

Authority: Local Planning Appeal Tribunal Decision
issued on February 13, 2020 and Ontario Land Tribunal
Order issued on June 16, 2022 in Case PL171458

CITY OF TORONTO

BY-LAW 604-2022(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 980-990 Bloor Street West and 756 Dovercourt Road.

Whereas the Owner of the lands appealed a proposed zoning by-law amendment to the Local Planning Appeal Tribunal (now the Ontario Land Tribunal) pursuant to Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended; and

Whereas the Local Planning Appeal Tribunal, by its Decision issued on February 13, 2020 and the Ontario Land Tribunal Order issued on June 16, 2022, in Case PL171458, determined to amend City of Toronto Zoning By-law 569-2013, as amended, with respect to the lands known municipally as 980-990 Bloor Street West and 756 Dovercourt Road; and

Whereas the Official Plan for the City of Toronto contains such 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 or 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, a 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 permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are secured by one or more agreements between the owner of the land and the City of Toronto;

The Ontario Land Tribunal Orders:

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 adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the zone label to these lands: CR 3.0 (c1.0; r2.0) SS2 (x288), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Area Overlay Map in Section 995.10.1 and applying the following Policy Area Overlay label to these lands: PA-3, as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1 and applying the following height label to these lands: HT 16.0 as shown on Diagram 4 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Section 995.40.1 and applying the following Rooming House label to these lands: B3, as shown on Diagram 5 attached to this By-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map in Section 995.30.1, as shown on Diagram 6 attached to this By-law.
8. Zoning By-law 69-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number (288) so that it reads:

(288) Exception CR 288

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 980-990 Bloor Street West and 756 Dovercourt Road, if the requirements of Section 10 and Schedule A are complied with, a **building, structure**, addition and/or enlargement may be constructed or used if in compliance with (B) to (R) below;
- (B) Despite Regulation 40.5.40.10(1) and (2), the height of a **building or structure** is the distance between the Canadian Geodetic Datum of 112.0 metres and the elevation of the highest point of the **building or structure**;
- (C) Despite Regulation 40.10.40.1(1), a residential lobby may be located on the same floor level as non-residential uses;
- (D) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building or structure** is the number following the HT symbol in metres as shown on Diagram 7 of By-law 604-2022(OLT);

- (E) Despite Regulations 40.5.40.10(3), (4), (5), (6), (7) and (8) and (D) above, the following **building** elements and **structures** may project beyond the permitted maximum height of a **building**:
- (i) Green roof surface to a maximum of 0.5 metres;
 - (ii) Cooling tower, mechanical ventilation equipment, make up air unit and generator to a maximum of 2.1 metres;
 - (iii) Rooftop access ladder to a maximum of 1.5 metres;
 - (iv) Elevator overrun, including wall enclosure and roof surface to a maximum of 1.7 metres; and
 - (v) Safety guard rails to a maximum of 1.5 metres;
- (F) Despite Regulation 40.10.40.10(5), the required minimum height of the first **storey** of the portion of the building occupied by non-residential uses, as measured between the floor of the first **storey** and the ceiling of the first **storey**, is 3.8 metres;
- (G) Despite Regulation 40.10.40.10(5), the required minimum height of the first **storey** of the portion of the building occupied by residential uses, as measured between the floor of the first **storey** and the ceiling of the first **storey**, is 3.4 metres;
- (H) Despite Regulation 40.10.40.40.(1), the permitted maximum **gross floor area** is 7,500 square metres, of which:
- (i) The permitted maximum **gross floor area** for residential uses is 7,300 square metres;
 - (ii) The permitted maximum **gross floor area for** non-residential uses is 700 square metres; and
 - (iii) A minimum of 300.0 square metres of non-residential **gross floor area** must be provided;
- (I) Despite Regulation 40.10.40.50(1)(B), 0 square metres of outdoor **amenity space** must be in a location adjoining or directly accessible to the indoor **amenity space**;
- (J) Despite Regulations 40.5.40.70(1) and 40.10.40.70(2)(A), 40.10.40.70(2)(B), 40.10.40.70(2)(C), 40.10.40.70(2)(D), 40.10.40.70(2)(E), 40.10.40.70(2)(F), 40.10.40.70(2)(G), 40.10.40.70(2)(H) and 40.10.40.70(2)(I), the required minimum **building setbacks** in metres are as shown on Diagram 7 of By-law 604-2022(OLT);

- (K) Despite Regulation 40.5.40.60(1), Clause 40.10.40.60 and (J) above, the following **building** elements and **structures** may encroach into the required **building setbacks** as follows:
- (i) Balconies, light fixtures, ornamental elements, terraces, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, screens, and underground garage ramps to a maximum of 2.0 metres; and
 - (ii) Notwithstanding (i) above, balconies may not encroach into the required **building setbacks** to a **front lot line**, east **side lot line** or west **side lot line**;
- (L) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) A minimum of 0.45 **parking spaces** per **dwelling unit** for the residents of the **building**; and
 - (ii) 0 **parking spaces** for residential visitors or non-residential uses;
- (M) Despite Regulation 200.5.1.10(2)(i), **parking spaces** may have a minimum length of 5.5 metres;
- (N) Despite Regulation 200.15.10(1), 0 accessible **parking spaces** are required;
- (O) Despite Regulation 220.5.1.10(8)(D)(ii) the required **loading space** must have a minimum width of 3.5 metres;
- (P) For the purposes of this Exception, the **front lot line** is the **lot line** that divides the **lot** from Bloor Street West;
- (Q) A minimum of 28 percent of the total number of **dwelling units** must contain two bedrooms; and
- (R) A minimum of 13 percent of the total number of **dwelling units** must contain a minimum of three bedrooms.

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

9. Despite any future severance, partition or division of the lands as shown on Diagram 1, the provisions of this By-law apply as if no severance, partition or division occurred.

10. 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 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; and
- (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 February 13, 2020 and Ontario Land Tribunal Order issued on June 16, 2022 in Case PL171458.

Schedule A

Upon execution and registration in priority of an agreement with the owner, pursuant to Section 37 of the Planning Act, with conditions providing for without limitation, indexing escalation of letters of credit, development charges, indemnity and registration, satisfactory to the City Solicitor, securing the provision of the facilities, services and matters set out herein, the lands outlined in heavy black lines as shown on Diagram 1 of this By-law are subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements:

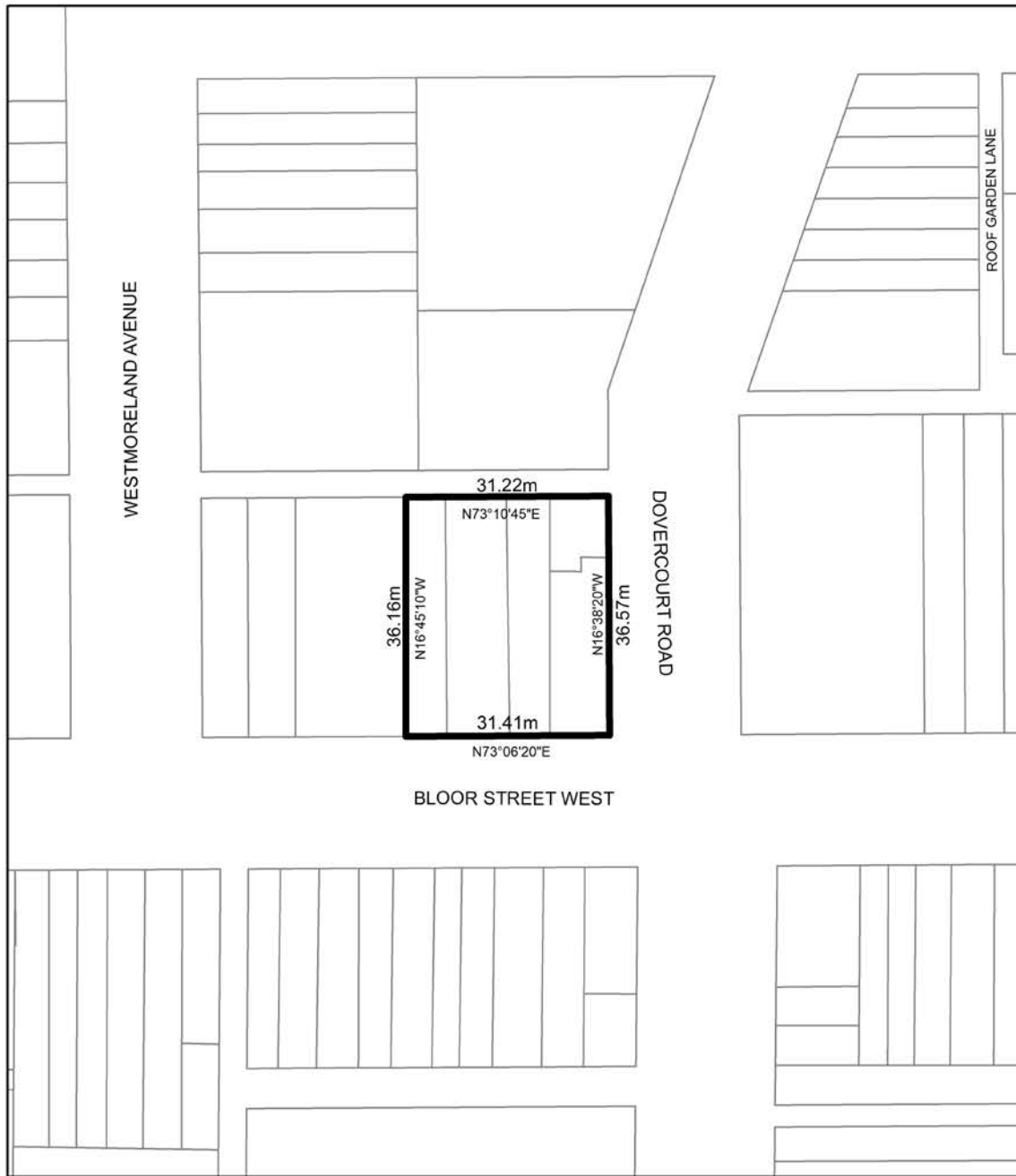
1. An indexed financial contribution in the amount of four hundred thousand dollars (\$400,000.00) payable to the City prior to the issuance of the first above-grade building permit for any building on the lot, to be allocated as follows:
 - a) three hundred and fifty thousand dollars (\$350,000.00) to be used by the City in its sole discretion for the purpose of improvements to Dufferin Grove Park, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the General Manager, Parks, Forestry and Recreation, and the Ward Councillor; and
 - b) fifty thousand dollars (\$50,000.00) to be used by the City in its sole discretion for the purpose of improvements to Westmoreland Avenue Parkette and/or improvements to the local public laneways (including but not limited to public art), to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the General Manager, Parks, Forestry and Recreation and/or the General Manager, Transportation Services, and the Ward Councillor.

In the event this financial contribution has not been used for the intended purpose set out above, within three (3) years of By-law 604-2022(OLT) coming into full force and effect, this financial 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 land.

2. Prior to the issuance of the first above-grade building permit for the development, the owner shall convey to the City that portion of the Site to enable a 1.4 metre widening of the existing public laneway along the northerly boundary of the Lands, to the satisfaction of the General Manager, Transportation, as may be secured in the Site Plan Agreement. The Owner shall install upgraded paving along the existing public laneway along the northerly boundary of the Lands within one year of any first occupancy of any part of the development, in a form and manner to be determined through the Site Plan Approval process to the satisfaction of the Chief Planner in consultation with the General Manager, Transportation.
3. The owner shall construct, provide and maintain eight (8) replacement rental units on the lot consisting of six (6) one-bedroom units, one (1) two-bedroom unit and one (1)

three-bedroom unit in accordance with the terms of the Section 37 and 111 agreement, and in accordance with the following:


- a) Tenants of the replacement rental units shall be provided with access to and use of all indoor and outdoor amenity space located on the lot on the same terms as all residents of the development;
- b) Tenants of the replacement rental units shall be granted the use of bicycle parking spaces and visitor vehicle parking spaces on a first-come first-serve basis on the same terms as all residents of the development;
- c) All replacement rental units shall include laundry facilities and central air conditioning at no additional charge;
- d) The replacement rental units shall be rented in accordance with the terms of the Section 37 and 111 agreement, and shall be maintained as rental units for a minimum of twenty (20) years beginning on the date of the first occupancy of each replacement rental and thereafter until such time as the owner has obtained final approval of a zoning by-law amendment to permit the conversion or demolition of the replacement rental units;
- e) Eligible tenants of the existing rental buildings to be demolished shall be provided with tenant relocation and assistance in accordance with the Section 37 and 111 agreement.



 **TORONTO**
Diagram 1

980-990 Bloor St W & 756 Dovercourt Rd

File #: 17 207556 STE 18 0Z


City of Toronto By-law 569-2013
Not to Scale
09/30/2021



 **TORONTO**
Diagram 2

980-990 Bloor St W & 756 Dovercourt Rd

File #: 17 207556 STE 18 OZ



 **TORONTO**
Diagram 3

980-990 Bloor St W & 756 Dovercourt Rd

File #: 17 207556 STE 18 OZ


City of Toronto By-law 569-2013
Not to Scale
09/30/2021



 **TORONTO**
Diagram 4

980-990 Bloor St W & 756 Dovercourt Rd


File #: 17 207556 STE 18 0Z



 **TORONTO**
Diagram 5

980-990 Bloor St W & 756 Dovercourt Rd

File #: 17 207556 STE 18 OZ



City of Toronto By-law 569-2013
Not to Scale
09/30/2021



 **TORONTO**
Diagram 6

980-990 Bloor St W & 756 Dovercourt Rd

File #: 17 207556 STE 18 OZ


City of Toronto By-law 569-2013
Not to Scale
10/01/2021



 **TORONTO**
Diagram 7

980-990 Bloor St W & 756 Dovercourt Rd

File #: 17 207556 STE 18 0Z

 1.4m Lane Conveyance

Note: Applicant's submitted Drawing. All dimensions are in metres.


City of Toronto By-law 569-2013
Not to Scale
10/12/2021