

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 962-2022

To amend former City of North York Zoning By-law 7625, 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to the COVID-19 Economic Recovery Act, 2020 came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge By-law and this By-law was passed prior to that date; and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 7625 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. Schedules 'B' and 'C' of By-law 7625 of the former City of North York are amended in accordance with Schedule 1 and 2 of this By-law.

2. Section 64.20-A of By-law 7625 is amended by adding the following subsection:

64.20-A (272) RM6 (272)

- (a) Notwithstanding any other provisions of By-law 7625 to the contrary, the following provisions shall apply to the site subject to this By-law and shown on Schedule 1:

DEFINITIONS

- (b) For the purposes of this exception, the following definitions shall apply:
- (i) building A, building B, building C, building D, building E, or building F are the buildings as identified as shown on Schedule 2 attached to this By-law; and
 - (ii) Established Grade shall mean the geodetic elevation of 168.87.

PERMITTED USES

- (c) In addition to the permitted uses in section 20-A.1(a), a rental office or management office shall be permitted.

EXCEPTION REGULATIONS

MINIMUM LOT AREA

- (d) The minimum lot area for the whole of the lot shall be 14,140 square metres.

MAXIMUM GROSS FLOOR AREA

- (e) The maximum gross floor area for building A and building B shall not exceed 22,200 square metres.
- (f) The maximum gross floor area for building C, building D, building E and building F shall not exceed 13,500 square metres.

MAXIMUM DWELLING UNITS

- (g) A maximum of 335 apartment dwelling units and 54 multiple attached dwellings are permitted.

YARD SETBACKS

- (h) The minimum yard setbacks for all buildings shall be as shown on Schedule 2.

- (i) No part of any building or structure erected or used above finished ground level shall be located otherwise than wholly within the area delineated by the heavy lines of Schedule 2.
- (j) Notwithstanding Section 6(9) of the By-law and except where a heavy line on Schedule 2 is contiguous with a boundary of the site, nothing in Section 6(9) shall prevent the following building elements or structures from projecting beyond the heavy lines on Schedule 2:
 - (i) Architectural features, chimneys, cornices, eaves, lighting fixtures, ornamental elements, parapets, pipes, planters, stacks, trellises, vents, wind protection, and window sills to a maximum of 1.2 metres; and
 - (ii) Awnings, balconies, canopies, landscape and public art features, platforms, stairs, stair enclosures, terraces, underground garage ramps and their associated structures, wheel chair ramps, and window washing equipment to a maximum of 3.5 metres.

BUILDING HEIGHT

- (k) The building height, of all buildings, on the site shall not exceed the maximum height in storeys and metres, as shown on Schedule '2', with the exception of the following:
 - (i) Rooftop terraces, architectural features, guardrails and railings, insulation, roof membrane, ballast, landscape and public art features, lighting fixtures, ornamental elements, parapets, pipes, planters, screens, stairs, stair enclosures, trellises, vents, wind protection, stairs and stair enclosures, and window washing equipment to a maximum of 3.5 metres;
 - (ii) Chimneys, elevator enclosures and overruns, mechanical penthouses and stacks to a maximum of 6.0 metres.

DISTANCE BETWEEN BUILDINGS

- (l) The minimum distance between buildings or portions thereof shall be as shown on Schedule 2.

PARKING

- (m) Parking spaces shall be provided within the site in accordance with the following requirements:
 - (i) 0.55 parking spaces per unit for all dwelling units.
 - (ii) 0.10 parking spaces per unit for visitors.

BICYCLE PARKING SPACES

- (n) Bicycle parking spaces for the new buildings shall be provided within the site in accordance with the following requirements:
 - (i) For residents: a minimum of 0.75 bicycle parking spaces per dwelling unit.
 - (ii) For visitors: a minimum of 0.07 bicycle parking spaces per dwelling unit.

LANDSCAPED OPEN SPACE

- (o) Provide a minimum of 8,000 square metres of outdoor landscaped open space of which 20 percent shall be soft landscaping.

3. 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 Schedule 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.
4. The provisions of Section 6A(2)(a), 6A(16)(d)(iv), 6(8), 6(9), 15.8, and Section 20-A.2.1, 20-A.2.4, 20-A.2.4.1 and 20-A.2.5 shall not apply.
5. Notwithstanding any existing or future severance, partition, or division of the site, the provisions of this By-law shall continue to apply to the whole of the site as if no severance, partition, or division occurred.

6. Section 64.20-A of By-law 7625 is amended by adding Schedule 2 attached to this By-law.

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 Schedule 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

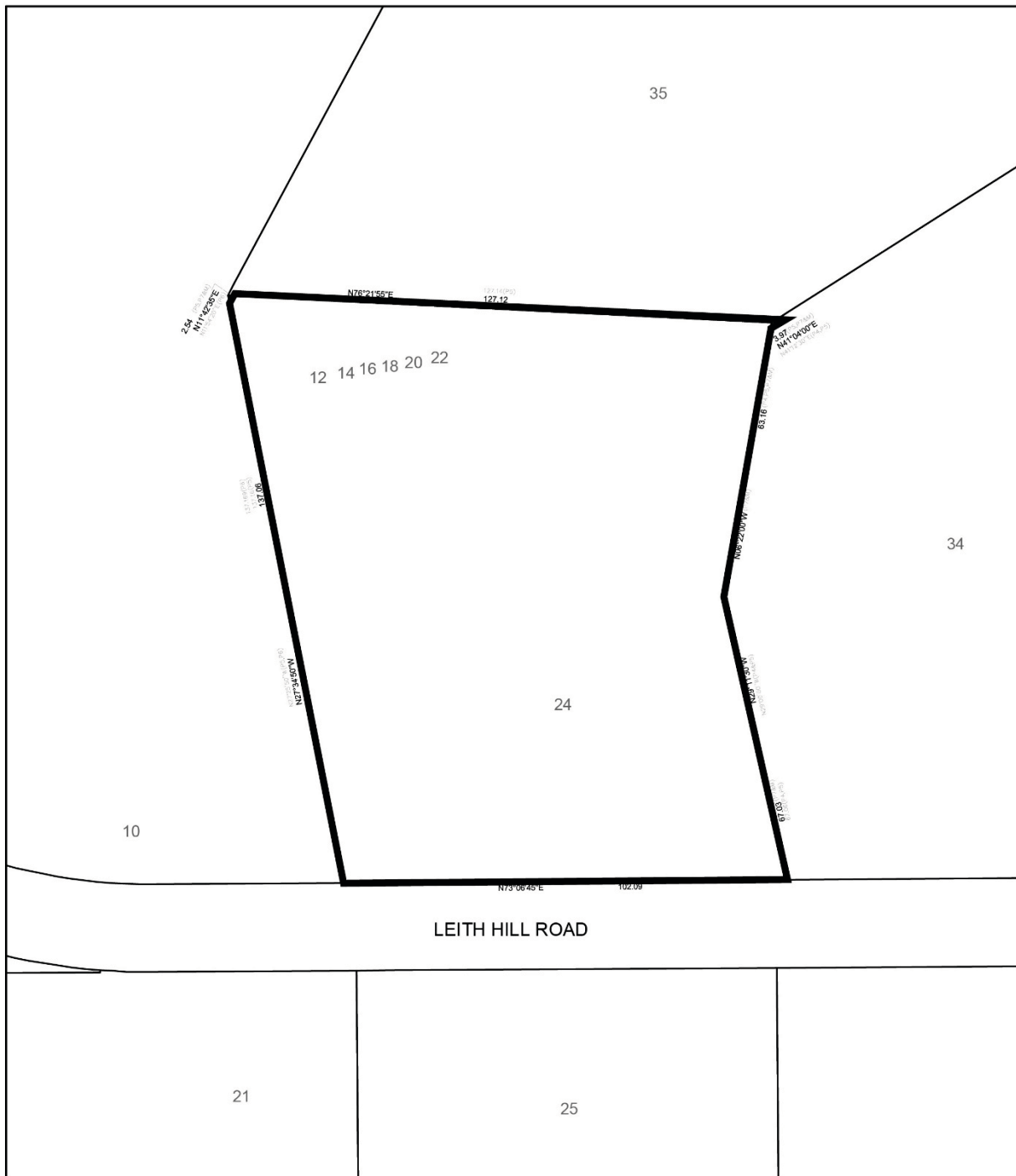
1. Prior to issuance of a the above-grade building permit, the owner of the Lands shall provide a cash contribution to the City in the amount of \$1,500,000 towards improvements to Fairview Public Library and/or Oriole Community Centre.
2. The cash contribution referred to in Section 1 above shall be 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.

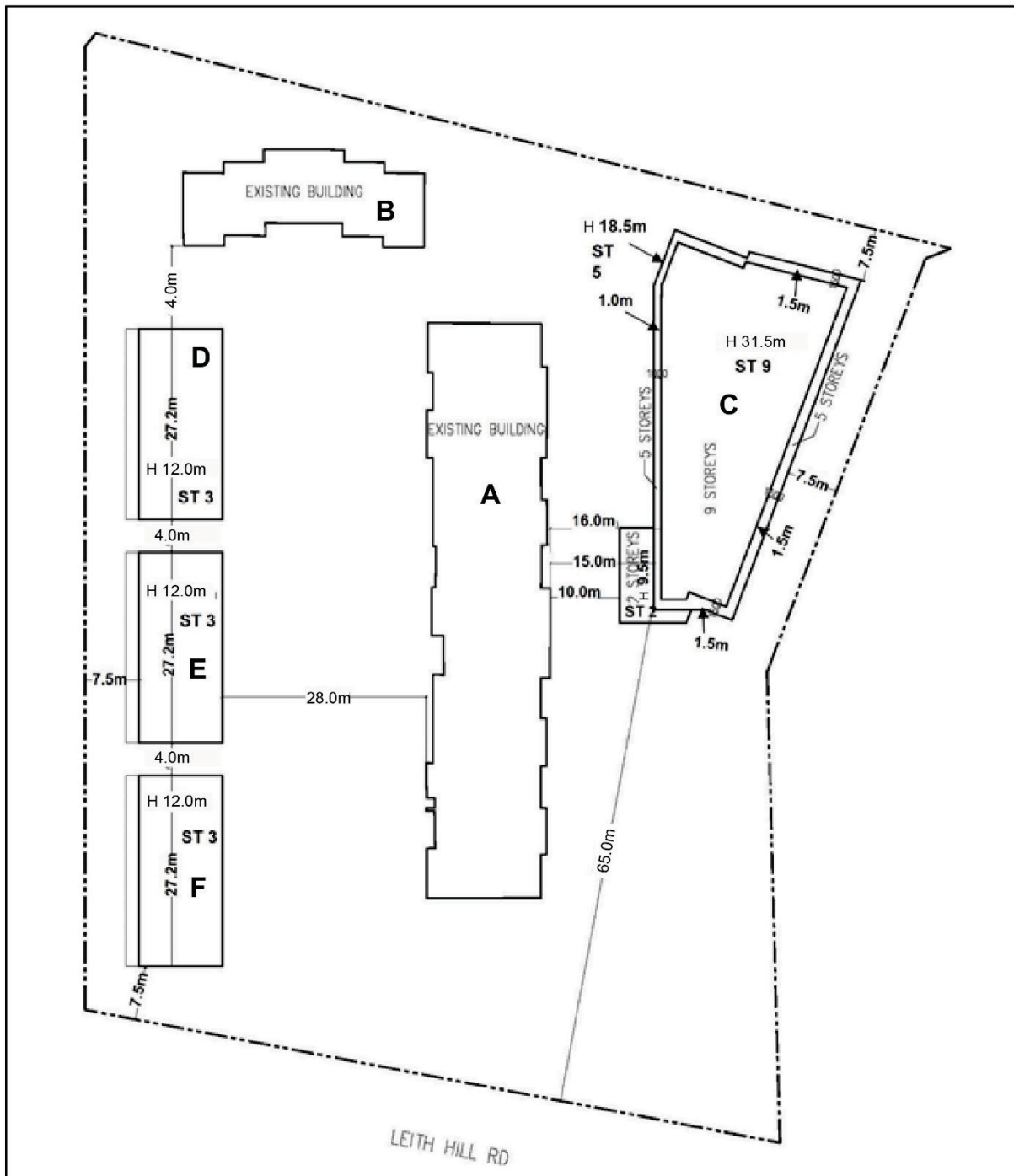


 **Toronto**
Schedule 1

12-24 Leith Hill Road

File # 18 125292 NNY 33 OZ

↑
Former City of North York By-law 7625
Not to Scale
09/24/2021



Toronto
Schedule 2

12-24 Leith Hill Road

File # 18 125292 NNY 33 0Z



Former City of North York By-law 7625
Not to Scale
10/04/2021