

Authority: Local Planning Appeal Tribunal Decision/Order  
issued on February 25, 2019 in File PL160796

## CITY OF TORONTO

### BY-LAW 1091-2019(LPAT)

**To amend Zoning By-law 569-2013, as amended, with respect to the lands known municipally in the year 2018 as 89 and 101 Roehampton Avenue.**

Whereas the Local Planning Appeal Tribunal pursuant to its Decision/Order issued on February 25, 2019 in File PL160796 upon hearing an appeal under Section 34(11) of the Planning Act R.S.O. 1990, c.P.13, as amended deems it advisable to amend By-law 569-2013, as amended, for the City of Toronto with respect to lands known as 89 and 101 Roehampton Avenue; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the height and/or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the height and/or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height and/or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Local Planning Appeal Tribunal Orders:

1. The lands subject to this By-law are outlined by heavy lines on Diagram 1 attached to this By-law.
2. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 to "R (d2.0) (x55)", as shown on Diagram 2 attached to this By-law.

3. Zoning 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number 55 so that it reads:

**Exception R 55**

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) On 89 and 101 Roehampton Avenue, if the requirements of clause 5 and Schedule A of By-law 1091-2019(LPAT) are complied with, a **building, structure**, addition or enlargement may be erected in compliance with (B) to (BB) below;
- (B) Despite regulation 10.10.40.40(1), the permitted maximum **gross floor area** is 28,700 square metres;
- (C) Regulations 10.5.40.10(4), 10.5.80.1(2), 10.5.80.30(1), and 10.10.40.10(7) do not apply;
- (D) Despite regulation 10.5.40.10(1), the height of the **building** is the distance between the Canadian Geodetic Datum elevation of 164.30 metres and the elevation of the highest point of the **building**;
- (E) Despite regulation 10.10.40.10(1), the permitted maximum height of a **building** or **structure** is the height in metres specified by the numbers following the symbol HT on Diagram 3 of By-law 1091-2019(LPAT);
- (F) The hatched area shown and described on Diagram 3 of By-law 1091-2019(LPAT) must commence as measured from the Canadian Geodetic Datum elevation of 164.30 metres;
- (G) Despite regulation 10.5.40.10(2), the following **building** elements and **structures** are permitted to project vertically beyond the **height** limits specified on Diagram 3 of By-law 1091-2019(LPAT):
  - (i) a parapet, roof drainage, thermal insulation, roof assemblies, including decking and pavers or roof ballast, safety railings, and fences at each of the roof levels of the building, green roof elements, provided the maximum vertical distance of any such does not exceed 1.8 metres beyond the **height** of each roof level of the building; and
  - (ii) structures on the roof of any part of the building used for outside or open air recreation, wind mitigation elements, landscape features, architectural elements, public art features, telecommunications equipment and antennae, window washing equipment, balcony and terrace partitions and dividers, partitions dividing outdoor recreation areas, trellises or a fence,

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planters, landscape features, lightning rods, swimming pools (elevated or otherwise), structures housing pool or spa maintenance or operational equipment, provided the maximum vertical distance of such does not exceed 3.0 metres;

- (H) Despite regulation 10.5.40.10(3), the equipment and structures on the roof of the **building** referenced in that regulation may exceed the permitted maximum height for the **building** by 5.0 metres;
- (I) Despite regulation 10.5.40.70(1) and clause 10.10.40.70 the required minimum **building setbacks** are as shown on Diagram 3 of By-law 1091-2019(LPAT);
- (J) Despite regulation 10.5.40.60(1), a **platform** or balcony attached to or within 0.3 metres from a **building** may encroach into the required **building setbacks** to a maximum of 1.8 metres;
- (K) Despite (J) above, balconies may not encroach within the areas identified as such on Diagram 3 of By-law 1091-2019(LPAT);
- (L) Despite regulation 10.5.40.60(2), a canopy, awning, or similar structure, with or without structural support, or a roof over a platform may encroach into the required **building setbacks** to a maximum of 2.5 metres;
- (M) Despite regulation 10.5.40.60(3), exterior stairs, underground garage access ramps, pedestrian access ramps, and elevating devices may encroach into a required **building setback** to a maximum of 3.0 metres;
- (N) Despite regulation 10.5.40.60(5), architectural features including lighting and decorative screens, on a **building** may encroach into a required **building setback** to a maximum of 1.8 metres;
- (O) Despite regulation 10.5.40.60(8), equipment including but not limited to vents, pipes, utility equipment, satellite dishes, and antennas (including mounting poles) may project into a required **building setback** a maximum of 1.0 metres;
- (P) Notwithstanding (O) above, window washing equipment may project into a required **building setback** a maximum of 3.0 metres;
- (Q) Despite regulation 10.10.40.50(1), the minimum required **amenity space** is 510 square metres of indoor **amenity space** and 510 square metres of outdoor **amenity space**;
- (R) Despite regulation 200.5.1.10.1(1), **parking spaces** must be provided at a combined rate of 0.25 **parking spaces** per **dwelling unit** for residents and visitors;

- (S) For each car-share **parking space** provided on the **lot**, the minimum number of **parking spaces** required by (R) above may be reduced by 4 **parking spaces**, up to a maximum of 6 car-share **parking spaces**;
- (T) Despite regulation 10.10.20.20(1), 146 **parking spaces** may be used for **public parking**;
- (U) Despite regulation 200.5.1(3), the minimum width of a two-way **drive aisle** providing **vehicle** access to a **parking space** within a **parking garage** is 5.5 metres;
- (V) Despite regulations 200.5.1.10(2)(A), (B) and (D), the minimum dimensions of a **parking space** are:
- (i) length of 5.6 metres;
  - (ii) width of 2.6 metres; and
  - (iii) vertical clearance of 2.0 metres;
- (W) Despite (V) above, a maximum of 28 **parking spaces** may have minimum dimensions of:
- (i) length of 5.3metres;
  - (ii) width of 2.4 metres; and
  - (iii) vertical clearance of 1.7 metres;
- (X) Despite clause 200.15.1.5 and regulation 200.15.10(1), a minimum of 6 accessible **parking spaces** must be provided on the **lot**;
- (Y) Despite regulation 200.5.1.10(2)(A) a **stacked parking space** may have minimum dimensions of:
- (i) length of 5.4 metres;
  - (ii) width of 2.4 metres; and
  - (iii) vertical clearance of 1.7 metres;
- (Z) Despite regulation 230.5.1.10(9) and 230.5.10.1, a minimum of 0.66 **bicycle parking spaces** must be provided for each **dwelling unit**, which may be located on the first **storey** of the building and on levels of the **building** below-grade;
- (AA) The maximum number of **dwelling units** is 388, of which a minimum of 20 must be three bedroom **dwelling units**; and

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(BB) Despite regulations 10.5.50.10 (4) and (5), a minimum of 30 percent of the **lot** must be **landscaping** of which a minimum 46 percent must be **soft landscaping**.

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

4. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, as amended, except that the following definitions shall apply:

(A) **car-share** means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or not be refundable; and

(B) **car-share parking space** means a **parking space** that is reserved for car-sharing.

5. 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 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 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 shall be dependent on satisfaction of the same; and

(C) The owner shall not use, or permit the use of, a building or structure on the site erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

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**SCHEDULE A****Section 37 Provisions**

The facilities, services and matters set out below are required to be provided by the owner of the **lot** at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the Planning Act, in a form satisfactory to the City and the owner with conditions providing for indexing escalation of both the financial contributions and letters of credit, indemnity, insurance, GST, termination and unwinding, and registration and priority of the agreement:

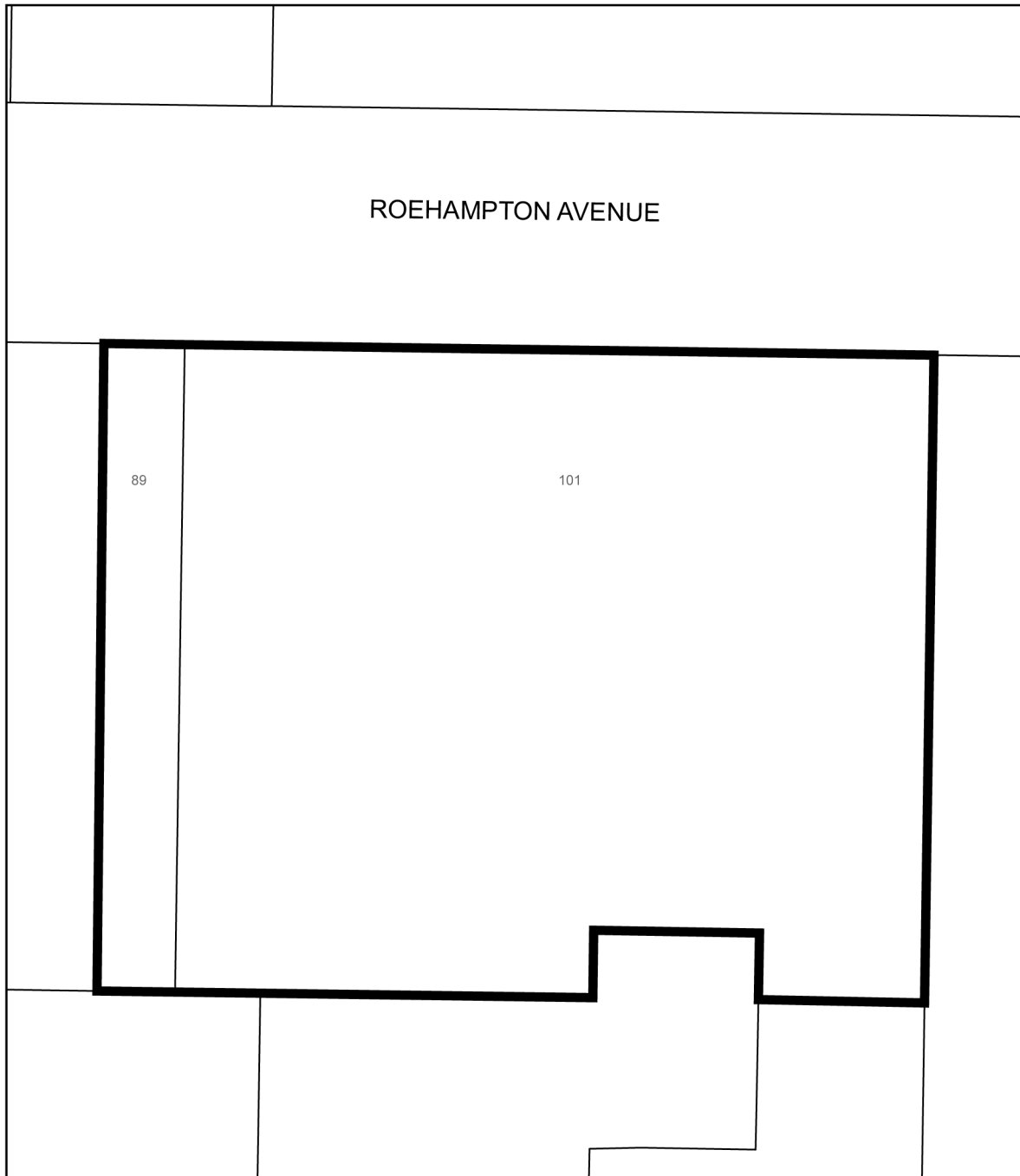
1. Prior to the issuance of the first above grade building permit, the owner shall provide a cash contribution to the City in the amount of NINE HUNDRED THOUSAND DOLLARS (\$900,000.00), and indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made, to be allocated towards community services and facilities in the Yonge-Eglinton Secondary Plan area in accordance with the emerging infrastructure priorities identified for the area through the Yonge-Eglinton Secondary Plan Review, to be determined by the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
2. In the event the cash contributions referred to in Section 1 have not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the **lot**.
3. The owner shall provide and maintain on the **lot**:
  - i. eighteen (18) reconfigured rental units, comprised of eighteen (18) one-bedroom units, on the subject site for a period of at least twenty (20) years;
  - ii. one hundred and eight (108) retained rental units, comprised of eighteen (18) bachelor units and ninety (90) one-bedroom units, on the subject site for a period of at least twenty (20) years, and
  - iii. six (6) new market rental units, comprised of five (5) one-bedroom units and one (1) two-bedroom units, on the subject site for a period of at least twenty (20) years,

all as generally shown on the plans submitted to the City Planning Division dated February 20, 2018. Any revision to these plans must be to the satisfaction of the Chief Planner and Executive Director, City Planning.

4. The owner shall provide tenants of the above-noted units with access to a new laundry room, visitor bicycle parking spaces on a first-come first-serve basis, resident bicycle storage locks on a first-come first-serve basis, visitor vehicle parking spaces on a first-

come first-serve basis, resident vehicle parking spaces on a first-come first-serve basis and all indoor and outdoor amenities.

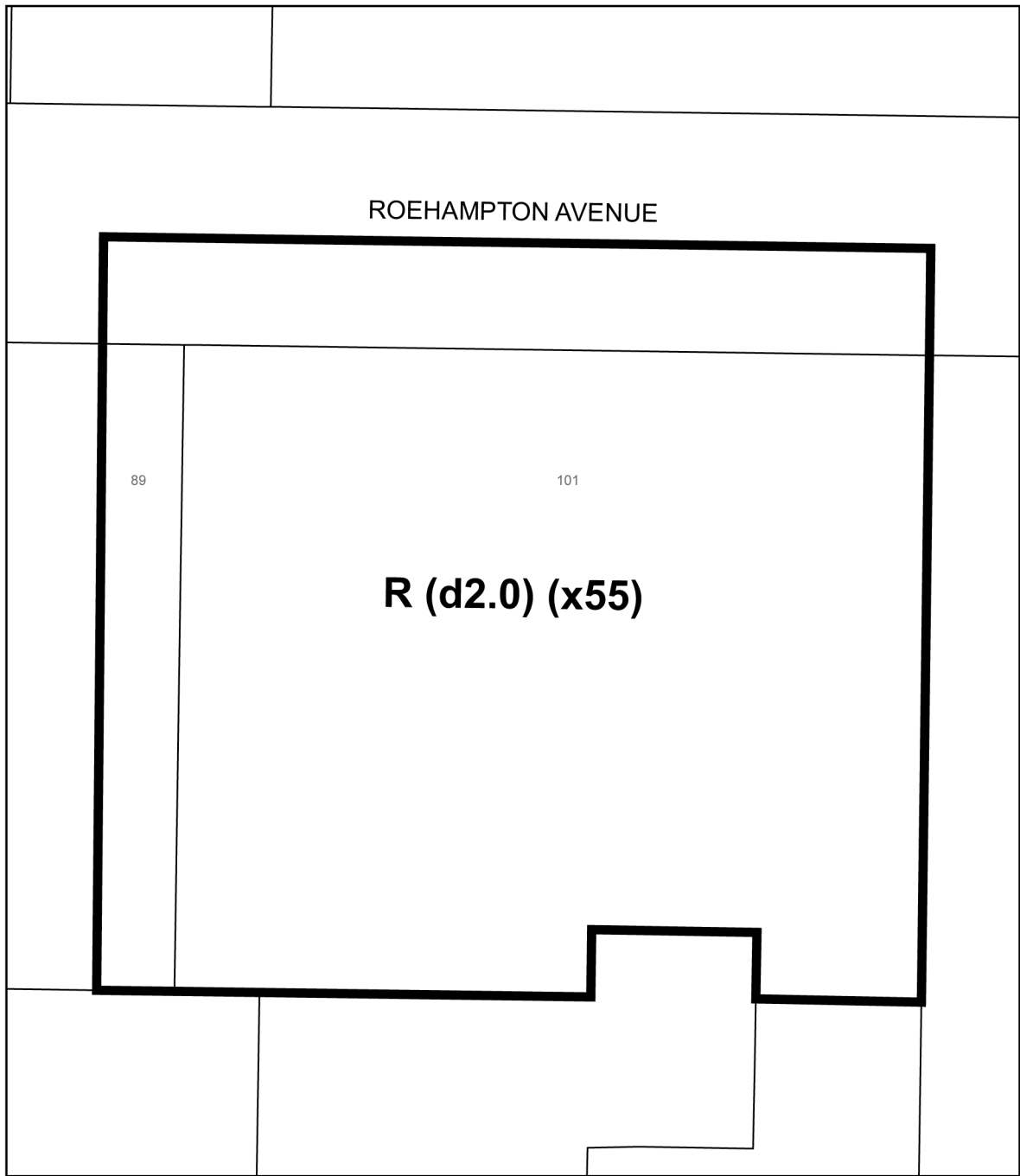
5. The owner shall provide a tenant relocation and assistance plan to all eligible tenants , including the right to return to a replacement rental dwelling unit, all to the satisfaction of the Chief Planner and Executive Director, City Planning.
6. Prior to the earlier of any residential use or occupancy, including interim occupancy pursuant to the Condominium Act, 1998, or any registration of any condominium on all or part of the **lot**, the owner shall, at its own expense, convey a north-south 3.8 metre wide public pedestrian walkway surface easement on the east side of the **lot**, together with support rights as applicable for use by the City and the general public, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City solicitor, and the owner shall construct, repair and maintain this walkway, to the satisfaction of the Executive Director, Engineering and Construction Services.



 **TORONTO**  
Diagram 1

**89-101 Roehampton Avenue**

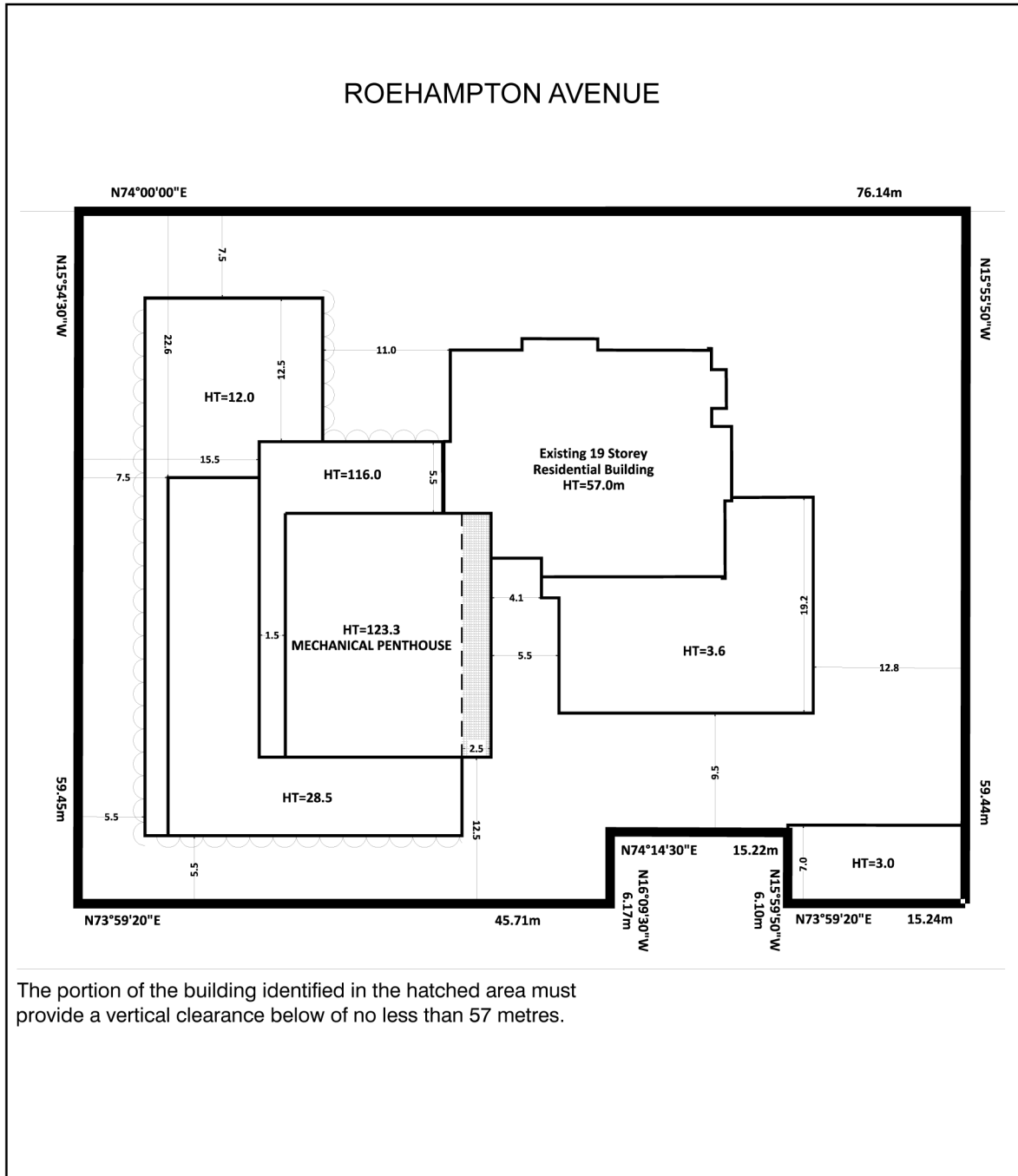
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 **TORONTO**  
Diagram 2

**89-101 Roehampton Avenue**

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89-101 Roehampton Avenue

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