

Authority: Ontario Land Tribunal Decision issued on April 23, 2019 and Order issued on October 1, 2021 in Tribunal File PL170294

## CITY OF TORONTO

### BY-LAW 841-2021(OLT)

**To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2020 as 149-157 Bathurst Street.**

Whereas the Ontario Land Tribunal by its Decision issued on April 23, 2019 and Order issued on October 1, 2021 in respect of Tribunal File PL170294, approved amendments to the former City of Toronto Zoning By-law 436-86, as amended, with respect to the lands municipally known in the year 2020 as 149-157 Bathurst Street; and

Whereas the Ontario Land Tribunal has the authority pursuant to Section 34 of the Planning Act, R.S.O., c. P.13, as amended, to pass this By-law;

Zoning By-law 438-86, as amended, is further amended by the Ontario Land Tribunal as follows:

1. None of the provisions of Section 2 with respect to the definitions of the terms *grade*, *height* and *lot* and Sections 4(2)(a), 4(5), 4(8), 4(10), 4(12), 4(13), 4(16), 4(17), 7(3) PART II 1, 7(3) PART II 2, 7(3) PART II 7, 12(2)246, 12(2)260 and 12(2)380 of Zoning By-law 438-86, as amended, shall apply to prevent the erection of a *mixed-use building* and *parking stacker* on a *lot* provided that:
  - (A) the *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of By-law 841-2021(OLT);
  - (B) the *gross floor area* on the *lot* shall not exceed a maximum of 6,000 square metres for *residential* uses and 250 square metres for *non-residential* uses;
  - (C) no portion of any *building* or *structure* erected on the *lot* shall have a greater *height* in metres than the *height* limits specified by the numbers following the symbol "HT" identified on Map 2 attached to and forming part of By-law 841-2021(OLT), with the exception of the following:
    - (i) parapets, ornamental elements, pavers, balustrades, railings and dividers, pergolas, trellises, planters, eaves, skylights, mechanical equipment, access hatches, roof assemblies, roof drainage, window washing equipment, light fixtures, pavers, elements of a green roof, structures located on the roof used for outside or open air recreation, air vents, and exit hatch, which may project up to 2.0 metres beyond the height in metres following the symbol "HT" within that area on Map 2;
    - (ii) wind screens, terrace or balcony guardrails, privacy screens, stair enclosures, generators, cooling towers and chillers, mechanical and architectural screens, garbage chute exhausts, exhausts, chimneys vents,

lightning rods, stair overrun, which may project up to 4.0 metres beyond the height in metres following the symbol "HT" within that area on Map 2; and

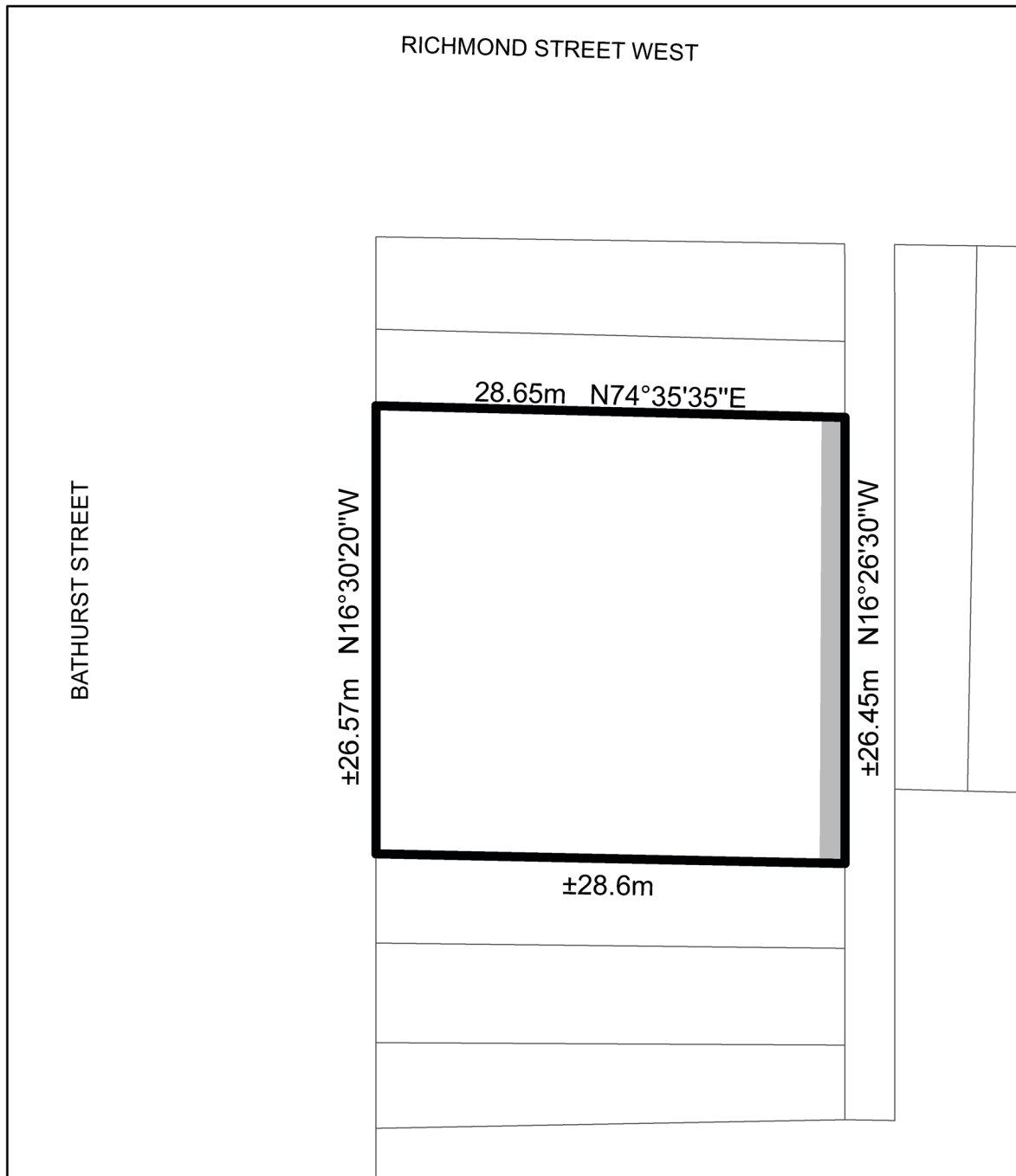
- (iii) elevator overrun, which may project up to 5.0 metres beyond the height in metres following the symbol "HT" within that area on Map 2;
- (D) no portion of any *building* or *structure* erected on the *lot* shall be located otherwise than wholly within the heavy lines identified on Map 2 attached to and forming part of By-law 841-2021(OLT), with the exception of the following:
- (i) cornices, eaves, light fixtures, awnings, canopies, parapets, ornamental elements, landscaping features, trellises, window sills, ornamental elements, ventilation shafts, balustrade, railings, wheelchair ramps, screening, stair enclosures, doors, underground garage ramp, wheelchair ramps; and
  - (ii) balconies and terraces, extending no more than 1.5 metres beyond the heavy lines shown on Map 2;
- (E) Notwithstanding regulations (C) and (D) above, a *building* or *structure* erected on the *lot* may encroach up to 1.5 metres into the required minimum building setbacks identified with heavy lines on Map 2 within the areas identified as 'Areas of Articulation' on Map 3 and Map 4, attached to and forming part of this By-law 841-2021(OLT) at the height of the associated *storey* identified on Map 3 and Map 4 attached to and forming part of this By-law 841-2021(OLT);
- (F) Notwithstanding regulations (C) and (D) above, the following elements of a *building* or *structure* may project above or below the 'Areas of Articulation Areas' illustrated on Map 3 and Map 4 attached to By-law 841-2021(OLT) as follows:
- (i) parapets, ornamental elements, pavers, balustrades, railings and dividers, pergolas, trellises, planters, eaves, skylights, mechanical equipment, , access hatches, roof assemblies, roof drainage, window washing equipment, light fixtures, pavers, elements of a green roof, structures located on the roof used for outside or open air recreation, air vents, and exit hatch, which may project up to 2.0 metres above the 'Areas of Articulation' illustrated on Map 3 and Map 4 attached to By-law 841-2021(OLT); and
  - (ii) wind screens, terrace or balcony guardrails, privacy screens, stair enclosures, generators, cooling towers and chillers, mechanical and architectural screens, garbage chute exhausts, exhausts, chimneys vents, lightning rods, stair overrun, which may project up to 4.0 metres above the 'Articulation Areas' illustrated on Map 3 and Map 4 attached to By-law 841-2021(OLT);

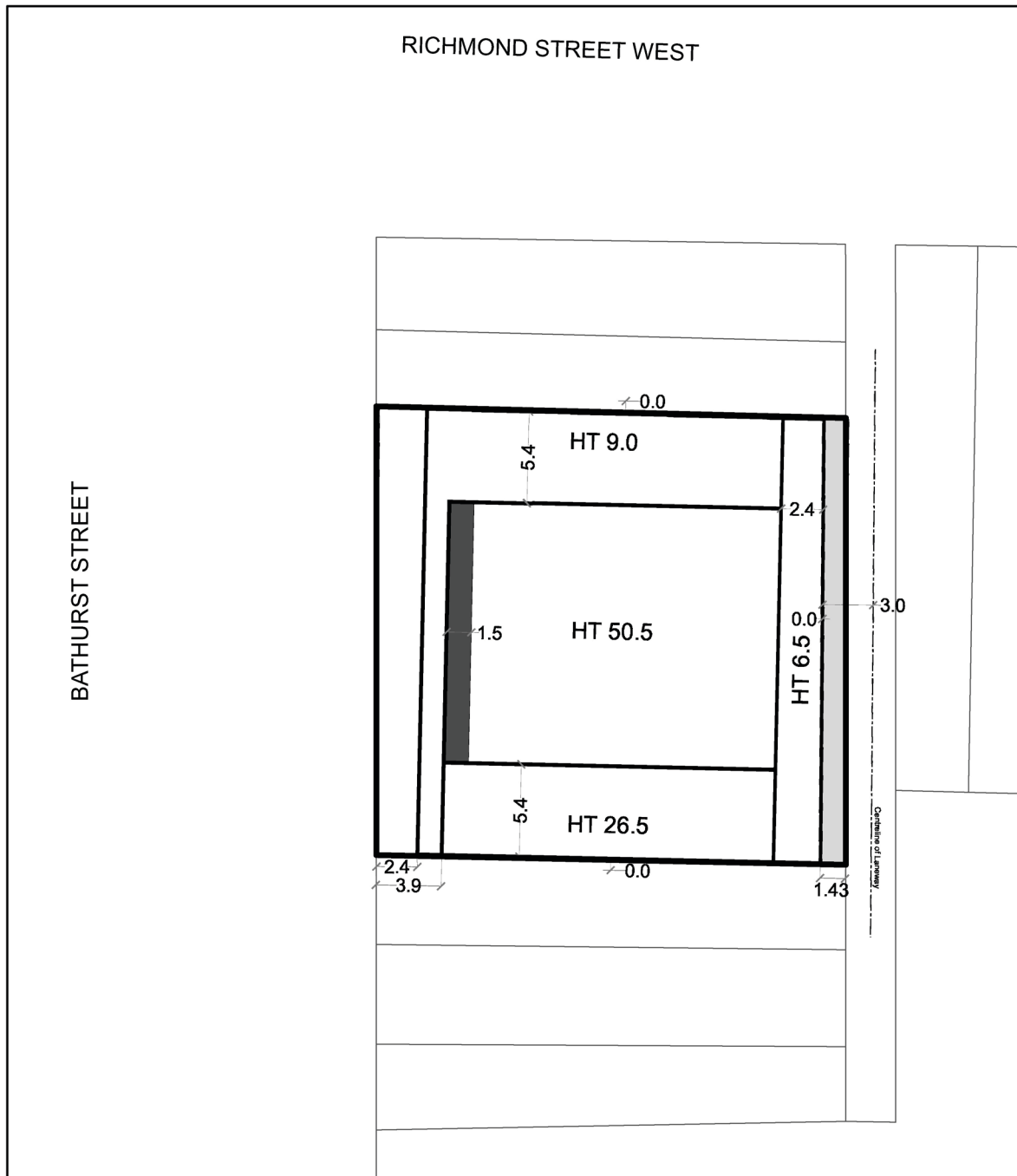
- (G) Vehicle *parking spaces* shall be provided on the *lot* in accordance with the following:
- (i) a minimum of 0.20 vehicle *parking spaces* per *dwelling unit*;
  - (ii) no *parking spaces* for visitors; and
  - (iii) no *parking spaces* for *non-residential uses*;
- (H) Vehicle *parking spaces* may be provided within a *parking stacker*, except that for the purpose of By-law 841-2021(OLT), a *parking stacker* may have dimensions of not less than 2.4 metres in width by 5.3 metres in length;
- (I) Bicycle *parking spaces* shall be provided on the *lot* in accordance with the following:
- (i) a minimum of 0.9 *bicycle parking spaces – occupant*; and
  - (ii) a minimum of 0.1 *bicycle parking spaces – visitor*;
- (J) Notwithstanding any other provision in By-law 438-86, a *bicycle parking space – occupant* and a *bicycle parking space – visitor* may be provided in a *stacked bicycle parking space*, located on the ground level or below grade or above grade, which has a horizontal dimension of at least 0.3 metres by at least 1.8 metres and has a combined vertical dimension for two stacked bicycle parking spaces of at least 2.4 metres;
- (K) A minimum of one *loading space* must be provided and maintained on the *lot* in accordance with the following:
- (i) minimum length of 11.0 metres;
  - (ii) minimum width of 2.8 metres; and
  - (iii) minimum vertical clearance of 5.8 metres; and
- (L) *Residential amenity space* shall be provided on the *lot* in accordance with the following ratios:
- (i) a minimum of 1.95 square metres per *dwelling unit* of indoor *residential amenity space*; and
  - (ii) a minimum of 1.97 square metres per *dwelling unit* of outdoor *residential amenity space*.

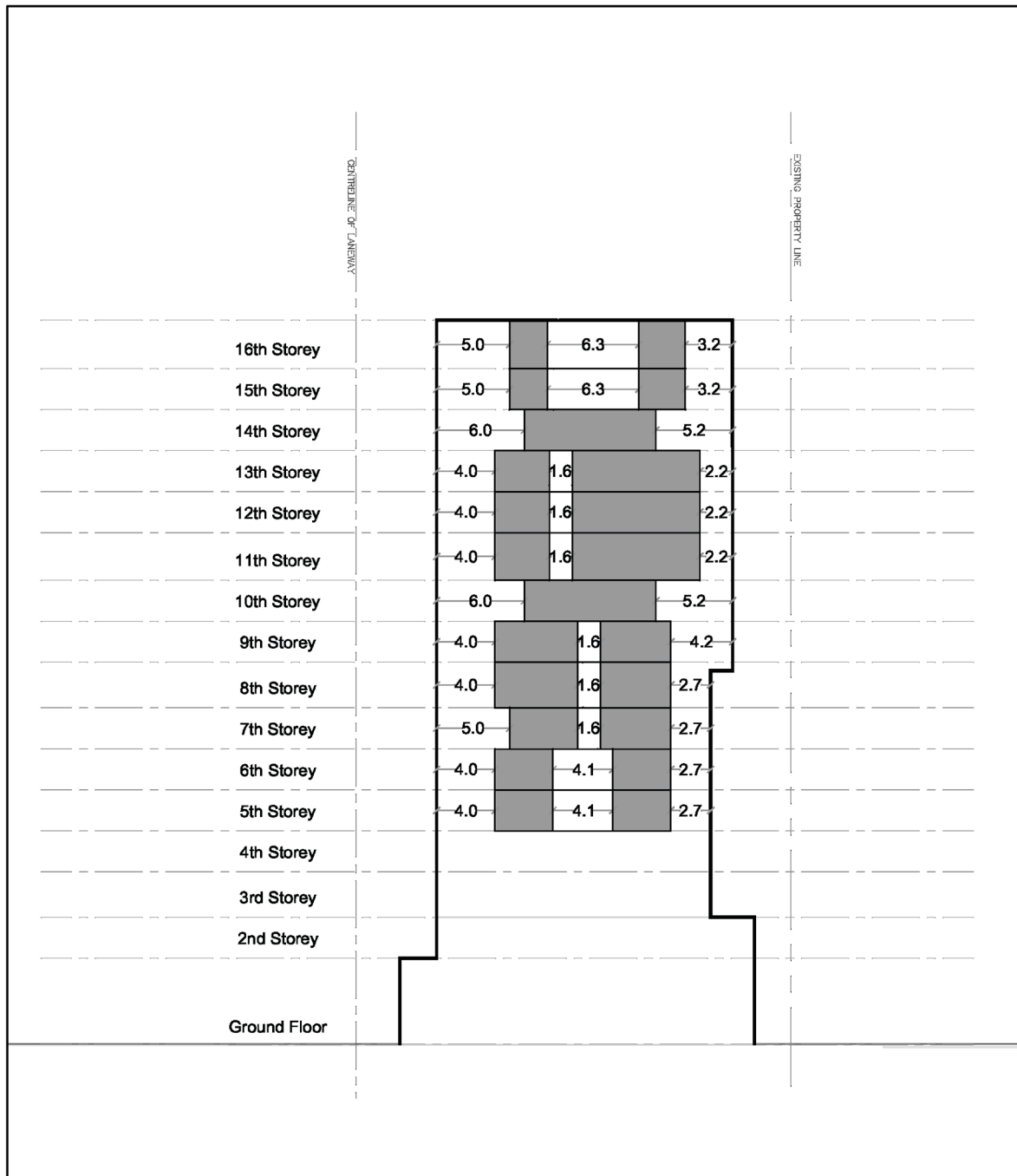
2. None of the provisions of Zoning By-law 438-86, as amended, or By-law 841-2021(OLT) shall apply to prevent a *temporary sales office* on the *lot*.
3. For the purposes of By-law 841-2021(OLT), all italicized words and expressions have the same meaning as defined in By-law 438-86, as amended, with the exception of the following:
  - (A) "*stacked bicycle parking space*" means a horizontal bicycle parking space that is positioned above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both bicycle parking spaces;
  - (B) "*grade*" means 90.41 metres Canadian Geodetic Datum;
  - (C) "*gross floor area*" means the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the main wall of each floor level, which may be reduced by the area in the building used for:
    - (i) parking, loading and bicycle parking below-ground;
    - (ii) required loading spaces on the ground level and required bicycle parking spaces at or above-ground;
    - (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
    - (iv) shower and change facilities that are required by this By-law for required bicycle parking spaces;
    - (v) amenity space required by this By-law;
    - (vi) elevator shafts;
    - (vii) garbage shafts;
    - (viii) mechanical penthouse;
    - (ix) mechanical rooms above ground; and
    - (x) exit stairwells in the building;
  - (D) "*height*" means the vertical distance between *grade* and the highest point of the roof of any building on the *lot*, except for those elements prescribed by By-law 841-2021(OLT); and
  - (E) "*lot*" shall refer to those lands delineated by a heavy black line on Map 1, attached to and forming part of By-law 841-2021(OLT).

4. Notwithstanding any severance, partition or division of the *lot*, the provisions of By-law 841-2021(OLT) shall apply to the whole of the *lot* as if no severance, partition or division had occurred.

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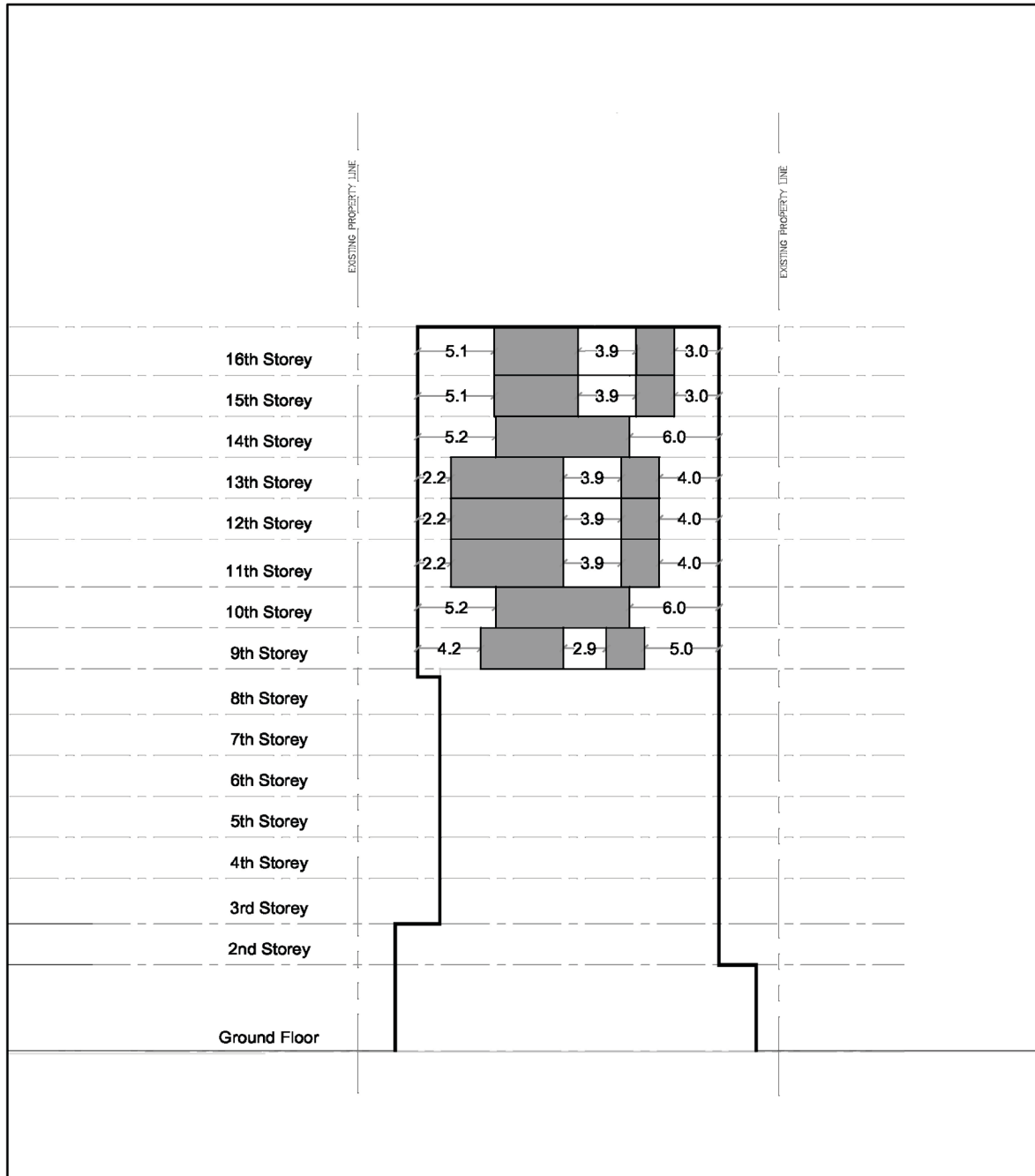


**Toronto**  
**Map 3 - North Elevation**

**149-157 Bathurst Street**

File #: 16 191733 STE 20 0Z

■ Areas of Articulation



**TORONTO**  
Map 4 - South Elevation

149-157 Bathurst Street

File #: 16 191733 STE 20 OZ

■ Areas of Articulation

↑  
City of Toronto By-law 438-86  
Not to Scale  
04/26/2021