

Authority: Ontario Land Tribunal Decision/Order issued
on June 29, 2022 in Tribunal File OLT-22-003271,
formerly Case PL111252

CITY OF TORONTO

BY-LAW 785-2022(OLT)

To amend former City of North York Zoning By-law 7625, as amended, with respect to lands municipally known as 51 Drewry Avenue and 8-28 Inez Court.

Whereas authority is given to the Ontario Land Tribunal by Sections 34 and 37 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas pursuant to Section 37 of the Planning Act as it read on September 17, 2020 (the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force) 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, 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 pursuant to Subsection 37(2) of the Planning Act as it read on September 17, 2020 (the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force) the North York Centre Secondary Plan of the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in the density of development in return for the mandatory provision of specified capital facilities expressly associated with those increases; and

Whereas Subsection 37(3) of the Planning Act as it read on September 17, 2020 (the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force) provides that where an owner of land elects to provide facilities, services or 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 or matters; and

Whereas the Owner of the lands hereinafter referred to has elected to provide the capital facilities hereinafter set out in return for the additional density thereby permitted by the North York Centre Secondary Plan; and

Whereas the increase in density permitted hereunder, beyond that otherwise permitted on the aforesaid lands by this By-law, is permitted in return for the provision of the capital facilities set out in the by-law, which are to be secured by one or more agreements between the Owner and the City of Toronto;

The Ontario Land Tribunal Orders:

1. Schedules "B" and "C" of By-law 7625 of the former City of North York, as amended, are amended in accordance with Schedule "1" of this By-law.

2. Within the lands shown on Schedule "1" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- a. all new public roads necessary to serve the building or structure have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - b. all water mains and sanitary sewers, and appropriate appurtenances, necessary to serve the building or structure are installed and operational.
3. Section 64.20-A of By-law 7625, as amended, is amended by adding the following Subsection:

64.20-A(278) RM6(278)

DEFINITIONS

BICYCLE PARKING

- (a) For the purpose of this exception, "bicycle room" shall mean a common indoor space readily accessible from the outside that is designed and equipped exclusively for the purpose of parking and securing bicycles.
- (b) For the purpose of this exception, "bicycle parking space" shall mean a space that is designed and equipped exclusively for the purpose of parking and securing one or more bicycles, that is not provided within a dwelling unit or balcony, and that has the following spatial characteristics:
 - (i) horizontal bicycle parking space – minimum vertical clearance of 1.9 metres and minimum horizontal dimensions of 0.6 metres by 1.8 metres;
 - (ii) vertical bicycle parking space – minimum vertical clearance of 1.9 metres and minimum horizontal dimensions of 0.6 metres by 1.2 metres; and
 - (iii) stacked bicycle parking space – minimum vertical clearance of 1.2 metres for each stacked bicycle and minimum horizontal dimensions of 0.455 metres by 1.8 metres.

ESTABLISHED GRADE

- (c) For the purpose of this exception, "established grade" shall mean the geodetic elevation of 191.30 metres.

GROSS SITE

- (d) For the purpose of this exception, "gross site" shall mean the lands delimited by the heavy black perimeter line on Schedule "1" hereto and denoted by Parts 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 21 on Plan 66R-32549, comprising a total area of 17,987.10 square metres, including local road surplus lands acquired from the City of Toronto identified by Part 10 comprising an area of 1,334.10 square metres.

GROSS FLOOR AREA

- (e) For the purpose of this exception, "gross floor area" shall mean the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, including any areas used as balconies, but excluding:
- (i) any part of the building used for mechanical floor area;
 - (ii) any space in a parking garage used exclusively for motor vehicle or bicycle parking or access thereto; and
 - (iii) the floor area of unenclosed residential balconies.

For greater certainty, but not so as to restrict generality:

the calculation of gross floor area may exclude – architectural features affixed to or extending beyond the exterior faces of exterior walls; floor slab openings and other voids, including pipe spaces; stormwater storage tanks; parking ramps and aisles to or within a parking garage; bicycle rooms contained within a parking garage; accessory uses to parking areas within a parking garage including: airlock rooms adjacent to elevators or exits; exit stairs that lead directly from a parking garage to the exterior of the building without serving any other areas; curbs adjacent to parking areas; supporting columns, walls or other like structures in a parking garage; pedestrian walkways within a parking garage; motor vehicle loading spaces, access thereto and adjacent bin staging areas; dead areas adjacent to parking spaces between columns, in corners and around curves or provided to facilitate vehicular turnaround; other spaces in a parking garage not accessible and/or usable due to structural design; and

the calculation of gross floor area shall include – general storage spaces of any kind, including lockers and rooms; bicycle rooms not contained within a parking garage; vestibules other than airlock rooms; garbage and recycling rooms; stairs, landings and hallways other than those that lead directly from a parking garage to the exterior of the building without serving any other areas; indoor amenity spaces; elevator lobbies; the floor areas of elevator cabs.

MECHANICAL FLOOR AREA

- (f) For the purpose of this exception, "mechanical floor area" shall mean floor area within a building or structure used exclusively for the accommodation of mechanical equipment necessary to physically operate the building, including but not limited to heating, ventilation, air conditioning, electrical, plumbing, telephone and telecommunications equipment, garbage chutes, mechanical sorters and compactors, storm water management and irrigation facilities, fire protection and elevator equipment.

NET SITE

- (g) For the purpose of this exception, "net site" shall mean the lands identified by RM6(278) on Schedule "1" hereto and denoted by Parts 10, 11 and 12 on Plan 66R-32549, comprising an area of 6,862.70 square metres and consisting of the gross site minus:
- (i) lands identified by BEECROFT ROAD EXTENSION on Schedule "1" hereto and denoted by Parts 1, 2, 6, 8, 9, 13, 14, 18, 19 and 21 on Plan 66R-32549, comprising an area of 3,590.40 square metres, conveyed to the City of Toronto for service road purposes; and
 - (ii) lands identified by O1(54) on Schedule "1" hereto and denoted by Parts 3, 4, 5, 15, 16 and 17 on Plan 66R-32549, comprising an area of 7,534.00 square metres, conveyed to the City of Toronto for parks purposes.

LANDSCAPING

- (h) For the purpose of this exception, "landscaping" shall mean trees, shrubs, grass, flowers and other vegetation, decorative stonework, walkways, patios, screening or other horticultural or landscape architectural elements, or any combination of these, but not driveways or parking areas, and directly associated elements such as curbs or retaining walls.

TYPE C LOADING SPACE

- (i) For the purpose of this exception, "Type C loading space" shall mean a loading space that has a minimum width of 3.5 metres, minimum length of 6.0 metres and minimum vertical clearance of 3.0 metres.

TYPE G LOADING SPACE

- (j) For the purpose of this exception, "Type G loading space" shall mean a loading space that has a minimum width of 4.0 metres, minimum length of 13.0 metres and minimum vertical clearance of 6.1 metres.

PARKING SPACE

- (k) For the purpose of this exception, "parking space" shall mean a space for parking motor vehicles that has a minimum width of 2.6 metres, minimum length of 5.6 metres and minimum vertical clearance of 2.0 metres.

ACCESSIBLE PARKING SPACE

- (l) For the purpose of this exception, "accessible parking space" shall mean a space for parking motor vehicles that has a minimum width of 3.4 metres, minimum length of 5.6 metres and minimum vertical clearance of 2.0 metres, with a 1.5 metres wide shared pedestrian access aisle.

PERMITTED USES

- (m) The only permitted uses shall be an apartment house dwelling and accessory uses thereto, including private recreational amenity areas.

EXCEPTION REGULATIONS**MAXIMUM GROSS FLOOR AREA**

- (n) Except as provided for in Subsection (cc) of this exception, the maximum gross floor area permitted on the net site shall not exceed 30,971.40 square metres attributable to the gross site.

NUMBER OF DWELLING UNITS

- (o) The maximum number of dwelling units permitted on the net site shall be 551.

BUILDING ENVELOPES

- (p) No portion of any building or structure erected and used above established grade, except for entrance canopies, shall be located otherwise than wholly within the building envelopes identified on Schedule "RM6(278)".

BUILDING HEIGHT

- (q) The building height, measured from established grade, shall not exceed the maximum heights in metres shown on Schedule "RM6(278)" excluding parapets, stairwells to access the roof and mechanical penthouses, to a maximum of six (6) metres.

NUMBER OF STOREYS

- (r) The number of storeys shall not exceed the maximums shown on Schedule "RM6(278)" excluding mechanical penthouses and stairwells to access the roof.

MOTOR VEHICLE PARKING

- (s) Motor vehicle parking spaces shall be provided within the net site in accordance with the following requirements:
 - (i) a minimum of 1.00 parking spaces per dwelling unit, including a minimum of 0.10 parking spaces per dwelling unit reserved for visitor use;
 - (ii) a maximum of 1.40 parking spaces per dwelling unit, including a minimum of 0.10 parking spaces per dwelling unit reserved for visitor use; and
 - (iii) no outdoor surface parking spaces shall be permitted.

BICYCLE PARKING

- (t) Bicycle parking shall be provided within the net site, at a minimum rate of 0.10 bicycle parking spaces per dwelling unit, in bicycle room(s) located on the ground level of the building. In addition, bicycle parking spaces shall be provided in identified bicycle parking areas on the first level of the parking garage. The total number of bicycle parking spaces provided shall be not less than 0.68 spaces per dwelling unit for occupants plus 0.07 spaces per dwelling unit for visitors.

LOADING

- (u) One (1) enclosed Type G loading space and one (1) unenclosed Type C loading space shall be provided within the net site.

LOT COVERAGE

- (v) The maximum permitted building coverage is 56 per cent of the net site.

LANDSCAPED OPEN SPACE

- (w) A minimum of 2000 square metres of landscaping shall be provided within the net site.

INDOOR AMENITY AREA

- (x) A minimum of 1.50 square metres per apartment house dwelling unit of private indoor recreational amenity area shall be provided within the net site.

OUTDOOR AMENITY AREA

- (y) A minimum of 1.50 square metres per apartment house dwelling unit of private outdoor recreational amenity area, which may include landscaping, shall be provided at grade within the net site.

PROVISIONS NOT APPLICABLE

- (z) The provisions of Sections 6(9), 6A(8), 6A(16), 15.6, 15.7, 15.8 and 20-A do not apply.

INCREASED DENSITY

- (aa) Matters that are to be provided pursuant to Section 37 of the Planning Act as it read on September 17, 2020 (the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force) in order to permit the increased maximums in gross floor area authorized under Subsection (cc) of this exception, are listed in Subsection (bb) below.

SECTION 37 AGREEMENT

- (bb) The Owner shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the Planning Act as it read on September 17, 2020 (the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force) to secure the capital facilities referred to below, which agreement or agreements shall be registered against the title of the lands to which this By-law applies in the manner and to the extent specified in such agreements. The Owner, at the Owner's expense and in accordance with, and subject to, the agreements referred to above shall provide for or fund the following facilities on terms satisfactory to the City of Toronto in exchange for the increased density hereinafter set out:
- (i) two bicycle rooms located on the ground floor with direct access from the outside, collectively containing a minimum of 55 bicycle parking spaces;
 - (ii) a minimum of 1.50 square metres per dwelling unit of private indoor recreational amenity area;
 - (iii) a monetary contribution toward the cost of acquiring lands for the North York Centre Service Road and associated road network and buffer areas, acquiring or improving parkland serving the North York Centre area, or constructing and furnishing a public recreational centre or social facility serving the North York Centre area, the amount of which shall be equal to the market value, based on the land value of density in the North York Centre, of the gross floor area specified in Subsection (cc)(iii) below;
 - (iv) conveyance, at no cost to the City of Toronto, of the lands identified as Parts 3, 4, 5, 15, 16 and 17 on Plan 66R-32549, comprising an area of 7,534.00 square metres for parks purposes, of which 5,374.49 square metres shall be over-contribution, additional to the parkland dedication of 2,159.51 square metres required by Subsection 42(3) of the Planning Act, plus funding for or implementation of such improvements thereto and to abutting parkland as may be specified by the City of Toronto up to a

maximum of \$250,000 including design costs associated with the park;
and

- (v) conveyance, at no cost to the City of Toronto, of the lands identified as Parts 1, 2, 6, 8, 9, 13, 14, 18, 19 and 21 on Plan 66R-32549, comprising an area of 3,590.40 square metres, for service road purposes.

ADDITIONAL GROSS FLOOR AREA PERMITTED

- (cc) Notwithstanding Subsection (n) of this exception, additional gross floor area may be permitted within the net site shown on Schedule "RM6(278)", limited to the following:
 - (i) a maximum of 165.10 square metres of gross floor area for two bicycle rooms on the ground floor, provided that these rooms are designed and used exclusively for parking bicycles;
 - (ii) a maximum of 1.50 square metres per dwelling unit of private indoor recreational amenity area, provided that this area is used exclusively for recreational purposes;
 - (iii) a maximum of 3,854.47 square metres of gross floor area attributable to the payment specified in Subsection (bb)(iii) above; and
 - (iv) a maximum of 5,374.49 square metres of gross floor area attributable to the parkland over-contribution specified in Subsection (bb)(iv) above.

SEVERANCE

- (dd) Notwithstanding any existing or future severance, partition or division of the net site shown on Schedule "RM6(278)", the provisions of this By-law shall apply to the whole of the net site as if no severance, partition or division occurred.

4. Section 64.20-A of By-law 7625, as amended, is amended by adding Schedule "RM6(278)" attached to this By-law.

5. SECTION 37 OF THE PLANNING ACT SUPPLEMENTARY REQUIREMENTS

- (a) Pursuant to Section 37 of the Planning Act as it read on September 17, 2020 (the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force) and subject to compliance with this By-law, the increase in gross floor area on the net site specified in Subsection 3(cc) is permitted in return for the Owner's election to provide for, at the Owner's expense, the facilities and funding set out in Subsection 3(bb), as further set out in Schedule A hereto, which are secured by and subject to one or more agreements pursuant to Subsection 37(3) of the Planning Act in a form satisfactory to the City Solicitor and registered on title.

- (b) Where Schedule A of this By-law requires the Owner to provide certain facilities, services or matters and to enter into an agreement 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 density pursuant to this By-law unless all provisions of Schedule A are satisfied.
6. Section 64.37 of By-law 7625, as amended, is amended by adding the following Subsection:

64.37(54) O1(54)

PERMITTED USES

The only permitted uses are a public park, a public recreational centre, and accessory uses thereto.

Pursuant to Ontario Land Tribunal Decision and Order issued on June 29, 2022 in Tribunal File OLT-22-003271, formerly Case PL111252.

SCHEDULE A
Supplementary Section 37 Provisions

The matters set out below are required to be provided to the City of Toronto at the Owner's expense in return for the increase in density of the proposed development and secured in an agreement or agreements under Subsection 37(3) of the Planning Act as it read on September 17, 2020 (the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force) whereby the Owner agrees as follows:

1. As soon as possible after final approval of this By-law, prior to or concurrent with the transfer by the City to the Owner of the land identified by Part 10 on Plan 66R-32549 and prior to issuance of any building permit, the Owner shall:
 - (a) remit to the City, by certified cheque or electronic transfer as specified by the City, funds in an amount equal to \$1,506.95 per square metre for up to 3,854.47 square metres of additional gross floor area, as specified in Subsection 3(cc)(iii) of this By-law, for a total amount of up to \$5,808,494.00 representing the monetary contribution payment referred to in Subsection 3(bb)(iii), which is to be indexed upwardly in accordance with Statistics Canada's Construction Price Index (being the Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01 or its successor) calculated from the date of final approval of this By-law to the date of payment;
 - (b) convey, at no cost to the City, for parks purposes, free and clear of all easements and encumbrances above and below grade, in an acceptable environmental condition and in an acceptable base park condition, to the satisfaction of the General Manager, Parks, Forestry & Recreation, the lands specified in Subsection 3(bb)(iv) of this By-law, together with funding for the design and construction of improvements beyond the base park condition in the amount of \$250,000.00 indexed upwardly in accordance with Statistics Canada's Construction Price Index (being the Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01 or its successor) calculated from the date of final approval of this By-law to the date of payment; and
 - (c) convey, at no cost to the City, for service road purposes, free and clear of all encumbrances above and below grade unless otherwise agreed to by the General Manager, Transportation Services, in an environmental condition acceptable to the General Manager, Transportation Services, the lands specified in Subsection 3(bb)(v) of this By-law.

The following shall be secured in the Section 37 Agreement as a legal convenience:

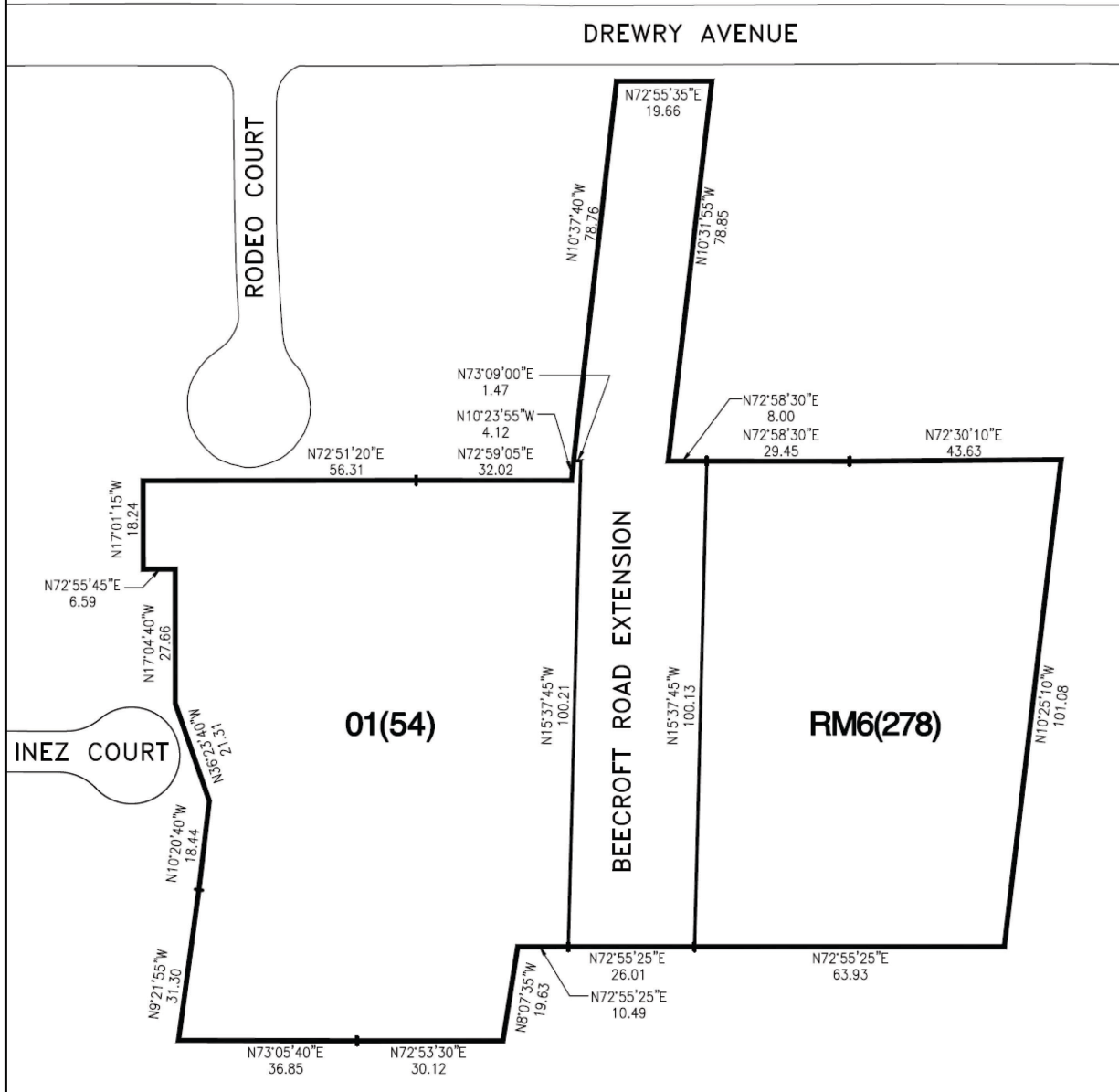
2. Before undertaking base park conditioning, which must be completed prior to conveyance of the lands specified in Subsection 3(bb)(iv) of this By-law, the Owner shall submit a cost estimate and any required plans including working drawings, specifications,

and landscape plans showing the scope and detail of the work for the base park conditioning, for review and approval by the General Manager, Parks, Forestry and Recreation. The aforesaid base park conditioning and any associated plans shall be restricted to the lands specified in Subsection 3(bb)(iv) of this By-law and limited to at most:

- (a) demolition, removal and disposal of all existing materials, buildings and other structures, foundations and associated servicing;
 - (b) grading, inclusive of 300 millimetre depth topsoil supply and placement (where lands have been environmentally risk assessed in accordance with MECP regulations, the required depth profile of the environmental soil / soft cap will be 1.5 metres of engineered fill compacted to 95 percent SPD and certified by the consulting engineer);
 - (c) sodding #1 nursery grade;
 - (d) sanitary and storm service connections with manholes at streetline; and
 - (e) water service connections (minimum 50 millimetres to street line) including backflow preventer(s), shut off valve(s), water meter and chamber.
3. Before undertaking the base park conditioning, the Owner shall post an irrevocable Letter of Credit in the amount of 120 percent of the value of the base park conditioning to the satisfaction of the General Manager, Parks, Forestry and Recreation. No credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with base park conditioning.
 4. The Owner shall design and provide financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing and Stormwater Management Report, and the Geohydrology Report, to support its development prior to the issuance of the Notice of Approval Conditions, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements or upgrades are required to support the development according to the aforesaid reports upon acceptance by the Chief Engineer and Executive Director, Engineering and Construction Services.
 5. Prior to issuance of the first above grade building permit, the Owner shall make a cash contribution to the Toronto Transit Commission (TTC), in the amount of \$35,000.00, for the installation of signal priority in the vicinity of the lands specified in Subsection 3(g) of this By-law, indexed upwardly in accordance with Statistics Canada's Construction Price Index (being the Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01 or its successor) calculated from the date of final approval of this By-law to the date of payment.

6. Prior to condominium registration, the Owner shall provide a pre-loaded PRESTO card with funds in the amount of \$50 to each purchaser of a dwelling unit as part of its Transportation Demand Management information package.
7. In order to facilitate early demolition of the twenty-one (21) single detached dwellings on the lands specified in Subsection 3(d) of this By-law and the associated early conveyance of the lands specified in Subsections 3(bb)(iv) and 3(bb)(v) of this By-law, the Owner shall be provided with relief from the 60 month time limit on Development Charge credits set out in Article 415-7C(1) of the Toronto Municipal Code. Such relief shall be contingent on the aforesaid lands having been conveyed to the City as soon as possible after final approval of this By-law, and will expire upon the later of fifteen (15) years from the issuance of demolition permits for the twenty-one (21) dwelling units or ten (10) years from completion and dedication of the service road adjacent to the lands specified in Subsection 3(g) of this By-law. In accordance therewith, the Development Charges payable will be reduced by an amount calculated by multiplying the twenty one (21) single detached dwellings to be demolished by the Development Charge rate for single detached dwellings in effect at the time of building permit issuance.
8. Prior to the issuance of any building permit, the Owner shall enter into an agreement to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as it read on September 17, 2020 (the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force) to secure the community benefits above.

DIMENSIONS ARE IN METRES & MAY BE CONVERTED TO FEET BY DIVIDING BY 0.3048



CITY OF TORONTO

SCHEDULE "1" TO BY-LAW _____

PASSED ON _____

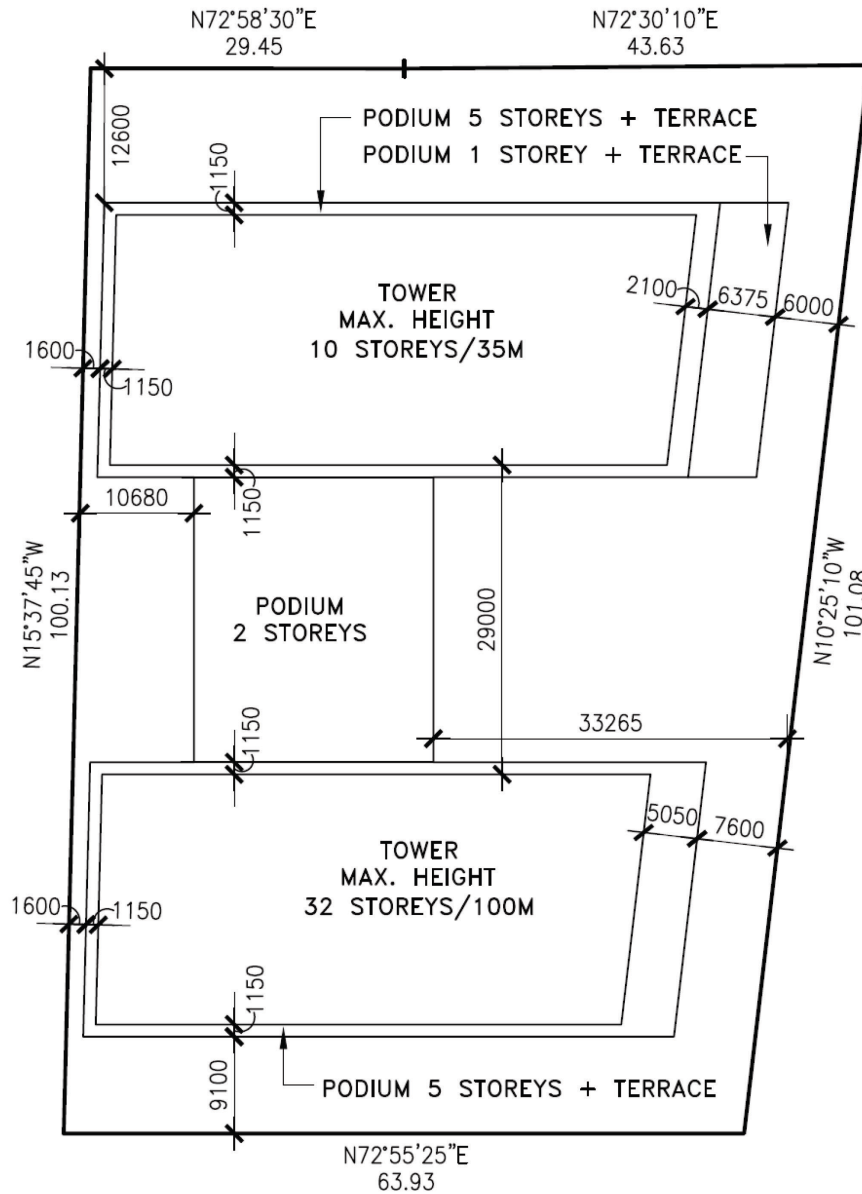
FILE NO. 08 145788 NNY 23 OZ

LOCATION: 51 DREWRY AVENUE AND 8-28 INEZ COURT NORTH YORK, ONTARIO

DIMENSIONS ARE IN METRES & MAY BE CONVERTED TO FEET BY DIVIDING BY 0.3048

SETBACK DIMENSIONS ARE MINIMUMS

BEECROFT ROAD EXTENSION



CITY OF TORONTO

SCHEDULE "RM6(278)" TO BY-LAW _____

PASSED ON _____

FILE NO. 08 145788 NNY 23 OZ

LOCATION: 51 DREWRY AVENUE AND 8-28 INEZ COURT NORTH YORK, ONTARIO