

Authority: Local Planning Appeal Tribunal, formerly the Ontario Municipal Board, Decision issued on December 12, 2017 and Local Planning Appeal Tribunal Order issued on November 1, 2019 in Board File PL161123

CITY OF TORONTO

BY-LAW 1616-2019 (LPAT)

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to lands known municipally as 57 and 65 Brock Avenue.

Whereas after hearing the appeal under subsection 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, and pursuant to its Decision in respect of Board File PL161123 issued on December 12, 2017 the Local Planning Appeal Tribunal, formerly known as the Ontario Municipal Board, deems it advisable to amend former City of Toronto By-law 438-86, as amended;

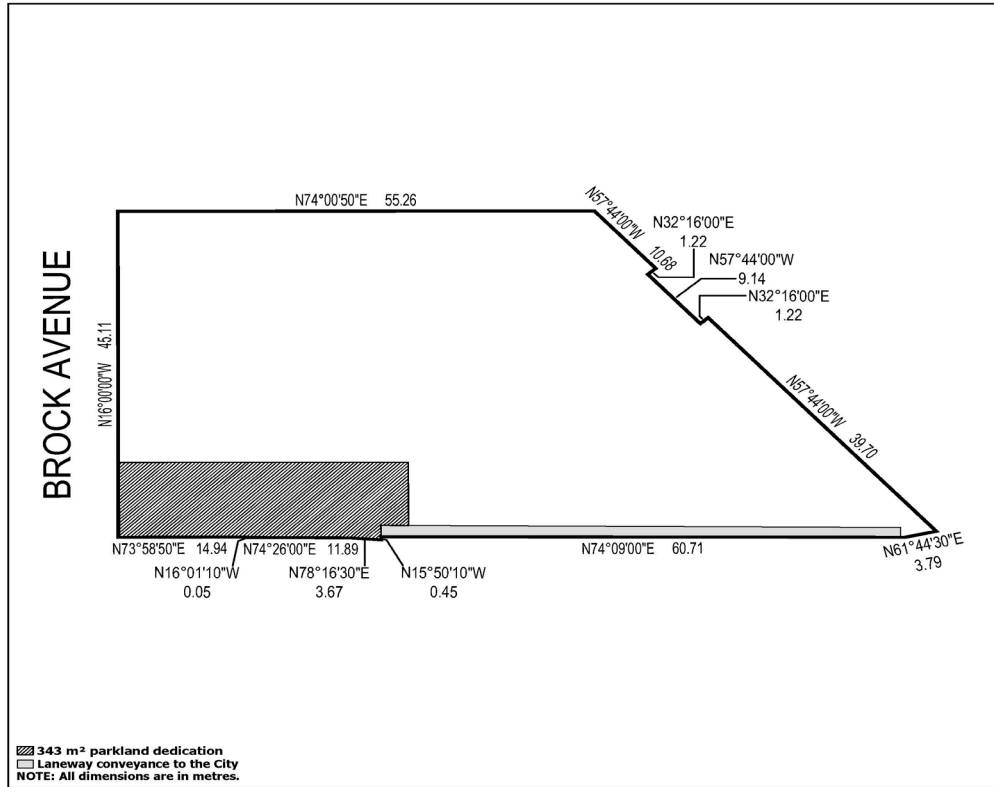
The Local Planning Appeal Tribunal Orders:

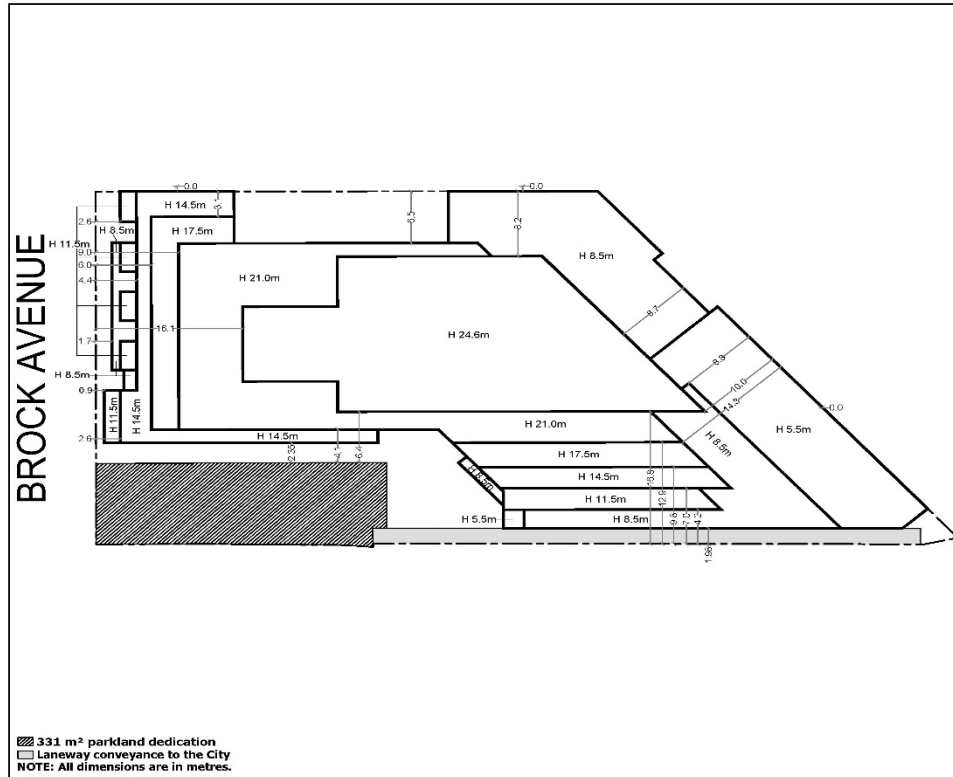
1. Except as otherwise provided herein, the provisions of former City of Toronto By-law 438-86, as amended, shall continue to apply to the *lot*.
2. None of the provisions of Section 2 with respect to the definitions of *grade*, *height*, *lot* and *residential gross floor area* and or sections 4(2)(a), 4(4)(b), 4(16), 9(1)(f)(b), 9(3) Part I 2, and 9(3) Part II 1, 2 and 3 of By-law 438-86 of the former City of Toronto, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto" apply to prevent the erection and use of an *apartment building* on the *lot*, provided that:
 - (a) the *lot* comprises the lands delineated by heavy black lines on Map 1, attached hereto and forming part of this by-law;
 - (b) the following uses are permitted on the *lot*:
 - (i) an *apartment building*; and
 - (ii) a temporary *sales office*.
 - (c) the total *residential gross floor area* shall not exceed 8,800 square metres on the *lot*;
 - (d) no portion of the *apartment building* erected or used above *grade* is located otherwise wholly within the areas delineated by heavy lines on the attached Map 2 with the exception of the following:

- (i) eaves, building cornices, light fixtures, ornamental and architectural elements, parapets, railing and fences, planters, trellises, window sills, underground garage ramps, landscape and public art features which may extend beyond the heavy lines shown on the attached Map 2; and
 - (ii) balconies and canopies provided they extend no more than 2.0 metres beyond the areas delineated by heavy lines on Map 2.
- (e) no part of the *apartment building* shall exceed the *height* limits in metres specified by the numbers following the symbol "H" as shown on Map 2 attached hereto with the exception of any of the items listed below:
 - (i) parapets, guard rails, railings and dividers, trellises, stairs, roof drainage, window washing equipment, lightning rods, architectural features, landscaping and elements of a green roof up to a maximum height of 1.2 metres;
 - (ii) elevator overruns, areas used for heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that serves the building and any associated enclosed structures up to a maximum height of 2.4 metres; and
 - (iii) a generator, fresh air unit, cooling tower and associated enclosure up to a maximum height of 5.0 metres.
- (f) *parking spaces* shall be provided and maintained on the *lot*, in accordance with the following:
 - (i) a minimum of 0.51 *parking spaces* for each *dwelling unit*; and
 - (ii) a minimum of 0.15 *parking space* for each *dwelling unit* for visitors; and
 - (iii) notwithstanding Section 4(17)(a) of By-law 438-86, a maximum of 4 *parking spaces* may have a minimum length of 5.1 metres.
- (g) for the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law 438-86, as amended, with the exception of the following:
 - (i) "*grade*" means an elevation of 95.45 Canadian Geodetic Datum; and
 - (ii) "*height*" means the vertical distance between *grade* and the highest point of the building or structure;
 - (iii) "*lot*" means those lands outlined by heavy lines on Map 1 attached hereto and forming part of this By-law;

- (iv) "*temporary sales office*" means a *building* or *structure* used for the purpose of the sale of *dwelling units*.
 - (v) "*residential gross floor area*" means the aggregate of the areas of each floor and the space occupied by walls and stairs, above or below *grade*, measured between the exterior faces of the exterior walls of the building, exclusive of the following:
 - i. a room or enclosed area, including its enclosing walls within the building above or below *grade* that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that serves the building;
 - ii. loading facilities required by By-law 438-86; and
 - iii. a part of the building above or below *grade* that is used for the parking of motor vehicles or bicycles, storage, storage lockers, *residential amenity space*, or other *accessory* use.
 - (vi) each other word or expression that is italicized in the By-law herein shall have the same meaning as each word or expression as defined in By-law 438-86, as amended unless the contrary is expressed in this By-law.
3. None of the provisions of By-law 438-86 shall apply to prevent a *sales office* on the *lot*.
4. Despite any future severance, partition or division of the lands as shown on Map 1, the provisions of this exception shall apply as if no severance, partition or division has occurred.

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TORONTO City Planning Division

57 Brock Avenue, Toronto

Map 2

File #16 _____



Not to Scale