

Authority: Ontario Municipal Board Decision issued on March 26, 2012 and the Ontario Land Tribunal Order issued on August 11, 2022 in Case PL060668

CITY OF TORONTO

BY-LAW 1166-2022(OLT)

To amend Chapters 320 and 324 of the former City of Etobicoke Zoning Code with respect to lands municipally known as 5555 Dundas Street West and 10 Shorncliffe Road.

Whereas authority is given to Council by Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this by-law; and

Whereas pursuant to Section 36 of the Planning Act, the Council of a municipality may in a by-law passed under Section 34 of the Planning Act, by the use of the holding symbol "H" in conjunction with any use designation, specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the by-law; and

Whereas the City of Toronto Official Plan contains provisions relating to the use of a holding symbol "H"; and

Whereas the City of Toronto Official Plan contains provisions relating to the authorization of 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 provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height or density of development, Council may require the owner to enter into one or more agreements with the City dealing with the facilities, services and matters; and

Whereas the former Ontario Municipal Board by way of decision issued on March 26, 2012 and the Ontario Land Tribunal, by way of Order issued on August 11, 2022 following an appeal pursuant to Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, determined to amend the Etobicoke Zoning Code, with respect to lands known municipally in the year 2011 as 5555 Dundas Street West and 10 Shorncliffe Road;

The Etobicoke Zoning Code is further amended by the Ontario Land Tribunal as follows:

1. That the zoning map C14 North referred to in Section 320-5, Article II of the Zoning Code and originally attached to the Township of Etobicoke By-law 11,737 be and the same is hereby amended by changing the classification of the lands located in the former Township of Etobicoke as shown in heavy outline on Schedule A attached hereto from I.C1 Industrial Class 1 and I.C2 Industrial Class 2 to CR Commercial Residential, (H)CR Commercial Residential Holding Zone and OS Public Open Space Zone as shown on Schedule B attached hereto.

2. For the purposes of this by-law the following definitions shall be applicable:
- a. "**Abutting Lands**" means the lands known in 2012 as 5559 Dundas Street West;
 - b. "**Amenity Space**" means indoor or outdoor space on a Lot, that is ancillary to the main use and, communal and available for use by the occupants of a building on the Lot for recreational or social activities;
 - c. "**Apartment Building**" means a building that has five or more dwelling units, with at least one dwelling unit entirely or partially above another, and each dwelling unit has a separate entrance directly from outside or through a common inside area;
 - d. "**Drive-Through Facility**" means premises used to provide or dispense products or services, through an attendant, or a window or an automated machine, to persons remaining in vehicles that are in a designated stacking aisle. A vehicle washing establishment or a vehicle fuel station is not a Drive-Through Facility;
 - e. "**First Floor**" means the floor of the building, other than a floor used for a parking space, that is closest in elevation to the elevation of established Grade, has an interior floor area in excess of 10 square metres; and is closest to the required front yard setback;
 - f. "**Floor Space Index**" means the Gross Floor Area of all buildings on the Lands divided by the area of the Lands;
 - g. "**Front Lot Line**" means the Lot line that abuts a street. In the case of a corner Lot or a Lot with more than two street frontages, it shall be deemed the shortest Lot line abutting a street. In the case of Lots abutting Dundas Street West, Dundas Street West shall be deemed the front Lot line for zoning purposes;
 - h. "**Grade**" means the average elevation of the sidewalk along the front yard or, where there is no sidewalk, the average elevation of the roadway along the front of the Lot on which the building stands;
 - i. "**Gross Floor Area**" means the total area of each floor level of a building, above and below Grade, measured from the exterior of the main wall of each floor level, including voids at the level of each floor, such as an atrium and mezzanine, but excluding areas used for the purpose of parking or loading, below Grade storage areas, Mechanical Floor Area and Amenity Space;
 - j. "**Height**" means the vertical distance between Grade and the highest point of the roof surface of the building, but shall exclude mechanical equipment, mechanical penthouses, parapets, architectural elements, stairs and stair enclosures, located on the roof of such building provided the maximum height of the top of such elements is not higher than 5.0 metres above the roof line of the building;

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- k. **"Lands"** means the lands described in Schedule A attached hereto and, for the purposes of this by-law, shall be based on the gross land area prior to all dedications, conveyances and Lot divisions;
 - l. **"Long-Term Bicycle Parking"** means bicycle parking spaces for use by the occupants or tenants of a building;
 - m. **"Lot"** means a single parcel or tract of land that may be conveyed in accordance with the provisions of the Planning Act;
 - n. **"Mechanical Floor Area"** means a room or enclosed area, including its enclosing walls, within a building or structure above or below Grade, that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical, elevator shafts, escalator, or telecommunications equipment that serves only such building;
 - o. **"Short-Term Bicycle Parking"** means bicycle parking spaces for use by visitors to a building;
 - p. **"Site Plan Control Approval"** means an approval of plans and drawings for a development or a portion of a development pursuant to Section 114 of the City of Toronto Act, 2006 and Section 41(16) of the Planning Act;
 - q. **"Street A, Street B, Street C, Street D and Street E"** mean respectively the new public streets on the Lands as shown on Schedule F attached hereto;
 - r. **"Tower Element"** means that portion of a building which has a height greater than the width of the right-of-way of the street abutting the Front Lot Line; and
 - s. **"Type G Loading Space"** means a loading space having a minimum dimension of 13.0 metres length, 4.0 metres width and 6.1 metres vertical clearance over at least the first 8.0 metres of the loading space measured from the end of the loading space opposite the entrance to it, and a vertical clearance of at least 4.5 metres over the balance of the loading space.
3. Permitted Uses
- a. the following uses shall be permitted on any portion of the Lands zoned OS on Schedule B attached hereto:
 - i. OS Zone
 - A. all of the uses permitted under § 320-32 OS Public Open Space Zone except the uses in A. Agricultural, F. Public and H. Parking;
 - b. the following uses shall be permitted on any portion of the Lands zoned CR on Schedule B attached hereto, subject to Sections 4 to 17 and Sections 19 to 23 of this by-law:

i. CR Zone

- A. all B. Business, C. Institutional, and D. Public uses permitted under the § 320-95 CG General Commercial Zone and shall also include Apartment Buildings, long term care facilities, retail stores, senior citizen apartment buildings, senior citizens retirement home facilities, and temporary sales offices for the purposes of the marketing and sale of uses to be erected on the Lands;
 - B. despite Subsection b.i.A. above, the following uses shall not be permitted: undertaking establishments, service stations and public garages, surface public parking areas, new and used car sales rooms and lots, food vending carts, massage parlours and holistic clinics, and Drive-Through Facilities; and
 - C. despite Subsection b.i.A above, for those buildings fronting Dundas Street West, no residential units shall be permitted on that portion of the First Floor within 25.0 metres of Dundas Street West.
- c. for the portion of the Lands zoned (H)CR on Schedule B attached hereto, subject to Section 18 of this by-law, at such time as Schedule B attached hereto has been amended to remove the (H) Holding Symbol designation from all or any part of the Lands zoned (H)CR, the uses permitted in Subsection b. above shall be permitted on any portion of the Lands as are then zoned CR subject to Sections 4 to 17 and Sections 19 to 23 of this by-law.

4. Floor Space Index

- a. the minimum Floor Space Index permitted on the Lands shall be 1.0; and
- b. the maximum Floor Space Index permitted on the Lands shall be as shown on Schedule C attached hereto.

5. Building Height

- a. the minimum building Height shall be the lesser of 3 storeys or 10.5 metres;
- b. the maximum building Height shall be the lesser of the maximum Height in storeys or metres as shown on Schedule D attached hereto; and
- c. if mechanical equipment, mechanical penthouses, parapets, architectural elements, stairs and stair enclosures located on the roof exceed the maximum building Height, the total area of all these elements together is not to cover more than 40 percent of the area of the roof and is no higher than 5.0 metres above the roof line.

6. First Floor

- a. for those buildings fronting Dundas Street West, the portion of First Floor directly fronting Dundas Street West shall have a minimum floor to ceiling height of 4.5 metres; and
- b. the First Floor of all buildings on the Lands shall be within 0.9 metres of the elevation of the municipal sidewalk directly opposite each pedestrian entrance with the exception of those buildings with frontage on Dundas Street West which shall have a First Floor within 0.2 metres of Grade for those portions of the building which front Dundas Street West.

7. Yard Setbacks

A building or structure on a Lot must be setback:

- a. a minimum of 3.0 metres and a maximum of 4.5 metres from the Front Lot Line;
- b. where a portion of a wall of a building contains windows or openings, that portion of the wall must be setback a minimum of 5.5 metres from a side Lot line that is not adjacent to a street or lane, otherwise no setback is required;
- c. where a portion of a wall of a building does not contain windows or openings, that portion of the wall must be setback a minimum of 3.0 metres from a side Lot line that is not adjacent to a street or lane, otherwise no setback is required;
- d. for any portion of any building or structure located below Grade on a Lot, no setback is required with the exception of those setbacks identified in Section e. below and with the exception of a 3.0 metre setback along Dundas Street West to a depth of 3.0 metres below Grade; and
- e. subject to Section 19.k. and l. herein, notwithstanding any other setback requirements, landscaping, landscape structures and above and below grade parking/parking structures may be permitted within 30.0 metres of the south property line in accordance with the Canadian Pacific Rail requirements and within 33.0 metres of the south property line in accordance with the Toronto Transit Commission requirements.

8. Separation of Building Walls

- a. that portion of a building which has a Height equal to or less than the width of the right-of-way of a street it abuts must comply with the following:
 - i. if a wall of a building has windows and a line projected at a right angle from one of these walls intercepts another such wall on the same Lot, the minimum above ground distance between such walls must be 11.0 metres; or

- ii. if a wall of a building has windows facing a wall which does not have windows and a line projected at a right angle from one of these walls intercepts the other wall, the minimum above ground distance between such walls must be 5.5 metres;
- b. Tower Elements of buildings must comply with the following:
 - i. have a maximum floor plate size of 750.0 square metres;
 - ii. have a minimum 25.0 metre separation distance to the Tower Element of any other adjacent building on the Lands; and
 - iii. have a minimum 12.5 metre setback to side property lines not facing a public street.

9. Building Step-backs

A building or structure must step-back a minimum of 1.5 metres from any wall fronting a public street or lane above a height of 12.0 metres above Grade.

10. Minimum Lot Frontage

The minimum Lot frontage shall be 30.0 metres.

11. Amenity Space

Buildings containing 20 or more dwelling units must provide:

- a. a minimum 2.0 square metres of indoor Amenity Space for each dwelling unit; and
- b. a minimum 2.0 square metres of outdoor Amenity Space for each dwelling unit, which shall be provided within the limits of the Lot.

12. Permitted Encroachments

- a. platforms

A platform with no roof, such as a deck, porch, balcony or similar structure, attached to or less than 0.3 metres from a principal building, must comply with the following:

- i. a platform with a floor level that is no higher than the floor level of the First Floor of the principal building may encroach into the required yard setback the lesser of 2.5 metres or 50 percent of the required yard setback if it is no closer to a Lot Line than 0.3 metres and if it is not located between the building and a Lot line that abuts a street;

- ii. a platform with a floor level that is higher than the floor level of the First Floor of the principal building if attached to the front main wall, must: be located above the two storeys closest to established Grade; be located entirely behind the front main wall of the two storeys closest to established Grade; and not project more than 1.5 metres from the main wall to which it is attached; and
- iii. a platform attached to a unit that is incorporated into the podium of a building must be located entirely behind the front main wall and not project more than 1.5 metres from the main wall to which it is attached.

b. canopies and awnings

A canopy, awning or similar structure, with or without structural support, or a roof over a platform may encroach into a required yard setback for the principal building as follows:

- i. when above a platform, the roof, canopy, awning or similar structure may encroach into the respective yard setback to the same extent as the platform it is covering; and
- ii. when not covering such a platform, the canopy, awning or similar structure may encroach into a required yard setback. In a front yard or rear yard, the lesser of 2.5 metres or 50 percent of the applicable required yard setback, if it is not closer to a side Lot line than the required side yard setback; or in a side yard, a maximum of 1.5 metres, if it is not closer to the side Lot line than 0.3 metres.

c. exterior stairs, access ramp and elevating device

- i. exterior stairs providing access to a principal building or structure may encroach into a required yard setback, if the stairs: are no longer than 1.5 horizontal units for each 1.0 vertical unit above finished grade at the point where the stairs meet the building or structure; are no wider than 2.0 metres; and are no closer to the Lot line than 0.3 metres;
- ii. an uncovered ramp providing access to a principal building or structure may encroach into a required yard setback, if the ramp: is no longer than 12 horizontal units for each 1.0 vertical unit above finished grade at the point where the ramp meets the building or structure; is no wider than 1.5 metres for each sloped ramp segment; and is no closer to the Lot line than 0.3 metres; and
- iii. an elevating device providing access to a principal building or structure may encroach into a required yard setback, if the elevating device: elevates no higher than the First Floor of the building; has a maximum area of 3.0 square metres; and is no closer to the Lot line than 0.3 metres.

d. exterior main wall surface

Cladding added to the original exterior surface of the main wall of a principal building, may encroach into a required yard setback a maximum of 0.15 metres, if the building is at least 5 years old.

e. architectural features

i. a pilaster, decorative column, cornice, sill, belt course or other similar architectural feature on a principal building may encroach into a required yard setback a maximum of 0.6 metres, if it is no closer to the Lot line than 0.3 metres; and

ii. a chimney breast, on a principal building, may encroach into a required yard setback a maximum of 0.6 metres, if it: is no wider than 2.0 metres; and is no closer to the Lot line than 0.3 metres.

f. window projections

A bay window, box window, or other window projection from a main wall of a principal building, which increases floor area or enclosed space but does not touch the ground, may encroach:

i. into a required front yard or rear yard setback a maximum of 0.75 metres, if these features in total do not occupy more than 65 percent of the width of the front main wall or rear main wall at each storey; and

ii. into a required side yard setback a maximum of 0.6 metres, if these features in total do not occupy more than 30 percent of the width of the side main wall at each storey; and are no closer to the side Lot line than 0.6 metres.

g. roof projections

On a principal building a dormer projecting from the surface of the roof, may not have any wall of the dormer closer to a Lot line than the required setback for the principal building's main wall; and the eaves may encroach into a required yard setback a maximum of 0.9 metres, if they are no closer to the Lot line than 0.3 metres.

h. equipment

On a principal building, wall mounted equipment may encroach into a required yard setback as follows, if they are no closer to the Lot line than 0.3 metres:

i. an air conditioner may encroach into a required rear yard setback or side yard setback a maximum of 0.9 metres, if it is not located above the First Floor;

- ii. a satellite dish may encroach into a required yard setback a maximum of 0.9 metres;
- iii. an antenna or pole used to hold an antenna may encroach into a required rear or side yard setback a maximum of 0.9 metres; and
- iv. a vent or pipe may encroach into a required rear yard setback or side yard setback a maximum of 0.6 metres.

i. utilities

Service connections to public utilities at any Lot line may encroach into a required yard setback.

13. Parking shall be provided in accordance with the provisions of the Etobicoke Zoning Code with the following exceptions:

- a. for Apartment Building uses, resident parking shall be provided:
 - i. at a minimum rate of:
 - A. 0.6 stalls for each bachelor dwelling unit;
 - B. 0.7 stalls for each one bedroom dwelling unit;
 - C. 0.9 stalls for each two bedroom dwelling unit; and
 - D. 1.0 stall for each three or more bedroom dwelling unit.
 - ii. at a maximum rate of:
 - A. 0.9 stalls for each bachelor dwelling unit;
 - B. 1.0 stalls for each one bedroom dwelling unit;
 - C. 1.3 stalls for each two bedroom dwelling unit; and
 - D. 1.5 stalls for each three or more bedroom dwelling unit.
- b. in addition to the required resident parking, a minimum of 0.1 stalls per dwelling unit shall be provided for the exclusive use of visitors, however up to 50 percent of such required residential visitor parking can be shared with and used to meet the parking requirements for non-residential uses within the same building or structure;
- c. for office uses, parking shall be provided at a minimum rate of 1.0 space for each 100.0 square metres of Gross Floor Area and a maximum rate of 1.4 for each 100.0 square metres of Gross Floor Area;

- d. for hotel and motel uses, parking shall be provided at a minimum rate of 0.2 spaces for each 100.0 square metres of Gross Floor Area and a maximum rate of 1.0 space for each 100.0 square metres of Gross Floor Area;
 - e. for retail uses, parking shall be provided at a minimum rate of 1.0 space for each 100.0 square metres of Gross Floor Area and a maximum rate of 4.0 spaces for each 100.0 square metres of Gross Floor Area;
 - f. parking space dimensions shall have a minimum 5.6 metre length, 2.6 metre width and 2.0 metre vertical clearance and have a 6.0 metre aisle; and
 - g. parking spaces shall not be located in the front yard.
- 14.** Accessible parking shall be provided in accordance with the following:
- a. accessible parking spaces shall have a minimum dimension of 5.6 metre length, 3.9 metre width and 2.1 metre vertical clearance; and
 - b. a minimum of 1.0 accessible parking space for each 100.0 parking spaces or part thereof.
- 15.** Bicycle parking shall be provided in accordance with the following:
- a. for residential uses, Long-Term Bicycle Parking must be provided at a rate of 0.6 spaces per dwelling unit and Short-Term Bicycle Parking must be provided at a rate of 0.15 spaces per dwelling unit;
 - b. for retail uses, Long-Term Bicycle Parking must be provided at a rate of 0.13 spaces per 100.0 square metres of Gross Floor Area and Short-Term Bicycle Parking must be provided at the rate of the greater of 0.25 spaces per 100.0 square metres of Gross Floor Area or 6 spaces; and
 - c. for office/institutional uses, Long-Term Bicycle Parking must be provided at a rate of 0.13 spaces per 100.0 square metres of Gross Floor Area and Short-Term Bicycle Parking must be provided at the rate of the greater of 0.15 spaces per 100.0 square metres of Gross Floor Area or 6 spaces.
- 16.** Loading spaces shall be provided in accordance with the following:
- a. buildings containing 31 to 399 dwelling units: a minimum of one Type G Loading Space;
 - b. buildings containing 400 plus dwelling units: a minimum of one Type G Loading Space; plus one loading space having a minimum dimension 6.0 metre length and 3.5 metre width;

- c. loading spaces for all other uses shall be provided in accordance with the following table:

Gross Floor Area in square metres	Type A (17 metres x 3.5 metres)	Type B (11 metres x 3.5 metres)	Type C (6 metres x 3.5 metres)
Retail/Commercial/Office			
500-2999		1	
3000-7400		2	
7500-9999		3	
10000+	1	3	
Hotel			
0-4999		1	
5000-9999		1	1
10000-19999		2	1
20000-49999		2	2
50000+	1	1	2

- d. Type A, Type B and Type C loading spaces shall have a minimum 4.5 metre vertical height clearance and dimensions as shown in the table in Subsection 16.c.;
- e. loading spaces shall not be located in the front yard; and
- f. if a building contains residential and non-residential uses, any Type B loading space requirement may be shared with the residential loading space requirement and used to satisfy both the non-residential Type B loading space requirement and the residential Type C loading space requirement.
- 17.** Waste material and recyclable material must be stored in a wholly enclosed building.
- 18.** Section 36 Requirements – Holding Provisions:
- a. despite any other provision of this by-law, the Lands identified as Holding Zone on Schedule B attached hereto are zoned with the Holding Symbol (H) pursuant to Schedule 36 of the Planning Act, and shall not be used other than as provided for in Subsection b. below until the (H) has been removed by amendment to this by-law;
- b. the uses permitted on the Lands identified as Holding Zone on Schedule B attached hereto shall not exceed a maximum Floor Space Index of 0.6 until the (H) has been removed by amendment to this by-law;
- c. in accordance with the provisions of Section 36 of the Planning Act, an amending by-law to remove the Holding Symbol (H) in whole or in part from the Lands identified as Holding Zone on Schedule B attached hereto shall be enacted by City Council when the following have been provided and their implementation secured through the execution and registration on title of an agreement or

agreements pursuant to Section 37 and Section 51 and/or 53 of the Planning Act, as appropriate and pursuant to Section 114 of the City of Toronto Act, 2006, all to the satisfaction of the City of Toronto:

- i. a phasing plan for the second phase of the development, as shown on Schedule E attached hereto (the "Second Phase") and any sub-phases thereof identifying: the sequence of new development including the phasing and timing for the planning, construction and conveyance to the City of the public park identified by the OS Open Space Zone on the Lands shown on Schedule B attached hereto, if not yet provided, as well as; the phasing and timing for the provision of municipal infrastructure to support development; the phasing and timing for the construction and conveyance to the City of new public streets, right-of-ways, and other potential public open spaces, if any, and the disposition of existing buildings;
- ii. the registration of plans of subdivision, consents to sever, and agreements, as appropriate, providing for amongst other things: new public streets, municipal services and infrastructure, stormwater management facilities and development blocks as may be applicable and required to support development on the Lands;
- iii. an addendum/update to the Urban Transportation Considerations Report prepared by BA Group Transportation Consultants dated January 2012 confirming and identifying:
 - A. the impacts and level of service of the Second Phase on the existing and proposed street network;
 - B. any required improvements to support the Second Phase or sub-phases of development and to minimize any negative level-of-service impacts; and
 - C. how appropriate connections between adjacent properties, including the Abutting Lands will achieve a continuous and connected public street network consistent with Schedule F attached hereto.
- iv. an addendum/update to the "Dundas Street West/Highway 427 Future Development Servicing Study" prepared by MMM Group dated January, 2012 and the "Addendum #1 to the Dundas Street West/Highway 427 Future Development Servicing Study" prepared by MMM Group dated February, 2012 in order to confirm and identify that capacity remains in the trunk and local sanitary sewers to accommodate anticipated build out of the Second Phase and any sub-phases thereof and to identify any required improvements or mitigation measures necessary to minimize any impacts to the existing servicing network including those required for the

first phase of the development, as shown on Schedule E attached hereto (the "First Phase") and any sub-phases thereof; and

- v. the owner of the Lands shown on Schedule A attached hereto enters into and registers one or more financially secured Development Agreements with the City for the construction and where appropriate, conveyance to the City, of any improvements to the municipal infrastructure including off-site improvements, should it be determined that upgrades are required to the infrastructure to support development as identified in the approved traffic impact study, stormwater management master report and functional servicing report and/or associated addendums/updates to those studies/reports.

19. Section 37

The density and heights of development permitted by this by-law are subject to the owner of the Lands shown on Schedule A attached hereto (the "Owner"), at its own expense, providing the following capital facilities and/or cash contributions toward specific capital facilities and other facilities, services and matters, in accordance with and subject to the agreement required in this section pursuant to Section 37 of the Planning Act as follows, including insurance, indemnity, indexing escalation of both the financial contributions and letters of credit, HST, GST; and registration and priority of agreement:

- a. a public art contribution in accordance with the City's public art program with a value of FOUR HUNDRED THOUSAND DOLLARS (\$400,000.00);
- b. prior to the issuance of any building permit for all or any part of the Lands, the Owner shall pay to the City by certified cheque the sum of ONE HUNDRED AND FIFTY THOUSAND DOLLARS (\$150,000.00) to be used by the City towards streetscape improvements along Dundas Street West between Highway 427 and Shorncliffe Road;
- c. the Owner shall:
 - i. pay to the City by certified cheque the sum of FOUR HUNDRED AND TWENTY THOUSAND DOLLARS (\$420,000.00) as set out below, to be used for above base park improvements, as established by the City's General Manager, Parks, Forestry and Recreation, for a new public park to be created within the OS zone shown on Schedule B attached hereto and the Abutting Lands, and
 - ii. convey to the City pursuant to Section 42 of the Planning Act as part of the Owner's parkland dedication, to the satisfaction of the City's General Manager, Parks, Forestry and Recreation and the City Solicitor, the 0.6 hectare portion of the Lands within the OS zone shown on Schedule B attached hereto, such payment and such conveyance to occur prior to the earlier of:

- A. the issuance of any building permit for all or any part of the Lands located west of Street E, or
 - B. the issuance of any building permit for all or any part of the Lands if any of the following has occurred:
 - 1. any portion of Street A located between Street B and Street C has been conveyed to the City;
 - 2. any portion of Street C located between Street A and Street E has been conveyed to the City;
 - 3. any portion of Street E located between Street B and Street C has been conveyed to the City;
 - 4. any portion of Street B located between Street A and Street E has been conveyed to the City, or
 - 5. any portion of the Abutting Lands which are located in an OS zone adjacent to the Lands has been conveyed to the City, provided this clause 5. shall not apply if a building or portion of a building located on the Lands on the date of the agreement required in Section 19.o. herein, remains erected on all or any portion of the OS zone shown on Schedule B attached hereto unless a building permit for the demolition of such building has been applied for or has been issued, Provided such conveyed portion of the street, or in the case of clause 5. herein, such conveyed portion of the Abutting Lands, is connected to an existing public street, as determined by the City's Executive Director Engineering and Construction Services.
- d. prior to the issuance of the specified building permits, the Owner shall pay to the City:
- i. The sum of TWO HUNDRED AND NINETY FOUR THOUSAND, THREE HUNDRED DOLLARS (\$294,300.00), prior to the issuance of the first above Grade building permit for any portion of the Lands, other than that portion of the Lands comprising the First Phase;
 - ii. The further sum of TWO HUNDRED AND NINETY FOUR THOUSAND, THREE HUNDRED DOLLARS (\$294,300.00), prior to issuance of any above Grade building permit which would permit the number of residential dwelling units to be erected on the Lands to exceed FIVE HUNDRED (500), excluding any dwelling units erected in the First Phase; and

- iii. The further sum of FOUR HUNDRED AND FORTY ONE THOUSAND, FOUR HUNDRED DOLLARS (\$441,400.00), prior to the issuance of any above Grade building permit which would permit the number of residential dwelling units to be erected on the Lands to exceed ONE THOUSAND (1,000) excluding any dwelling units erected in the First Phase, for a total payment to the City of ONE MILLION AND THIRTY THOUSAND DOLLARS (\$1,030,000.00), all to be paid by certified cheque, and such money to be used by the City towards capital facilities comprised of one or more of the following:
- A. the first priority being towards the provision of a community recreational centre on the former Westwood Theatre lands, or within the local vicinity of the Lands;
 - B. non-profit childcare facilities within the local vicinity of the Lands;
 - C. improvements to public parks within the local vicinity of the Lands, which may include any new public parks which may be created within the Lands, in addition to the park in Section 19 c. herein; and
 - D. streetscape improvements within the local vicinity of the Lands, which may include additional improvements along Dundas Street West between Highway 427 and Shorncliffe Road beyond those provided for in Section 19 b. herein.
- e. prior to the issuance of any building permit for all or any part of the Lands, the Owner shall pay to the City by certified cheque the sum of SEVENTY THOUSAND DOLLARS (\$70,000.00) for transit priority signaling improvements required by the Toronto Transit Commission (the "TTC") to mitigate the impacts of the development on the road network;
- f. prior to the earlier of the issuance of each Site Plan Control approval and the issuance of each first above Grade building permit for the Lands, the Owner shall provide a cost estimate for any required on and off site road and traffic signaling improvements attributable to the development to the satisfaction of the Executive Director, Engineering and Construction Services, and provide a certified cheque to the City for any such required road and traffic signaling improvements to the satisfaction of such Executive Director;
- g. the payment amounts in Sections 19 b., c., d., e. and f. herein to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Local Planning Appeal Tribunal Order bringing this by-law into full force and effect, to the date of payment with the exception of Section 19 f. for which the commencement of indexing shall be the respective dates the cost estimates for such improvements are approved by the City's Executive Director, Engineering and Construction Services;

- h. prior to the earlier of the registration of any plan of subdivision; the issuance of any Site Plan Control approval; and the issuance of any building permit (including, for the purpose of this clause, a demolition permit if the extension of the TTC's Bloor Danforth Subway Westerly line has commenced) for all or any part of the Lands, the Owner shall convey a subsurface easement and rights of support, for the full width of the Lands, along the southerly property line and having a maximum perpendicular width of no more than 33.0 metres measured from the south property line of the Lands, in favour of the City for the purpose of a transit right of way in contemplation of the extension of the TTC's Bloor Danforth Subway Westerly line, all to the satisfaction of the City Solicitor in consultation with the TTC;
- i. the Owner shall ensure that the development of the Lands does not preclude and must protect for the construction of the subway extension in Section 19 h. herein;
- j. for any part of the Lands located within 93.0 metres of the south property line of the Lands (the "93 Metre Area"), the Owner shall prior to the earlier of the registration of any plan of subdivision; the issuance of any final consent to sever (other than a consent to sever unrelated to any particular development but that is only for financing purposes or for the purpose of enabling an Owner to convey a portion of the Lands to an unrelated arm's length purchaser); the issuance of any Site Plan Control approval; and the issuance of any building permit (including, for the purpose of this clause, a demolition permit if the extension of the TTC's Bloor Danforth Subway Westerly line has commenced), or any construction, submit plans for and complete a TTC technical review related to the subway extension of such proposed development by and to the satisfaction of the TTC, including the imposition of conditions thereon and shall build within the 93 Metre Area in accordance with any such conditions of development;
- k. for any part of the Lands located within 30.0 metres of the south property line of the Lands, the landscaping, landscape structures and above and below Grade parking/parking structures permitted in Section 7.e. herein, shall comply with the requirements of Canadian Pacific Rail or its successor;
- l. for any part of the Lands located within 33.0 metres of the south property line of the Lands, the landscaping, landscape structures and above and below Grade parking/parking structures permitted in Section 7.e. herein shall comply with the requirements of the TTC;
- m. prior to the earlier of the issuance of each Site Plan Control approval and the issuance of each Foundation Building Permit for any part of the Lands, provide a Noise Impact Study to the satisfaction of the Chief Planner, including a peer review, and if necessary, incorporate noise mitigating measures and revised drawings, and thereafter have a qualified consultant certify, in writing, that the development has been designed and constructed in accordance with any approved noise mitigation measures;

- n. prior to the earlier of the issuance of any Site Plan Control approval and the issuance of any building permit for any part of the Lands, the Owner shall obtain final approval of a plan of subdivision for the First Phase of the development as identified on Schedule E attached hereto, including entering into and registering a financially secured subdivision agreement pursuant to Section 51(26) of the Planning Act for the provision and implementation of a phasing plan for the First Phase of the development of the Lands as identified on Schedule E; and
- o. the Owner enters into and registers on title to the Lands one or more agreements with the City pursuant to Section 37 of the Planning Act, to the satisfaction of the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning Division, to secure the facilities, services and matters set forth in this Section 19.

For the purpose of this Section 19, reference to a building permit shall not include a permit issued by the City pursuant to Section 8 of the Building Code Act for demolition (except as specified in clauses h. and j. above), repairs or renovation to buildings or structure existing on the Lands on the date of the agreement required in Section 19.o. herein, nor does it include any permit to construct a temporary sales office on the Lands.

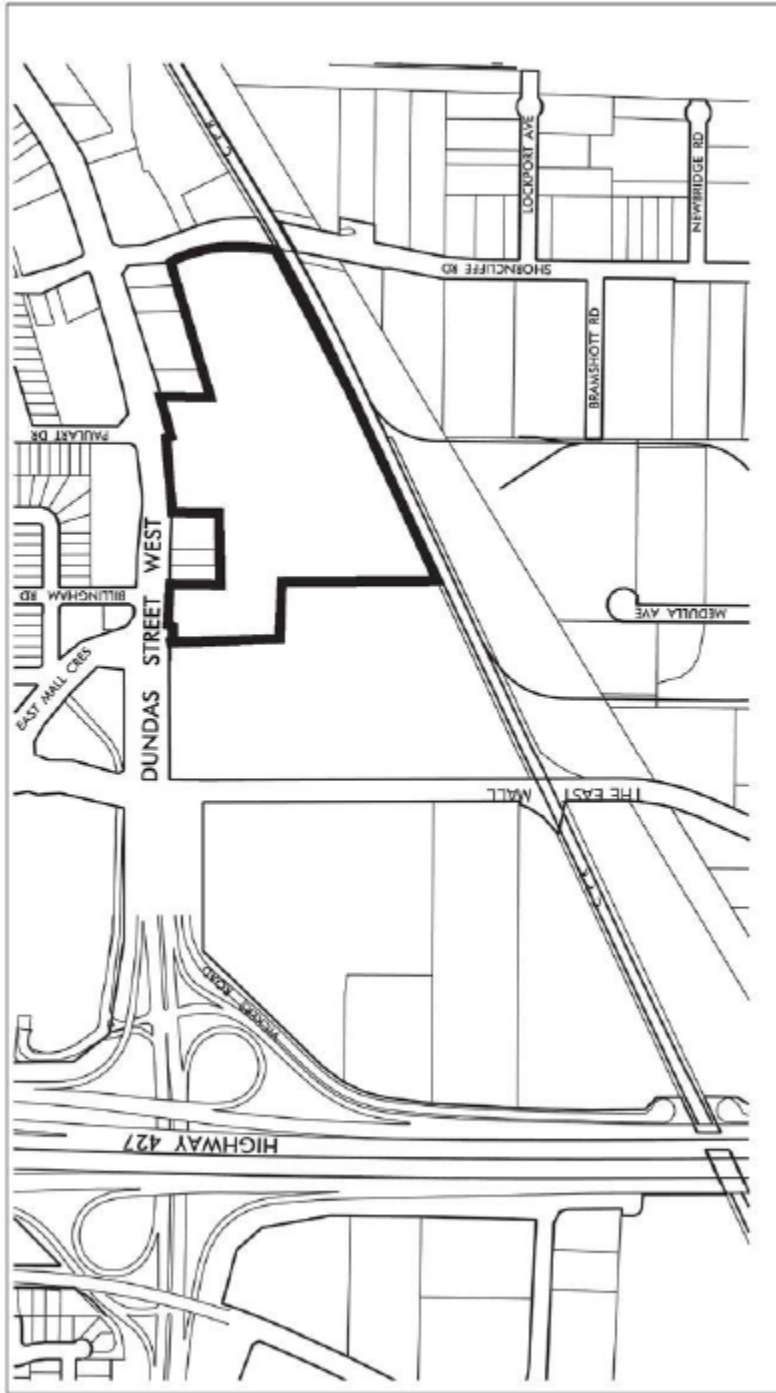
- 20. Notwithstanding any severance, partition, division, consolidation, lot addition or merging of the Lands, the provisions of this by-law shall apply to the whole of the Lands as described in Schedule A attached hereto as if no severance, partition, divisions, consolidation, lot addition or merging of the Lands occurred.
- 21. No person shall use the Lands shown on Schedule A attached hereto or erect or use any buildings or structures on the Lands shown on Schedule A, with the exception of existing buildings and uses as of the date of the enactment of this by-law, unless the following municipal services are provided to the Lot line:
 - a. all new public roads required to service the new buildings or structures which are applicable to such portion of the Lands have been constructed to a minimum of base curb and base asphalt and are connected to an existing public road; and
 - b. all water mains and sanitary sewers, and appropriate appurtenances required to service the new buildings or structures which are applicable to such portion of the Lands have been installed and are operational.
- 22. Zoning by-laws 2787 and 3780 are hereby repealed on the coming into force of this by-law.
- 23. Where the provisions of this by-law conflict with the Etobicoke Zoning Code, the provisions of this by-law shall apply.
- 24. The Lands which are subject to this by-law, comprising the Lands shown on Schedule A attached hereto shall be subject to site plan control pursuant to Section 114 of the City of Toronto Act, 2006 and Section 41(16) of the Planning Act ("Site Plan Control").

25. Chapter 324-1 of the Etobicoke Zoning Code is amended by adding the following to Table of Site Specific By-laws:

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
1166-2022(OLT) August 11, 2022	Those lands on the south side of Dundas Street West between Shorncliffe Road and East Mall Crescent	To implement the recommendations of the Dundas Street West Highway 427 Planning Framework Study

Pursuant to Ontario Municipal Board Decision issued on March 26, 2012 and the Ontario Land Tribunal Order issued on August 11, 2022 in Case PL060668.

Schedule A



Schedule A to By-Law _____ 2013



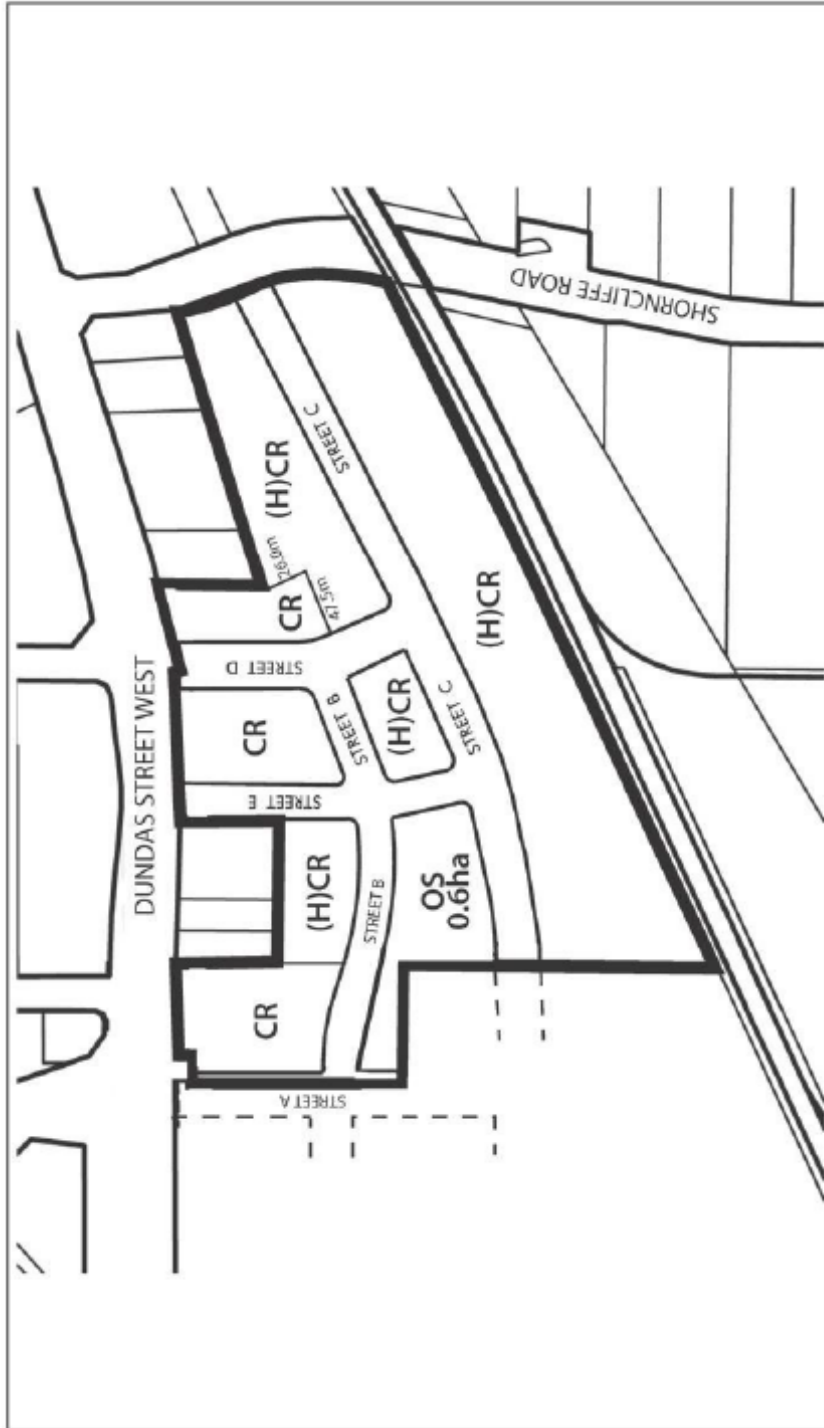
Area Affected by this By-Law



Not to Scale
By-Law 11,737 as amended
28/10/2013

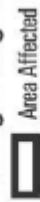
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Schedule B



Schedule B to By-Law _____ 2013

Zoning Designations



Area Affected

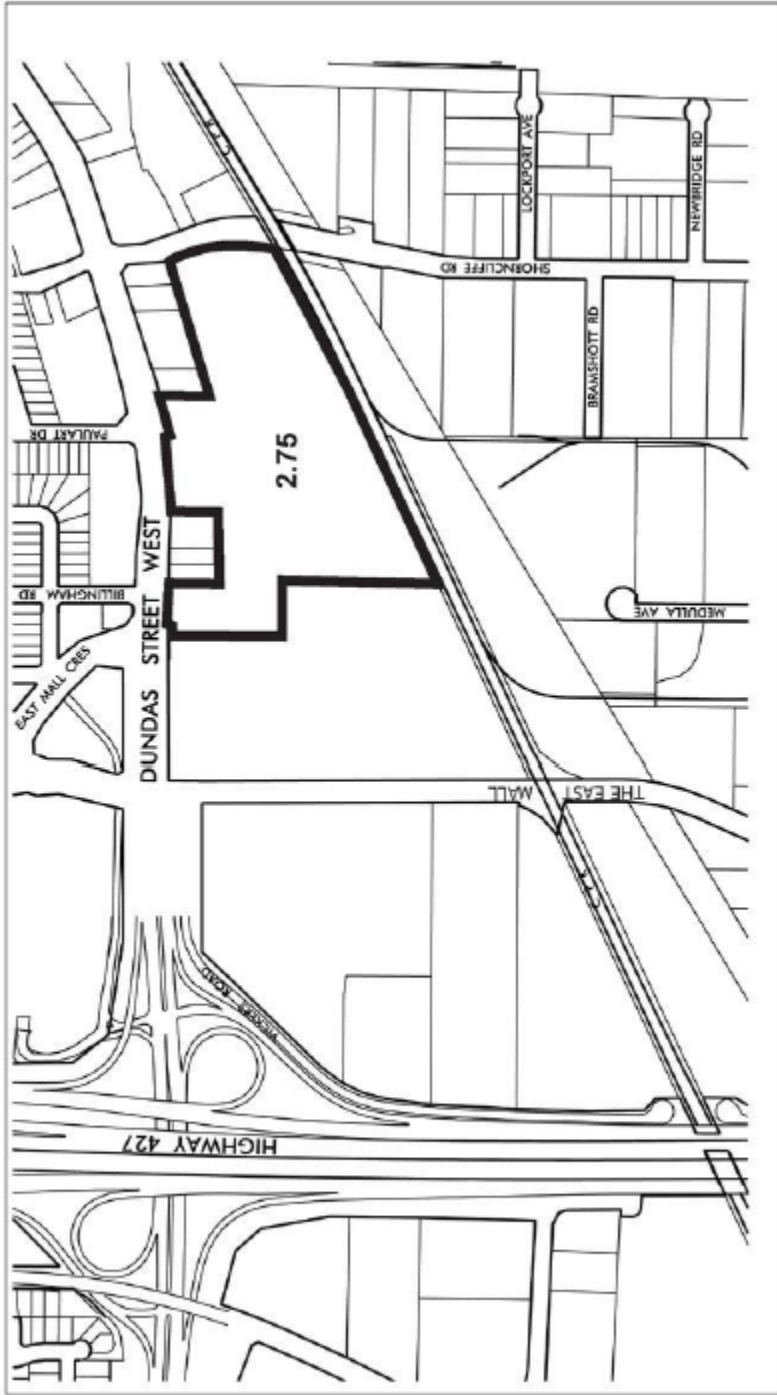
Zoning designations shown on this schedule extend to the mid-line of all public streets.
See Schedule F for the more detailed dimensions.



Not to Scale
07/02/2014

05 114554

Schedule C



Schedule C to By-Law _____ 2013

Maximum Floor Space Index

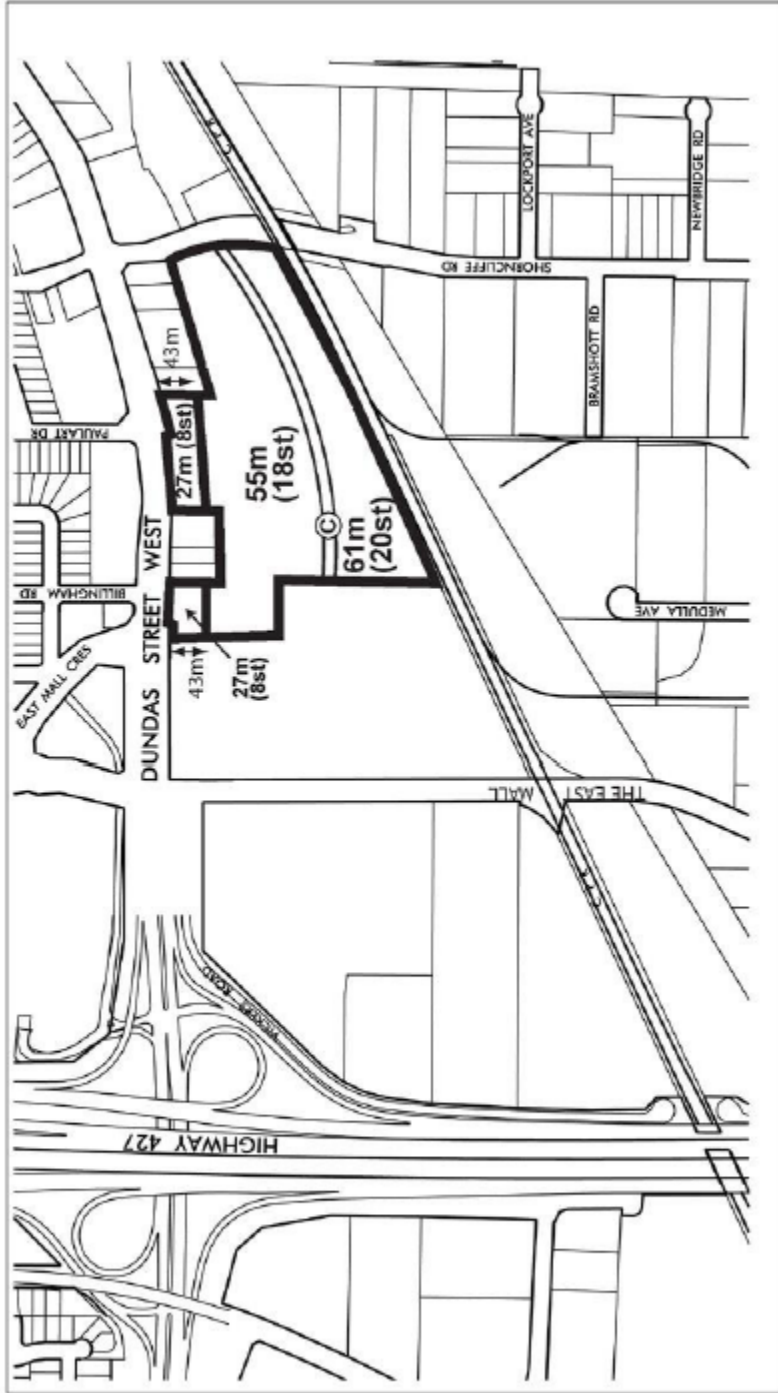
Area Affected by this By-Law

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By-Law 11,737 as amended
28/10/2013

Schedule D



Schedule D to By-Law _____ 2013

Maximum Building Heights in Metres and Storeys

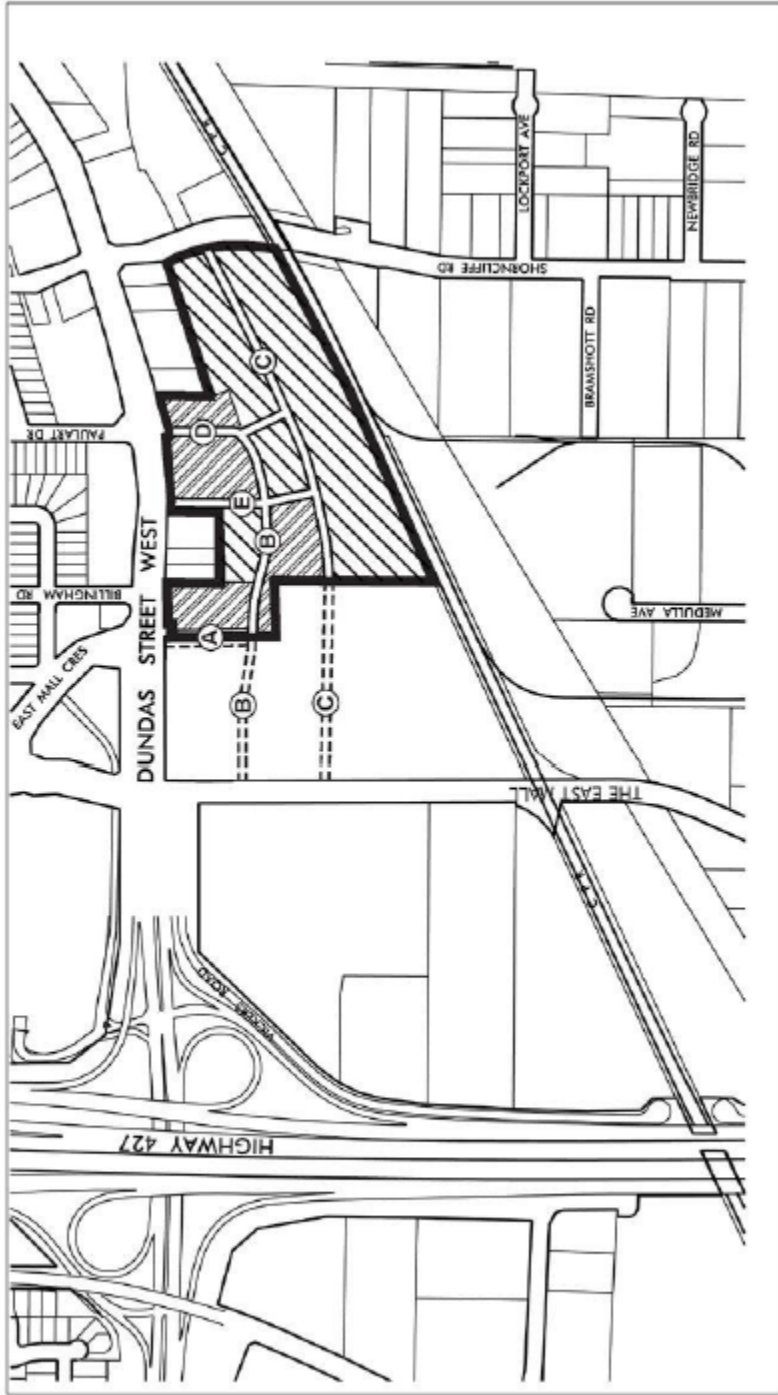


Area Affected by this By-Law
See Schedule F for the more detailed dimensions.
Primary Public Streets





Not to Scale
By-Law 11,737 as amended
28/10/2013

Schedule E



Schedule E to By-Law _____ 2013

Conceptual Phasing Plan

-  Area Affected
See Schedule F for the more detailed dimensions.
-  Primary Public Street

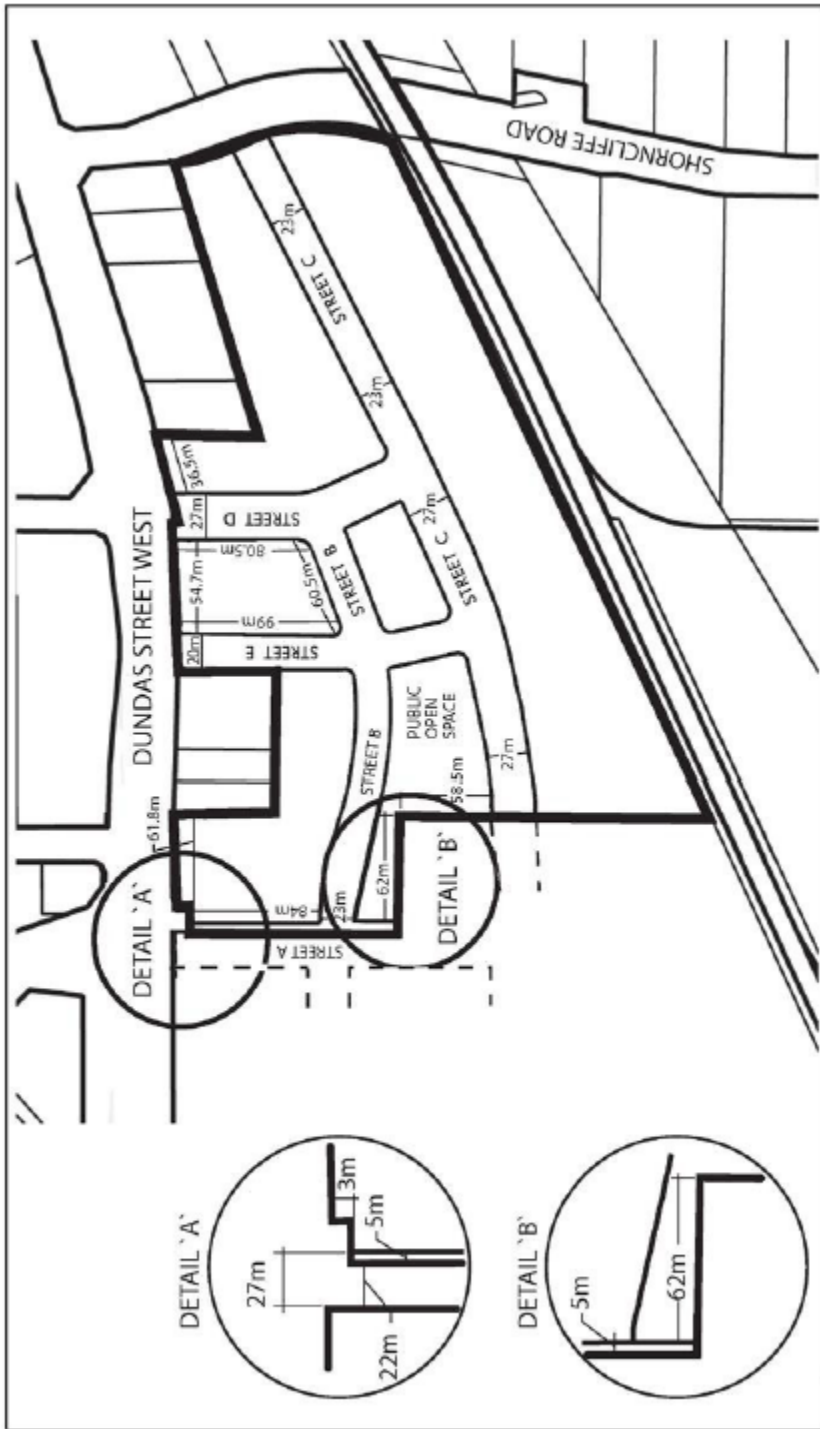
-  First Phase
-  Second Phase



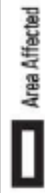
Not to Scale
28/10/2013

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Schedule F



Schedule F to By-Law _____ 2013



Area Affected



Not to Scale
28/10/2013

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