

Authority: Ontario Land Tribunal Decision and Order  
issued on August 10, 2022 in Tribunal File OLT 21-001198

## CITY OF TORONTO

### BY-LAW 1151-2022(OLT)

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 234-250 King Street East and 162 Princess Street.**

Whereas the Ontario Land Tribunal, in its Decision issued on August 10, 2022 and its Order issued on August 10, 2022, in File OLT 21-001198, in hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, ordered the amendment of Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 234-250 King Street East and 162 Princess 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 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to the COVID-19 Economic Recovery Act, 2020 came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge By-law and this By-law was passed prior to that date; and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 or 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; and

Whereas authority is given by Section 34 and Section 36 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to impose the holding symbol (H) and to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of Holding (H) symbol with conditions in the Zoning By-law;

The Ontario Land Tribunal, by Order, amends By-law 569-2013 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.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands municipally known in the year 2021 as 234-250 King Street East and 162 Princess Street, as outlined in heavy black lines, from CR SS1 (x339) to CR SS1 (x779), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 779 so that it reads:

779 Exception CR 779

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 234-250 King Street East and 162 Princess Street, if the requirements of By-law 1151-2022(OLT) are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (P) below;
- (B) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 82.5 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite Regulation 40.10.40.10(1), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 3 of By-law 1151-2022(OLT);
- (D) Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is the number following the letters "ST" as shown on Diagram 3 of By-law 1151-2022(OLT); and
  - (i) for the purpose of this exception, a mezzanine does not constitute a **storey**;

- (E) Despite Regulations 40.5.40.10(3) to (8) and (C) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law 1151-2022(OLT):
- (i) mechanical penthouse, by a maximum of 2.0 metres;
  - (ii) window washing equipment, by a maximum of 6.0 metres;
  - (iii) glass feature strips and associated structures for support, mechanical equipment, lightning rods, wind screens, elevator overruns, chimneys, vents, pergolas, eaves, screens, stairs, stair enclosures, and elements or **structures** on the roof used for open air recreation, safety and wind protection purposes, by a maximum of 3.0 metres;
  - (iv) fences and safety railings, trellises, privacy screens, balcony and terrace dividers, roof access hatches, by a maximum of 3.0 metres;
  - (v) balustrades, guard rails, parapets, awnings, railings, **green roof** elements, and dividers, pergolas, eaves, screens, stairs, stair enclosures, roof drainage, window sills, chimneys, vents, terraces, light fixtures, landscaping, by a maximum of 3.0 metres;
- (F) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 34,500 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 33,900 square metres;
  - (ii) the permitted maximum **gross floor area** for non-residential uses is 600 square metres;
- (G) Despite Regulation 40.10.40.50(1)(A) and (B) and 40.10.40.50(2), **amenity space** must be provided at a minimum rate of 3.3 square metres per **dwelling unit**, of which:
- (i) at least 1.6 square metres for each **dwelling unit** is indoor **amenity space**;
- (H) Despite Regulation 40.10.40.70(1), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law 1151-2022(OLT);
- (I) Despite Regulation 40.10.40.80(1), the required separation of **main walls** are as shown in metres on Diagram 3 of By-law 1151-2022(OLT);
- (J) Despite Clause 40.10.40.60 and (H) and (I) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) terraces and balconies, by a maximum of 2.0 metres;

- (ii) despite (i) above, balconies above a height of 24.3 metres (Canadian Geodetic Datum of 106.8 metres) may only project within the areas illustrated as "Balcony Projection Zone" as shown on Diagram 3;
  - (iii) ornamental elements, parapets, pillars, trellises, eaves, and window sills, by a maximum of 1.0 metres;
  - (iv) cornices, light fixtures, landscape features, patios, decks, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, and underground garage ramps and associated **structures**, by a maximum of 1.5 metres;
- (K) 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 0.17 residential occupant **parking spaces** for each **dwelling unit**;
  - (ii) a minimum of 0.06 **parking spaces** for each **dwelling unit** for the use of residential visitors or **public parking**; and
  - (iii) no **parking spaces** are required for non-residential uses;
- (L) Despite Regulation 200.15.1(4), accessible **parking spaces** may be located at any location on any level of the underground parking garage;
- (M) Despite Clause 220.5.10.1, one (1) Type "G" and one (1) Type "C" **loading space** must be provided and maintained on the **lot**;
- (N) Despite Regulation 230.5.1.10(10), both "short-term" and "long-term" **bicycle parking spaces** may also be located in a **stacked bicycle parking space**;
- (O) Despite Regulations 230.5.10.1(1)(3) and (5) and Table 230.5.10.1(1), **bicycle parking spaces** must be provided in accordance with the following minimum rates:
- (i) 0.9 "long-term" **bicycle parking spaces** for each **dwelling unit**;
  - (ii) 0.1 "short-term **bicycle parking spaces** for each **dwelling unit**;
  - (iii) no "long term" **bicycle parking spaces** are required for non-residential uses;
  - (iv) three (3) "short-term" **bicycle parking spaces** for all non-residential uses;
- (P) Of the total number of **dwelling units** provided on the lot:

- (i) a minimum of ten percent must be three-bedroom **dwelling units**; and
  - (ii) in addition to the number of three-bedroom **dwelling units** required in (i) above, a minimum of fifteen percent of the total number of **dwelling units** must contain two bedrooms or more.
- (Q) A **building** or **structure** not constructed, used or enlarged in compliance with Regulations (B) to (P) above, must comply with Regulation 900.11.10(339).

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

5. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.
6. Holding Provisions:
- (A) The lands zoned with the "(H)" symbol delineated by heavy lines on Diagram 2 attached to and forming part of this By-law must not be used for any purpose other than those uses and buildings existing on the site as of July 26, 2022 on the lands shown on Diagram 1 attached to this By-law until the "(H)" symbol has been removed.
  - (B) An amending by-law to remove the "(H)" symbol may be enacted by City Council when the following conditions have been fulfilled to the satisfaction of the City Solicitor, the Chief Planner and Executive Director, City Planning and the Chief Engineer and Executive Director, Engineering and Construction Services:
    - i. The owner submit a revised Functional Servicing Report and Stormwater Management Report, Hydrogeological Review ("**Engineering Reports**") to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water; and
    - ii. The owner secure the design and provided financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Engineering Reports, to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water, should it be determined that improvements or upgrades are required to support the development, according to the accepted Engineering Reports, accepted by the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water.
    - iii. The receipt of all necessary approvals for the infrastructure which may be required and as described in paragraph (B)(ii) above.

- (C) The owner entered into and registered on title to the lands a Section 37 Agreement pursuant to Section 37 of the Planning Act acceptable and satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor.
- (D) The owner entered into and registered on title to the lands a Heritage Easement Agreement pursuant to Section 37 of the Ontario Heritage Act acceptable and satisfactory to the Chief Planner and Executive Director, City Planning, Senior Manager, Heritage Planning and the City Solicitor.

7. Section 37 Requirements:

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height or density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 3 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 attached to 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 or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

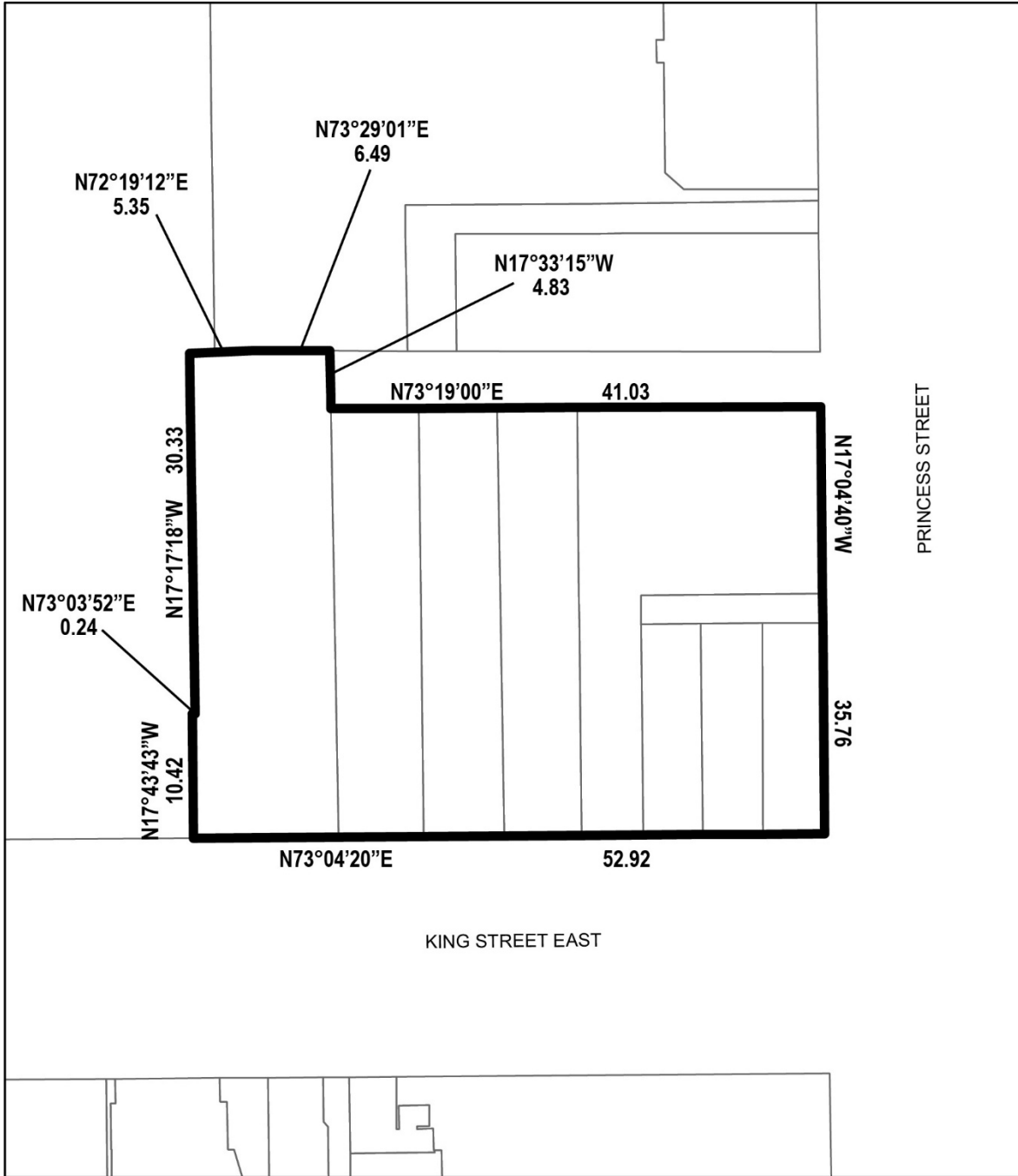
Ontario Land Tribunal Decision and Order issued on August 10, 2022 in Tribunal File OLT 21-001198.

**SCHEDULE A**  
**Section 37 Requirements**

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 or density of the proposed development on the lands as shown in Diagram 3 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

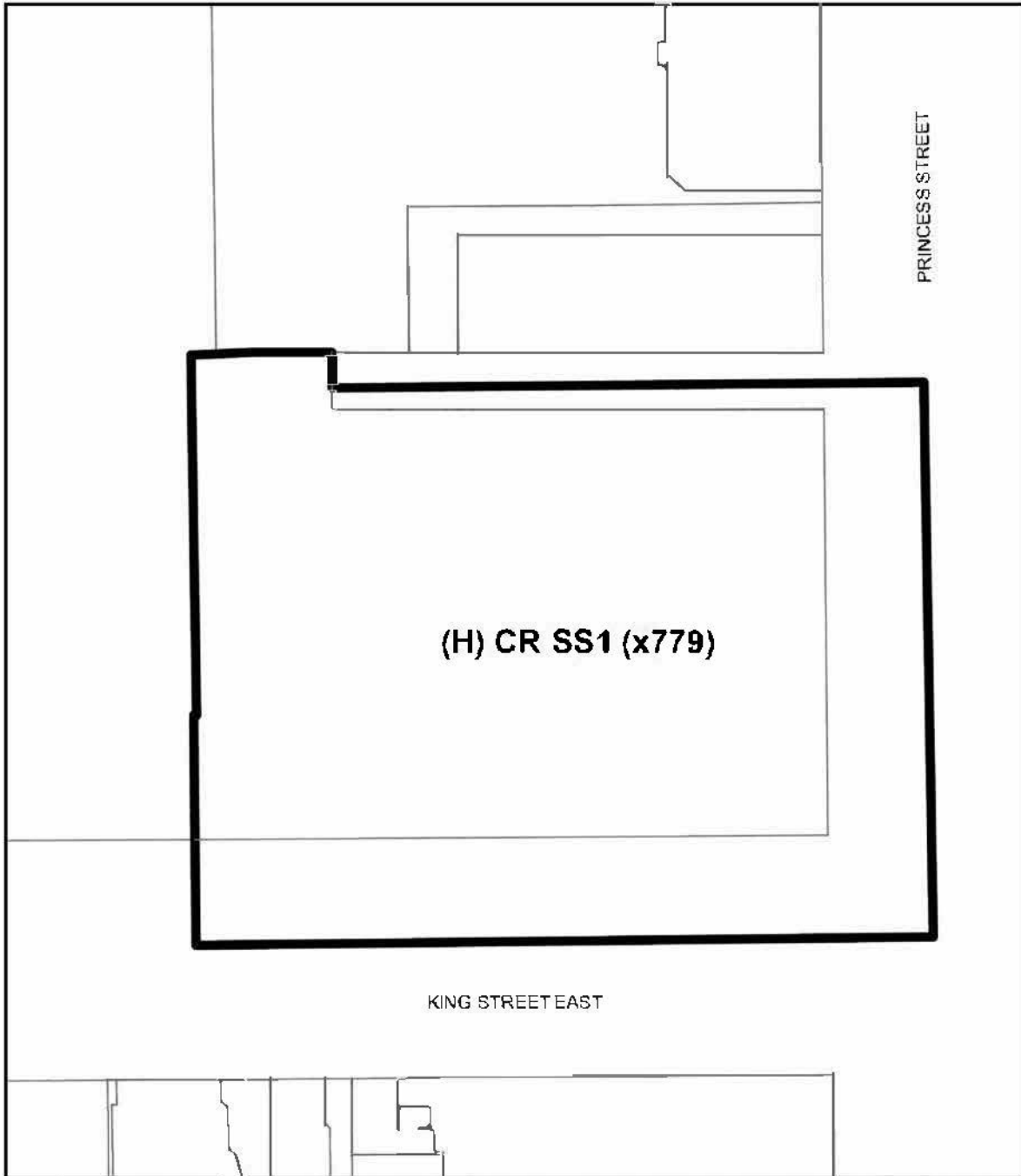
1. The community benefits to be secured in the Section 37 Agreement are as follows:
  - (i) A financial contribution in the amount of \$3,500,000.00 payable to the City prior to the issuance of the first above-grade building permit for the proposed development, excluding demolition permits and any permits associated with the heritage alterations and conservation work, to be used as follows:
    - (A) \$1,250,000.00 to be allocated towards capital improvement for new or existing Toronto Community Housing or other affordable housing within Ward 13, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
    - (B) \$1,250,000.00 to be allocated towards capital improvement for new or existing City-owned community, recreation and cultural space within Ward 13, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor; and
    - (C) \$1,000,000.00 to be allocated towards local area streetscape and/or park improvements within Ward 13, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
  - (ii) The required contribution described in Part 1(i) above is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Index Table 18-10-0135-01, or its successor, calculated from the date this zoning by-law is approved to the date of payment; and
  - (iii) In the event the cash contributions referred to in Part 1(i) above has not been used for the intended purposes within 3 years of the site specific 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 that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands; and
2. The following are also recommended to be secured in the Section 37 Agreement as matters of legal convenience to support development:

- (i) the owner shall provide a minimum of 10 percent of the new residential dwelling units in the development as dwelling units containing at least three bedrooms and a minimum of 15 percent of the new residential dwelling units in the development as dwelling units containing at least two bedrooms, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (ii) the owner shall pay for and construct any improvements to the municipal infrastructure, at their sole expense, in connection with the Functional Servicing and Stormwater Management Reports or other reports 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;
- (iii) prior to Site Plan approval, the owner shall develop a Construction Mitigation Plan for the proposed development of the Subject Site to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor;
- (iv) the owner will construct and maintain the development of the site in accordance with Tier 1 of the Toronto Green Standard, and the owner will be encouraged to achieve Tier 2 of the Toronto Green Standard;
- (v) the owner agrees to work with City staff and the members of the St. Lawrence Neighbourhood Association to include high-quality streetscape improvements within the pedestrian boulevards adjacent to the subject site along King Street East and Princess Street, including but not limited to relocating curbs, with consideration for the St. Lawrence Market Neighbourhood Public Realm Master Plan; and
- (vi) prior to Site Plan approval, to the satisfaction of the Senior Manager, Heritage Planning, the owner shall:
  - (A) provide an updated Heritage Impact Assessment, and Conservation Plan, Heritage Lighting Plan, Interpretation Plan, and Signage Plan; and
  - (B) enter into a Heritage Easement Agreement, to be registered on title, to manage the proposed alterations and secure the recommendations of the updated Heritage Impact Assessment.



 **TORONTO**  
Diagram 1

**234-250 King Street East &  
162 Princess Street**  
File # 20 233160 STE 13 0Z



 **TORONTO**  
Diagram 2

**234-250 King Street East &  
162 Princess Street**  
File # 20 233160 STE 13 0Z

