

Authority: Local Planning Appeal Tribunal Decision
issued on April 17, 2015 and Order issued on April 24,
2018 in Tribunal Case PL140903

CITY OF TORONTO

BY-LAW 68-2021(LPAT)

To amend former City of North York Zoning By-law 7625, as amended, with respect to the lands municipally known in the year 2017 as 2849, 2851, 2853, 2855 and 2857 Islington Avenue.

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 that otherwise permitted by the zoning 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 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 increases in the density and heights permitted hereunder, beyond those otherwise permitted on the aforesaid lands by City of North York Zoning By-law 7625, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the *owner* of such land and the City of Toronto (the "*City*"); and

Whereas the Local Planning Appeal Tribunal, by way of Decision/Order issued on April 17, 2015, and April 24, 2018, following an appeal pursuant to Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, determined to amend the former City of North York Zoning By-law 7625, as amended, with respect to the lands known municipally in the year 2017 as 2849, 2851, 2853, 2855 and 2857 Islington Avenue;

Therefore pursuant to the Local Planning Appeal Tribunal Decision issued on April 17, 2015 and Order issued on April 24, 2018, in Tribunal Case PL140903, By-law 7625 of the former City of North York, as amended, is further amended as follows:

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

2. Section 64.20-A of By-law 7625 is amended by adding the following subsection:

"64.20-A(249) RM6(249)

DEFINITIONS

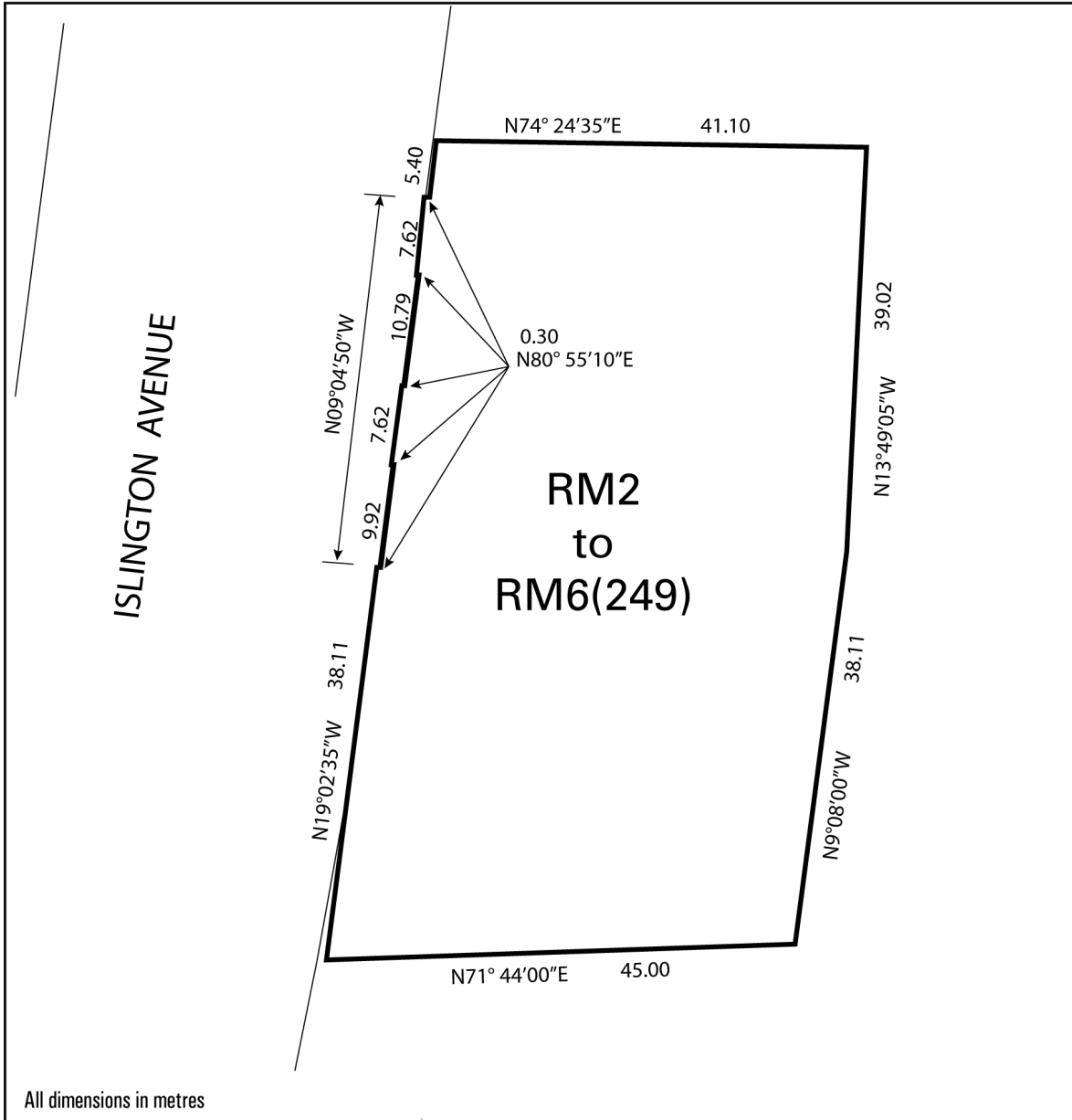
- (a) For the purposes of this Exception, "established grade" shall mean the Canadian Geodetic Datum elevation of 147.5 metres.

EXCEPTION REGULATIONS

- (b) The maximum number of dwelling units shall be 111.
- (c) The maximum permitted gross floor area shall be 7,000 square metres.
- (d) The maximum permitted building height shall be as shown on Schedule RM6(249) and shall not exceed the measurement equal to the horizontal distance separating the building or structure from the rear lot line shown on Schedule RM6(249) except for those elements prescribed in the following Subsection i and ii:
- i. parapets, guard rails, railings and dividers, trellises, eaves, stairs, chimneys, roof drainage, window washing equipment, lightning rods, elevator overruns, garbage chute overruns, architectural features and elements of a green roof may project above the height in metres as shown on said Schedule RM6(249) by a maximum of 1.0 metre; and
 - ii. retaining walls, fences and screens may project above the height in metres as shown on said Schedule RM6(249).
- (e) Indoor residential amenity space shall be provided at a minimum ratio of 2.0 square metres per dwelling unit.
- (f) Outdoor residential amenity space shall be provided at a minimum ratio of 2.0 square metres per dwelling unit.
- (g) The minimum yard setbacks shall be as provided in Schedule RM6(249), except that:
- i. cornices, light fixtures, ornamental elements, parapets, art and landscape features, patios, decks, pillars, trellises, balconies, terraces, eaves, window sills, planters, ventilation and exhaust shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, retaining walls, driveway aisles, hydro servicing features, site servicing features, awnings and canopies, window washing equipment; and
 - ii. underground garage ramps and associated structures may extend beyond the heavy lines shown on Schedule RM6(249).

- (h) The minimum required landscaped area shall be 1,160 square metres.
- (i) The minimum required number of bicycle parking spaces shall be 84 including 16 visitor bicycle parking spaces.
- (j) Parking spaces with minimum dimensions of 5.6 metres length, 2.6 metres width and 2.0 metres height shall be provided at the following minimum rate, excluding fractions:
 - i. Visitor – 0.15 spaces per dwelling unit
 - ii Bachelor and/or Studio – 0.7 spaces per dwelling unit
 - iii. 1 bedroom – 0.8 spaces per dwelling unit
 - iv. 2 bedroom – 0.9 spaces per dwelling unit
 - v. 3 or more bedrooms – 1.1 spaces per dwelling unit
- (k) A minimum of 1 loading space shall be provided with minimum dimensions of 4 metres width, 13 metres length and 6.1 metres height.
- (l) The provisions of By-law 7625 Sections 6(9), 6(23), 6(24), 6(A), 15 and 16, as amended, shall not apply.
- (m) Notwithstanding any severance, partition or division of the lands shown on Exception RM6(249), the provisions of this By-law shall continue to apply to the whole of the lands as if no severance, partition or divisions occurred."
- (n) Section 37 Provisions
 - i. Pursuant to Section 37 of the Planning Act and subject to compliance with this By-law, the increase in height and density of development is permitted beyond that otherwise permitted on the lands shown on Diagram 2 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.
 - ii. 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.
 - iii. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Local Planning Appeal Tribunal Decision issued on April 17, 2015 and Order issued on April 24, 2018 in Tribunal Case PL140903.



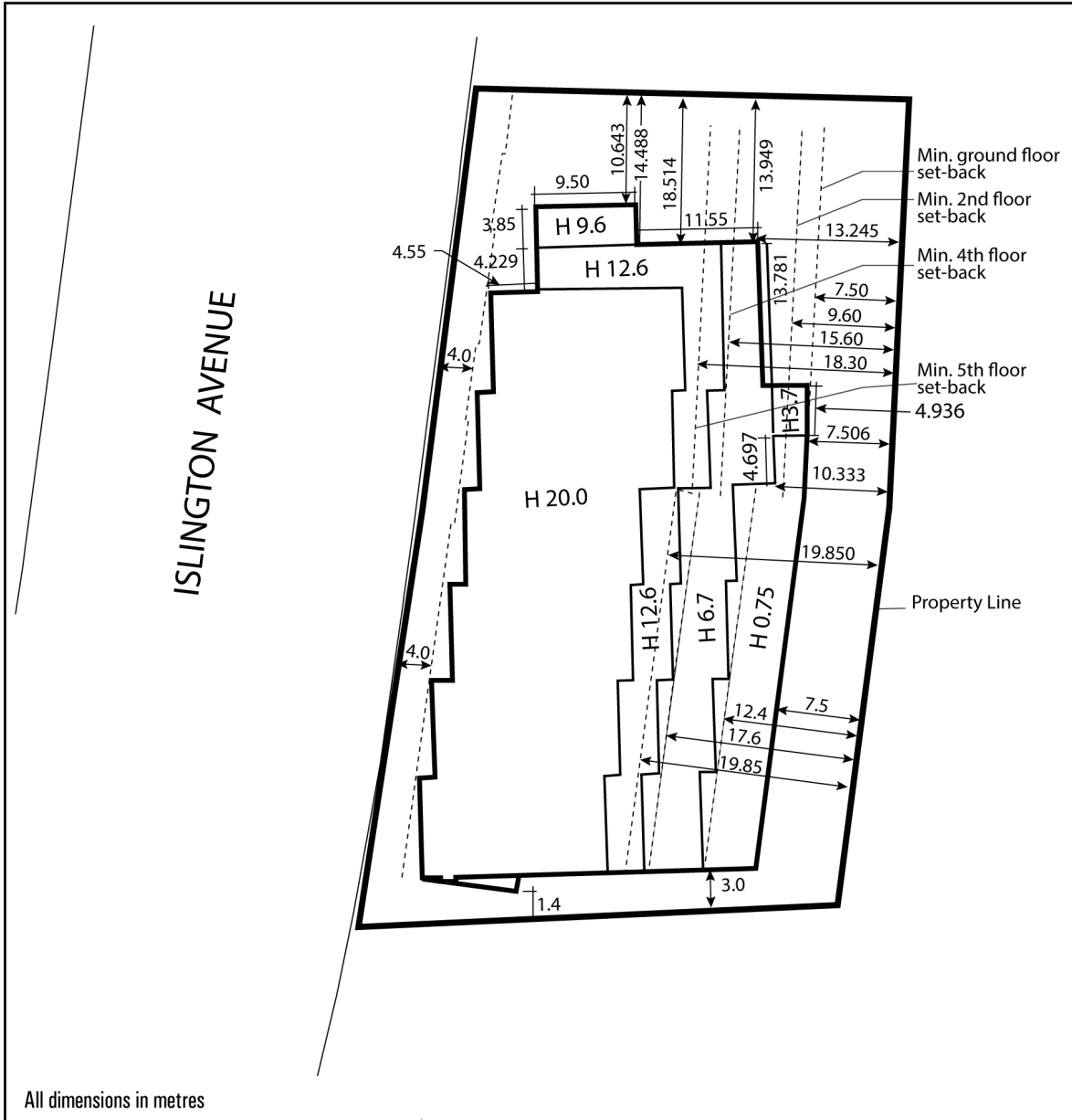
2849, 2851, 2853, 2855 and 2857 Islington Avenue

Schedule 1

File # 13 149015 WET 07 02



Former North York By-Law 7625
Not to Scale
02/19/2021



2849, 2851, 2853, 2855 and 2857 Islington Avenue

Schedule RM6(249)

File # 13 149015 WET 07 02



Former North York By-Law 7625
Not to Scale
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Schedule A
Section 37 Provisions

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

1. The owner shall replace the existing rental dwelling units to the satisfaction of City Council in accordance with standard practice and policies, as required. The terms regarding replacement will be secured in the Section 111 permit/agreement, zoning by-law amendment and Section 37 agreement(s), as required;
2. The owner shall provide and maintain six (6) rental replacement units, consisting of: two (2) affordable three bedroom units and one (1) affordable one bedroom unit for a period of at least ten (10) years from the date of first occupancy of those units; and one (1) one bedroom and two (2) two bedroom units of unlimited rents, subject to the following:
 - a. The six (6) rental replacement units at 2849-2857 Islington Avenue shall be provided with all related facilities and services, and generally be of a similar size and unit mix as the existing units on the site at the date of enactment of this By-law, with any modifications to the satisfaction of the Chief Planner and Executive Director, City Planning, subject to the following:
 - i. The rental replacement dwelling units shall comprise two (2) one-bedroom units, two (2) two-bedroom units, and two (2) three-bedroom units, as shown on the plans submitted to the City Planning Division dated October 23, 2015 with any revisions to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - ii. The combined floor areas of the (6) rental replacement units at 2849-2857 Islington Avenue will not be less than 374 metres squared, subject to the following: each of the two (2) one-bedroom units shall be not less than 53 metres squared; each of the two (2) two-bedroom units shall be not less than 59 metres squared; and each of the two (2) three-bedroom units shall be not less than 73 metres squared;
 - iii. Each of the bedrooms in the six (6) rental replacement dwelling units shall have an exterior, openable window;
 - iv. The minimum unit sizes listed above and to be specified in the Section 37 agreement may vary by a maximum of 3 percent but only as a result of reasonable adjustments that may need to be made for the purposes of accommodating required final structural or mechanical design. Any such change to the minimum unit sizes will be to the satisfaction of the Chief Planner and Executive Director, City Planning; and
 - v. A minimum of 3 resident parking spaces shall be made available for the use of the replacement rental dwelling units.

- b. The six (6) rental replacement dwelling units shall be maintained as rental housing units for at least 20 years, beginning with the date each unit is occupied and until the owner obtains approval for a zoning by-law amendment removing the requirement for the replacement rental housing units to be maintained as rental units. No application may be submitted for condominium registration, or for any other conversion to non-rental housing purposes, or for demolition without providing for replacement during the 20 year period;
3. The owner shall provide and maintain affordable rents charged to the tenants who rent each of the three (3) designated affordable rental replacement dwelling units during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount based on the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent for the City of Toronto by unit type inclusive of basic utility costs, and upon turnover, the rent charged to any new tenant shall not exceed the greater of the most recently charged rent or the most recent Fall Update Rental Market Report average rent for the City of Toronto by unit type and over the course of the 10 year period, annual increases shall not exceed the Provincial Rent Guideline and, if applicable, permitted above-Guideline increases;
4. Rents charged to tenants newly occupying a new replacement rental dwelling unit after the completion of the 10-year period set forth in 3. will not be subject to restrictions by the City of Toronto under the terms of the Section 37 Agreement;
5. All of the replacement rental dwelling units shall be ready and available for occupancy no later than the date by which 80 percent of the other dwelling units erected on the lot pursuant to this By-law amendment are available and ready for occupancy;
6. The Owner shall provide tenant relocation and assistance to each eligible tenant within the existing rental building, in accordance with the more detailed "Tenant Relocation and Assistance Plan", to the satisfaction of the Chief Planner and Executive Director, City Planning. The assistance shall include at least:
 - a. an extended notice period before having to vacate for demolition;
 - b. the right to return to a rental replacement unit; and
 - c. all affected tenants shall receive financial assistance to assist with relocation beyond the amounts required by provincial legislation, with extra provisions for tenants with special needs;
7. The owner shall enter into and register on title one or more Section 111 Agreement(s) to secure the conditions outlined above to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
8. The owner shall enter into and register on title, a Section 118 Restriction under the Land Titles Act, to the satisfaction of the City Solicitor agreeing not to transfer or charge those parts of the lands, comprising the six (6) replacement rental units, without the written consent of the Chief Planner and Executive Director, City Planning or designate, to assist with securing the Section 111 Agreement against future owners and encumbrances of the

lands until such time as the City Solicitor determines that its registration on title is no longer required to secure the provisions of the Section 111 Agreement.