5) (x45), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.7.10 Exception Number RA 45, so that it reads:

#### **Exception RA 45**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and prevailing Sections.

Site Specific Provisions:

- (A) If the requirements of By-law 391-2016(OMB) are complied with, none of the provisions of 15.5.20.1 (1), 15.5.30.1, 15.5.40, 15.5.50, 15.5.60, 15.10.20.10 (1), 15.10.20.40 (1), 15.10.30.40 (1), 15.10.40.80, apply to prevent the erection or use of a **townhouse** if the **townhouse** complies with (B) to (I) below;
- (B) A **townhouse** is a permitted **residential building** type;

- (C) A maximum of two townhouses are permitted on the lands;
- (D) The front lot line of a townhouse is the property line abutting Monclova Road;
- (E) The permitted maximum number of dwelling units in a townhouse is five;
- (F) The permitted maximum height of each townhouse is 9.7 metres;
- (G) The permitted maximum number of **storeys** in a **townhouse** is three;
- (H) The minimum **front yard setback** for a **townhouse** is 7 metres; and
- (I) The minimum **rear yard setback** for a **townhouse** is 7 metres; and
- (J) The minimum **side yard setback** for a **townhouse** is 2.7 metres abutting Exbury Road and 1.1 m to the north property line.

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

**5. Section 37 Provisions**

- (A) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the development is permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and 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 will be dependent on satisfaction of the same.
- (C) The owner will not use, or permit the use of, a building or structure erected pursuant to this By-law unless all provisions of Schedule A are satisfied.

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

PURSUANT TO ORDER/DECISIONS OF THE ONTARIO MUNICIPAL BOARD ISSUED ON NOVEMBER 25, 2015 AND MARCH 21, 2016 UNDER OMB FILE NO. PL150219.

**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 for the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

- (1) The owner of the lands set out in Diagram 1 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 below, which agreement or agreements may be registered against the title of the lands to which this by-law applies in the manner and the extent specified in the agreements. The owner of the subject lands, at the owners expense and in accordance with, and subject to the agreements referred to above, shall provide or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto, in order to permit a maximum of ten (10) townhouse dwelling units cited in clause (b) of this exception:
  - (a) The securing of the rental tenure of the 158 dwelling units in the existing building municipally known as 195 Exbury Road for a period of at least 20 years commencing from the date that the Zoning By-law Amendment comes into full force and effect. None of the existing rental dwelling units shall be registered as condominium or any other form of ownership, such as life lease or co-ownership which provide a right to exclusive possession of a unit, and no conversion to a non-residential rental purpose or application to demolish the existing rental units can be made during such 20 year period.
  - (b) The following building improvements are recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
    - (i) That the owner provide for a laundry payment system in the existing laundry room and the conversion of all existing laundry machines from coin to card operation for the use and enjoyment of current and future tenants of the existing residential rental building, to the satisfaction of the Chief Planner, Executive Director City Planning;
    - (ii) That the owner improve and expand the existing walkways throughout the site, connecting outdoor amenity areas and other site features to all existing entrances of the existing residential rental building;
    - (iii) That the owner upgrade landscaping throughout the existing residential rental property;
    - (iv) That the owner install outdoor seating at key locations throughout the existing residential rental property;
    - (v) That the owner provide an attractive recreation area primarily for the use of young children on the existing residential rental property;

- (vi) That the owner provide a new garbage and recycling enclosure for use by the tenants of the existing residential rental property;
- (vii) That the owner provide for upgraded outdoor lighting throughout the site, along the proposed walking path and at all entrances;
- (viii) That the Owner shall, prior to execution of the Section 37 Agreement by the City, provide financial security in a form and amount acceptable to the Chief Planner and Executive Director, City Planning, to construct all improvements listed in (i) to (vii) above;
- (ix) That the Owner shall, prior to the execution of the Section 37 agreement by the City, provide the following plans and drawings to the satisfaction of the Chief Planner and Executive Director, City Planning:
  - (a) Landscape plans for the existing residential rental property portion of the site that demonstrates the provision of loading spaces and an enclosed refuse area of appropriate size.
  - (b) Landscape plans for the existing residential rental property portion of the site that demonstrates the provision of appropriate outdoor residential amenity space for the existing residential tenants and pedestrian pathway linkages on the site towards the southeast corner of the site at Exbury Road and Monclova Road.
  - (c) Landscape drawings which demonstrate tree planting within the municipal boulevard to the satisfaction of Urban Forestry Services.
- (x) The Owner shall complete construction of all improvements listed in (i) to (vii) above in accordance with the plans and drawings provided pursuant to (ix) above prior to receiving any Site Plan Approval for the townhouse buildings;
- (xi) The design and materials of all improvements listed in (i) to (vii) above will be to the satisfaction of the Chief Planner and Executive Director, City Planning, and the costs of any such improvements as well as the costs of the development shall not be passed on in any form, including increases to the rents, to tenants of the existing rental building, such site plan approval being obtained prior to the applicant making application to sever the subject site;
- (xii) That the Chief Planner and Executive Director, City Planning be authorized to enter into agreements on title to secure the above-listed improvements, and:
  - (a) Prior to the issuance of the first building permit for the development of the townhouse buildings, the owner shall provide, at its expense and to the satisfaction of the Chief Planner and Executive Director, City Planning a construction mitigation plan

and tenant communication strategy for the development, and agrees to implement same;

- (b) The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009; and
- (c) The Owner shall, prior to receiving any Site Pan approval for the townhouse buildings, provide a revised Functional Servicing Report, Basement Flooding Study and Stormwater Management Report to the satisfaction of the Director, Engineering and Construction Services.




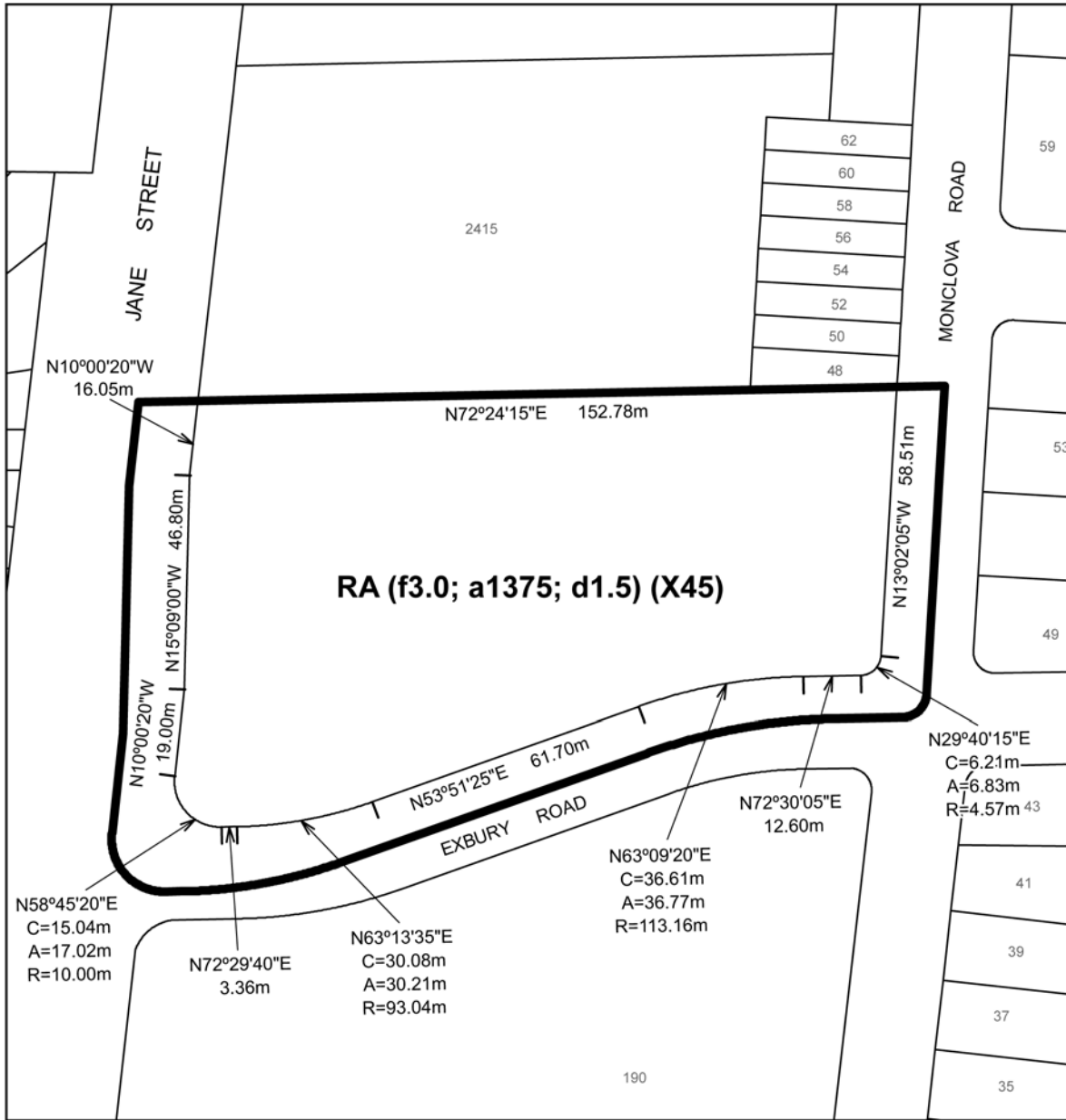
 **TORONTO** City Planning  
Diagram 1

**195 Exbury Road**

File # 14 163592 NNY 09 02

Approved by: B. DiRaimo

  
City of Toronto By-Law 569-2013  
Not to Scale  
9/17/2015



**Toronto** City Planning  
**Diagram 2**

**195 Exbury Road**

File # 14 163592 NNY 09 02

Approved by: B. DiRaimo

City of Toronto By-Law 569-2013  
 Not to Scale  
 9/17/2015