

Authority: Ontario Municipal Board Decision/Order issued on January 5, 2017, December 27, 2017, March 15, 2018 and March 16, 2018 in Board Case PL160010

## **CITY OF TORONTO**

### **BY-LAW 976-2020(OMB)**

**To amend former City of North York Zoning By-law 7625, as amended, with respect to lands located between Churchill Avenue and Horsham Avenue municipally known as 75 Canterbury Place and to repeal By-law 127-2008.**

Whereas authority is given to the Ontario Municipal Board by Sections 34 and 37 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas the Ontario Municipal Board pursuant to its Decision/Order issued on January 5, 2017, December 27, 2017, March 15, 2018 and March 16, 2018 in Board Case PL160010, determined to amend Zoning By-law 7625 of the former City of North York; 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 or density of development, beyond those otherwise permitted by the by-law, 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 North York Centre Secondary Plan of the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in the density of development in return for the mandatory provision of specified capital facilities expressly associated with those increases; and

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

Whereas the owners of the lands hereinafter referred to have elected to provide the capital facilities hereinafter set out in return for the additional density thereby permitted by the North York Centre Secondary Plan; and

Whereas the increase in density permitted hereunder, beyond that otherwise permitted on the aforesaid lands by this by-law, is permitted in return for the provision of the capital facilities set out in the by-law, which are secured by one or more agreements between the owner(s) of the lands and the City of Toronto; and

Therefore pursuant to the Ontario Municipal Board Decision/Order issued on January 5, 2017, December 27, 2017, March 15, 2018 and March 16, 2018 in Board Case PL160010, is amended as follows:

1. Schedules "B" and "C" of By-law 7625 of the former City of North York, as amended, are amended in accordance with Schedule "1" of this By-law.

2. Within the lands shown on Schedule "1" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads necessary to serve the building or structure have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
  - (b) all water mains and sanitary sewers, and appropriate appurtenances, necessary to serve the building or structure are installed and operational.
3. Section 64.20-A of By-law 7625, as amended, is amended by replacing subsection RM6(175) with the following subsection:

**"64.20-A (175)            RM6 (175)**

#### **DEFINITIONS**

##### **APARTMENT HOUSE DWELLING**

- (a) for the purpose of this exception, "apartment house dwelling" shall include, in addition to dwelling units having access only from an internal corridor system, ground level dwelling units having access directly from the outside or from an internal corridor system or any combination thereof;

##### **BICYCLE PARKING**

- (b) for the purpose of this exception, "bicycle room" shall mean a common indoor space readily accessible from the outside that is designed and equipped exclusively for the purpose of parking and securing bicycles;
- (c) for the purpose of this exception, "bicycle parking space" shall mean a space with a minimum vertical clearance of 1.9 metres and minimum horizontal dimensions of 0.6 metres by 1.8 metres that is designed and equipped exclusively for the purpose of parking and securing one or more bicycles and is not provided within a dwelling unit, balcony or commercial suite;

##### **ESTABLISHED GRADE**

- (d) for the purpose of this exception, "established grade" shall mean the geodetic elevation of 181.81 metres;

##### **GROSS SITE**

- (e) for the purpose of this exception, "gross site" shall mean the lands identified by Parts 1, 2, 3 and 4 on Plan 66R-23528, comprising an area of 5,289.8 square metres;

**GROSS FLOOR AREA**

- (f) for the purpose of this exception, "gross floor area" shall mean the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, including any areas used as balconies, but excluding:
- (i) Any part of the building used for mechanical floor area;
  - (ii) Any space in a parking garage at or below grade used exclusively for motor vehicle or bicycle parking or access thereto; and
  - (iii) The floor area of unenclosed residential balconies.

For greater certainty, but not so as to restrict generality:

*the calculation of gross floor area may exclude* – architectural features affixed to or extending beyond the exterior faces of exterior walls; floor slab openings and other voids, including pipe spaces; stormwater storage tanks; parking ramps and aisles to or within a parking garage; any unenclosed area located within the ground level of a parking garage that serves as a bicycle room; accessory uses to parking areas within a parking garage including: airlock rooms adjacent to elevators or exits; exit stairs that lead directly from a parking garage to the exterior of the building without serving any other areas; curbs adjacent to parking areas; supporting columns, walls or other like structures in a parking garage; pedestrian walkways within a parking garage; motor vehicle loading spaces, access thereto and adjacent bin staging areas; non-commercial car wash spaces; dead areas adjacent to parking spaces between columns, in corners and around curves or provided to facilitate vehicular turnaround; other spaces in a parking garage not accessible and/or usable due to structural design;and

*the calculation of gross floor area shall include* – general storage spaces of any kind, including lockers and rooms; vestibules other than airlock rooms; garbage and recycling rooms; stairs, landings and hallways other than those that lead directly from a parking garage to the exterior of the building without serving any other areas; amenity spaces; elevator lobbies; the floor areas of elevator cabs;

**MECHANICAL FLOOR AREA**

- (g) for the purpose of this exception, "mechanical floor area" shall mean floor area within a building or structure used exclusively for the accommodation of mechanical equipment necessary to physically operate the building, including but not limited to heating, ventilation, air conditioning, electrical, plumbing, storm water storage, irrigation, fire protection and elevator equipment;

**NET SITE**

- (h) for the purpose of this exception, "net site" shall mean the lands identified by Parts 1, 2 and 4 on Plan 66R-23528, comprising an area of 5,158.1 square metres

and consisting of the gross site minus lands 131.7 square metres in area conveyed to the City for road widening purposes;

- (i) for the purpose of this exception, "place of worship site" shall mean that portion of the net site consisting of the lands identified by Part 4 on Plan 66R-23528, comprising an area of 2,273.1 square metres;
- (j) for the purpose of this exception, "residential site" shall mean that portion of the net site consisting of the lands identified by Parts 1 and 2 on Plan 66R-23528, comprising an area of 2,885.0 square metres;

#### LANDSCAPING

- (k) for the purpose of this exception, "landscaping" shall mean trees, shrubs, grass, flowers and other vegetation, decorative stonework, walkways, patios, screening or other horticultural or landscape architectural elements, or any combination of these, but not driveways or parking areas, and directly associated elements such as curbs or retaining walls;

#### TYPE G LOADING SPACE

- (l) for the purpose of this exception, "Type G loading space" shall mean a loading space that has a minimum width of 4.0 metres, minimum length of 13.0 metres and minimum vertical clearance of 6.1 metres;

#### PERMITTED USES

- (m) the only permitted uses on the place of worship site shall be a place of worship and accessory uses thereto, including a community hall, a residence for a caretaker or for heads of a congregation, and a day nursery;
- (n) the only permitted uses on the residential site shall be an apartment house dwelling and accessory uses thereto, including private recreational amenity areas and a non-commercial car wash facility located in the underground garage;

#### EXCEPTION REGULATIONS

##### MAXIMUM GROSS FLOOR AREA

- (o) except as provided for in subsection (ii) of this exception regarding additional gross floor area, the maximum gross floor area permitted on the place of worship site shall be 0 m<sup>2</sup> and the maximum gross floor area permitted on the residential site shall not exceed 19,837 square metres attributable to the gross site;

##### NUMBER OF DWELLING UNITS

- (p) the maximum number of dwelling units permitted on the residential site shall be 385;

**BUILDING ENVELOPES**

- (q) no portion of any building or structure erected and used above established grade shall be located otherwise than wholly within the building envelopes identified on Schedule "RM6(175)", other than an exterior stairway associated with the place of worship, and wheelchair ramps, exhaust and stormwater shafts, canopies, balconies, and any projection of not more than 2.1 metres;

**BUILDING HEIGHT**

- (r) the building height, measured from established grade, shall not exceed the Maximum Heights in metres shown on Schedule "RM6(175)" excluding mechanical penthouses to a maximum of six (6) metres, parapets, guardrails, and other architectural features, stairwells to access the roof and the place of worship bell tower;

**NUMBER OF STOREYS**

- (s) the number of storeys shall not exceed the maximums shown on Schedule "RM6(175)" excluding mechanical penthouses and stairwells to access the roof;

**MOTOR VEHICLE PARKING**

- (t) motor vehicle parking spaces shall be provided within the place of worship site in accordance with the following requirements:
  - (i) A minimum of 51 parking spaces, of minimum width 2.7 metres and minimum length of 5.5 metres; and
  - (ii) No outdoor surface parking spaces shall be permitted.
- (u) motor vehicle parking spaces shall be provided within the residential site in accordance with the following requirements:
  - (i) A minimum of 1.00 parking spaces per dwelling unit, including 0.10 parking spaces per dwelling unit reserved for visitor use;
  - (ii) A maximum of 1.20 parking spaces per dwelling unit, including 0.10 parking spaces per dwelling unit reserved for visitor use; and
  - (iii) no outdoor surface parking spaces shall be permitted.

**BICYCLE PARKING**

- (v) bicycle parking shall be provided within the residential site, at a minimum rate of 0.10 bicycle parking spaces per dwelling unit, including townhouse units, in a bicycle room located on the ground level of the parking garage. In addition, bicycle parking spaces may be provided outdoors and in identified bicycle parking areas throughout the parking garage. The total number of bicycle parking

spaces provided shall be not less than 0.68 spaces per dwelling unit for occupants plus 0.07 spaces per dwelling unit for visitors;

#### LOADING

- (w) one (1) Type G loading space shall be provided within the residential site;

#### LOT COVERAGE

- (x) the maximum permitted building coverage is 37 per cent of the place of worship site;
- (y) the maximum permitted building coverage is 58 per cent of the residential site;

#### LANDSCAPED OPEN SPACE

- (z) a minimum of 550 square metres of landscaping shall be provided within the place of worship site;
- (aa) a minimum of 1,220 square metres of landscaping shall be provided within the residential site;

#### INDOOR AMENITY AREA

- (bb) a minimum of 1.5 square metres per apartment house dwelling unit of private indoor recreational amenity area shall be provided within the residential site;

#### OUTDOOR AMENITY AREA

- (cc) a minimum of 1.5 square metres per apartment house dwelling unit of private outdoor recreational amenity area, which may include landscaping, shall be provided at grade within the residential site;

#### COMMON OUTDOOR SPACE

- (dd) a minimum of 227 square metres of common outdoor space shall be provided at grade on the place of worship site;

#### YARD SETBACKS

- (ee) the minimum yard setbacks shall be as shown on Schedule "RM6(175)";

#### PROVISIONS NOT APPLICABLE

- (ff) the provisions of Sections 6(9), 6(26), 6A(8), 6A(14), 6A(16)(a)(ii), 6A(16)(d)(iv), 15.6, 15.7, 15.8 and 20-A do not apply;

#### INCREASED DENSITY

- (gg) matters that are to be provided pursuant to Section 37 of the *Planning Act*, R.S.O 1990, c. P. 13, as amended, in order to permit the increased maximums in

gross floor area authorized under subsection (ii) of this exception, are listed in (hh) below;

- (hh) the owner(s) of the subject lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the capital facilities for each respective site 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 to the extent specified in such agreements. The owner(s) of the subject lands, at the owner(s)' expense and in accordance with, and subject to, the agreements referred to above shall provide for or fund the following facilities on terms satisfactory to the City of Toronto in exchange for the increased density hereinafter set out:
- (i) A place of worship with a minimum gross floor area of 1,700 square metres and a maximum gross floor area of 2,135 square metres within the place of worship site;
  - (ii) A minimum of 1.5 square metres per dwelling unit of private indoor recreational amenity area within the residential site; and
  - (iii) A monetary contribution toward the cost of acquiring lands for the North York Centre Service Road and associated road network and buffer areas, acquiring or improving parkland serving the North York Centre area, or constructing and furnishing a public recreational centre or social facility serving the North York Centre area, the amount of which shall be equal to the market value, based on the land value of density in the North York Centre, of the gross floor area specified in (ii)(iii) below.

#### ADDITIONAL GROSS FLOOR AREA PERMITTED IN RETURN FOR SECTION 37 OBLIGATIONS

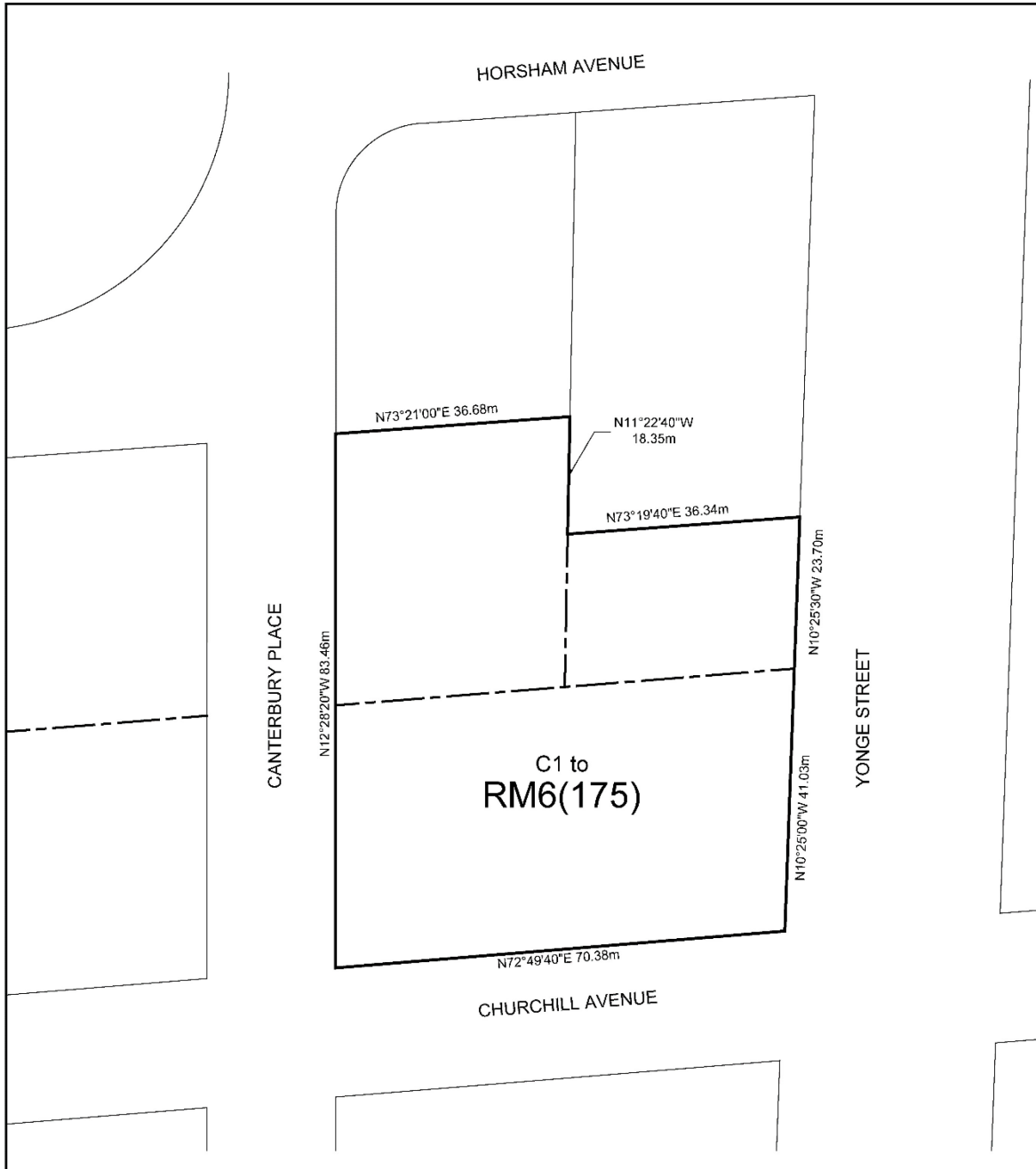
- (ii) notwithstanding subsection (o) of this exception, additional gross floor area may be permitted within the net site shown on Schedule "RM6(175)", limited to the following:
  - (i) a maximum of 2,135 square metres of non-residential gross floor area within the place of worship site provided that the space is used exclusively for a place of worship and accessory uses specified in subsection (m) of this By-law;
  - (ii) a maximum of 1.5 square metres per dwelling unit of private indoor recreational amenity area within the residential site provided that the area is used exclusively for recreational purposes; and
  - (iii) a maximum of 3,834 square metres of residential gross floor area within the residential site attributable to the payment specified in (hh)(iii) above.

**SEVERANCE**

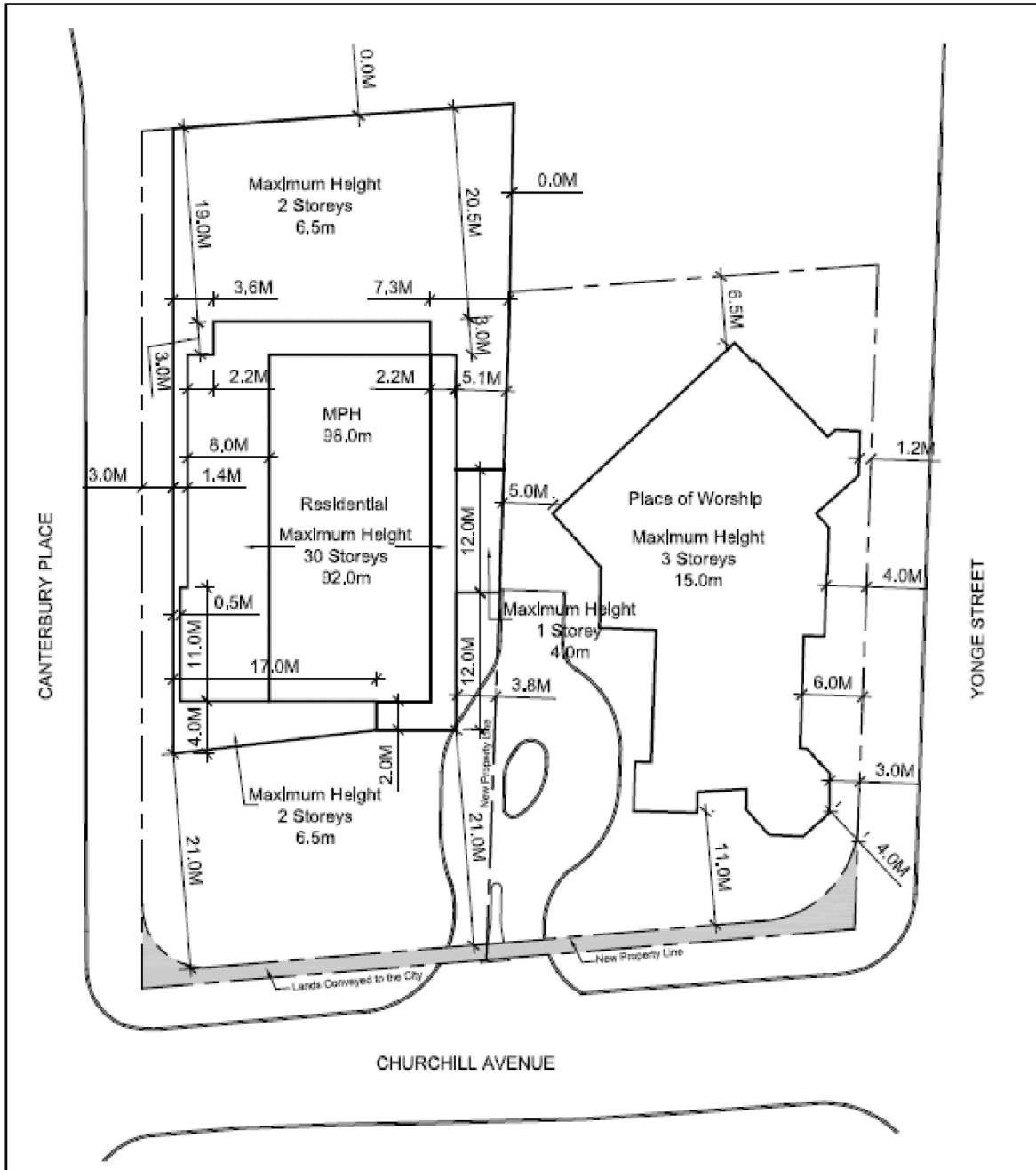
- (jj) Notwithstanding any existing or future severance, partition or division of the net site shown on Schedule "RM6(175)", the provisions of this By-law shall apply to the whole of the net site as if no severance, partition or division occurred.
4. Section 64.20-A of By-law 7625, as amended, is amended by replacing Schedule "RM6(175)" with the content of Schedule "RM6(175)" attached to this By-law.
5. **SECTION 37 OF THE PLANNING ACT (SUPPLEMENTARY REQUIREMENTS)**
- (a) Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in gross floor area on the net site specified in Section 3(ii) is permitted in return for the place of worship owner's election to provide for, at the owner's expense, the facility set out in Section 3(hh)(i) of this By-law on the place of worship site and the residential owner's election to provide for, at the owner's expense, the facilities and funding therefor set out in Section 3(hh)(ii) and (iii) of this By-law, as further set out in Schedule A of this By-law, which are secured by and subject to one or more agreements pursuant to Section 37(3) of the Planning Act in a form satisfactory to the City Solicitor and registered on title;
- (b) Where Schedule A of this By-law requires the owner of the residential site to provide funding for capital facilities prior to the issuance of any above-grade building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
- (c) The owner of the residential site shall not use, or permit the use of, a building or structure on that site erected with an increase in density pursuant to this By-law unless all provisions of Schedule A are satisfied.
6. City of Toronto By-law 127-2008 is hereby repealed.

Ontario Municipal Board Decision/Order issued on January 5, 2017, December 27, 2017, March 15, 2018 and March 16, 2018 in Board Case PL160010.

SCHEDULE "1"



**SCHEDULE "RM6(175)"**



**TORONTO**  
Schedule RM6(175)

**5350 Yonge Street and 75 Canterbury Place**

File # 12 134356 NNY 23 0Z

## SCHEDULE A

### Supplementary Section 37 Provisions

The matters set out below are required to be provided to the City of Toronto at the residential site owner's expense in return for the increase in density of the proposed development on the residential site and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

1. Prior to issuance of the first above grade building permit for the residential site, the owner of that site shall remit to the City, by certified cheque, funds in an amount equal to \$753.48 per square metre for the 3,834 square metres of additional gross floor area specified in Section 3(ii)(iii) of this by-law, representing the monetary contribution payment referred to in Section 3(hh)(iii), indexed upwardly in accordance with the Toronto Real Estate Board Market Watch Index ("TREB Market Watch Index") from the date this zoning by-law comes into force to the date of payment. Specifically, the rate of \$753.48 per square metre shall be adjusted by multiplying it by a fraction, the denominator of which is the average of the three months of the TREB Market Watch Index Composite within the City of Toronto in the calendar month preceding the date this zoning by-law comes into force and the numerator of which is the average of the three months of the TREB Market Watch Index Composite within the City of Toronto in the calendar month preceding the date of payment, provided that in no event shall the rate be less than \$753.48 per square metre.

The following shall be secured in the Section 37 Agreement as a legal convenience:

2. Prior to issuance of the first above grade building permit for the residential site, the owner of that site shall make an off-site parkland dedication contribution by certified cheque, in the amount required under the Alternative Rate set out in Section 415 of the Municipal Code, to the satisfaction of the General Manager, Parks, Forestry and Recreation. The first fifty (50) per cent of this contribution shall go to the City's Parkland Acquisition Reserve Fund Account XR2210, to be used to repay a portion of the funds used for the expropriation of 63 Princess Avenue, the balance shall be used for acquiring parkland or improving existing parks in the vicinity of the residential site and Chapter 415 of the Toronto Municipal Code shall be amended, as may be required. In any case, the owner's parkland dedication obligations under Section 42 of the *Planning Act* shall be conclusively deemed to have been fully satisfied upon remittance of the certified cheque.