

Authority: North York Community Council Item NY29.3,
as adopted by City of Toronto Council on February 2 and 3,
2022

CITY OF TORONTO

BY-LAW 961-2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 12-24 Leith Hill Road.

Whereas Council of the City of Toronto has the authority to pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; 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 Section 37.1 of the Planning Act provides that Subsections 37(1) to (4) of the Planning Act as it read on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge By-law and this By-law was passed prior to that date; and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;

The Council of the City of Toronto enacts:

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, respecting the lands outlined by heavy black to: RAC (f30; a1375;d1.5)(x182) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.8.10 Exception Number 182 so that it reads:

Exception RAC (x 182)

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 12 - 24 Leith Hill Road, if the requirements of Section 6 and Schedule A of By-law 961-2022 are complied with, a **building** or **structure** may be constructed and used in compliance with (B) to (P) below;
- (B) For the purposes of By-law 961-2022, reference to **building A**, **building B**, **building C**, **building D**, **building E**, **building F** are the **buildings** as identified on Diagram 3 attached to By-law 961-2022;
- (C) Despite any provision of By-law 961-2022, **building A** and **building B** existing as of the enactment date of that by-law are deemed to comply with its requirements;
- (D) Despite Regulation 15.5.40.10(1), for the purpose of calculating the height of a **building** or **structure** in this exception, **established grade** is the Canadian Geodetic Datum elevation of 168.87 metres;
- (E) Despite Regulations 15.5.40.10(1), and 15.20.40.10(1), the height of each new **building** or **structure** must not exceed the maximum height, in metres, following the "HT" symbol on Diagram 3 of By-law 961-2022;
- (F) Despite Provision (E) above and Regulations 15.5.40.10(2), (3) and (4), the following elements, **structures**, equipment or parts of a **building** are permitted to project above the maximum height as shown on Diagram 3 of By-law 961-2022 as follows:
 - (i) Architectural features, window washing equipment, parapets, insulation, roof membrane and ballast, terrace guards, trellises, guardrails, balustrades, railings, wind mitigation screens, planters, monuments, arbours, decorative features, stairs, stair enclosures, stair landings,

- supportive columns, stacks, fences, screens, and landscape and public art features, all of which may encroach up to 3.5 metres;
- (ii) Enclosures housing mechanical elements and ducts, elevators, elevator enclosures and associated **structures** up to a maximum of 6.0 metres; and
 - (iii) The erection or use of **structures** on any roof used for maintenance, safety, or wind purposes up to a maximum of 3.0 metres.
- (G) Despite Regulation 15.20.40.10(2), the permitted maximum number of **storeys** for each new **building** is the numerical value following the "ST" symbol on Diagram 3 of By-law 961-2022;
- (H) Despite Regulation 15.20.20.10(1), a rental and/or management office is also permitted;
- (I) Despite Regulation 15.20.40.40(1), the
- (i) maximum **gross floor area** of **building A** and **building B** on Diagram 3 of By-law 961-2022 must not exceed 22,100 square metres; and
 - (ii) maximum **gross floor area** of **building C**, **building D**, **building E**, and **building F** on Diagram 3 of By-law 961-2022 must not exceed 12,000 square metres.
- (J) Despite Clauses 15.20.40.70 and 15.20.40.80, the required minimum **building setbacks** and required minimum above-ground separation distance between main walls are as shown in metres on Diagram 3 of By-law 961-2022;
- (K) Despite Clause 15.5.40.60 and Provision (J) above, the following elements, **structures**, equipment or parts of **buildings** are permitted to encroach into the required minimum **building setbacks** and minimum above-ground separation distance as follows:
- (i) Architectural features, awnings, canopies, cornices, balconies, chimneys, fences, **green roof**, guardrails, finials, landscape and public art features, lighting fixtures, ornamental elements, parapets, pipes, planters, railings, retaining walls, platforms, eaves, window sills, bay windows, wheelchair ramps, bicycle racks, patios, screens, stacks, stairs, stair enclosures, trellises, retaining walls, curbs, window washing equipment, underground garage ramps and their associated **structures**, underground garage stair enclosures, landscape and public art features up to a maximum of 1.5 metres;
- (L) Despite regulation 15.5.50.10(1) and (3), a minimum of 8,000 square metres of **landscaping** must be provided and maintained on the **lot** of which a minimum of 20 percent must be **soft landscaping**;

- (M) A minimum of one Type "G" **loading space** must be provided for **building C**;
- (N) Despite Regulation 200.5.10.1(1) **parking spaces** must be provided on the **lot** as follows:
 - (i) 0.55 **parking spaces** per **dwelling unit** for residents; and
 - (ii) 0.10 **parking spaces** per **dwelling unit** for visitors.
- (O) Despite Regulations 230.5.1.10(9)(B) and 230.20.1.20(1)(C), the required "long-term" **bicycle parking spaces** may be located in a storage room or in a below-grade **parking garage** in a **building**;
- (P) Despite Regulation 230.5.1.10(4), the required "long term" **bicycle parking spaces** must comply with the following:
 - (i) the minimum dimension of a **bicycle parking space** is:
 - a. minimum length of 1.8 metres;
 - b. minimum width of 0.6 metres; and
 - c. minimum vertical clearance from the ground of 1.2 metres.
 - (ii) the minimum dimension of a **bicycle parking space** if placed in a vertical position on a wall, **structure** or mechanical device is:
 - a. minimum length or vertical clearance of 1.2 metres;
 - b. minimum width of 0.4 metres; and
 - c. minimum horizontal clearance from the wall of 1.05 metres.
 - (iii) in the case of a bicycle rack, is shall be located in a secured room or area.

Prevailing By-laws and Prevailing Sections:

- (A) Schedule 'D' Airport Hazard Map from City of North York zoning by-law 7625.
5. Despite any existing or future severances, partition, or division of the lot, the provisions of this exception will apply to the whole of the lot as if no severance, partition, or division had occurred.
6. Section 37 Provisions
- (A) Pursuant to Section 37 of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18, as amended, came into force, 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 attached to this by-law in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A attached to this by-law 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 upon 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 applicable provisions of Schedule A are satisfied; and
- (D) Once the agreement or agreements securing the facilities, services and matters set out in Schedule A have been executed and registered, the provisions of Schedule A shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.

Enacted and passed on July 22, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands shown in Diagram 1 in this By-law. 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 the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure community benefits and matters required to support the development, as follows:

Community Benefits

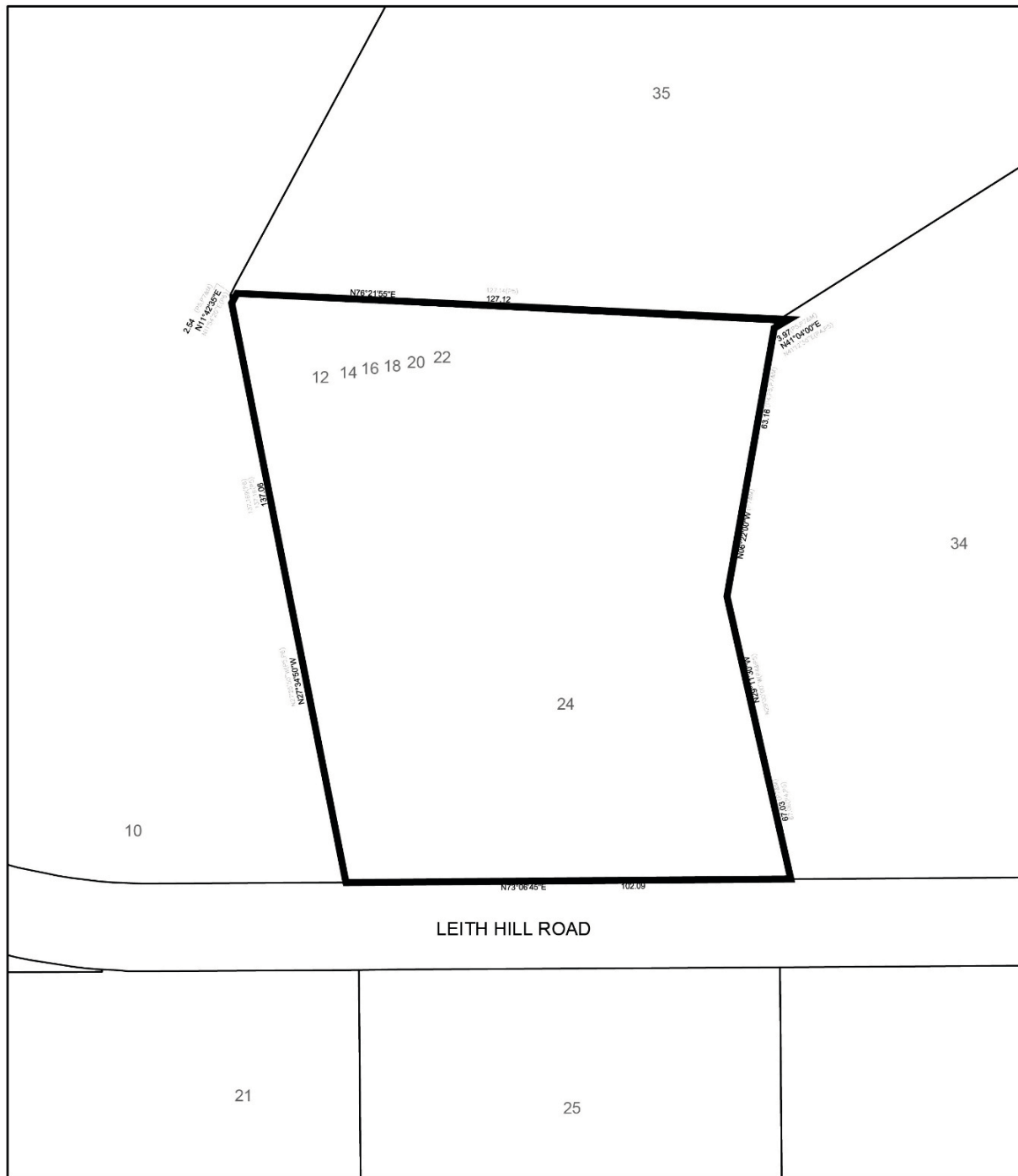
1. Prior to issuance of a the above-grade building permit, the owner of the Lands shall provide a cash contribution to the City in the amount of \$1,500,000 towards improvements to Fairview Public Library and/or Oriole Community Centre.
2. The cash contribution referred to in Section 1 above shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building 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 enactment of this By-law to the date of payment.
3. In the event the cash contribution referred to in Section 1 above has not been used for the determined purpose within three years of the amending Zoning By-law 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 the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands.

Other Matters

4. The owner shall provide the following rental housing matters and improvements to the existing rental housing buildings on the lands:
 - (A) The owner shall continue to provide and maintain the 221 existing rental dwelling units on the lands at 12-24 Leith Hill Road as rental housing, together with the new and retained associated facilities and amenities of the existing residential rental property, for a period of at least 20 years commencing from the date that the Zoning By-laws come into force and effect, and with no applications for demolition or conversion from residential rental use during such 20 year period, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
 - (B) The owner shall provide tenants of the existing rental dwelling units with access to all indoor and outdoor amenities on the lands, at no extra charge and with no pass-through costs to the tenants, including by way of an application to the

Ontario Landlord Tenant Board or to any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario for the purpose of obtaining an increase in residential rent above the applicable guideline. Access to, and use of, these amenities shall be on the same terms and conditions as any other resident on the subject site.

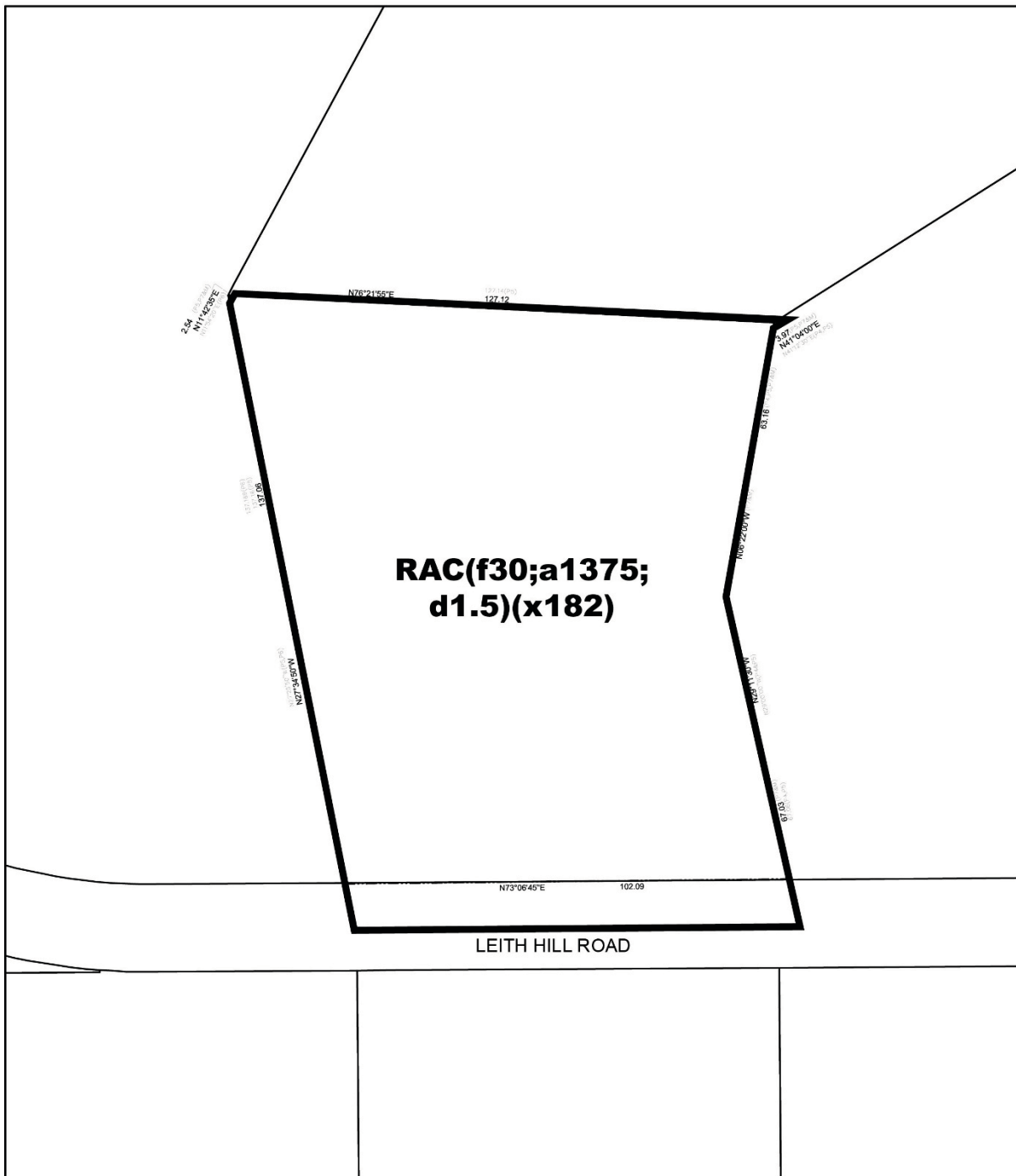
- (C) The owner shall provide, repair, operate and/or maintain, at the owner's sole expense, additional improvements to the existing rental apartment building informed by the results of a tenant survey, to be identified and designed to the satisfaction of the Chief Planner and Executive Director, City Planning. The owner shall undertake the improvements to the existing rental apartment building to the satisfaction of the Chief Planner and Executive Director, City Planning Division or their designate.
 - (D) The costs of all improvements to the existing residential rental building and associated spaces, both within and outside the building, as described above, shall not be passed on to tenants of the existing building in any form, including by way of an application to the Ontario Landlord Tenant Board or to any successor tribunal with jurisdiction to hear applications made under the legislation governing residential tenancies in Ontario, for the purpose of obtaining an increase in residential rent above the applicable guideline.
 - (E) Prior to Site Plan Approval for the development the owner agrees to develop a Construction Mitigation and Tenant Communication Plan to mitigate the impacts of construction on existing tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
- 5. The owner will pay for and construct any improvements to the municipal infrastructure in connection with the site servicing report, as accepted by the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that upgrades to such infrastructure are required to support this development.
 - 6. The owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.
 - 7. The requirements for a construction management plan with the general matters included in the Section 37 Agreement, including but not limited to, noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, coordination with adjacent on-going development construction, parking and laneway uses and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services, in consultation with the Ward Councillor.



 **Toronto**
Diagram 1

12-24 Leith Hill Road

File # 18 125292 NNY 33 0Z



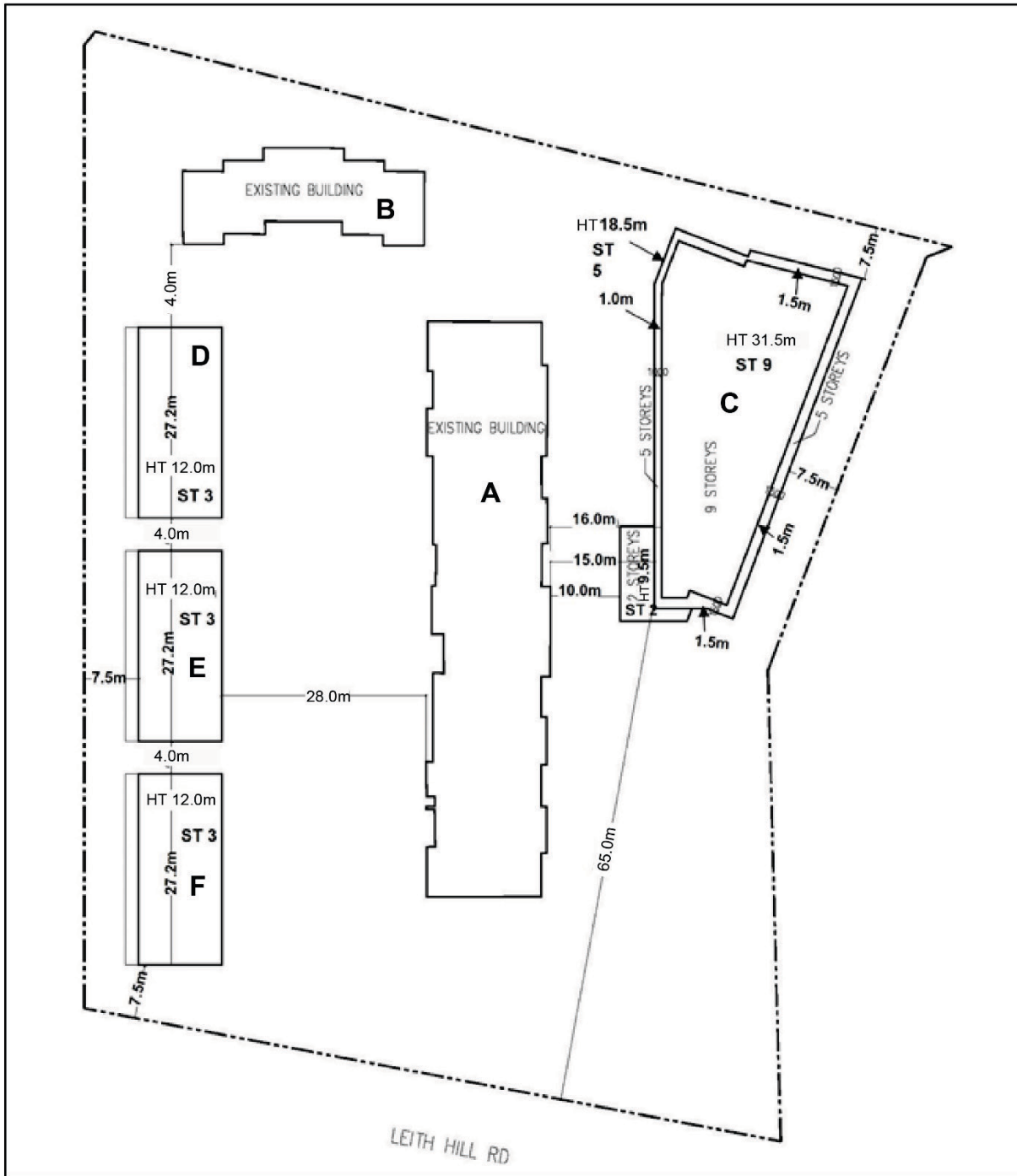
Toronto
Diagram 2

12-24 Leith Hill Road

File # 18 125292 NNY 33 0Z



City of Toronto By-law 569-2013
Not to Scale
07/05/2022



 **Toronto**
Diagram 3

12-24 Leith Hill Road

File # 18 125292 NNY 33 0Z