

Authority: Ontario Land Tribunal Decision issued on August 4, 2020 and Order issued on September 28, 2021 in File PL180214

CITY OF TORONTO
BY-LAW 890-2021(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2020 as 265 Balliol Street.

Whereas the Ontario Land Tribunal pursuant to its Order issued on September 28, 2021 in File PL180214 upon hearing an appeal under Section 34(11) of the Planning Act R.S.O. 1990, c. P.13, as amended deems it advisable to amend By-law 569-2013, as amended, for the City of Toronto with respect to lands municipally known as 265 Balliol Street; 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 density of development beyond those otherwise permitted by the 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 increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

By-law 569-2013, as amended, of the City of Toronto 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, except as otherwise provided.
3. Zoning By-law 569-2013, as amended, is further amended by adding the zone label on the Zoning By-law Map in Section 990.2.10 respecting the lands outlined in heavy black lines to R (d2.0) (x 111), as shown on Diagram 2 attached to this by-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number 111 so that it reads:

(111) Exception R 111

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 lands municipally known in the year 2020 as 265 Balliol Street shown on Diagram 1 to By-law 890-2021(OLT), if the requirements of Section 4 and **Error! Reference source not found.** of By-law 890-2021(OLT) are complied with, a **building** or **structure** may be erected and used in compliance with **Error! Reference source not found.** to 0 below;
- (B) The **buildings** and **structures** permitted on the **lot** include the "Existing Building" and the "Building Addition" as shown on Diagram 3 to By-law 890-2021(OLT) as follows:
- i. for the purposes of this Regulation, "Existing Building" means the existing **apartment building** municipally known as 265 Balliol Street as shown on Diagram 3, as well as **ancillary structures**, including an underground parking garage and enclosed garage entry ramp, located on the **lot** in the year 2020; and
 - ii. for the purposes of this Regulation, "Building Addition" means an addition to the Existing Building on the **lot** as shown on Diagram 3, including **ancillary structures** and portions below ground;
- (C) The **lot** consists of the lands delineated by heavy lines on Diagram 1 attached to By-law 890-2021(OLT);
- (D) Despite any Regulation to the contrary, the Existing Building as shown on Diagram 3, including portions below ground, existing on the **lot** as of December 1, 2020 are permitted;
- (E) In addition to the permitted uses in Clause 10.10.20.10 and despite all of Regulation 10.10.20.100(12) the following non-residential uses are permitted in an **apartment building** on the **lot**:
- i. **art gallery, personal service shop, pet services, retail store, eating establishment, take-out eating establishment**, bicycle repair shop and **wellness centre**, subject to the following:
 - (a) There may be one or more uses in a **premises** containing such uses;
 - (b) Such uses are only permitted on the **first floor** of the Building Addition as shown on Diagram 3 of By-law 890-2021(OLT);

- ii. **Ancillary** uses, including an **outdoor patio**, are permitted in connection with such uses in (i) above; and
 - iii. Car-share;
- (F) For the purpose of this Exception, **established grade** is the Canadian Geodetic Datum elevation of 149.67 metres;
- (G) With respect to the Building Addition as shown on Diagram 3 attached to By-law 890-2021(OLT), and despite Clauses 10.5.40.10 and 10.10.40.10, the permitted maximum **building** height above the level of the finished ground, as measured between **established grade** to the highest point of the **building**, is the numerical value in metres following the HT symbol, with the exception of the following permitted projections:
- i. **Structures**, elements and enclosures permitted by regulation (L) below;
 - ii. Parapets, **structures** used for maintenance, safety, noise or wind protection purposes, elements of a green roof, window washing equipment and chimneys, vents, stacks and their associated enclosures may exceed the maximum **building** height by a maximum of 6.5 metres;
 - iii. **Structures** on any roof used for outdoor **amenity space** or open air recreation may exceed the permitted maximum **building** height by a maximum of 3.0 metres; and
 - iv. Roof top mechanical equipment, including **structures** that enclose or screen such equipment may exceed the permitted maximum **building** height by a maximum of 5.5 metres;
- (H) The permitted maximum height of the Existing Building as shown on Diagram 3 of By-law 890-2021(OLT) is the height of such **building** as it existed on the **lot** on December 1, 2020, subject to permitted projections for the functional operation of a **building** as set out in Regulation 10.5.40.10(3);
- (I) Despite Regulation 10.10.40.40(1), the permitted maximum **gross floor area** on the **lot** is as follows:
- i. The total **gross floor area** of the Building Addition, as shown on Diagram 3 of By-law 890-2021(OLT), must not exceed 20,000 square metres, of which a maximum of 200.0 square metres may be used for non-residential uses; and
 - ii. The **gross floor area** of the Existing Building shown on Diagram 3 of By-law 890-2021(OLT) must not exceed the **gross floor area** existing therein as of December 1, 2020, plus 150.0 square metres to accommodate additional amenity space, laundry areas and utility rooms.
- (J) **Dwelling units** provided in the Building Addition as shown on Diagram 3 of By-law 890-2021(OLT) must comply with the following:

- i. A minimum of 40 percent of the total number of **dwelling units** in the Building Addition must contain two or more bedrooms; and
 - ii. A minimum of 10 percent of the total number of **dwelling units** in the Building Addition must contain three or more bedrooms, which **dwelling units** may also be used to determine compliance with i.above;
- (K) Despite all of Clauses 10.5.40.70 and 10.10.40.70, the required minimum **building setbacks** and the required minimum separation distances between **main walls** of **buildings** or **structures** above ground level is shown on Diagram 3 of By-law 890-2021(OLT);
- (L) Despite Regulations 5.10.40.70(1) and Clauses 10.5.40.50, 10.5.40.60, and 0 above, the following elements of a **building** or **structure** may encroach into a required minimum **building setback** and a required minimum **main wall** separation distance as follows:
 - i. Lighting fixtures, railings, cornices, sills, eaves, canopies, awnings, privacy screens, planters, stairs, enclosed stairs, ramps to underground parking areas and associated **structures**, fencing, bollards, safety railings, trellises, guards, guardrails, retaining walls, wheelchair ramps, bicycle parking facilities, ornamental or architectural features, landscape features;
 - ii. balconies to maximum horizontal projection of 2.0 metres; and
 - iii. **Structures**, elements and enclosures permitted by regulation (G) above;
- (M) Regulation 10.10.40.80(1) does not apply to:
 - i. the Existing Building as shown on Diagram 3 of By-law 890-2021(OLT); and
 - ii. **main walls** around inset balconies on the Building Addition;
- (N) Despite Regulations 10.5.50.10(4) and (5) and 10.5.100.1(6)(B), **landscaping** and **soft landscaping** must be provided as follows:
 - i. a minimum of 38 percent of the **lot** must be provided as **landscaping**; and
 - ii. A minimum of 50 percent of the **landscaping** required in (i) above must be **soft landscaping**;
- (O) Despite Regulation 10.10.40.50(1), a minimum of 4.0 square metres of **amenity space** must be provided for each **dwelling unit** in the Building Addition as shown on Diagram 3 of By-law 890-2021(OLT), of which:
 - i. a minimum of 2.0 square metres per **dwelling unit** must be provided as indoor **amenity space** in the Building Addition; and

- ii. a minimum of 40.0 square metres of outdoor **amenity space** must be provided in a location that adjoins or is directly accessible from indoor **amenity space**;
- (P) Despite Regulations 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided for the **building** on the **lot** in accordance with the following:
- i. A minimum of 0.40 **parking spaces** per one bedroom **dwelling unit**;
 - ii. A minimum of 0.4 **parking spaces** per two bedroom **dwelling unit**;
 - iii. A minimum of 0.4 **parking spaces** for a **dwelling unit** containing three or more bedrooms;
 - iv. A minimum of 0.10 **parking spaces** per **dwelling unit** for residential visitors;
 - v. No **parking spaces** are required for non-residential uses; and
 - vi. The **parking spaces** required by (i), (ii) and (iii) above may be reduced by four **parking spaces** for each car-share **parking space** provided, up to a maximum of four car-share **parking spaces**;
- (Q) For the purpose of this Exception, car-share means the practice whereby a number of people share the use of one or more motor **vehicles** that are owned and operated by a profit or non-profit car sharing organization, and car-share **parking space** means a **parking space** exclusively reserved and signed for a **vehicle** used only for car-share purposes, and such car-share motor **vehicles** are made available to at least the occupants of the **building** for short term rental, including hourly rental;
- (R) Regulation 200.5.1.10 (2), with respect to the minimum dimensions of **parking spaces** applies with the exception that:
- i. up to a maximum of 15 percent of the total number of **parking spaces** provided on the **lot**, excluding accessible **parking spaces**, may have the following minimum dimensions, notwithstanding that such **parking spaces** are obstructed on one or two sides in accordance with Section 200.5.1.10 (2)(D):
 - (a) Length – 5.6 metres;
 - (b) Width – 2.6 metres; and
 - (c) Height – 2.0 metres;
- provided that the total number of **parking spaces** which are obstructed on two sides and provided with minimum dimensions in accordance with (i) above, is no more than 5 percent of the total number of provided **parking spaces**.

- (S) Despite all of Article 200.15.1 (1), (3) and (4) accessible **parking spaces** must comply with the following provisions:
- i. an accessible **parking space** must have the following dimensions:
 - (a) Length of 5.6 metres;
 - (b) Width of 3.4 metres; and
 - (c) Vertical clearance of 2.1 metres;
 - ii. A 1.5 metre wide accessible barrier-free aisle or path is required along the entire length of one side of an accessible **parking space**, and such aisle or path may be shared by 2 accessible **parking spaces**; and
 - iii. Accessible **parking spaces** must be no more than 35.0 metres from an entrance to the **building**;
- (T) Despite Regulation 220.5.20.1(1)(A)(ii) a **driveway** to a **loading space** must have a minimum width along its entire length of 5.0 metres for a two-way **driveway**;
- (U) Despite any provision of this Exception or By-law 569-2013, as amended, **parking spaces, drive aisles, driveways** and ramps existing on the **lot** as of December 1, 2020 may be maintained, are deemed to comply with the provisions of By-law 569-2013, as amended, and may be used for the purpose of determining compliance with (P), (R), (S) and (T) above;
- (V) Despite Regulations 230.5.1.10(10) and 230.5.10.1(5) **bicycle parking spaces** must be provided and maintained on the **lot** for **dwelling units** in the Existing Building and Building Addition as shown on Diagram 3 of By-law 890-2021(OLT) in accordance with the following:
- i. A minimum of 96 **bicycle parking spaces** plus:
 - (a) A minimum of 0.9 long-term **bicycle parking spaces** per **dwelling unit** in the Building Addition; and
 - (b) A minimum of 0.1 short-term **bicycle parking spaces** per **dwelling unit** in the Building Addition;
 - ii. A **bicycle parking space** on the **lot** may be located in a **stacked bicycle parking space**; and
 - iii. A **bicycle parking space** existing on the **lot** as of December 1, 2020, is deemed to comply with the requirements of By-law 569-2013, as amended, and may be used to determine compliance with (i) above;
- (W) Despite any Regulation of this Exception and of By-law 569-2013, as amended, the Existing Building shown on Diagram 3 of By-law 890-2021(OLT) may be occupied by residents during construction of the Building Addition without the

provision of required **parking spaces, loading spaces, bicycle parking spaces and landscaping;**

- (X) Regulation 10.5.100.1(4)(B) with respect to the maximum total width of a **driveway** width does not apply;
- (Y) Despite Regulation 10.5.100.1(5) an unobstructed **vehicle** access must be provided so that a **vehicle** can enter and leave the **lot** while driving forward in one continuous movement;
- (Z) Regulation 10.10.40.30(1) with respect to **building depth** does not apply, subject to compliance with the required minimum **building setbacks** as shown on Diagram 3 of By-law 890-2021(OLT), subject to permitted encroachments;
- (AA) Section 600.10 Building Setback Overlay District Map does not apply;
- (BB) Despite any existing or future severance, partition or division of the **lot** shown on Diagram 1 of By-law 890-2021(OLT) the provisions of this By-law and By-law 569-2013, shall apply to the whole of the **lot** as if no severance, partition or division had occurred; and
- (CC) If the requirements of Section 4 of By-law 890-2021(OLT) are complied with, By-law 22290 does not apply to the **lot** as a Prevailing By-law.

Prevailing By-laws and Prevailing Sections:

Former City of Toronto By-law 22290, except as otherwise provided for in Site Specific Provision (EE) of Exception R(111)

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 the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 of By-law 890-2021(OLT) in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in **Error! Reference source not found.** 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 **Error! Reference source not found.** 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 **Error! Reference source not found.** are satisfied.

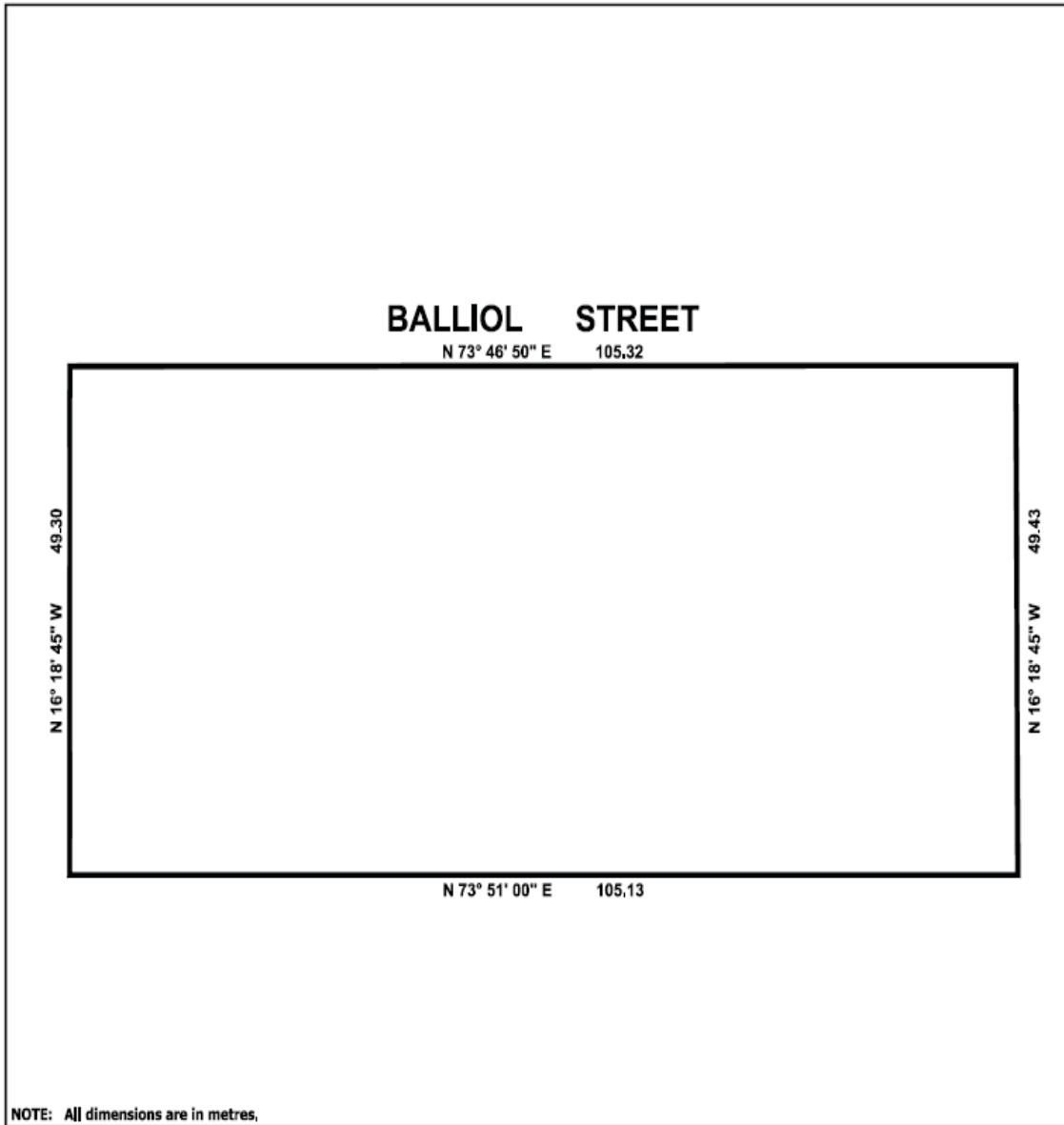
SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out below are required to be provided by the owner of the **lot** at their expense to the City in accordance with one or more agreements pursuant to Section 37(3) of the Planning Act, in a form satisfactory to the City with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

1. Prior to the first above-grade building permit for the Building Addition shown on Diagram 3 of By-law 890-2021(OLT), the owner of the lands will make a cash contribution in the amount of one million dollars (\$1,000,000) to be allocated to the Davisville Aquatic Centre, provided that in the event the cash contribution has not been used for the intended purpose set out above, within three (3) years of By-law 890-2021(OLT) coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands;
2. A minimum of 40 percent of dwelling units in the Building Addition shall have two or more bedrooms, and a minimum of 10 percent of the dwelling units in the Building Addition shall have three bedrooms or more;
3. The owner shall provide affordable rental dwelling units, for a period of fifteen years (15), as follows;
 - (A) if the Building Addition contains 233 or fewer rental dwelling units:
 - i. 23 dwelling units in the Building Addition if the Building Addition contains 233 or fewer rental dwelling units, comprised of 11 one-bedroom dwelling units; 2 one-bedroom-plus-den dwelling units; 8 two-bedroom dwelling units; and 2 three-bedroom dwelling units;
 - (B) if the Building Addition contains 234 or more rental dwelling units:
 - i. 10 percent of rental dwelling units in the Building Addition, of which:
 - (a) 60 percent or less are one-bedroom units and the minimum average unit size for such units shall be in accordance with average unit size for all one-bedroom and one-bedroom-plus-den units in the Building Addition where the calculation of average size for one bedroom and one bedroom plus dens will be done separately;
 - (b) 30 percent or more are two-bedroom units and the minimum average unit size for such units shall be in accordance with average unit size for all two-bedroom units and two-bedroom plus dens in the Building Addition where the calculation of average size for two bedroom units and two-bedroom units plus dens will be done separately; and

- (c) 10 percent or more are three-bedroom units and the minimum average unit size for such units shall be in accordance with average unit size for all three-bedroom or larger units in the Building Addition;
- 4. The owner will provide a publicly accessible pedestrian walkway (the "Pedestrian Clearway"), to be secured by means of a surface pedestrian public easement having a minimum width of 2.1 metres, unless otherwise satisfactory to the Chief Planner and Executive Director, City Planning, in the location as generally shown on Diagram 3 of By-law 890-2021(OLT), with the exact location and timing of registration of the easement and construction of the walkway to be determined as part of and through the Site Plan Approval Process;
- 5. The owner agrees to cause the provision of a pedestrian walkway in addition to the Pedestrian Clearway, which pedestrian walkway shall connect the Pedestrian Clearway to Pailton Crescent via a route across the lands municipally known as 221 Balliol Street, having a minimum width of 2.1 metres, unless otherwise determined in the Site Plan Approval process, in accordance with the Section 37 Agreement between the owner and the City, where the exact location and timing for the provision of the pedestrian walkway will be determined as part of and through the Site Plan Approval process;
- 6. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development;
 - (A) The owner shall continue to provide and maintain the 202 rental dwelling units in the Existing Building as shown on Diagram 3 of By-law 890-2021(OLT), as rental housing for a minimum period of 20 years commencing from the date that By-law 890-2021(OLT) comes into full force and effect and shall not apply to demolish or convert such rental dwelling units from residential rental use during such 20-year period, all to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - (B) The owner shall provide the following improvements to the Existing Building and Building Addition for the benefit of the tenants in the Existing Building and the Building Addition, the cost of which shall not be passed on to tenants of the Existing Building:
 - i. For the tenants of the Existing Building and the Building Addition:
 - (a) A new indoor amenity lounge on the ground floor of the Existing Building with a minimum gross floor area of 50 square metres;
 - (b) A new laundry room on the ground floor of the Existing Building which shall replace the laundry room on the basement level, a portion of which shall be located adjacent to an exterior wall to provide views to the outdoor amenity area on the lot;
 - (c) A new storage area provided in the area of the basement in the Existing Building vacated by the laundry room;

- (d) A new indoor amenity space in the Building Addition having a minimum area of 500 square metres;
 - (e) An outdoor pet relief area; and
 - (f) Two new outdoor patio areas in proximity to the Existing Building;
- ii. For the tenants of the Existing Building:
 - (a) 48 new bicycle parking spaces for the use of tenants of the Existing Building in addition to the existing 48 bicycle parking spaces, for a total of 98 bicycle parking spaces for tenants of the Existing Building;
- (C) For tenants of the existing seven (7) rental townhouse dwelling units to be demolished, the owner shall develop a Tenant Relocation and Assistance Plan with assistance and financial compensation provisions that extend beyond those provided under the Residential Tenancies Act, 2006 or equivalent provincial legislation, based on the City's usual considerations and requirements as of the date of this Offer, all to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (D) Prior to the issuance of the first below-grade building permit for the Building Addition, the owner shall develop a Tenant Communication Plan for the proposed Building Addition to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (E) Prior to the issuance of the first below grade building permit, the owner shall develop a construction mitigation plan and tenant communications plan, all to the satisfaction of the Chief Planner and Executive Director, City Planning; and
- (F) Prior to the issuance of the First Above Grade Building Permit for the Building Addition, the owner shall make a cash-in-lieu of parkland dedication payment to the City in accordance with Section 42 of the Planning Act and the City's parkland dedication By-law, as amended (as reflected in Chapter 415 of the City's Municipal Code), as they exist as of January 21, 2020, calculated based on the market value of the non-residential gross floor area and residential gross floor area for the Building Addition and subject to the provisions of By-law 890-2021(OLT), which contribution shall satisfy all current and future parkland dedication requirements in respect of the Building Addition permitted by the provisions of By-law 890-2021(OLT), in accordance with the Planning Act, or otherwise.



NOTE: All dimensions are in metres.

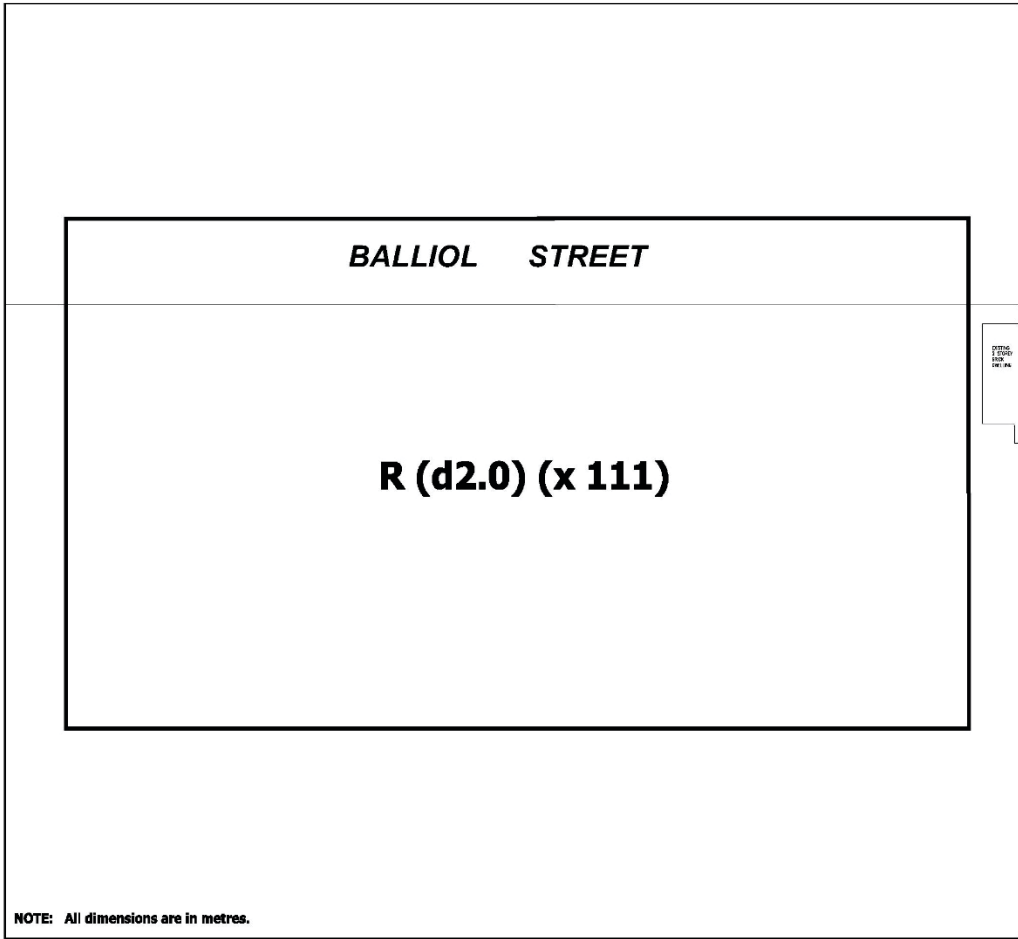


265 Balliol Street, Toronto

Diagram 1

File 17 223999 STE 22 02

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265 Balliol Street, Toronto

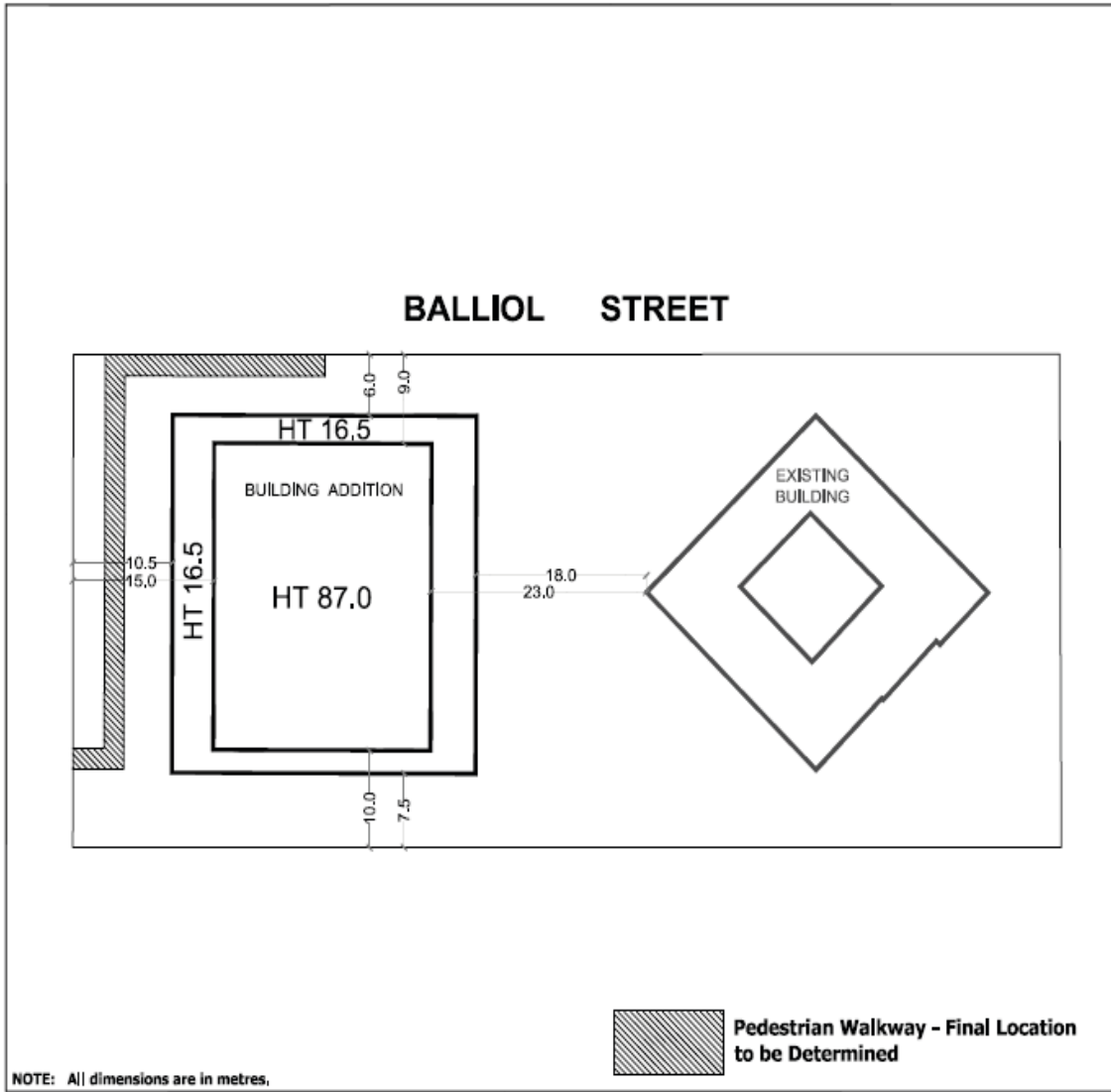
Diagram 2

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City of Toronto By-law 569-2013



265 Balliol Street, Toronto

Diagram 3

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