

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

## CITY OF TORONTO

### BY-LAW 69-2021(LPAT)

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2017 as 2849, 2851, 2853, 2855 and 2857 Islington Avenue.**

Whereas Council of the City of Toronto has been requested to amend its Zoning By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, with respect to lands known municipally in the year 2017 as 2849, 2851, 2853, 2855 and 2857 Islington Avenue; 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 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 By-law 569-2013, 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 City of Toronto By-law 569-2013 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 Board Case PL140903, By-law 569-2013 of the City of Toronto, as amended, is further amended as follows:

1. The lands subject to this By-law are outlined by a heavy black line on Diagram 1 attached to this By-law.

2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by adding the lands shown on Diagram 1 and outlined by a heavy black line to the Zoning By-law Map in Section 990 and applying the zone labels RA (f30, a1375)(x121) as shown on Diagram 1 attached.
4. Zoning by-law 569-2013, as amended, is further amended by adding the lands shown on Diagram 2 and outlined by a heavy black line subject to the Height Overlay Map in Section 995.20.1, and applying a label of HT 10.0; ST2.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands shown on Diagram 2 and outlined by a heavy black line to the:
  - (i) Policy Areas Overlay Map in Section 995.10.1
  - (ii) Lot Coverage Overlay Map in Section 995.30.1
  - (iii) Rooming House Overlay Map in Section 995.40.1
6. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.7.10 Exception Number 121 so that it reads:

#### **Exception RA 121**

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) If the requirements of Section 7 and Schedule A of By-law 69-2021(OMB) are complied with, none of regulations 15.10.40.70, 15.5.50 and 15.5.60 apply to prevent the erection of **buildings** or **structures** permitted by the following regulations;
- (B) The height of a **building** or **structure** is measured from the Canadian Geodetic Datum elevation of 147.5 metres;
- (C) No portion of any **building** or **structure** is to have a height greater than the height in metres specified by the number following the HT symbol as shown on Diagram 3 of By-law 69-2021(OMB) except that:
  - (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 specified by the number following the HT symbol as shown on said Diagram 3 by a maximum of 1.0 metre;

- (ii) Retaining walls, fences and screens may exceed above the height in metres specified by the number following the HT symbol as shown on said Diagram 3 of By-law 69-2021(OMB).
- (D) Despite 15.10.40.70, all portions of a **building** or **structure** above ground, must be located within the areas as shown on Diagram 3 of By-law 69-2021(OMB), except that:
- (i) Cornices, light fixtures, ornamental elements, patios, decks, pillars, trellises, balconies, terraces, eaves, window sills, planters, ventilation and exhaust shafts, stairs, stair enclosures, wheelchair ramps, screens, retaining walls, awnings and canopies, and underground garage ramps and associated structures may extend beyond the heavy lines;
  - (ii) exhaust shaft may project outside the area as shown on Diagram 3 by 2.4 metres;
  - (iii) balconies on the west **building** elevation may project outside the area as shown on Diagram 3 by 4.0 metres; and
  - (iv) balconies on the east **building** elevation may project outside the area as shown on Diagram 3 by 1.3 metres;
- (E) The total number of **dwelling units** on the lands must not exceed 111.
- (F) The total **gross floor area** of all **buildings** and **structures** must not exceed 7,000 square metres.
- (G) **Parking spaces** must be provided and maintained in accordance with the following:
- (i) a minimum of 0.7 **parking spaces** for each bachelor and/or studio **dwelling unit**;
  - (ii) a minimum of 0.8 **parking spaces** for each one bedroom **dwelling unit**;
  - (iii) a minimum of 0.9 **parking spaces** for each two bedroom **dwelling unit**;
  - (iv) a minimum of 1.1 **parking spaces** for each **dwelling unit** containing three or more bedrooms;
  - (v) a minimum of 0.15 **parking spaces** for each **dwelling unit** for visitors to the **dwelling units**;
  - (vi) no **parking spaces** are required for non-residential uses; and

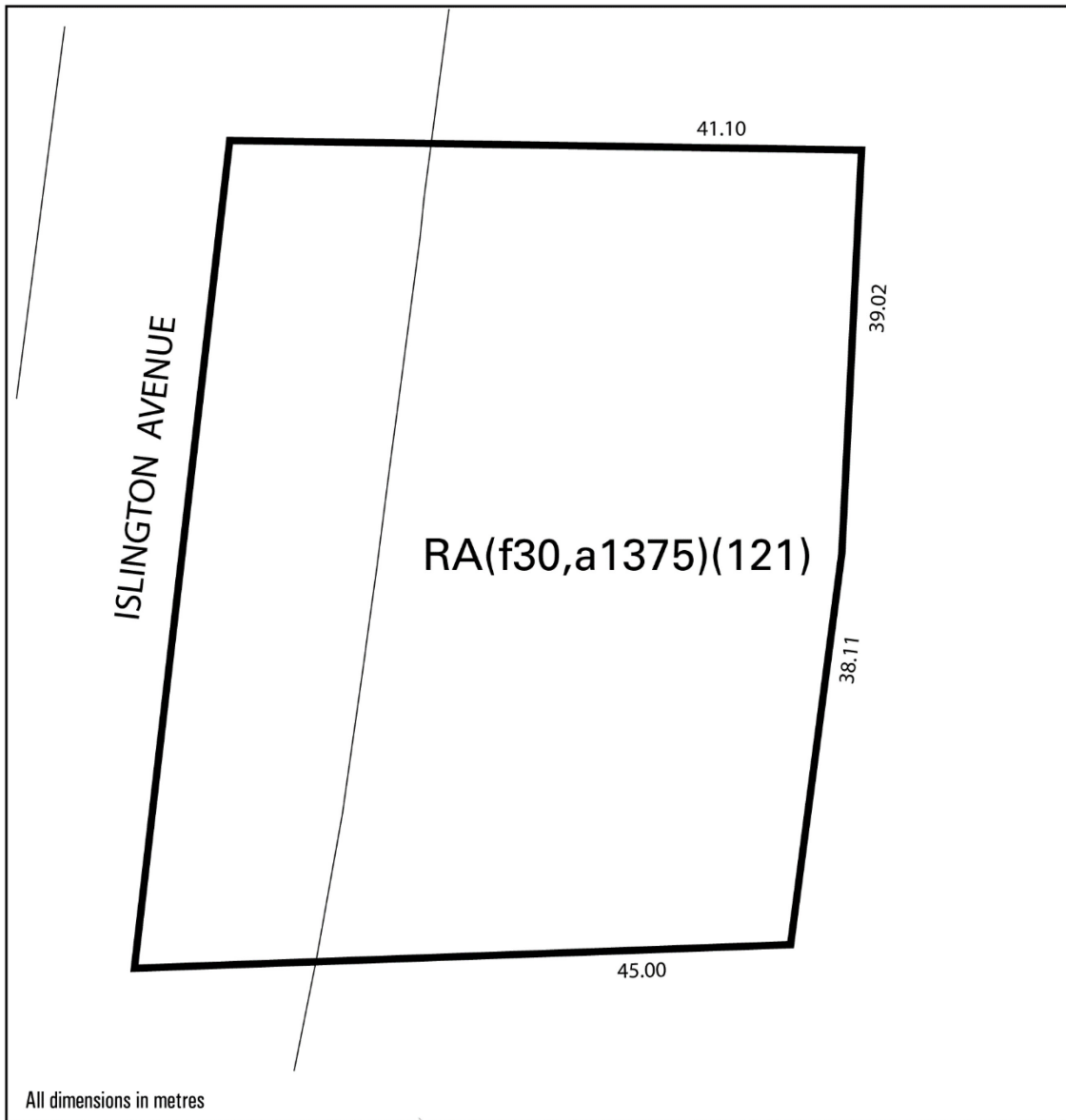
- (vii) a minimum of 3 **accessible parking spaces** should be provided.
- (H) A minimum of 84 **bicycle parking spaces** must be provided and maintained on the lands, of which a minimum of:
  - (i) 16 **bicycle parking spaces** must be short-term **bicycle parking spaces**; and
  - (ii) 68 **bicycle parking spaces** must be long-term **bicycle parking spaces** and may be located on any level of the **building** at or below grade; and
- (I) **Stacked bicycle parking spaces** are not subject to the dimensions outlined in Regulations 230.5.1.10(4)(C), 230.5.1.10(5)(A) and 230.5.1.10(10);
- (J) A short-term **bicycle parking space** may be located in a **stacked bicycle parking space**;
- (K) A minimum of one Type "G" **loading space** must be provided and maintained on the lands;

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

## 7. 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 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.
- (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.
- (c) 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 Board Case PL140903.



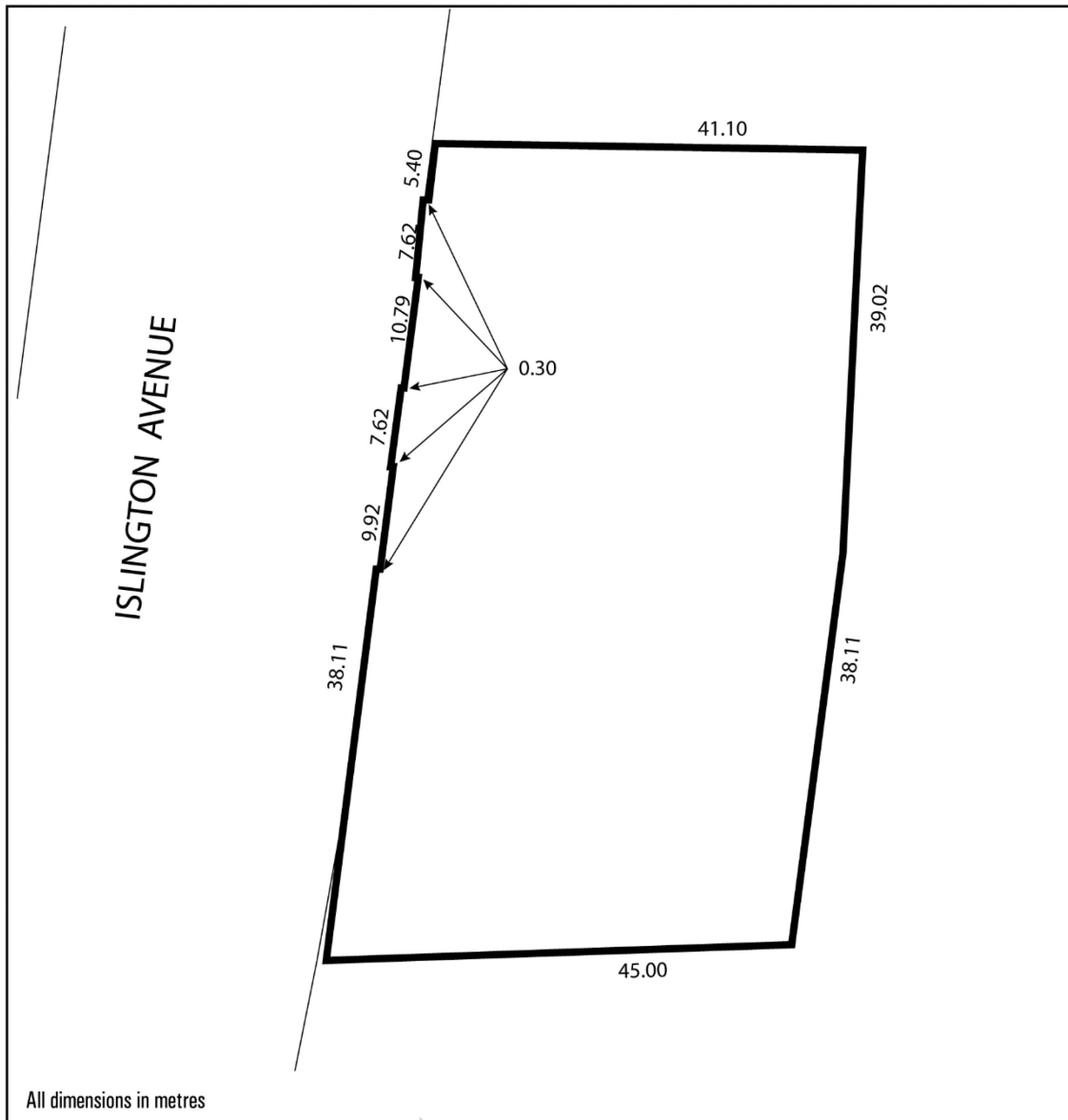
2849, 2851, 2853, 2855 and 2857 Islington Avenue

Diagram 1

File # 13 149015 WET 07 0Z



City of Toronto By-Law 569-2013  
Not to Scale  
11/15/2017



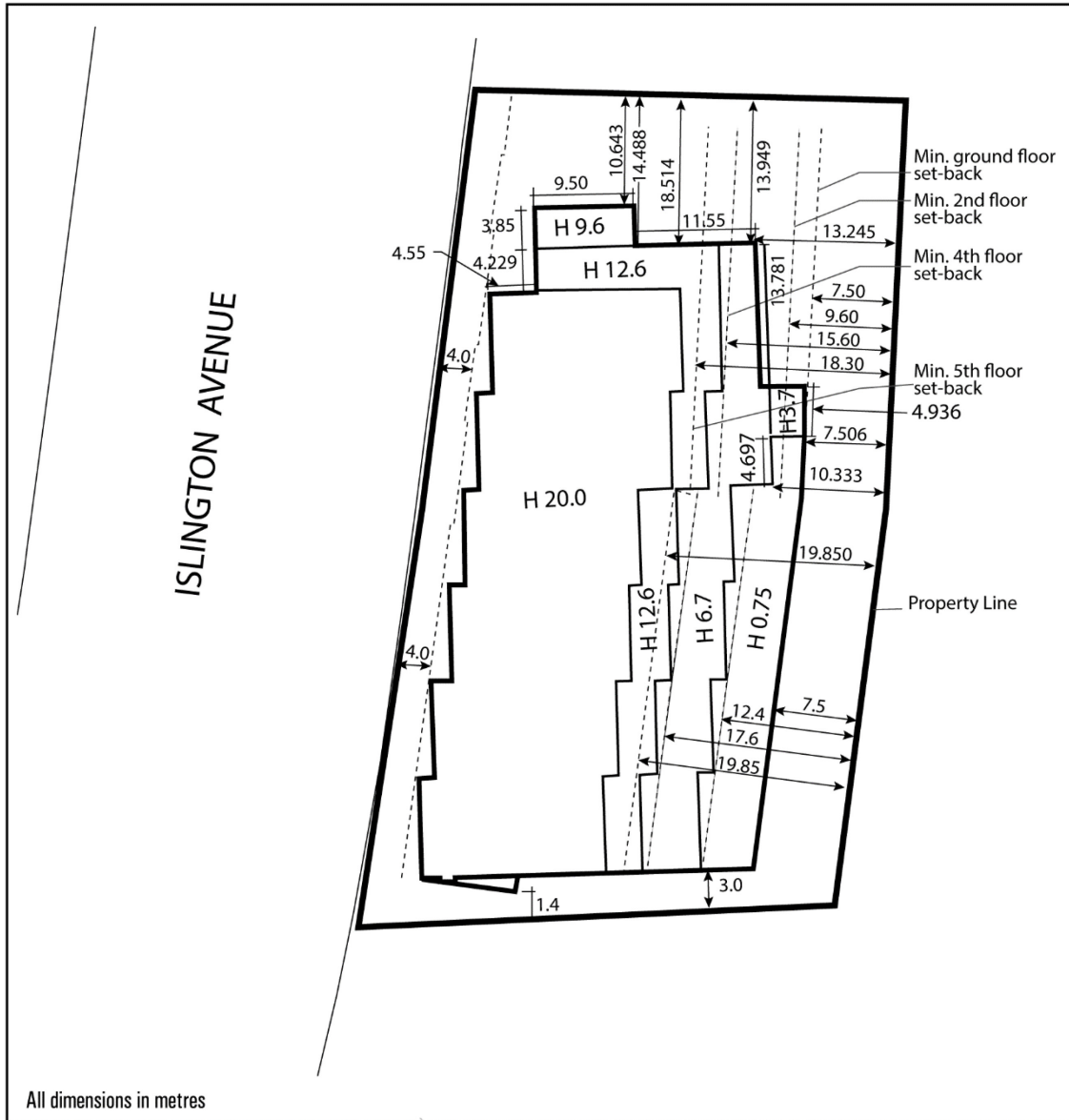
2849, 2851, 2853, 2855 and 2857 Islington Avenue

Diagram 2

File # 13 149015 WET 07 0Z



City of Toronto By-Law 569-2013  
Not to Scale  
11/15/2017



All dimensions in metres



2849, 2851, 2853, 2855 and 2857 Islington Avenue

Diagram 3

File # 13 149015 WET 07 02



City of Toronto By-Law 569-2013  
Not to Scale  
11/15/2017

**Schedule A****Section 37 Provisions**

The following matters are 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 section 3 of this Schedule 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.