

Authority: Ontario Land Tribunal Decision and Interim Order issued on April 9, 2021 and Final Order issued on August 12, 2022 in Tribunal File PL190399

## CITY OF TORONTO

### BY-LAW 1171-2022(OLT)

**To amend former City of York Zoning By-law 1-83, as amended, with respect to the lands municipally known in the year 2020 as 65-83 Raglan Avenue.**

Whereas the Ontario Land Tribunal, by its Decision and Interim Order issued on April 9, 2021 and its final Order issued on August 12, 2022 in OLT Case PL190399 approved amendments to the former City of York Zoning By-law 1-83, as amended, with respect to the lands municipally known as 65-83 Raglan 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 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 Section 37.1 of the Planning Act provides that Subsections 37(1) to (4) of the Planning Act as it read on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge by-law and this by-law was passed prior to that date; and

Whereas pursuant to Section 37 of the Planning Act, a By-law under Section 34 of the Planning Act, may authorize increases in the height and density of development beyond those otherwise permitted by the By-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the By-law; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 1-83 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;

By-law 1-83, of the former City of York, is further amended by The Ontario Land Tribunal orders as follows:

1. That Section 16 General Exceptions of former City of York By-law 1-83, as amended, be further amended by adding a new subsection (512) as follows:

**(512) Lands – 65-83 Raglan Avenue**

Notwithstanding the provisions of former City of York Zoning By-law 1-83, the lot, as delineated by heavy lines on Schedule A attached to and forming part of this By-law, and municipally known as 65-83 Raglan Avenue in the year 2020, may be used for the purposes of an apartment house and accessory buildings and structures subject to the following provisions:

**Maximum Gross Floor Area**

- (A) The maximum permitted residential gross floor area on the lot shall not exceed 25,000 square metres;

**Dwelling Units**

- (B) a minimum of 10 percent of the total number of dwelling units must contain three bedrooms;
- (C) a minimum of 20 percent of the total number of dwelling units must contain two bedrooms;
- (D) of the required three bedroom dwelling units in (B) above, 100 percent may be provided as two bedroom dwelling units as follows:
- i. 50 percent shall have a minimum interior floor area of 879 square feet;
  - ii. 50 percent shall have a minimum interior floor area of 985 square feet;
- (E) any dwelling units with three or more bedrooms or two bedrooms provided to satisfy (B) above are not included in the provision required by (C) above;

**Permitted Uses**

- (F) Notwithstanding Section 8 of By-law 1-83, the following uses shall be permitted:
- i. Apartment houses and associated structures;

**Building Height**

- (G) The height of the building shall not exceed the maximum height in metres measured from established grade shown on Schedule B attached to and forming part of this By-law, excluding: equipment serving the building, elevator overruns, mechanical equipment and any associated enclosure structures, mechanical penthouse, stairs, stair enclosures, vents, chimneys, equipment for heating, cooling or ventilating, and lighting rods, which may project above the height limits shown on Schedule B by a maximum of 7.0 metres;

- (H) The height of the building shall not exceed the maximum height in metres measured from established grade shown on Schedule B, excluding: wind or privacy screens, pergolas, trellises, dividers/screens, landscaping, and fences, which may project above the height limits shown on Schedule B, by a maximum of 3.0 metres;
- (I) The height of the building shall not exceed the maximum height in metres measured from established grade shown on Schedule B attached to and forming part of this By-law, excluding eaves, decorative architectural features, light fixtures, parapets, terraces, guard rails, window washing equipment, guardrails, balustrades, safety railings, bollards, wheel chair ramps, cornices, parapets, roof drainage, architectural features, and elements of green roof, which may project above the height limits shown on Schedule B by a maximum of 3.0 metres;
- (J) For the purposes of this By-law, any portion of a building that is located within 6.5 metres in height from established grade shall be considered as 1-storey;

#### **Yard Setbacks**

- (K) The minimum yard setbacks shall be shown on Schedule B attached to and forming part of this By-law except for balconies located at a height equal to or greater than 26.9 metres, shall be permitted to encroach into the required east yard setbacks if located at least 10 metres from the centerline of the public lane to the east of the *lot* as shown on Schedule B;
- (L) The minimum yard setbacks shall be shown on Schedule B attached to and forming part of this By-law and balconies shall not be permitted to encroach into the east building setback, as shown on Schedule B, if located at a height less than 26.9 metres;
- (M) The minimum yard setbacks shall be shown on Schedule B attached to and forming part of this By-law except for balconies, not included in (K) or (L), shall be permitted to encroach into the required yard setbacks by a maximum of 1.5 metres;
- (N) The minimum yard setbacks shall be shown on Schedule B attached to and forming part of this By-law except that bollards, wheel chair ramps, vents, wind or privacy screens, landscape elements, terraces, trellises, safety railings, fences, guardrails, stairs, railings, stair enclosures, play structures, retaining walls, and garage vent shafts shall be permitted to encroach into the required yard setbacks by a maximum of 2.5 metres;
- (O) The minimum yard setbacks shall be as shown on Schedule B attached to and forming part of this By-law except that accessory buildings and structures, cornices, dividers, pergolas, lighting rods, elements of a green roof, canopies, awnings, heating, cooling or ventilating equipment, ornamental elements, lighting fixtures, parapets, public art features, eaves, architectural features, and window

wells shall be permitted to encroach into the required yard setbacks by a maximum of 2.5 metres;

### **Parking**

- (P) A maximum of 18 parking spaces is permitted, where the parking space shall be a minimum of 2.6 metres wide and a minimum of 5.6 metres long, and where a parking space is limited by a wall or other permanent obstruction, without an increased width of an additions 0.3 metres;
- (Q) Vehicles parking shall be providing and maintained on the lot as follows:
- i. A minimum of 0.43 parking spaces per dwelling unit for residents;
  - ii. A minimum of 0.06 parking spaces per dwelling unit for visitors;
  - iii. A minimum of 6 accessible parking space;
  - iv. Car-share parking spaces are permitted and shall be provided and maintained on the lot as follows:
    - (a) A reduction of four (4) resident parking spaces will be permitted for each of the car-share parking spaces provided on the lot, and that the maximum reduction permitted by this means be capped by the application of the following formula:

4 x (Total of Units/60), rounded down to the nearest whole number;

### **Bicycle Parking**

- (R) Bicycle parking spaces shall be provided and maintained on the lot as follows:
- i. 0.9 bicycle parking spaces per dwelling unit for resident; and
  - ii. 0.1 bicycle parking spaces per dwelling unit for visitors;

### **Amenity**

- (S) Amenity space shall be provided and maintained at a minimum rate of 3.8 square metres for each dwelling unit, of which indoor amenity space shall be provided at a minimum rate of 1.9 square metres per dwelling unit and outdoor amenity space shall be provided at a rate of 1.9 square metres per dwelling unit;

### **Severance**

- (T) The provisions of this exception shall apply collectively to the lot notwithstanding the future severance, partition, or division of the lot;

**Leasing Presentation Centre**

- (U) None of the provisions of By-law 1-83 shall apply to prevent a temporary sales/leasing office on the lot as of the date of the passing of this By-law;

**Loading**

- (V) One Type "G" loading space shall be provided, with a minimum length of 13.0 metres and a minimum width of 4.0 metres;

**Definitions**

- (W) For the purposes of this By-law the following definitions shall apply:
- i. "Bicycle parking space" means an area used for parking or storing a bicycle;
  - ii. "Car-share motor vehicle" means a motor vehicle available for short-term rental, including an option for hourly rental, for the use of at least the occupants of the building erected on the lot;
  - iii. "Car-share parking space" means a parking space used exclusively for the parking of a car-share motor vehicle;
  - iv. "established grade" means an elevation of 160.51 metres Canadian Geodetic Datum;
  - v. "height" means the vertical distance between established grade and the highest point of the building or structure, excluding mechanical penthouse;
  - vi. "residential gross floor area" means the sum of 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, excluding the following:
    - (i) Parking, loading and bicycle parking below-ground;
    - (ii) Loading spaces at the ground level and bicycle parking spaces at or above-ground;
    - (iii) Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
    - (iv) *Residential amenity space*; and
    - (v) Elevator shafts, garage shafts, mechanical penthouses and exit stairwells in the building;

### Other Provisions

2. All other provisions of former City of York By-law 1-83 shall continue to apply except in the case where provisions of this Exception are in conflict, in which case the provisions of this Exception shall prevail.

### Increase Height and Density

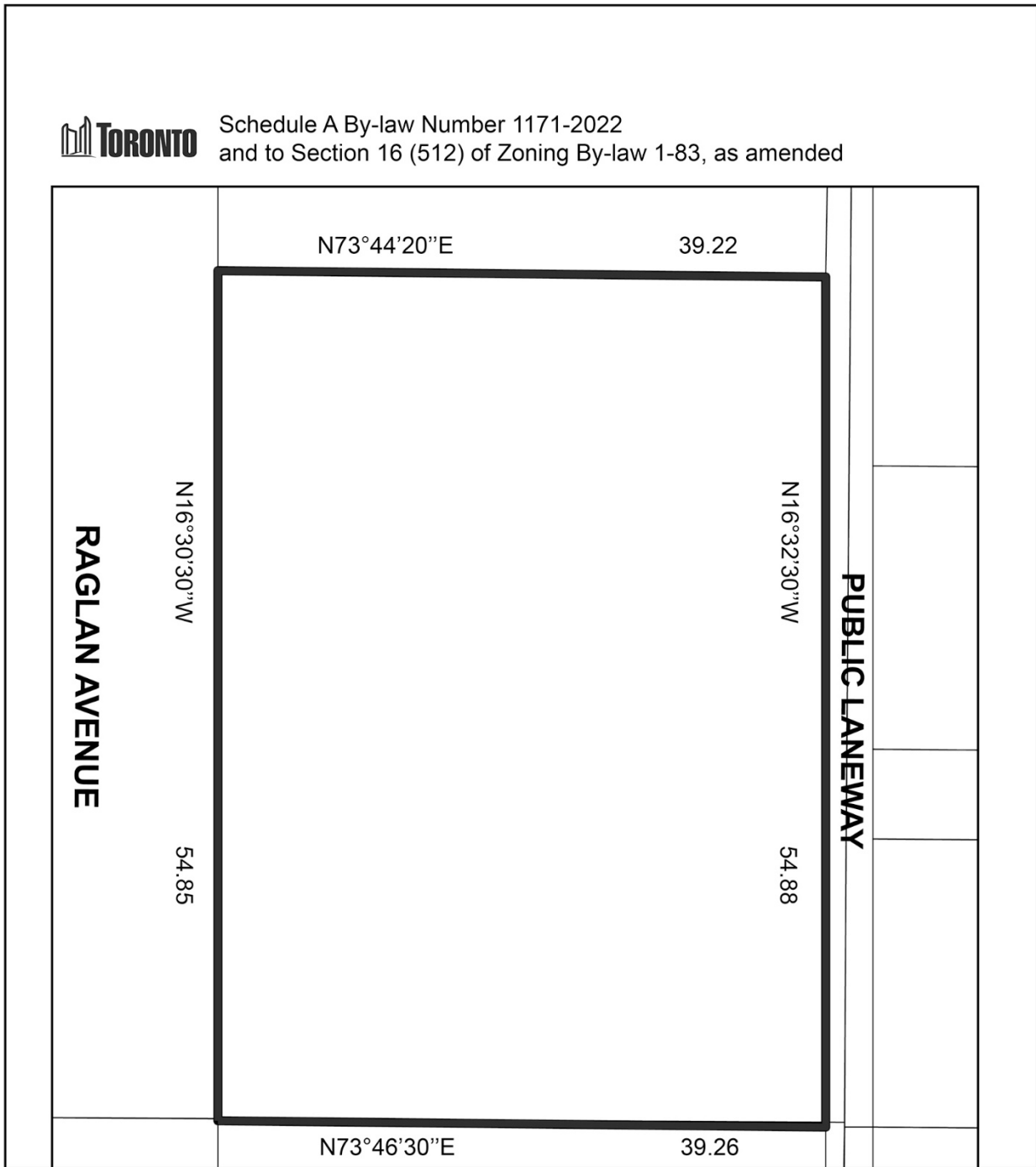
#### 3. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c.18 came into force, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Schedule A in return for the provision by the owner, at the owner's expense, of the facilities, services and matters set out in Schedule C 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 is/are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
- (B) Where Schedule C of this By-law requires the owner to provide certain facilities, services or matters and to enter into an agreement prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of 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 C are satisfied.

Pursuant to Ontario Land Tribunal Decision and Interim Order issued on April 9, 2021 and Final Order issued on August 12, 2022 in Tribunal File PL190399.



Schedule A By-law Number 1171-2022  
and to Section 16 (512) of Zoning By-law 1-83, as amended



**TORONTO**  
Schedule A

**65 - 83 Raglan Avenue**

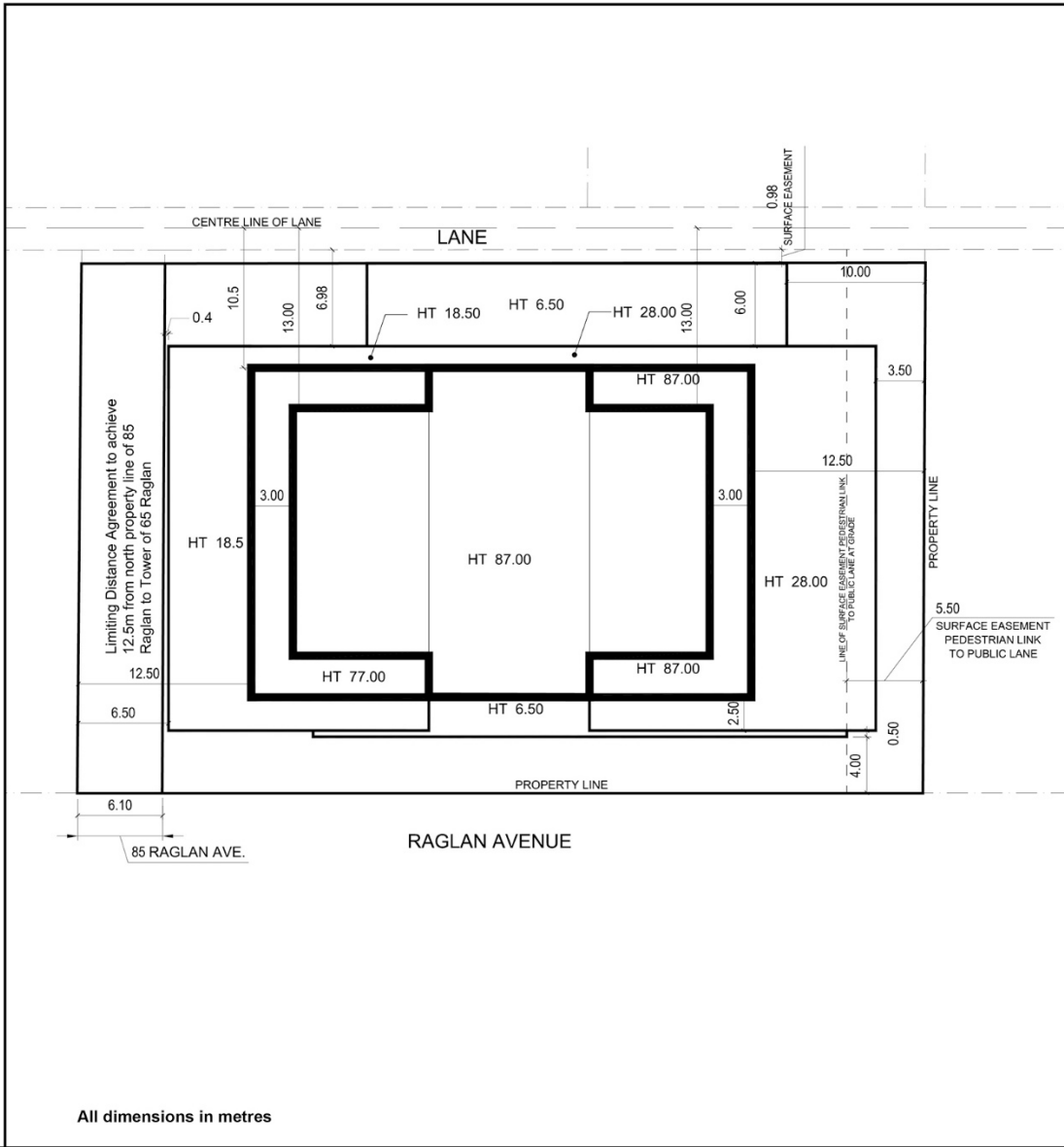
File # 19 137322 STE 12 0Z

All dimensions in metres

Former City of York By-law 1-83  
Not to Scale



Schedule B By-law Number 1171-2022 and to Section 16 (512) of Zoning By-law 1-83, as amended



Toronto Schedule B

65 - 83 Raglan Avenue

File # 19 137322 STE 12 0Z

All dimensions in metres

Former City of York By-law 1-83 Not to Scale



**SCHEDULE C**  
**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 any Building Permit, the owner shall enter into an agreement or agreements to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as it read on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure the facilities, services or matters set out below.
2. Prior to the issuance of the first above-grade building permit, an indexed one-time cash contribution shall be paid to the City in the amount of one million, two-hundred thousand dollars (\$1,200,000.00), to be allocated as follows:
  - a. \$800,000 cash contribution towards capital improvements for new or existing cultural and/or community space within the vicinity of the lands, local area park improvement, and/or streetscape improvements to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor; and
  - b. a Letter of Credit shall be submitted, in the City's standard form, in the amount of \$400,000 to secure for public art on the lands to the satisfaction of the Chief Planner and Executive Director, City Planning; the Owner shall submit a Public Art Plan that is in accordance with the City's Percent for Public Art Program to the satisfaction of the Chief Planner and Executive Director, City Planning, and the Ward Councillor, and that the proposed Public Art Plan is presented to representatives from the community for their review and comment, in a process led by the Ward Councillor; and the terms of the Percent for Public Art Program shall be set out in the Section 37 Agreement.
3. The amount of the cash contribution referred to in Section 2 above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment of the funds by the Applicant to the City; and
4. In the event that the cash contribution in Section 2 above has not been used for the intended purpose within three (3) years of the Zoning By-law Amendment coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the general vicinity of the lands.

The Section 37 Agreement will also secure the following matters as a legal convenience to support the development, in consultation with the Ward Councillor:

5. The Owner shall prepare all documents and convey to the City, at nominal cost, a 0.98 metre wide strip of land to the full extent of the lands abutting the east limit of the north-south public lane, to a minimum depth of 1.2 metres from finished grade, together with right of support, such lands shall be free and clear of all physical and title encumbrances, and subject to a right-of-way for access and construction purposes in favour of the Grantor until such time as the said lands have been laid out and dedicated for public lane widening purposes, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the City Solicitor;
6. The Owner shall include in the future site plan application, implement and maintain, all of the recommended wind mitigation measures, as detailed in the Pedestrian Level Wind Study, by Theakson Environmental, dated August 26, 2020, to the satisfaction of the Chief Planner and Executive Director, City Planning and prior to the issuance of Site Plan Approval;
7. The Owner shall provide a Construction Management Plan and Neighbourhood Communication Strategy, prior to the issuance of Site Plan Approval, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the General Manager, Transportation Services and the Ward Councillor;
8. The Owner shall provide a privately-owned publicly accessible space of not less than 215.9 square metres along the southern lot line, 5.5 metres in width, and 5.5 metres in height as generally shown on the architectural plans by IBI Group dated September 30, 2020 to the satisfaction of the Chief Planner and Executive Director, City Planning; prior to the issuance of Site Plan Approval, the Owner shall convey to the City, at its own expense, a stratified easement(s) along the surface of the lands, to the satisfaction of the City Solicitor, which will be provided and shall constitute the privately-owned publicly accessible space and any required public access easements to connect the privately-owned publicly accessible space to adjacent privately-owned publicly accessible space and/or public rights-of-way, where necessary; and the Owner shall own, operate, maintain and repair the privately-owned publicly accessible space and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the privately-owned publicly accessible space at all times of the day and night, 365 days of the year; and the specific location, configuration and design of the privately-owned publicly accessible space shall be determined in the context of Site Plan Approval pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City;
9. The Owner shall provide a brick or masonry finish to the podium, to the satisfaction of the Chief Planner and Executive Director, City Planning;
10. The Owner shall locate a portion of the outdoor amenity space on the ground floor adjacent to the proposed privately-owned publically-accessible open space as per the Site Plan and Ground Floor Plan dated September 30, 2020, to the satisfaction of the Chief Planner and Executive Director, City Planning;

11. The Owner shall provide a 4.0-metre front yard setback area of predominately soft landscaping, to the satisfaction of the Chief Planner and Executive Director, City Planning;
12. The Owner shall convey to the City of Toronto for Parks purposes, prior to the issuance of the first above-grade building permit for the 65-83 Raglan Avenue lands, the entirety of the properties municipally known as 1528 and 1530 Bathurst Street of approximately 479 square metres in size, free of encumbrances (other than municipal and Hydro encumbrances), to the satisfaction of the General Manager, Parks, Forestry and Recreation; at the time of conveyance, any buildings currently located on the Future Park Lands shall have been demolished and the land shall be in a graded and in standard base park condition. A Letter of Credit may be provided by the Owner for the value of base park improvements prior to the issuance of the first above-grade building permit; and
13. City Council acknowledge that the off-site Parkland Dedication fully satisfies the parkland dedication requirement and approve a development charge against the Parks and Recreation component of the Development Charges for the design and construction by the Owner of the Above Base Park Improvements, to the satisfaction of the General Manager, Parks, Forestry and Recreation; the development charge credit shall be in an amount that is the lesser of the costs to the Owner of design and constructing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.