

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 842-2021(OLT)

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2020 as 149-157 Bathurst Street.**

Whereas after hearing an appeal under subsection 34(11) of the Planning Act, R.S.O c.P.13, as amended, 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 By-law 569-2013, 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. 1990, c. P. 13, as amended, to pass this By-law; and

Therefore, By-law 569-2013, as amended, is further amended by the Ontario Land Tribunal as follows:

1. The lands subject to this By-law are outlined by heavy black lines 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 amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CRE(x37), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.12.10 Exception Number 37 so that it reads:

**(37) Exception CRE x 37**

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) On the lands municipally known as 149-157 Bathurst Street, **buildings** or **structures** may be constructed or erected in compliance with regulations (B) to (T) below;

- (B) The permitted residential **gross floor area** of all **buildings** and **structures** on the **lot** must not exceed 6,000 square metres, and the permitted non-residential **gross floor area** must not exceed 250 square metres;
- (C) Despite regulation 50.5.40.40(3), **the gross floor area** of a **mixed use building** may also be reduced by the areas in the **building** used for mechanical rooms above ground;
- (D) Despite regulation 50.5.40.10(1), the height of a **building** or **structure** is the vertical distance between the Canadian Geodetic Datum elevation of 90.41 metres and the highest point of the **building** or **structure**;
- (E) Despite regulation 50.10.40.10(1), no portion of any **building** or **structure** may have a height greater than the height in metres specified by the number following the "HT" symbol as shown on Diagram 3 attached to By-law 842-2021(OLT);
- (F) Despite clause 50.5.40.10 and regulation (E) above, the following elements of a **building** or **structure** may project above the maximum permitted height limits as indicated by the numbers following the symbol "HT" shown on Diagram 3 attached to By-law 842-2021(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, by no more than 2.0 metres;
  - (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, by no more than 4.0 metres; and
  - (iii) Elevator overrun, by no more than 5.0 metres;
- (G) Despite clause 50.5.40.70, regulations 50.10.40.70(1), (3) and (5), and 50.10.40.80(1) and (3), and Section 600.10 the required minimum **building setbacks** and minimum distance between **main walls** must be provided as shown in metres on Diagram 3 of By-law 842-2021(OLT);
- (H) Despite regulation 50.5.40.60(1), clause 50.10.40.60, Section 600.10 and regulation (G) above, the following elements of a **building** may encroach into the required **building setback** or separation distance as follows:
- (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, up to a maximum of 1.5 metres;
- (I) Despite clauses 50.5.40.10, 50.10.40.70, 50.5.40.70 and 50.10.40.60 and regulation (G) above, a **building** may encroach up to 1.5 metres into the required minimum **building setbacks** in Diagram 3 within the areas identified as "Areas of Articulation" on Diagram 4 and Diagram 5, attached to By-law 842-2021(OLT) at the height of the associated Storey identified on on Diagram 4 and Diagram 5, attached to By-law 842-2021(OLT);
- (J) Despite clause 50.5.40.10 and regulation (E) above, the following elements of a **building** or **structure** may project above or below the 'Articulation Areas' illustrated on Diagram 4 or Diagram 5 attached to By-law 842-2021(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, by no more than 2.0 metres; 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, by no more than 4.0 metres;
- (K) Despite regulation 50.10.40.50(1), **amenity space** must be provided as follows:
- (i) A minimum of 1.95 square metres per **dwelling unit** of indoor **amenity space**; and
  - (ii) A minimum 1.97 of square metres per **dwelling unit** of outdoor **amenity space**;
- (L) Despite the parking rates in Table 200.5.10.1(1), **parking spaces** must be provided in accordance with the following:
- (i) A minimum of 0.20 **parking spaces** per **dwelling unit** for residents;
  - (ii) No **parking spaces** for visitors; and
  - (iii) No **parking spaces** for non-residential uses;

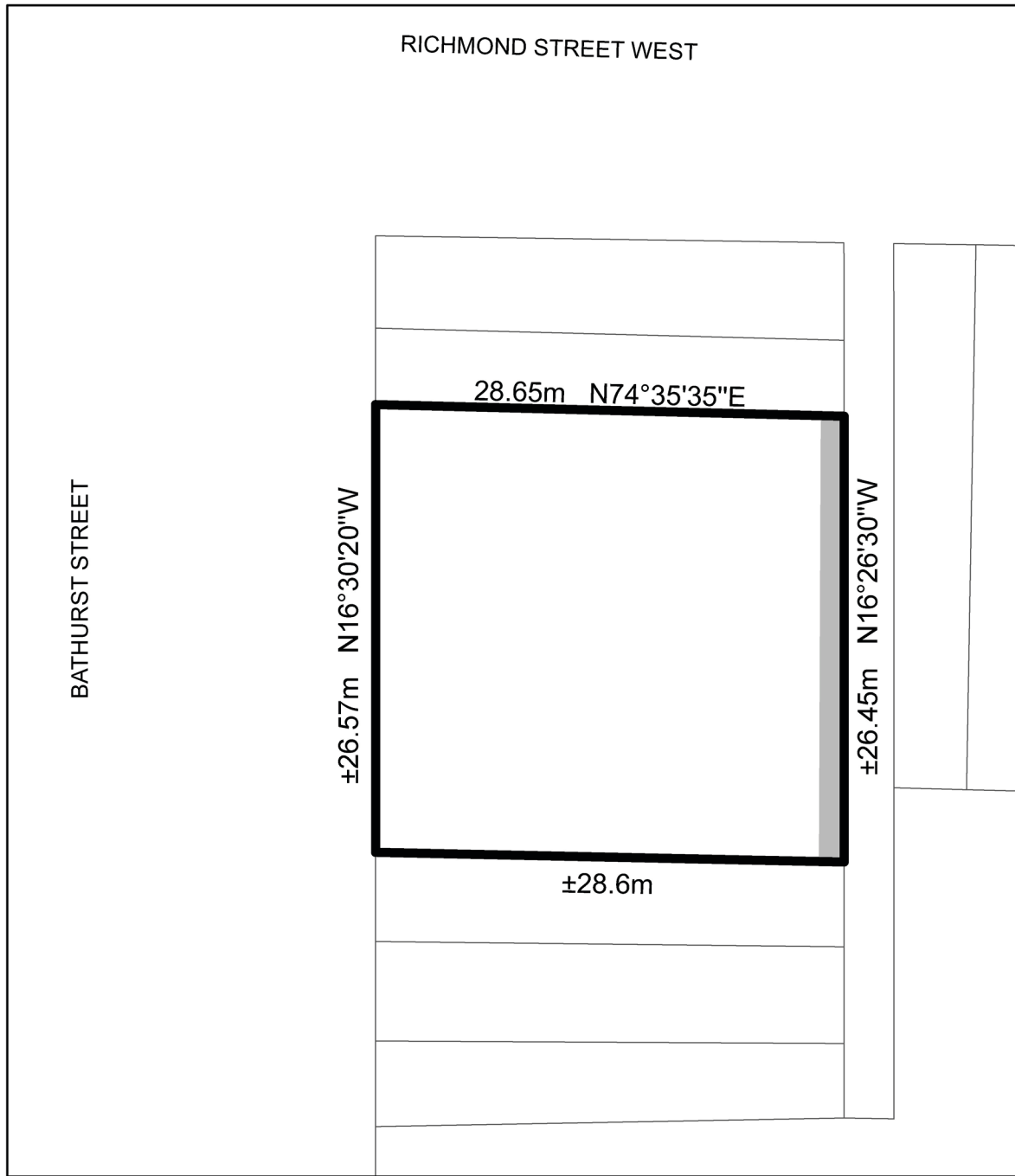
- (M) Despite clause 200.5.1.10, parking spaces may be provided in **stacked parking spaces**, which must have minimum dimensions 2.4 metres in width by 5.3 metres in length;
- (N) Despite regulation 200.5.1.3(A), the minimum width of a **drive aisle** or **vehicle** entrance and exit is 5.2 metres,
- (O) Despite regulation 200.5.1.10(12)(C), the **vehicle** entrance may be located 0.0 metres from the **lot line** abutting a **lane**;
- (P) Despite regulation 200.15.10(1), no accessible **parking spaces** are required;
- (Q) Despite regulations 220.5.1.10(7) and 220.5.10(1), a minimum of one **loading space** must be provided with the following minimum dimensions:
  - (i) A minimum length of 11.0 metres;
  - (ii) A minimum width of 2.8 metres; and
  - (iii) A minimum vertical clearance of 5.8 metres;
- (S) Despite regulations 220.5.20.1(1) and (3), the minimum width of a **driveway** leading to a **loading space** and of a **vehicle** entrance and exit is 3.3 metres;
- (T) Despite regulation 230.5.1.10(4)(A), the minimum width of a **stacked bicycle parking space** is 0.3 metres and the minimum vertical clearance from the ground of a **stacked bicycle parking space** is 1.1 metres; and
- (U) Despite regulation 230.5.1.10(10), a "short-term" **bicycle parking space** may also be located in a **stacked bicycle parking space**;

Prevailing By-laws and Prevailing Sections:

- (A) 12(2)270 of former City of Toronto By-law 438-86

- 5. Despite any existing or future severance, partition or division of the lot shown in Diagram 2 of this by-law, the provisions of this By-law apply to the whole lot as if no severance, partition or division occurred.

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




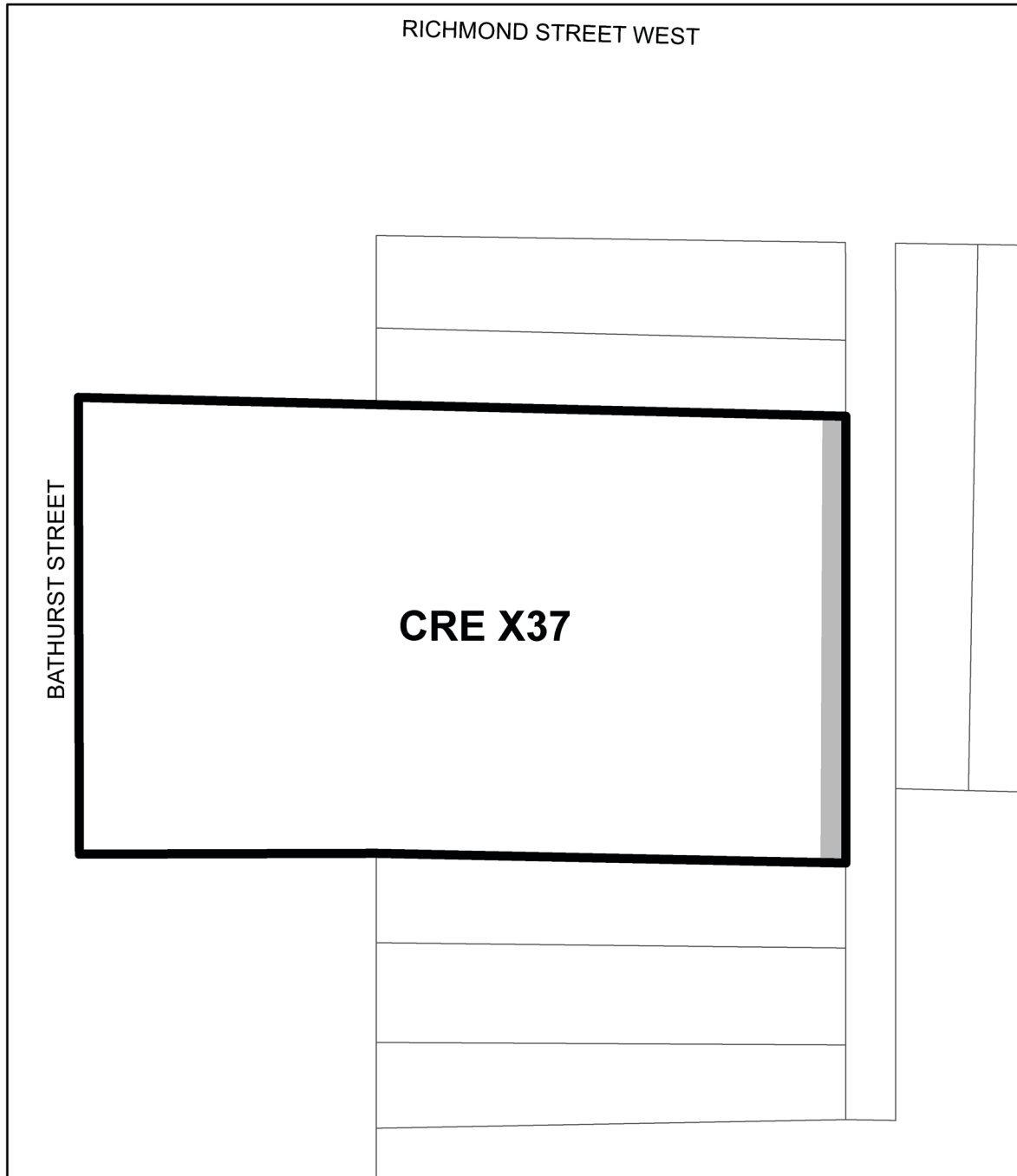
 **TORONTO**  
Diagram 1

149-157 Bathurst Street

File #: 16 191733 STE 20 OZ

 Laneway conveyance to the City

  
City of Toronto By-law 569-2013  
Not to Scale  
04/26/2021




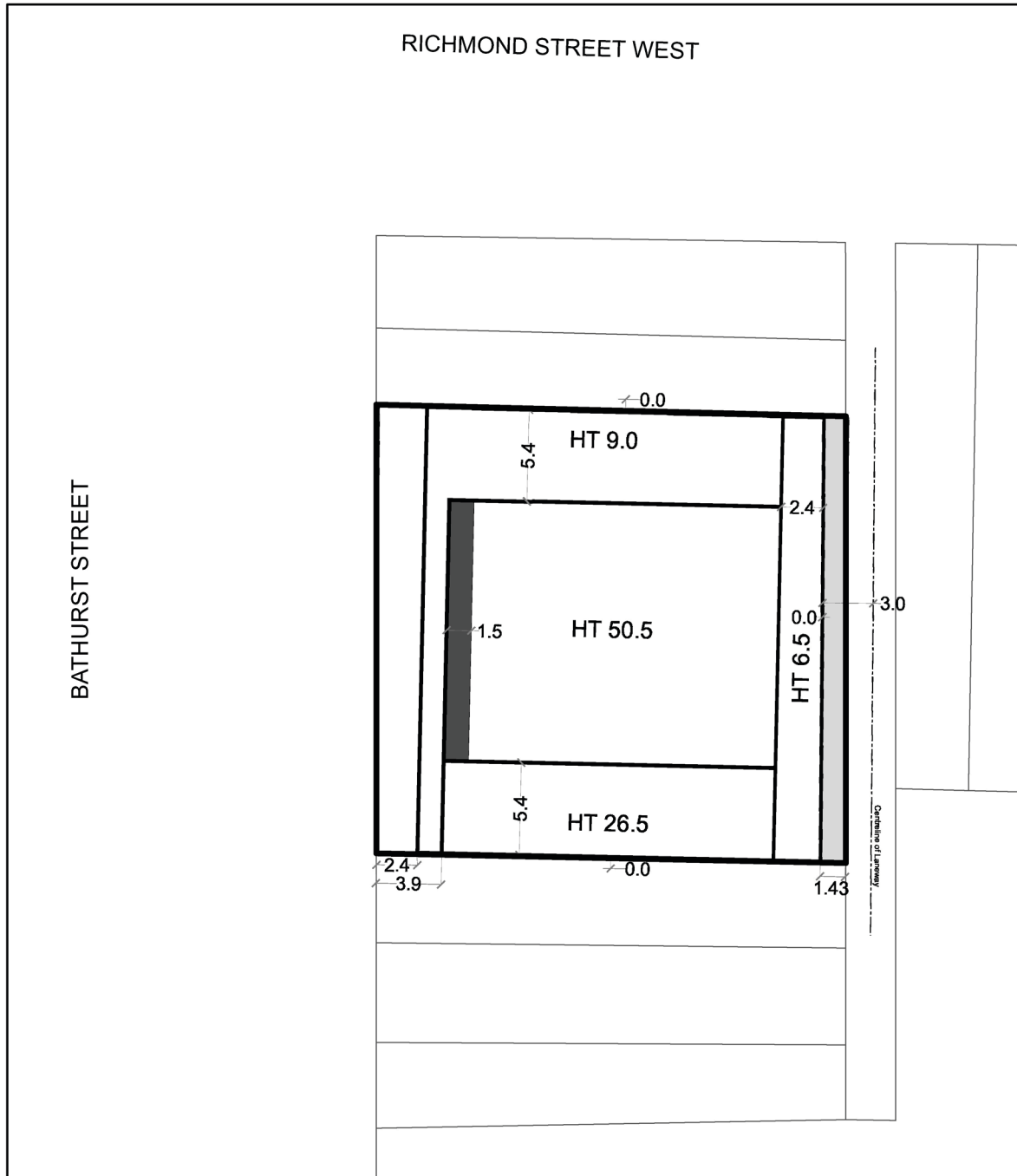
 **TORONTO**  
Diagram 2

149-157 Bathurst Street

File #: 16 191733 STE 20 0Z

 Laneway conveyance to the City



  
City of Toronto By-law 569-2013  
Not to Scale  
04/26/2021




 **TORONTO**  
Diagram 3

149-157 Bathurst Street

File #: 16 191733 STE 20 OZ

-  Laneway conveyance to the City
-  No building permitted between a height of 9.0m and 25.5m

  
City of Toronto By-law 569-2013  
Not to Scale  
04/26/2021

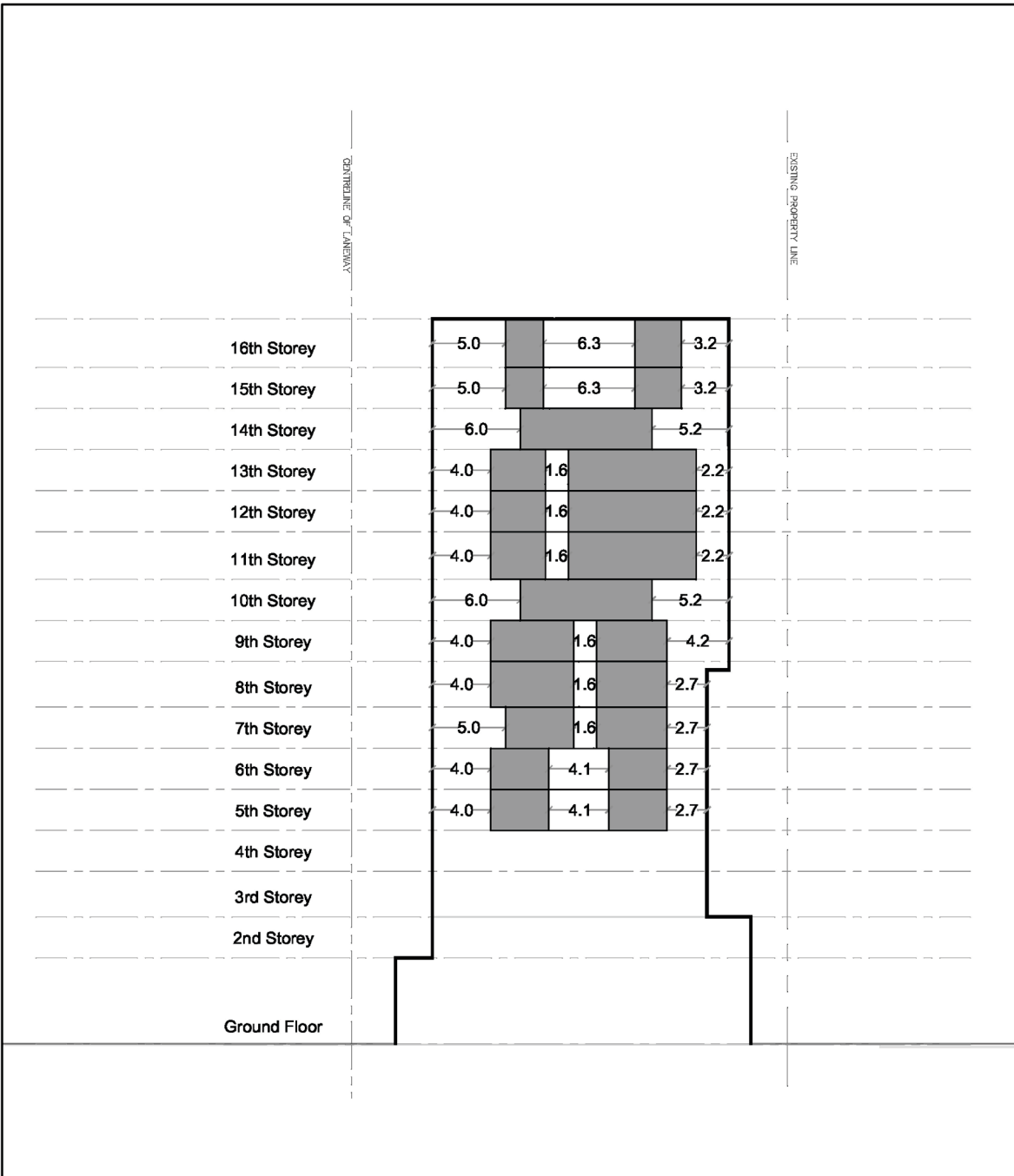
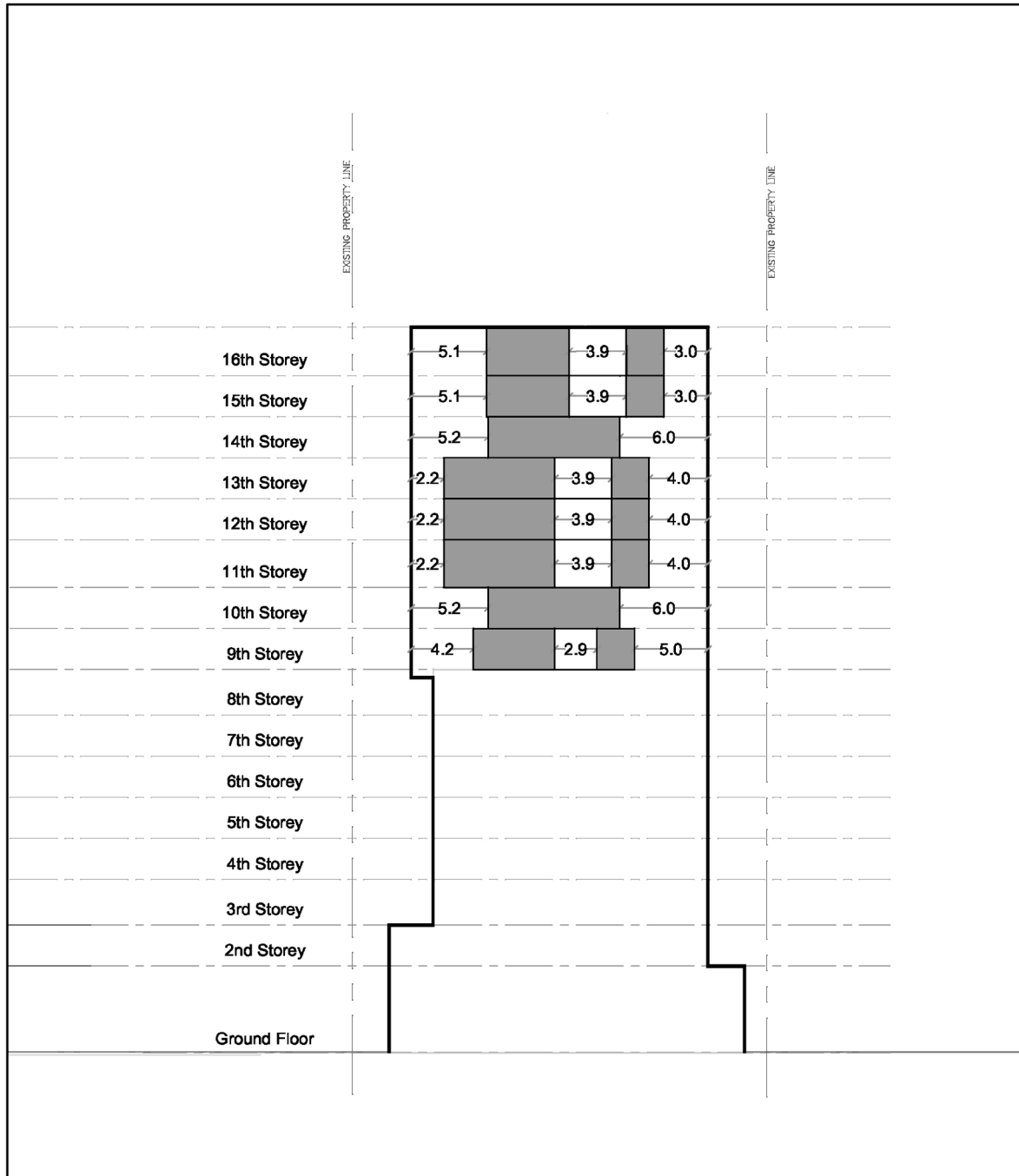


Diagram 4 - North Elevation

149-157 Bathurst Street

File #: 16 191733 STE 20 0Z

Areas of Articulation



**Toronto**  
Diagram 5 - South Elevation

149-157 Bathurst Street

File #: 16 191733 STE 20 OZ

■ Areas of Articulation

↑  
City of Toronto By-law 569-2013  
Not to Scale  
04/26/2021