

Authority: Ontario Land Tribunal Decision issued on January 27, 2022, and Order issued on August 12, 2022 in OLT Case PL200569

## **CITY OF TORONTO**

### **BY-LAW 1163-2022(OLT)**

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 10, 10A, 12, 18, 20 and 30 Dawes Road.**

Whereas the Ontario Land Tribunal pursuant to its Decision issued on January 27, 2022 and Order issued on August 12, 2022, in file PL200569, 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 lands municipally known as in the year 2021 as 10, 10A, 12, 18, 20 and 30 Dawes Road; and

Whereas pursuant to Section 39 of the Planning Act, as amended, the Council of a Municipality may, in a By-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the By-law; 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 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 came into force, a by-law passed under Section 34 of the Planning Act may authorize increases in height and density of development beyond that 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 subsection 37(3) 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 came into force, provides that where an owner of lands elects to provide facilities, services or matters in return for an increase in height and density of development, the Ontario Land Tribunal, 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 of development 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 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 following zone label to these lands: CR 3.0 (c2.0; r2.5) SS2 (x769), 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 Article 995.10.1 and applying no value.
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 Article 995.20 and applying the following height label to these lands: HT 14.0, as shown on Diagram 3 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 Lot Coverage Overlay Map in Article 995.30 and applying no value.
7. 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 Article 995.40 and applying no value.
8. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number 769 so that it reads:

**(769) Exception CR 769**

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 the lands municipally known as 10, 10A, 12, 18, 20 and 30 Dawes Road, if the requirements of Section 10 and Schedule A of this By-law are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with (B) through (BB) below;
- (B) Despite Regulations 5.10.30.20(1) and 5.10.30.20(2), the **front lot line** is the lot line running parallel to Dawes Road;
- (C) 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 130.5 metres and the highest point of the **building** or **structure**;

- (D) Despite Regulations 40.10.20.100(1)(A), (6) and (17), the permitted total **interior floor area** of all **eating establishments, entertainment places of assembly, places of assembly, recreation uses, take-out eating establishments, service shops and retail services** may not exceed 1,700 square metres;
- (E) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** is 44,000 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 41,000 square metres; and
  - (ii) the permitted maximum **gross floor area** for non-residential uses is 3,000 square metres.
- (F) Despite Regulation 40.10.40.1(1), in the CR zone within a **mixed-use building**:
- (i) residential use portions may be located on the same level as non-residential uses on the **first floor** and second **storey** of a **mixed-use building**; and
  - (ii) residential **dwelling units** are not permitted on the **first floor**.
- (G) The provision of **dwelling units** is subject to the following:
- (i) a minimum of 27 percent of the total number of **dwelling units** must be two-bedroom **dwelling units**;
  - (ii) a minimum of 10 percent of the total number of **dwelling units** must be three-bedroom **dwelling units** or larger; and
  - (iii) if the calculation of the number of required **dwelling units** with two or three bedrooms results in a number with a fraction, the number shall be rounded down to the nearest whole number.
- (H) 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 4 of By-law 1163-2022(OLT);
- (I) Despite Regulations 40.5.40.10(4), (6) and (H) above, the following equipment and **structures** may project beyond the permitted maximum height of a **building**:
- (i) equipment used for the functional operation of the **building**, including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, water supply facilities, safety elements, chimneys, pipes, vents, elevator machine rooms and cooling elements by a maximum of 11.0 metres;

- (ii) **structures** that enclose, screen or cover the equipment **structures** and parts of a building listed in (i) above, inclusive of a mechanical penthouse, by a maximum of 11.0 metres;
  - (iii) architectural features, parapets, and elements and **structures** associated with a green roof, by a maximum of 2.0 metres;
  - (iv) building maintenance units and window washing equipment, by a maximum of 3.0 metres;
  - (v) **structures** and elements related to outdoor flooring and roofing assembly features, by a maximum of 0.5 metres;
  - (vi) railings, guard rails, parapets, terraces, patios, planters, balustrades, bollards, stairs, ladders, ancillary structures and ornamental or architectural features, by a maximum of 2.0 metres;
  - (vii) **landscaping** features, privacy screens, terrace divider, screens on a balcony and/or terrace, covered stairs or stair enclosures and fences, by a maximum of 2.75 metres;
  - (viii) trellises and pergolas, by a maximum of 2.5 metres; and
  - (ix) enclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 3.0 metres.
- (J) Regulations 40.5.40.10(5) and (8), with respect to the functional operation of a **building**, do not apply;
- (K) Despite Regulation 40.10.40.70(2), the minimum required **building setbacks** in metres are as shown on Diagram 4 of By-law 1163-2022(OLT);
- (L) Despite Regulation 40.10.40.80(2), the required separation of **main walls** are as shown in metres on Diagram 4 of By-law 1163-2022(OLT);
- (M) Despite Clause 40.10.40.60 and Regulations (K) and (L) above, the following elements may encroach into the required **building setbacks** and separation distances as follows:
- (i) roof overhangs, balconies, balustrades, canopies, chimneys, vents, pipes cornices, eaves, guardrails, parapets, landscape and green roof elements, waste storage and loading space enclosures, lighting fixtures, ornamental elements, public art features, railings, window washing equipment, terraces, decorative architectural features, privacy screens, stair enclosures, stairs, trellises, underground garage ramps, vents, wheelchair ramps, wind mitigation features and window sills, to a maximum of 2.0 metres; and

- (ii) Despite Regulation (M)(i) above, balconies are not permitted to project beyond the east **main wall** of the **building** element labeled "HT 75.5" on Diagram 4 of this By-law, between a Canadian Geodetic Datum elevation of 130.5 metres and a **height** of 36.25 metres.
  
- (N) Despite Regulations (H), (I), (K), (L) and (M) above, within "Area A" shown on Diagram 4 of this By-law, a permanent canopy structure and associated elements may project beyond the permitted maximum height of a building by a maximum of 3.4 metres;
  
- (O) A **privately-owned publicly accessible open space** with a minimum area of 133 square metres must be provided as shown on Diagram 4 of By-law 1163-2022(OLT);
  
- (P) Despite Regulation 150.45.40.1(1), a **day nursery** within a **mixed-use building** must be located on the first and second **storey**;
  
- (Q) Despite Regulations 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 0.24 residential occupant **parking spaces** per **dwelling unit**;
  - (ii) a minimum of 0.06 shared residential visitor and non-residential **parking spaces** per **dwelling unit**;
  - (iii) a minimum of 2 **parking spaces** for the **day nursery** to be used by staff during operating hours (7:00 a.m. to 6:00 p.m., Monday to Friday);
  - (iv) a minimum of 3 **parking spaces** for the **day nursery** to be used as short-term parking during operating hours (7:00 a.m. to 6:00 p.m., Monday to Friday);
  - (v) a minimum of 5 "car-share parking spaces";
  - (vi) the **parking spaces** required in (ii) above may be provided on a non-exclusive, shared basis; and
  - (vii) the **parking spaces** required in (iii) and (iv) above may be used for residential visitors and non-residential uses other than a **day nursery** outside of operating hours (7:00 a.m. to 6:00 p.m., Monday to Friday) on a non-exclusive, shared basis.
  
- (R) Despite Regulation (Q), for each "car-share parking space" provided, and up to a maximum of 10 "car-share parking spaces" in total, the minimum required number of residential occupant **parking spaces** required by (Q) may be reduced by 4 **parking spaces**, subject to the following:

- (i) "car-share" means a motor vehicle available for short-term rental, including an option for hourly rental, for the use of at least occupants of the **building** erected in the **lot**; and
  - (ii) a "car-share parking space" means a **parking space** that is exclusively reserved and actively used for "car-share" purposes.
- (S) Despite Regulation 200.5.1.10(2)(A)(iv), a maximum of 10 percent of the total number of required **parking spaces** on the lands identified on Diagram 1 of By-law 1163-2022(OLT) may have a minimum width of 2.6 metres, if obstructed on one or both sides as described in Regulation 200.5.1.10(2)(D);
- (T) Despite Regulation 200.5.1.10(2)(A)(i), a maximum of 5 **parking spaces** may have a minimum length of 5.3 metres;
- (U) Despite Regulations 200.5.1.10(2)(D), Electric Vehicle Infrastructure, including electrical vehicle supply equipment, does not constitute an obstruction to a **parking space**;
- (V) Despite Regulations 200.15.1(1), 200.15.1(3) and 200.15.10(1) and By-law 579-2017, accessible **parking spaces** must comply with the following:
  - (i) a minimum of 6 of the required residential occupant **parking spaces** and a minimum of 1 of the required shared residential visitor and non-residential **parking spaces** must be accessible **parking spaces**;
  - (ii) accessible **parking spaces** must have the following minimum dimensions:
    - a. length of 5.6 metres;
    - b. width of 3.4 metres;
    - c. vertical clearance of 2.1 metres; and
  - (iii) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path.
- (W) Regulation 200.15.1(4) with respect to the location of an accessible **parking space** does not apply;
- (X) Despite Regulation 230.5.1.10(4), **stacked bicycle parking spaces** in a vertical or horizontal configuration may have a minimum width of 0.45 metres and a minimum vertical clearance of 1.0 metres for each **bicycle parking space**;
- (Y) Despite Regulation 230.5.1.10(9), "long-term" **bicycle parking spaces** are permitted to be located on all levels of the **building** and **parking garage** both above and below ground;

- (Z) Despite Regulations 230.5.1.10(8) and 230.40.1.20(2), "short-term" **bicycle parking spaces** may be located within the municipal right-of-way immediately adjacent to the **lot**;
- (AA) Despite Regulation 230.5.1.10(10), required "short-term" **bicycle parking spaces** may be located in a **stacked bicycle parking space**; and
- (BB) Despite Regulations 220.5.10.1(1), 220.5.10.1(3) and 220.5.10.1(5), **loading spaces** must be provided in accordance with the following:
  - (i) one (1) Type "G" **loading space**; and
  - (ii) one (1) Type "C" **loading space**.

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

- 9. Despite any existing or future consent, severance, partition, or division of the lands as shown on Diagram 1 of By-law 1163-2022(OLT), the provisions of this Exception and By-law 569-2013 shall apply to the whole of the lands as one **lot**, as if no consent, severance, partition or division occurred.
- 10. Temporary uses:
  - (A) None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a temporary sales or construction office for the purposes of marketing, rental, leasing, sale or construction of **dwelling units** and non-residential uses for a period of not more than 3 years from the date this By-law comes into full force and effect, provided:
- 11. 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 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 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, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c.18 came into force, 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.

- (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.

Ontario Land Tribunal Decision issued on January 27, 2022, and Order issued on August 12, 2022 in OLT Case PL200569.

**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 as CR 3.0 (c2.0; r2.5) SS2 (x769), on Diagram 2 of this By-law, and in accordance with one or more agreements pursuant to Section 37(3) 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 came into force, with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement.

**Community Benefits**

1. The design, construction, and finishing of a non-profit licensed child care facility to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Director, Children Services to accommodate at a minimum 62 children, including infants, toddlers and preschoolers, 875 square metres of interior space and 573 square metres of exterior space adjacent to the interior space as shown on the architectural plans prepared by IBI Group Architects Inc. dated December 17, 2021 (subject to potential minor adjustment between the outdoor and indoor space at the City's request without impacting the combined total) ("Child Care Centre"), including outdoor storage, and the provision for a child pick-up and drop-off area including:
  - (a) the conveyance of the Child Care Centre at no cost to the City, in fee simple, prior to first occupancy of the development;
  - (b) on, or prior to, the conveyance of the child care facility, the City and the owner enter into, and register on title to, the appropriate lands an Easement and Cost Sharing Agreement for nominal consideration and at no cost to the City, that is in a form satisfactory to the City Solicitor; the Easement and Cost Sharing Agreement shall address and/or provide for the integrated support, use, operation, maintenance, repair, replacement and reconstruction of certain shared facilities, and the sharing of costs, in respect thereof, of portions of the subject lands to be owned by the City and the owner as they pertain to the Child Care Centre;
  - (c) a letter of credit in the amount sufficient to guarantee 120 percent of the estimated cost of the design, construction and handover of the Child Care Centre complying with the specifications and requirements of the Section 37 Agreement, to the satisfaction of the General Manager, Children's Services and the Chief Financial Officer and Treasurer, will be provided to the City prior to the issuance of the first above grade building permit to secure the Child Care Centre;
  - (d) a one-time cash contribution in the amount of \$250,000 to the Child Care Capital Reserve Fund to be used towards start-up costs, to replace appliances and large equipment due to wear and tear, to be paid prior to the child care facility being made available to the City;

- (e) a one-time cash contribution in the amount of \$250,000 towards toys, furnishing and equipment in accordance with provincial and municipal standards based on a mutually agreeable inventory list provided by the Child Care Centre Operator and/or the General Manager, Children's Services, which will be finalized and approved by the General Manager, Children's Services; and
  - (f) two (2) dedicated parking spaces will be provided free-of-charge for the use of Child Care Centre staff and three parking spaces will be provided free-of-charge for pick up/drop off during operating hours (7:00 a.m. to 6:00 p.m., Monday to Friday).
2. The cash contribution of sixty six thousand six hundred and sixty seven (\$66,667.00) dollars to be paid by the owner prior to the issuance of the first above-grade building permit for any building on the Site and to be allocated toward funding a transportation study at key intersections within the secondary plan area, including Main Street and Stephenson Avenue, Main Street and Danforth Avenue and Main Street and Gerrard Street East, to identify and design streetscape improvements at these intersections for the purpose of improved pedestrian and cyclist safety, functionality and an improved public realm, at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor.
  3. The cash contributions referred to in 1 and 2 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 the Agreement to the date of payment.
  4. In the event the cash contribution referred to in 2 above has not been used for the determined purpose within three (3) years after 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 Official Plan Policy 5.1.1 and will benefit the community in the vicinity of the lands.

### **Matters required to support the development**

5. The provision of a parkland contribution in respect of the proposed Development of the Lands through the payment of cash-in-lieu of parkland prior to issuance of the Above-Grade Building Permit in accordance with Section 42 of the Planning Act and the Parkland Dedication By-law, and that such contribution satisfies all current and future City requirements applicable to the Owner for parkland dedication or cash-in-lieu of parkland payments in connection with the Development, under the Planning Act, the Condominium Act, the Parkland Dedication By-law, or otherwise.
6. Within six months following the closure of the Temporary Driveway set out in 15 below, the construction and maintenance, at its own expense, an area of not less than 130 square metres at the south end of the site as generally shown on Site Plan drawing labeled ASK 01 prepared by IBI Group Architects (Canada) Inc., dated July 3, 2021 for use by the

general public as Privately Owned Publicly Accessible Open Space with the specific location, configuration and design to be determined and secured in the context of Site Plan Approval to the satisfaction of the Chief Planner and Executive Director, City Planning.

7. Upon closure of the Temporary Driveway in 15 below, and the deletion of the Temporary Driveway Easement in 16 below from title to the Lands, the conveyance, on terms set out in the Section 37 Agreement, of an easement in favour of the City in perpetuity, including support rights, as applicable, for public use of the Privately Owned Publicly Accessible Open Space, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
8. The conveyance of a permanent above-grade surface easement for at-grade pedestrian movement over the lands described as Parts 3, 6, and 9 on Plan 66R-32280 prior to the final above-grade building permit for the Development and prior to the termination of any Construction License or Street Occupation Permit that may be issued by the City in respect of the lands that are subject to be the Surface Easement, the Owner will convey to the City the Surface Easement.
9. Prior to site plan approval for the property located at 10 and 10A Dawes Road the owner shall:
  - (a) provide final site plan drawings substantially in accordance with the approved Conservation Plan to the satisfaction of the Senior Manager, Heritage Planning;
  - (b) provide a Heritage Lighting Plan that describes how the exterior of the heritage property will be sensitively illuminated to enhance its heritage character to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning;
  - (c) provide a detailed landscape plan for the subject property, satisfactory to the Senior Manager, Heritage Planning; and
  - (d) provide an Interpretation Plan for the subject property, to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning.
10. Prior to the issuance of any permit for all or any part of the property 10 and 10A Dawes Road, including a heritage permit or a building permit, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building as are acceptable to the Senior Manager, Heritage Planning, the owner shall:
  - (a) provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Planning;

- (b) provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Planning to secure all work included in the approved Conservation Plan, Lighting Plan, Interpretation Plan and Landscape Plan; and
  - (c) provide full documentation of the existing heritage property, including two printed sets of archival quality 8 inch x 10 inch colour photographs with borders in a glossy or semi-gloss finish and one digital set on a CD in tagged image file format and 600 dots per inch resolution keyed to a location map, elevations and measured drawings, and copies of all existing interior floor plans and original drawings as may be available, to the satisfaction of the Senior Manager, Heritage Planning.
- 11. Prior to the release of the Letter of Credit in 6(b) above, the owner shall:
  - (a) provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work and the required interpretive work has been completed in accordance with the Conservation Plan and Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Planning; and
  - (b) provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Planning.
- 12. The construction and maintenance of the development in accordance with the Tier 1 performance measures of the Toronto Green Standard, as adopted by City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Management Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of Item PG23.9 of the Planning and Growth Management Committee, and as may be further amended by Council from time to time.
- 13. The owner shall include warning clauses and signage of the Toronto Catholic District School Board and the Toronto District School Board in the conditions of site plan approval and subsequently within any agreements of purchase and sale or tenant lease agreements for the proposed units, to the satisfaction of the Chief Planner and Executive Director, City Planning.
- 14. The owner shall implement any required recommendations and/or mitigation measures from the accepted Environmental Noise and Vibration Assessment Report, wind study analysis, Traffic Impact Study, Traffic Demand Management Plan, Landscape Plan, Parking and Loading Study, through the Site Plan approval process for the Site, to the satisfaction of the Chief Planner and Executive Director, City Planning.
- 15. The owner shall incorporate Metrolinx's requirements addressing construction measures, warning clauses and other rail safety requirements, during the site plan review process to the satisfaction of the Chief Planner and Executive Director, City Planning.

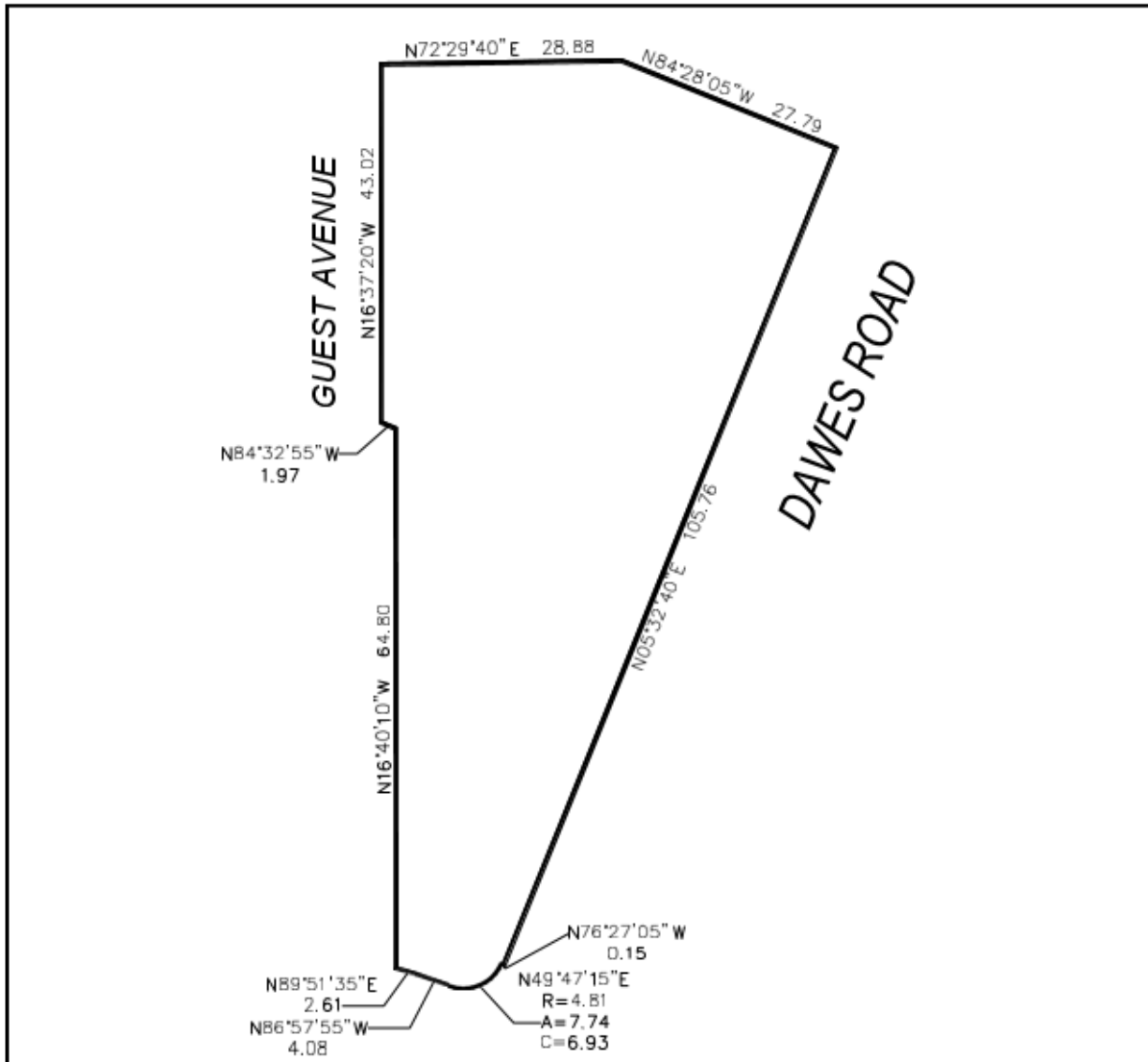
16. Prior to the commencement of any excavation and shoring work, the owner shall submit a Construction Management Plan to the satisfaction of the Chief Building Official and Executive Director, Toronto Building, the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services, and the Chief Engineer and Executive Director, Engineering and Construction Services and thereafter shall implement the plan during the course of construction; the Construction Management Plan will include, but not be limited to the following construction-related details: 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, parking and laneway uses and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, including matters related to the construction of streets or infrastructure, and any other matters requested by the Chief Planner and Executive Director, City Planning, and the City Solicitor.
17. Prior to issuance of any building permit for the development, the Owner shall convey, on such terms and conditions as set out in the Section 37 Agreement and the Land Exchange Agreement, a 348.4 square metre parcel of land on the west side of the Lands between the east west extent of Guest Avenue and the proposed east west extension of Dawes Road (the "Guest Avenue Extension Lands"), to the City, which is more particularly described as Parts 2, 5, and 8 on Reference Plan 66R 32280.
18. Prior to the first residential occupancy of the development, the Owner shall complete the construction of the Guest Avenue Extension, complying with the specifications and requirements of the Section 37 Agreement.
19. Prior to issuance of any building permit for the development, the Owner shall design, and construct a Temporary Driveway with a minimum width of 6 metres, in such location and on such terms and conditions as set out in the Section 37 Agreement.
20. The Owner shall convey a non-exclusive pedestrian and vehicular easement to the City over the entirety of the Temporary Driveway (the "Temporary Driveway Easement") the form of which will be satisfactory to the Chief Planner and the City Solicitor as determined at the time of Site Plan Approval, and subject to the terms of the Section 37 Agreement.
21. Prior to issuance of any building permit for the development, the Owner shall convey to the City, at no cost to the City, and on such terms and conditions as set out in the Section 37 Agreement, the lands described as Parts 11, 12, and 13 on Plan 66R-32280, for a future widening of Dawes Road. Such agreement shall include, inter alia, a provision that the owner will be responsible for the construction of the small portion of the Dawes Road extension located on its site and such obligation may be satisfied by the posting of a Letter of Credit.
22. Prior to issuance of any building permit for the development (except a permit for the demolition of portions of the buildings located on the property at 10 and 10A Dawes Road or any permit related to the construction and delivery of the Guest Avenue Extension), the Owner, or the Owner working in concert with others, shall submit a

Master Functional Servicing Report (the "MFSR") for the lands identified as Character Area C in OPA 478 to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

23. Prior to issuance of any building permit for the development (except a permit for the demolition of portions of the buildings located on the property at 10 and 10A Dawes Road or any permit related to the construction and delivery of the Guest Avenue Extension), the Owner shall submit a revised site-specific Functional Servicing and Stormwater Management Report, Hydrogeological Report and supporting documents which are generally consistent with the approved MFSR (the "Engineering Reports"), including confirmation of water and fire flow, sanitary and storm capacity, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services in consultation with the General Manager, Toronto Water.
24. Prior to issuance of any building permit for the development (except a permit for the demolition of portions of the buildings located on the property at 10 and 10A Dawes Road or any permit related to the construction and delivery of the Guest Avenue Extension), the Owner shall address any other comments that may arise further to the review of materials submitted as part of the process to address any issues identified by Engineering and Construction Services, and the General Manager, Transportation Services, and shall secure, through the Site Plan Approval process, the design and the provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure and/or new 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, should it be determined that improvements or upgrades and/or new infrastructure are required to support the development.
25. The Owner, or the Owner working in concert with others, shall design, construct and render operational, at no cost to the City, improvements to municipal infrastructure generally consistent with those identified in the approved MFSR, and improvements to municipal infrastructure identified in the Engineering Reports and the Traffic Impact Study, required to support the Development, if any, to the satisfaction of the Chief Engineer and/or the General Manager, Transportation, as the case may be. The timing and financial security for the completion of any such improvements, if required, will be determined in the context of Site Plan Approval for the development, and secured by way of a municipal infrastructure agreement with the City authorized by c. 415 of the City's Municipal Code, in the City's standard form, and the improvements may be completed on a phased basis, satisfactory to the Chief Engineer and/or the General Manager Transportation, as the case may be.
26. At the time of and through the Site Plan Approval process for the development, at the Owner's cost or in concert with other owners in the vicinity of the Lands and in accordance with the approved MFSR, the Owner agrees it shall provide financial securities for any upgrades and/or required improvements to the municipal infrastructure in connection with the approved MFSR, Engineering Reports, and Traffic Impact Study, to the satisfaction of the Chief Engineer and/or the General Manager, Transportation,

should it be determined that improvements or upgrades to such infrastructure are required to support the Development.

Diagram 1



10-30 Dawes Road, Toronto

Diagram 1

File #19 124138 STE 19 02



Not to Scale

Diagram 2

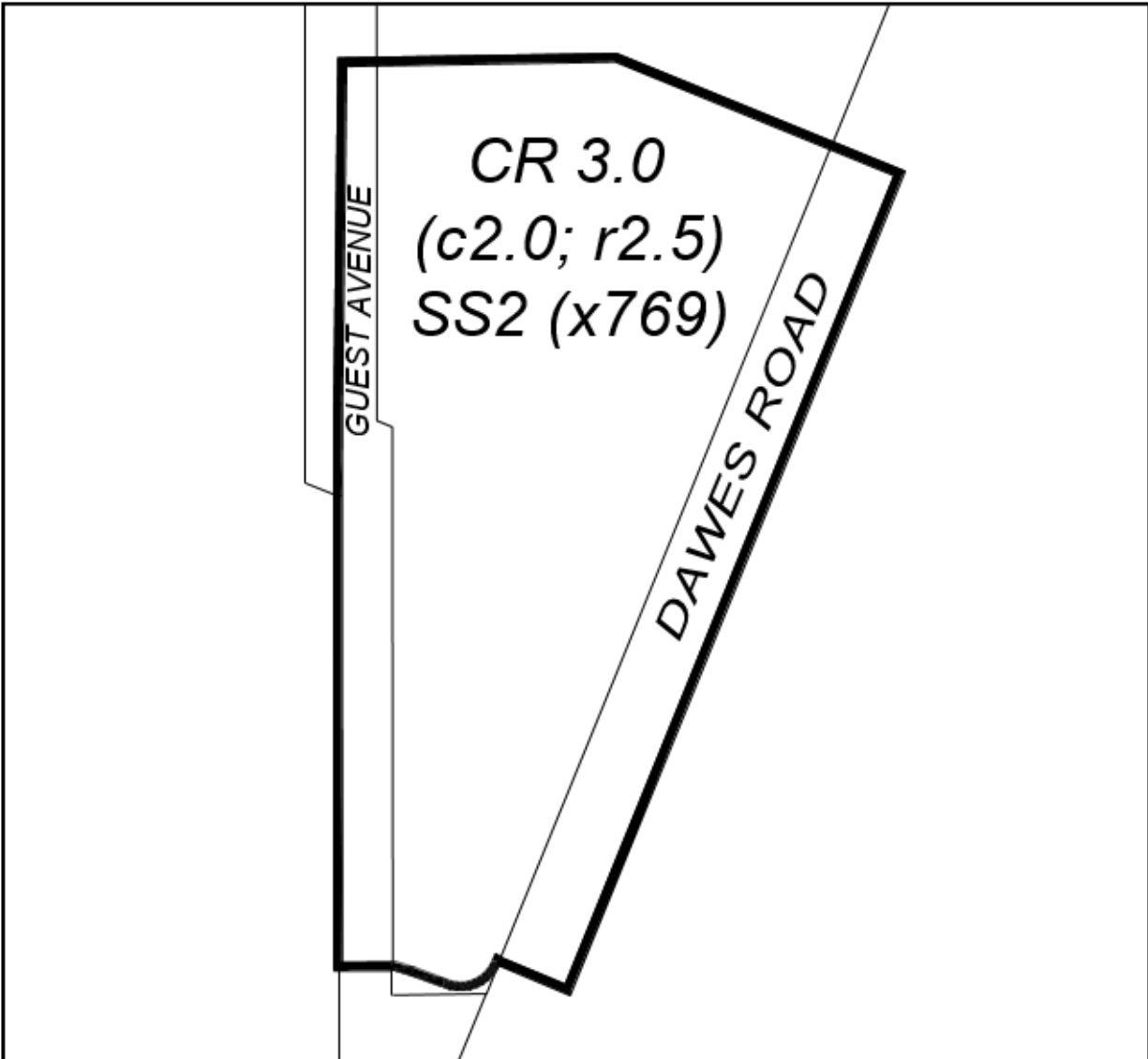


Diagram 3

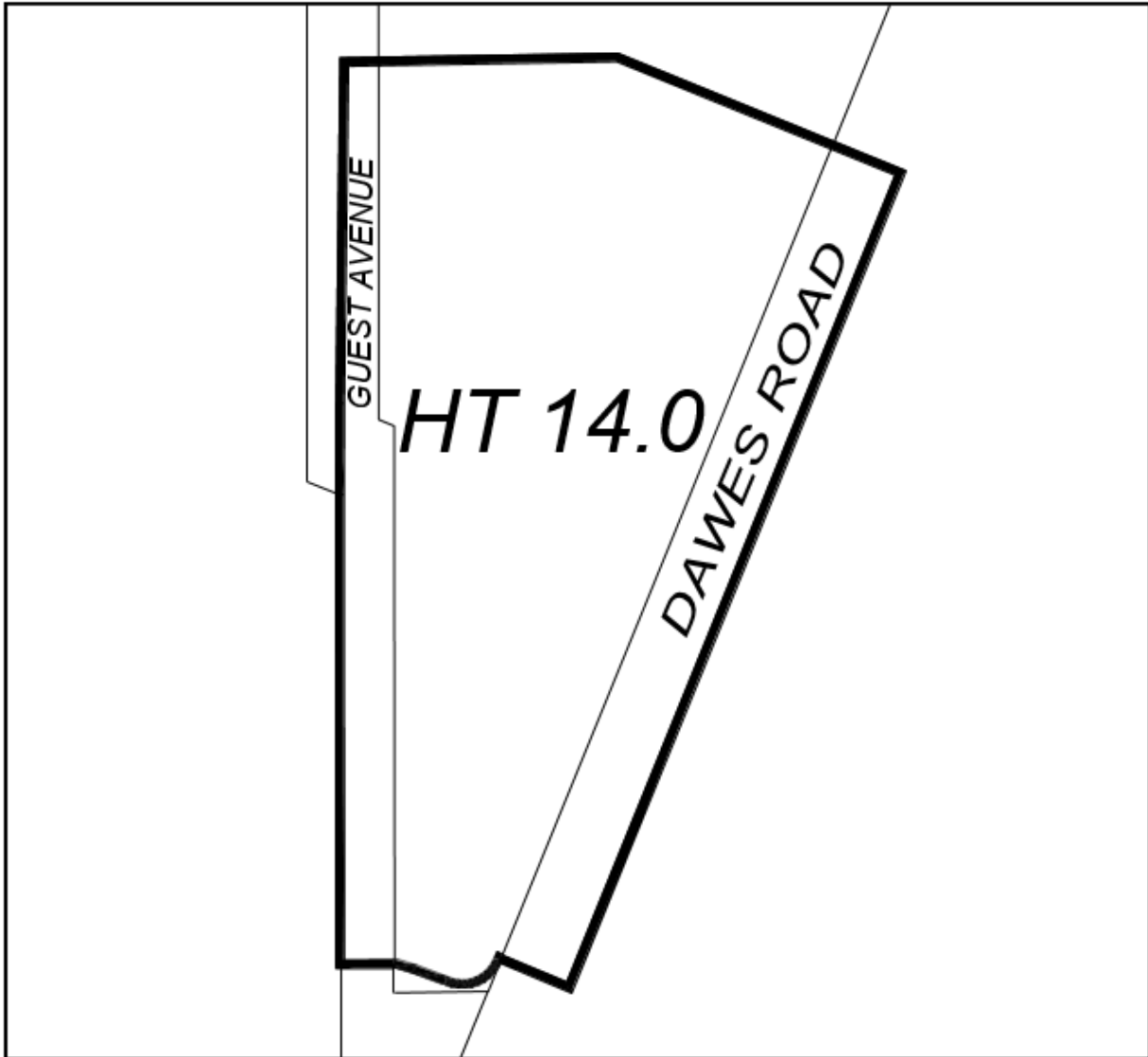


Diagram 3

10-30 Dawes Road, Toronto

File #19 124138 STE 19 02



Not to Scale

Diagram 4

