

Authority: Ontario Land Tribunal Decision issued on June 7, 2022 and Order issued August 12, 2022 in Case OLT-21-001387

CITY OF TORONTO

BY-LAW 1168-2022(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to lands municipally known in the year 2021 as 2810, 2812 and 2814 Bayview Avenue.

Whereas the Ontario Land Tribunal, by its Decision issued on June 7, 2022 and Order issued on August 12, 2022 in respect of Case OLT-21-001387, 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 in the year 2021 as 2810, 2812 and 2814 Bayview Avenue; 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, 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 as are set out in the By-law; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out in Schedule A of this By-law; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law, which is secured by one or more agreements between the owner of the land and the City of Toronto;

The 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 subject to this By-law

from a zone label of RD (f15.0; a550) (x5) and RD (f15.0; a550) (x411) to a zone label of CR 3.0 (c0.0; r3.0) SS2 (354), 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 (354) so that it reads:

(354) Exception CR 354

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 2810, 2812 and 2814 Bayview Avenue, if the requirements of By-law 1168-2022(OLT) are complied with, a **building or structure** may be constructed, used or enlarged in compliance with Regulations (B) to (R) below;
- (B) For the purposes of Regulation 5.10.30.20(2), the **lot line** abutting Bayview Avenue is the **front lot line**;
- (C) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings and structures** on the **lot** is 5,500 square metres, of which:
 - (i) the permitted maximum **gross floor area** for residential uses is 5,500 square metres.
- (D) Despite Clause 40.10.30.40, the permitted maximum **lot coverage**, as a percentage of the **lot area**, is 70 percent;
- (E) Despite Regulation 40.10.40.1(6)(A), a pedestrian access may be located less than 12 metres from a lot in the Residential zone category;
- (F) 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 176.43 metres and the elevation of the highest point of the **building or structure**;
- (G) Despite Regulations 40.10.40.10(2) and (7), the permitted maximum height of a **building or structure** is the number in metres following the letters "HT" and the number in **storeys** following the letters "ST" as shown on Diagram 3 of By-law 1168-2022(OLT);
 - (i) For the purpose of this exception, a mechanical penthouse does not constitute a **storey**.
- (H) Despite Regulations 40.5.40.10(3) to (8) and (G) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law 1168-2022(OLT):

- (i) Window washing equipment, antennae, flagpoles, lightning rods, and satellite dishes, by a maximum of 5.0 metres;
 - (ii) Equipment used for the functional operation of the **building**, mechanical penthouses, heating, cooling or ventilating equipment, towers, stacks, and associated components, make-up air units, emergency generator and lighting fixtures, or fences, walls, or **structures** enclosing, screening, or covering such elements, by a maximum of 6.0 metres;
 - (iii) Stairs, stair enclosures, elevators and associated components, and elevator lobbies/vestibules for the purposes of accessing the rooftop, by a maximum of 6.0 metres;
 - (iv) Terraces, patios, planters, balustrades, bollards, stairs, accessory structures, mechanical equipment and fans, retaining walls, wheelchair ramps, ornamental or architectural features, **structures** and elements related to outdoor patios, roofing assembly, landscape features, garbage chutes and vents, and roofs, by a maximum of 1.5 metres;
 - (v) Ornamental elements, parapets, guardrails, safety railings, vents, stacks, fences, wind, noise or privacy screens/mitigation measures, chimneys or flues, access roof hatch, trellises, private terrace dividers, cabanas, or outdoor furniture, by a maximum of 3.0 metres; and
 - (vi) Elements of the roof of the **building** or **structure** used for **green roof** technology, landscape elements, thermal insulation, roof ballast, and skylights, by a maximum of 1.0 metres.
- (I) Despite Regulation 40.10.40.10(5), the required minimum height of the first **storey**, as measured between the floor of the first **storey** and the ceiling of the first **storey**, is 3.0 metres;
- (J) Despite Regulation 40.10.40.50(1), **amenity space** must be provided at a minimum rate of 3.0 square metres per **dwelling unit**, of which:
- (i) At least 2.0 square metres for each **dwelling unit** is indoor **amenity space**; and
 - (ii) At least 1.0 square metres for each **dwelling unit** is outdoor **amenity space**.
- (K) Despite Regulation 40.10.40.70(2), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law 1168-2022(OLT);
- (L) Despite Clause 40.10.40.60 and (K) above, the following elements may encroach into the required minimum **building setbacks** as follows:
- (i) Ornamental cladding to a maximum of 0.4 metres;

- (ii) Eaves, cornices, roof overhangs, lighting fixtures, pilasters, chimney breasts, bay windows, window sills and other minor architectural projections, to a maximum of 0.5 metres;
 - (iii) Balconies, awnings and canopies, provided a minimum setback of 1.0 metres from a **lot line** is maintained; and
 - (iv) At-grade decks, patios, terraces and retaining walls, pergolas, trellises, exterior stairways, wheelchair ramps, stair enclosures, guardrails, balustrades, safety railings, bollards, fences, landscape elements, retaining walls, electrical transformers, and **structures** used for the ventilation of an underground parking facility.
- (M) Despite Regulation 40.10.40.60(9) and 40.10.40.70(2)(E), a part of the **building** housing the mechanical equipment for the elevator with a maximum width of 7.0 metres may be permitted to penetrate the **angular plane** above the seventh **storey** to a maximum height of 6.0 metres;
- (N) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided and maintained in accordance with the following rates:
- (i) A maximum of 30 resident **parking spaces**; and
 - (ii) A maximum of 6 visitor **parking spaces**.
- (O) Despite Regulation 200.5.1.10(2), the vertical clearance of a **parking space** may be obstructed by such facilities intended to be used for a suspended **bicycle parking space** for the exclusive use of the owner of the **parking space**.
- (P) Despite Regulation 230.5.1.10(4), a **stacked bicycle parking space** must have a minimum width of 0.4 metres and a minimum length of 1.8 metres.
- (Q) Despite Regulation 40.10.50.10(3), a strip of land used only for **landscaping** and **soft landscaping** must be provided as follows:
- (i) along the north **lot line** with a minimum width of 1.0 metre;
 - (ii) along the west **lot line** with a minimum width of 1.4 metres; and
 - (iii) a retaining wall, fence, wind or acoustic barrier, planter, or curb are permitted within this area.
- (R) Despite Regulation 40.10.80.20(2), a **parking space** must be set back at least 1.4 metres from a **lot** in the Residential Zone category.

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

5. Notwithstanding any existing or future severances, partition or division of the lands, the provisions of the By-law shall apply to the whole of the lands as if no severance, partition or division had occurred.
6. Section 37 Requirements:
 - (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 attached to this By-law in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A attached to this By-law and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
 - (B) Where Schedule A 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 and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Pursuant to Ontario Land Tribunal Decision issued on June 7, 2022 and Ontario Land Tribunal Order issued on August 12, 2022 in File OLT-21-001387.

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 and density of the proposed development on the lands as shown in Diagram 1 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. Prior to the issuance of the first above grade building permit other than a building permit for a temporary sales office/pavilion, the owner shall make a cash contribution to the City in the amount of seventy thousand dollars [\$70,000.00] (the "Cash Contribution") in Canadian funds to be allocated towards the provision of community improvements in the vicinity of the site to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
2. The Cash Contribution set out in Clause 1 shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan area, as reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of the execution of the Section 37 Agreement to the date of payment of the Cash Contribution by the owner to the City.
3. In the event the Cash Contribution in Clause 1 has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the Cash Contribution may be redirected for another purpose(s), 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 Official Plan and will benefit the community in the vicinity.

Diagram 1

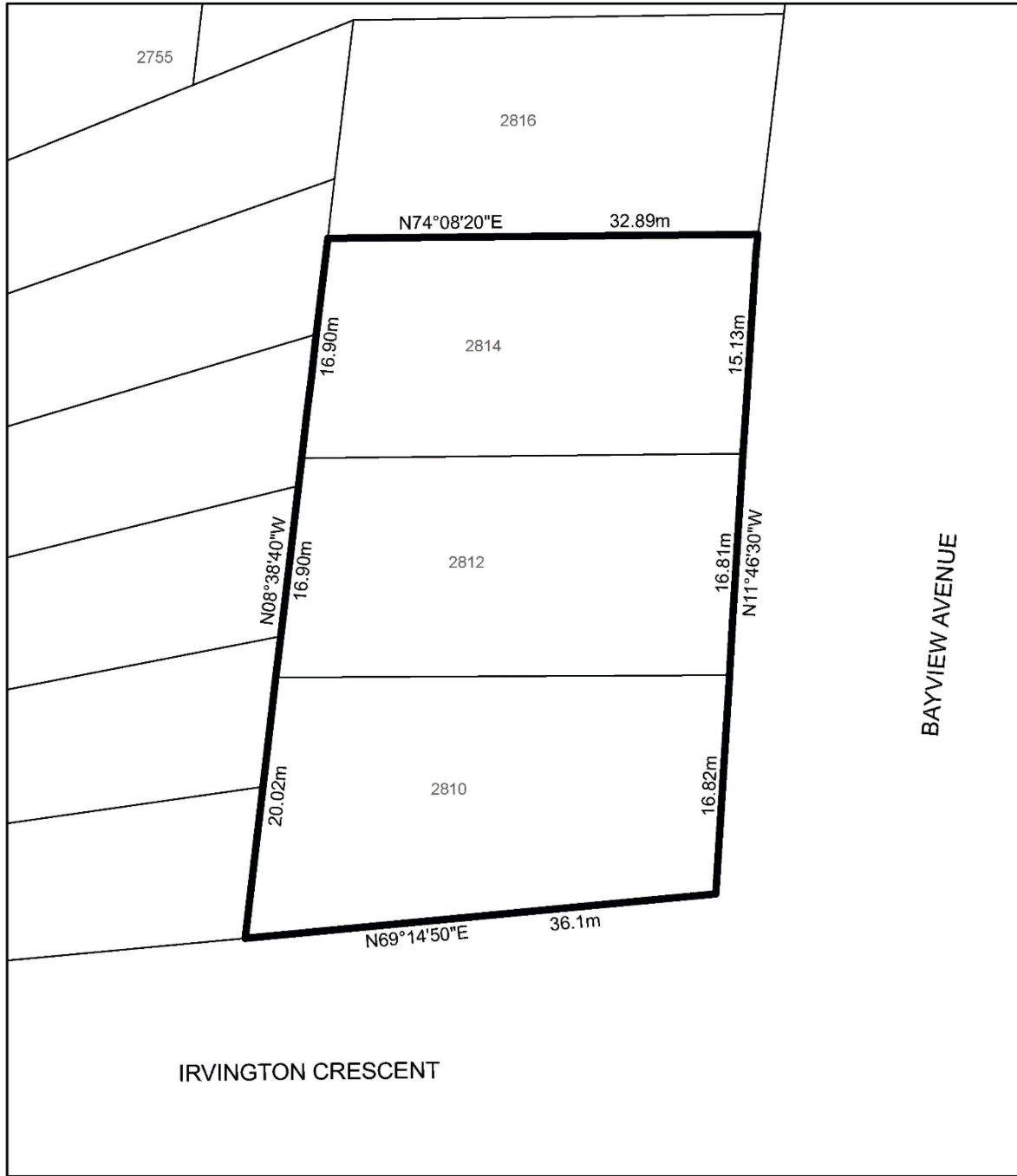


Diagram 2

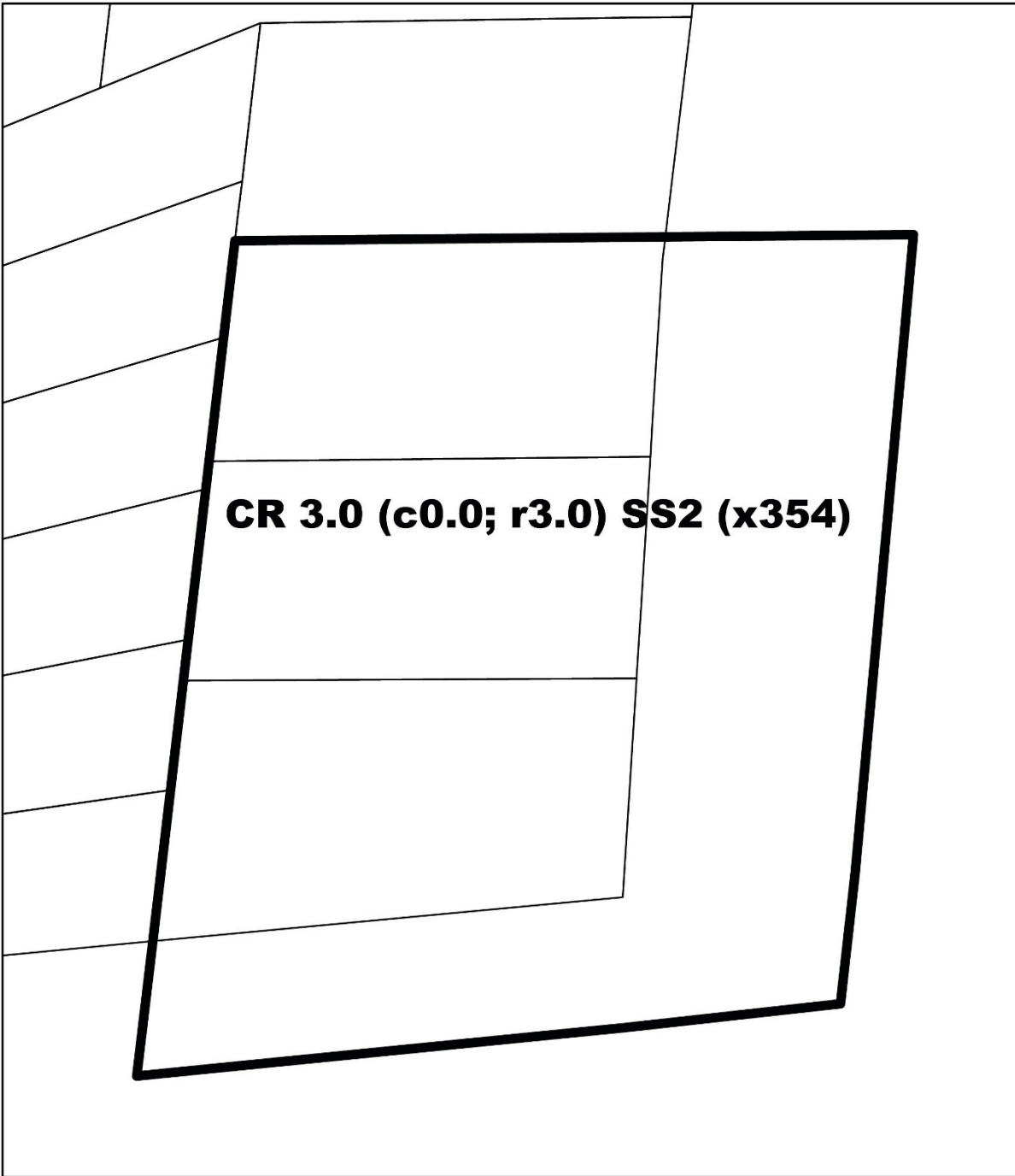
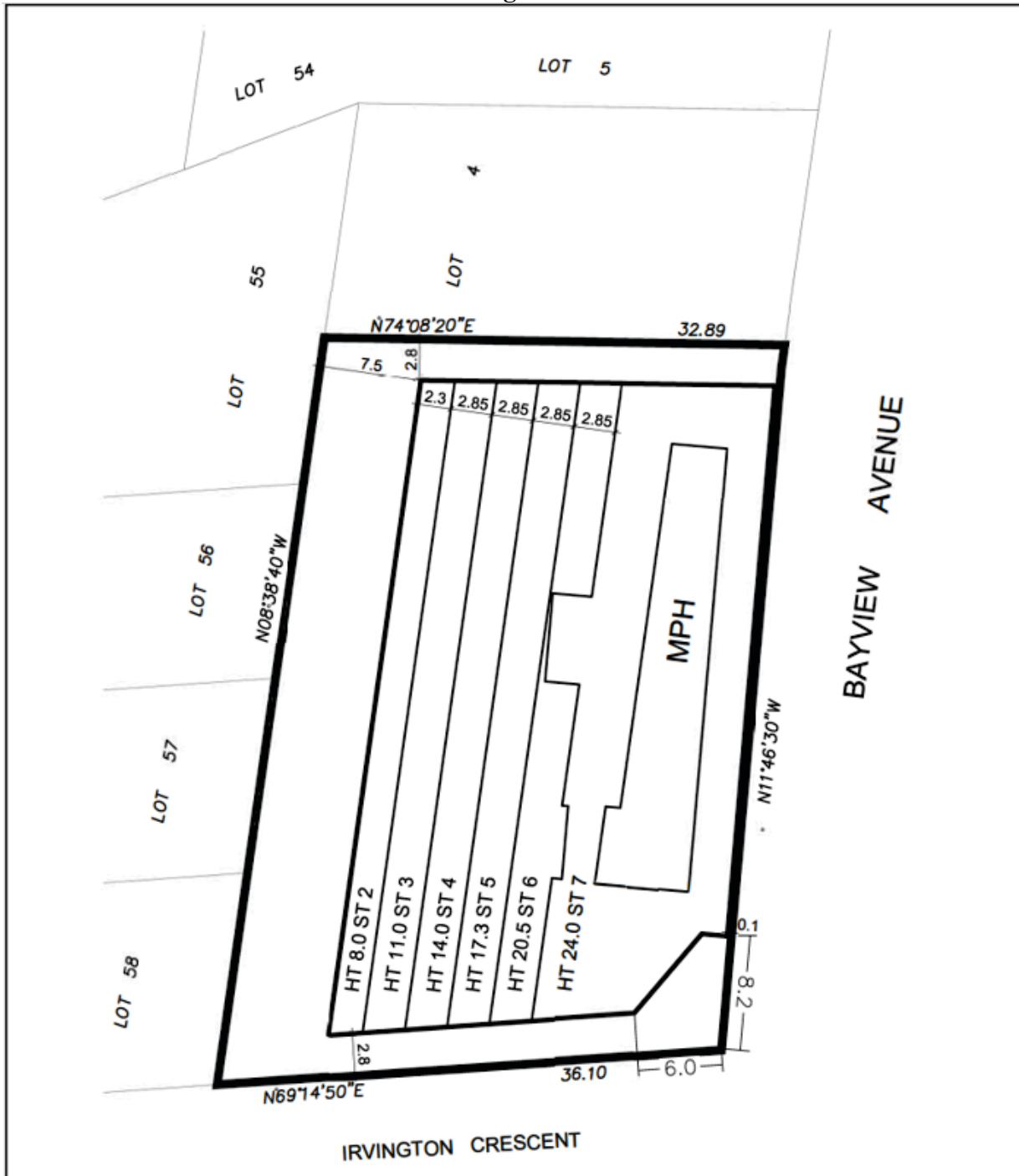


Diagram 3



TORONTO
Diagram 3

2810-2814 Bayview Avenue

File # 19 150397 NNY 18 0Z