

Authority: Ontario Land Tribunal Decision and  
Order issued on June 3, 2022 and August 11, 2022 in  
File OLT-22-002282

## **CITY OF TORONTO**

### **BY-LAW 1175-2022(OLT)**

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 1521 Queen Street West.**

Whereas the Ontario Land Tribunal, in its Decision and Order issued on June 3, 2022, in File OLT-22-002282, in hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, ordered the amendment of Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 1521 Queen Street West; 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; 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 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 outlined by heavy black lines from a zone label of CR 2.5 (c1.0; r2.0) SS2 (x2609) to a zone label of CR 2.5 (c1.0; r2.0) SS2 (x788) 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 788 so that it reads:

(788) Exception CR (788)

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 1521 Queen Street West, if the requirements of By-law 1175-2022(OLT) are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (O) below/
- (B) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 96.90 metres and the elevation of the highest point of the **building** or **structure**;
- (C) 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 permitted maximum number of **storeys** in a **building** is the number following the letters "ST" as shown on Diagram 3 of By-law 1175-2022(OLT); and
- (i) For the purposes of this exception, a mechanical penthouse located above the uppermost **storey** of the **building**, which is limited in use to mechanical, electrical, heating, cooling and other areas dedicated to the functional operation of the building, as well as a maximum of 250 square metres of **gross floor area** comprising indoor **amenity space** and access to outdoor **amenity space**, does not constitute a **storey**;
- (D) Despite Regulation 40.10.40.1(1), residential lobby access and mail room may be located at the same **storey** as non-residential use portions of the **building**;
- (E) Despite Regulations 40.5.40.10(3) to (8) and (C) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law 1175-2022(OLT):
- (i) equipment used for the functional operation of the **building** including electrical, utility, enclosed stairwells, roof access, maintenance equipment storage, light fixtures, chimneys, and vents, by a maximum of 2 metres;
- (ii) elevator shafts /overrun, by a maximum of 3 metres;
- (iii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) and (ii) above, inclusive of a mechanical penthouse, by a maximum of 2 metres;
- (iv) architectural features, parapets, roof drainage, insulation and elements and **structures** associated with a roof, **green roof**, and terrace by a maximum of 2 metres;

- (v) **building** maintenance units and window washing equipment, by a maximum of 2 metres;
  - (vi) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 2 metres; and
  - (vii) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 3 metres;
- (F) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 6,900 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 6,700 square metres;
  - (ii) the permitted maximum **gross floor area** for non-residential uses is 400 square metres;
  - (iii) the required minimum **gross floor area** for non-residential uses is 200 square metres;
- (G) Despite Regulation 40.10.40.50(1) and (2), a **building** with 20 or more **dwelling units** must provide **amenity space** on the **lot** at the following rate:
- (i) at least 2.0 square metres for each **dwelling unit** as indoor **amenity space**;
  - (ii) at least 2.0 square metres for each **dwelling unit** as outdoor **amenity space**;
- (H) Despite Regulation 40.10.40.70(2), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law 1175-2022(OLT);
- (I) Despite Clause 40.10.40.60 and (H) above, the following elements may encroach into the required minimum **building setbacks** as follows:
- (i) balconies, by a maximum of 1.5 metres;
  - (ii) canopies and awnings, by a maximum of 1.5 metres;
  - (iii) access ramps and elevating devices, by a maximum of 1.5 metres;
  - (iv) cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 0.5 metres;
  - (v) architectural features, such as a pilaster, decorative column, cornice, sill, or belt course, by a maximum of 0.5 metres;
  - (vi) window projections, including bay windows and box windows, by a maximum of 0.5 metres;
  - (vii) eaves, by a maximum of 0.5 metres;

- (viii) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 1.0 metres; and
- (ix) retaining walls located in the **rear yard setback**;
- (J) Clause 40.10.50.10(3), with regards to **landscaping**, does not apply;
- (K) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **no parking spaces** are required for residential occupants, residential visitors, or non-residential uses;
- (L) Despite (K) above a minimum of two (2) "car-share parking spaces" must be provided, subject to the following:
  - (i) For the purpose of this exception, "car-share" means the practice whereby a number of people share the use of one or more motor **vehicles** and such "car-share" motor **vehicles** are made available to at least the occupants of the **building** for short-term rental, including hourly rental; and
  - (ii) For the purpose of this exception, "car-share parking space" means a **parking space** exclusively reserved and signed for a **vehicle** used only for "car-share" purposes;
- (M) Despite Regulation 40.10.80.20(1), a **parking space** may be located 0 metres from a **lot line**;
- (N) Despite Regulation 220.5.10.1, one Type "G" **loading space** must be provided;
- (O) Despite Regulations 230.5.10.1, **bicycle parking spaces** must be provided in accordance with the following minimum rates:
  - (i) 0.1 "short-term" **bicycle parking spaces** for each **dwelling unit**; and
  - (ii) 0.9 "long-term" **bicycle parking spaces** for each **dwelling unit**.

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

5. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.
6. 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.

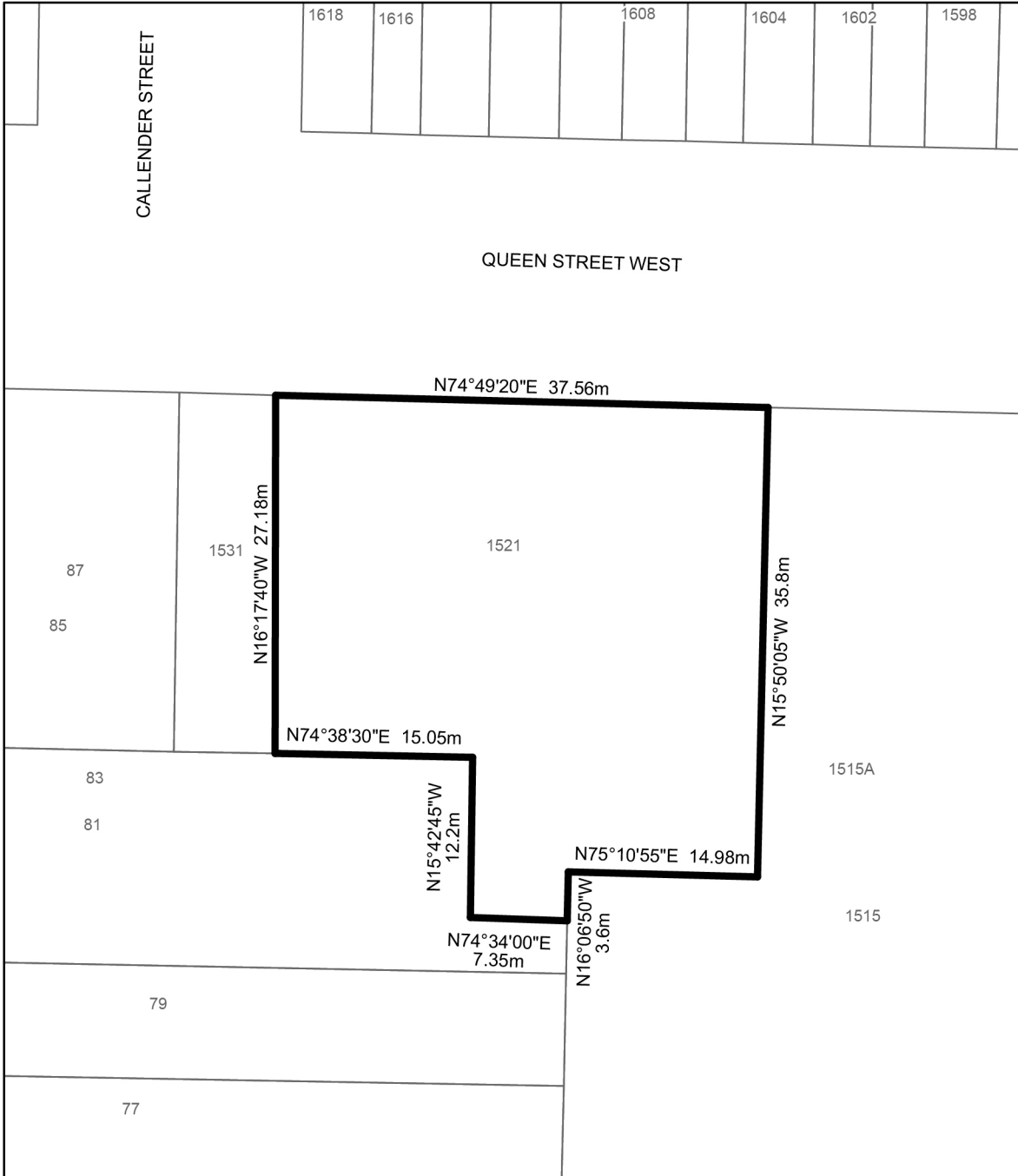
Ontario Land Tribunal Decision and Order issued on June 3, 2022 and August 11, 2022 in File OLT-22-002282.

**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 and register same in priority, to the satisfaction of the City Solicitor, whereby the owner agrees to secure the facilities, services and matters set out below which are required to be provided to the City at the owner's expense as follows:

1. A cash contribution of one million dollars (\$1,000,000.00) to the City's Capital Revolving Reserve Fund for Affordable Housing, to be paid prior to the earlier of issuance of notice of approval conditions for site plan approval for the development, issuance of the first building permit for the construction of the development, or 18 months from the date of Council endorsement of the Settlement Offer, to be allocated towards the City's Multi-Unit Residential Acquisition Program to facilitate the acquisition of affordable housing in the Parkdale neighbourhood;
2. The cash contribution referred to in Clause 1 above shall be indexed upwardly in accordance with the Statistics Canada Residential 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;
3. A cash contribution of two-hundred thousand dollars (\$200,000.00) for tenant compensation and reasonable administration costs to be allocated to the 2022 Approved Operating Budget for Shelter, Support and Housing Administration and to be paid upon the execution and registration of the Section 37 Agreement and upon the issuance of a Final Order by the Tribunal approving the development, and administered in accordance with an agreement between the City and the Parkdale Neighbourhood Land Trust;
4. Any remaining unused and unallocated funds referred to in Clause 3 above shall be allocated towards the City's Multi-Unit Residential Acquisition Program to facilitate the acquisition of affordable housing in the Parkdale neighbourhood;
5. The following transportation demand management measures to support the development:
  - (A) a payment of fifty thousand dollars (\$50,000.00) payable to the City prior to first above grade building permit to provide a new bike-share station on the Site or the surrounding area;
  - (B) one car-share membership per unit, offered in the first five years of occupancy;
  - (C) one bike-share membership per unit, offered in the first five years of occupancy;
  - (D) One pre-loaded Presto card (\$150.00 value) per unit, offered in the first five years of occupancy; and

- (E) A minimum of one bike repair station provided on the Site;
6. The owner shall provide and maintain the residential dwelling units on the Site, once constructed, as rental dwelling units, together with the associated facilities and amenities, for a period of at least twenty (20) years beginning from the date of first residential occupancy with no applications for demolition or conversion from residential rental use made during such twenty (20) year period, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor; and
7. The owner shall at the time of and through the Site Plan Approval process for the proposed development secure improvements to the architecture and materiality of the building.



 **TORONTO**  
Diagram 1

**1521 Queen Street West**

File # 19 247355 STE 04 0Z

