

Authority: Local Planning Appeal Tribunal  
Decision issued on July 4, 2019 and Local  
Planning Appeal Tribunal Order issued on  
April 22, 2020 in File PL171267

## CITY OF TORONTO

### BY-LAW 850-2020(LPAT)

**To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands known municipally in the year 2019 as 5, 7 and 9 Dale 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 Case Number PL171267 issued on July 4, 2020 and its Order issued April 22, 2020, the Local Planning Appeal Tribunal deems it advisable to amend the City of Toronto Zoning By-law 438-86;

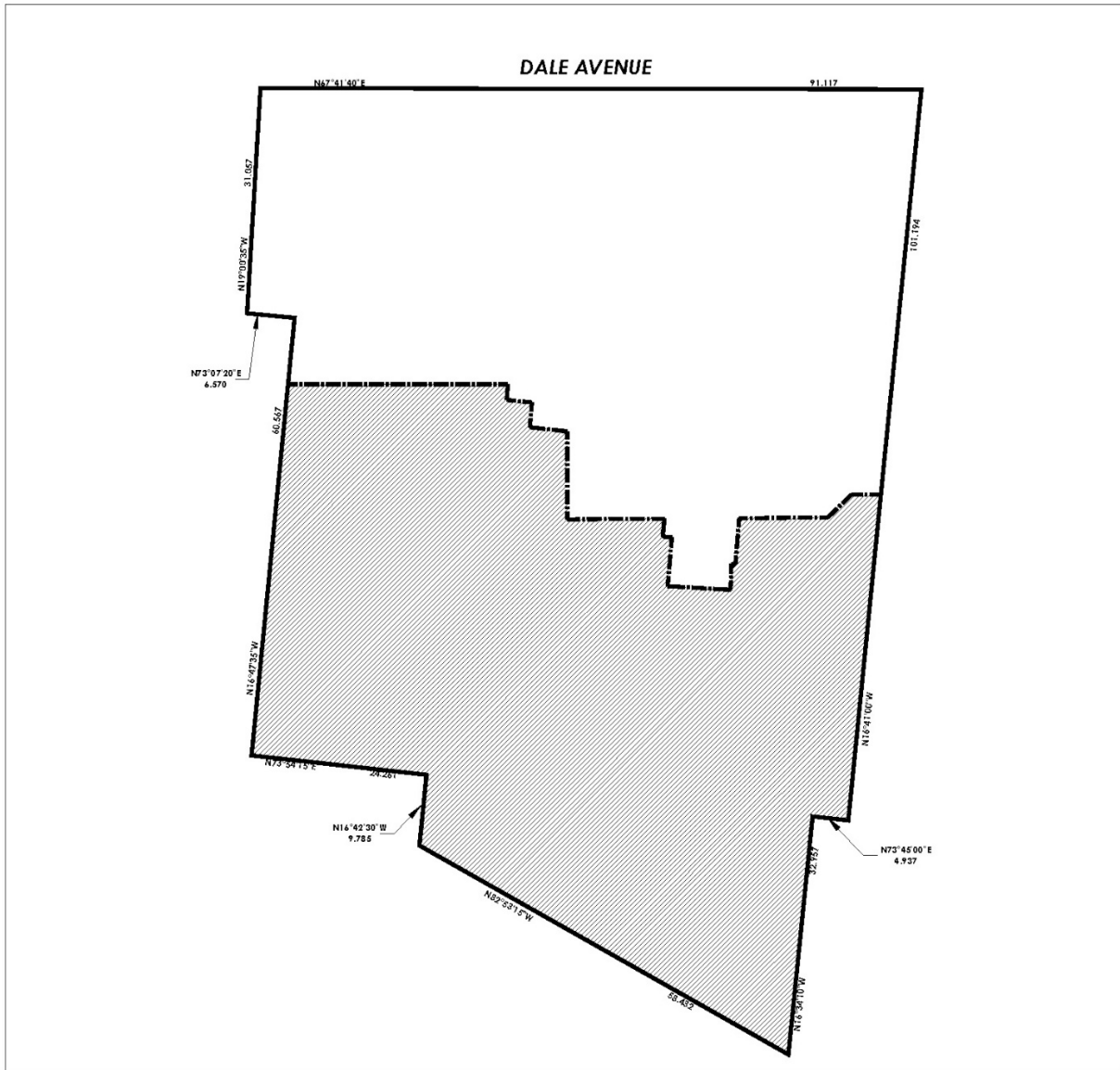
The Local Planning Appeal Tribunal enacts:

1. The lands subject to this By-law are outlined by heavy lines on Map 1, attached to and forming part of this By-law.
2. District Map 51J-312 contained in Appendix "A" and "B" of By-law 438-86, 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" as amended, is further amended by rezoning a portion of the lands zoned "R1 Z0.6" on Appendix "A" to "Gr" as outlined on Map 1 attached to and forming part of this By-law.
3. None of the provisions of Sections 2(1) with respect to the definition of *grade*, *height*, and *lot*, and Sections 4(2), 4(4), 4(10)(a), 4(12), 4(13), 4(17), 6(1)(f)(a)(i), 6(3) Part I 1., 6(3) Part II 2, 3, 4, 5, 6 and 8, 6(3) Part III 1, and 6(3) Part IV 1 (e) of Zoning By-law 438-86 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", as amended, shall apply to prevent the erection and use of an *apartment building* on the *lot*, including uses *accessory* thereto, provided that:
  - a) District Map 51J-312 of By-law 438-86, as amended, is further amended by amending the zone on the *lot* as shown on the attached Map 1, attached to and forming part of this By-law;
  - b) For the purposes of this By-law, the *lot* consists of the lands delineated by heavy lines on Map 1, attached to and forming part of this By-law;
  - c) The total *residential gross floor area* for an *apartment building* erected or used on the *lot* does not exceed 7,900 square metres;

- d) A maximum of 26 *dwelling units* are permitted;
- e) No portion of the *apartment building* erected above *grade* on the *lot* is located above the maximum *height* in metres permitted as indicated by the following letter "H" as shown on Map 2, attached to and forming part of this By-law;
- f) The following building elements and structures are permitted to extend beyond the heavy lines and into the required building *setbacks* shown on Map 2, attached to and forming part of this By-law:
  - (i) a platform or balcony attached to or within 0.3 metres from a building, if it is located within the "Area of permitted balcony setback encroachment(s)" as shown on Map 2, attached to and forming part of this By-law, and the encroachment into the required building setbacks does not exceed a maximum of 4.5 metres;
  - (ii) a canopy, awning, or similar structure at the first floor, with or without structural support, or a roof over a platform, if the encroachment into the required building setbacks does not exceed a maximum of 4.0 metres;
  - (iii) exterior stairs, wheelchair access ramps, pedestrian access ramps, and elevating devices, if the encroachment into the required building setbacks does not exceed a maximum of 1.0 metres;
  - (iv) roof projections, such as cornices and eaves, if the encroachment into the required building setbacks does not exceed a maximum of 1.0 metres; and
  - (v) vents, pipes, utility equipment, siamese connections, satellite dishes and antennas (including mounting poles), if the encroachment into the required building setbacks does not exceed a maximum of 1.4 metres and does not encroach into the required front yard setback.
- g) The following building elements and structures are permitted to project beyond the *heights* shown on Map 2, attached to and forming part of this By-law:
  - (i) Roof drainage components, or thermal and waterproofing assemblies located at each of the roof levels of the building, if the maximum vertical distance does not exceed 0.25 metres;
  - (ii) A parapet, if the maximum vertical distance does not exceed 0.4 metres;
  - (iii) Safety railings and fences at each of the roof levels of the building, if the maximum vertical dimension does not exceed 1.8 metres above the *height* of each roof level of the building;
  - (iv) Structures on the roof of any part of the building used for, green roofs, wind mitigation, landscape features, partitions dividing outdoor balcony or terrace areas, privacy screens, telecommunications equipment and

antennae, window washing equipment, or lightning rods and exhaust flues, if the maximum vertical distance does not exceed 2.5 metres; and

- (v) Equipment used for the functional operation of the building, such as electrical, utility, mechanical, and ventilation equipment, and structures or parts of the building used for the functional operation of the building, such as enclosed stairwells, roof accesses, elevator shafts, vents and water supply facilities, if it is located within the "Area of permitted equipment and or structure(s) projection(s)" as shown on Map 2, attached to and forming part of this By-law, and the maximum vertical dimension does not exceed 4.0 metres.
- h) A minimum of 57 *parking spaces* shall be provided and maintained on the *lot*, of which:
    - (i) 52 *parking spaces* shall be exclusively for the use by residents of the *apartment building*; and
    - (ii) 5 *parking spaces* shall be exclusively for use by, and shall be designated for, visitors.
  - i) Notwithstanding Section 4(12) of By-law 438-86, no *residential amenity space* located outdoors is required on the *lot*;
  - j) A minimum of 24 *bicycle parking spaces* shall be provided on the *lot*; and
  - k) A minimum of 35 percent of the area of *lot* shall be provided and maintained as landscaped open space.
4. For the purposes of this By-law, every other word or expression which is italicized herein shall have the same meaning as each word or expression as defined in the aforesaid Bylaw 438-86, as amended, with the exception of the following:
- a) "*grade*" means 115.4 metres Canadian Geodetic Datum;
  - b) "*height*" means the vertical distance between *grade* and the highest point of the building or structure; and
  - c) "*lot*" means those lands outlined on Map 1 attached hereto.
5. None of the provisions of this By-law and By-law 438-86 shall apply to prevent a "*Temporary Sales Office*" on the *lot*.
6. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole *lot* as if no severance, partition or division occurred.





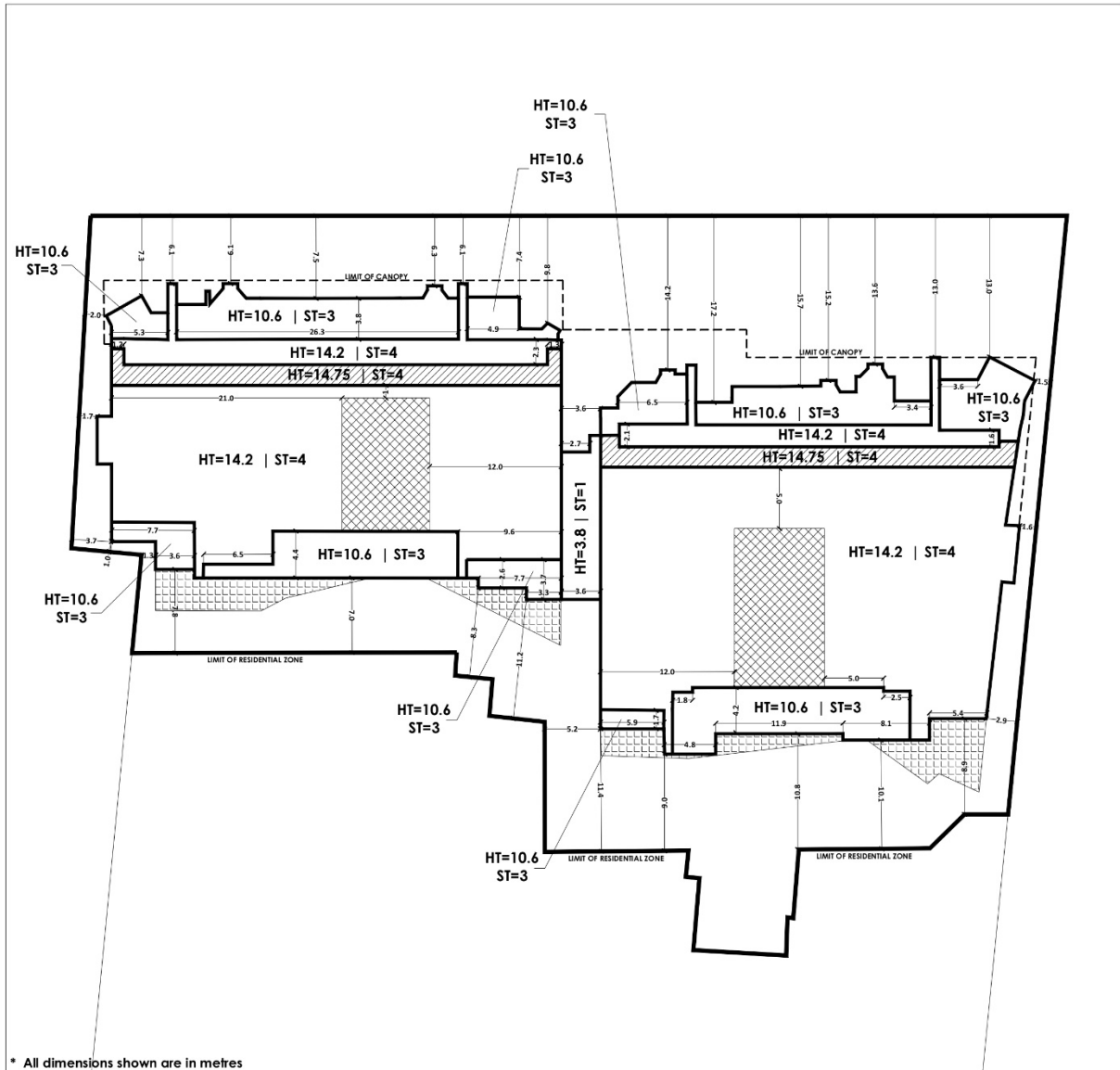
  
Not to Scale

# Map 1

## Zoning By-law Amendment

5-9 Dale Avenue  
City of Toronto

-  Area affected by this by-law
-  Lands to be rezoned from R1 to Gr \_\_



\* All dimensions shown are in metres



Not to Scale

# Map 2

## Zoning By-law Amendment

5-9 Dale Avenue  
City of Toronto

- Lands subject to Zoning By-law Amendment
- Area of sloped roof and roof peak
- Area of permitted balcony setback encroachment(s)
- Area of permitted equipment and or structure(s) projection(s)