

Authority: Ontario Land Tribunal Decision issued on January 5, 2022 and Ontario Land Tribunal Order effective on August 14, 2022 in Tribunal File OLT-22-002356

CITY OF TORONTO

BY-LAW 1176-2022(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 6 Dawes Road.

Whereas the Ontario Land Tribunal, in its Decision issued on January 5, 2022 and its Order effective on August 14, 2022 in File OLT-22-002356, in hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P13, 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 6 Dawes Road; 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 or 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 Zoning 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 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 1.0 (c1.0; r0.0) SS2 (x822) and OR 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 Areas 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 to the Height Overlay Map in Article 995.20.1, and applying the following height and storey 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 to the Lot Coverage Overlay Map in Article 995.30.1, and applying no value.
7. Zoning By-law 569-2013, as amended, as amended, is further amended by adding the lands to the Rooming House Overlay Map in Article 995.40.1, and applying no value.
8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 822 so that it reads:

(822) Exception CR 822

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 6 Dawes Road, if the requirements of By-law 1176-2022(OLT) are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (CC) below.
- (B) For the purpose of this exception:
 - (i) reference to the East Block and the West Block are as identified on Diagram 4 attached to By-law 1176-2022(OLT);
 - (ii) reference to Building A, Building B, Building C and Building D are the **buildings** within such Blocks as identified on Diagram 5 attached to By-law 1176-2022(OLT); and
 - (iii) "lot" is defined as the lands outlined by black lines collectively comprising the East Block, the West Block and Parkland Dedication, as identified on Diagram 4 attached to By-law 1176-2022(OLT).
- (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 130.65 metres on the lands shown as East Block and the elevation of the highest point of the **building** or **structure**, and the Canadian Geodetic Datum of 130.75 metres on the lands

shown as the West Block and the elevation of the highest point of the **building** or **structure**.

- (D) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the number following the letters "HT" as shown on Diagram 5 of By-law 1176-2022(OLT).
- (E) Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** is the number following the letters "ST" as shown on Diagram 5 of By-law 1176-2022(OLT);
- (i) for the purpose of this exception, a "mezzanine" does not constitute a **storey**;
 - (ii) for the purpose of this exception, a "mezzanine" means a partial level of a **building** that cannot be accessed by a corridor of the **building**, where the total **interior floor area** is 50 percent of the floor below and is only accessible internal to a **dwelling unit**;
 - (iii) one mezzanine may be located in the "tower" portions within each of Building A, B, and C; and one mezzanine may be located within a portion of the **building** where the **building** does not exceed a height of 40.5 metres, as shown in Diagram 5 of By-law 1176-2022(OLT); and
 - (iv) for the purpose of this exception, "tower" means the portions of a **building** which collectively enclose the entirety of a **storey** higher than a height of 40.5 metres above the Canadian Geodetic Datum elevations for the West Block identified in (C) above.
- (F) Despite Regulations 40.5.40.10(3) to (8) and (D) above, the following equipment and **structures** may project beyond the permitted maximum heights shown on Diagram 5 of By-law 1176-2022(OLT):
- (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, elevator machine rooms, chimneys, **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** inclusive of a mechanical penthouse, architectural features, parapets, and elements and **structures** associated with a **green roof**, **building** maintenance units and window washing equipment, by a maximum of 7.5 metres;
 - (ii) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 5 metres; and

- (iii) for Building A located on the **lot**, any elements listed in (F)(i) above must be set back a minimum of 5 metres from the west **main wall** of the floor below.
- (G) Despite Regulation 40.10.20.40(1)(B), **dwelling units** are permitted in a **mixed use building**.
- (H) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 103,300 square metres, of which:
 - (i) the permitted maximum **gross floor area** for residential uses is 102,591 square metres.
- (I) The permitted minimum **gross floor area** for non-residential uses is 135 square metres; and in addition to the areas of a **building** excluded from **gross floor area** identified in Regulation 40.5.40.40(3), **parking spaces**, **loading spaces** and mechanical rooms located above-ground are also excluded from the calculation for **gross floor area**.
- (J) Despite Regulation 150.48.20.1(2)(A), a **day nursery** may be located on the first two **storeys** of a **building**.
- (K) A minimum of 20 percent of **dwelling units** must contain two bedrooms and a minimum of 10 percent of **dwelling units** must contain three bedrooms.
- (L) Despite Regulation 40.10.40.50(1), a **building** with 20 or more **dwelling units** must provide **amenity space** on the "lot" in accordance with the following:
 - (i) at least a combined 4.0 square metres for each **dwelling unit** as indoor and outdoor **amenity space**;
 - (ii) a minimum of at least 40 square metres of outdoor **amenity space** must be in a location adjoining or directly accessible to the indoor **amenity space**; and
 - (iii) no more than 25 percent of the outdoor component may be a **green roof**.
- (M) For the purpose of this exception, **amenity space** may also include a maximum of four guest suites.
- (N) Despite Regulation 40.10.40.70(2), the required minimum **building setbacks** are shown in metres on Diagram 5 of By-law 1176-2022(OLT).
- (O) Despite Regulation 40.10.40.80(2), the required separation of **main walls** are shown in metres on Diagram 5 of By-law 1176-2022(OLT).

- (P) Despite Regulation 40.5.40.60(1), Clause 40.10.40.60 and (N) and (O) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) decks, porches, and balconies, by a maximum of 2.5 metres;
 - (ii) canopies and awnings, by a maximum of 3.0 metres;
 - (iii) architectural features, such as a pilaster, decorative column, sill, belt course, or chimney breast, window projections, including bay windows and box windows, a dormer, by a maximum of 0.6 metres;
 - (iv) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 0.9 metres; and
 - (v) despite (P)(i) above, no balconies on the west **main wall** of Building A are permitted to encroach into a required **building setback**.
- (Q) Despite Regulation 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 0.18 residential occupant **parking spaces** for each **dwelling unit**;
 - (ii) a minimum of 0.03 residential visitor **parking spaces** for each **dwelling unit**, which may be provided as **public parking**;
 - (iii) a minimum of 1.0 **parking spaces** for each 100 square metres of non-residential **gross floor area**;
 - (iv) the **parking spaces** on the East Block may be in an **automated parking system**; and
 - (v) for the purpose of this exception, "**automated parking system**" for the purpose of this this By-law means a mechanical system for the purpose of parking and retrieving cars without drivers in the vehicle during parking and without the use of ramping or driveway aisles, and which may include but is not limited to, a vertical lift and the storage of cars on parking pallets.
- (R) **Parking Spaces** in an **automated parking system** shall have the following minimum dimensions:
- (i) minimum length of 5.85 metres;
 - (ii) minimum width of 2.27 metres; and
 - (iii) minimum vertical clearance of 2 metres.

- (S) Despite regulation 200.15.10 (1) (c), **parking spaces** in an **automated parking system** shall be considered **accessible parking spaces**.
- (T) Despite 200.5.10.1(5), residential visitor and non-residential **parking spaces** may be shared and provided on a non-exclusive basis.
- (U) Despite Regulation 200.5.10.1(1), Table 200.5.10.1 and (T) above, "car-share parking space" may replace **parking spaces** otherwise required for residential occupants, subject to the following:
- (i) A minimum of 9 residential occupant **parking spaces** must be provided and maintained on site;
 - (ii) A maximum reduction of 4 resident **parking spaces** will be permitted for each "car-share parking space" provided and that the maximum reduction permitted be capped;
 - (iii) 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
 - (iv) 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.
- (V) Regulation 200.5.1.10(12)(C), regarding **vehicle** access to a **building**, does not apply.
- (W) Despite Regulations 200.15.1(1) to (4), accessible **parking spaces** must be provided and maintained in accordance with the following:
- (i) an accessible **parking space** must have the following minimum dimensions:
 - (a) length of 5.6 metres;
 - (b) width of 3.4 metres; and
 - (c) vertical clearance of 2.1 metres.
 - (ii) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path as shown on Diagram 1 and Diagram 2 of By-law 579-2017;
 - (iii) accessible **parking spaces** must be the **parking spaces** closest to a barrier free:

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- (a) entrance to a **building**;
 - (b) passenger elevator that provides access to the first **storey** of the **building**; and
 - (c) the shortest route from the required entrances in (a) and (b).
- (X) Despite Regulation 200.5.1.10(2), a maximum of 10 **parking spaces** may be provided towards the minimum residential occupant and residential visitors parking requirements with the following minimum dimensions:
- (i) 4.5 metres in length;
 - (ii) 2.6 metres in width; and
 - (iii) 2.0 metres in vertical clearance.
- (Y) Despite Regulation 200.5.1.10(2)(A)(iv), a maximum of 10 **parking spaces** may have a minimum width of 2.6 metres when obstructed on one side as described in Regulation 200.5.1.10(2)(D).
- (Z) Despite regulation 230.5.1.10(10), "long-term" and "short-term" **bicycle parking spaces** may be provided as **stacked bicycle parking spaces**.
- (AA) Despite Regulation 230.5.1.10(4), **stacked bicycle parking spaces** must be in accordance with the following:
- (i) the required minimum length of a **stacked bicycle parking space** is 1.84 metres;
 - (ii) a **stacked bicycle parking space** must be accessible from an aisle with a minimum width of 1.5 metres;
 - (iii) may overlap with an adjacent **stacked bicycle parking space** on one or both sides on the same tier to a maximum of 0.155 metres per side; and
 - (iv) despite (iii) above, if the lower tier of **stacked bicycle parking spaces** are movable, they may overlap an adjacent **stacked bicycle parking space** on the lower tier on one or both sides to a maximum of 0.326 metres per side.
- (BB) Regulation 230.40.1.20(2), regarding the required location of "short-term" **bicycle parking spaces**, does not apply.
- (CC) A "Publicly Owned Privately Accessible Open Space" or POPS with a minimum size of 503.0 square metres must be provided within the shaded area as shown on Diagram 5 of By-law 1176-2022(OLT).

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

9. 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.
10. 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.
 - (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 5, 2022 and Ontario Land Tribunal Order effective on August 14, 2022 in Tribunal File OLT-22-002356.

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 of the lands shown on Diagram 1 attached to 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. Prior to issuance of the first above grade building permit for the development,
 - (a) a cash contribution of \$7,300,000.00 to be paid by the owner to be allocated toward a new community recreation centre within the vicinity of the lands, or such other public benefits that are to be determined by the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor; and
 - (b) a cash contribution of sixty six thousand six hundred and sixty seven (\$66,667.00) dollars 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.
2. The cash contributions referred to in 1 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.
3. In the event the cash contribution referred to in 1.a. above has not been used for the determined purpose within seven (7) 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.
4. In the event the cash contribution referred to in 1.b. 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.

Affordable Housing

5. The development shall include six (6) new affordable rental dwelling units (the "ARDUs") on the lands at 6 Dawes Road, in accordance with the following:
 - (a) the six (6) new ARDUs shall collectively contain a total gross floor area that is no less than 427 square metres (4600 square feet);
 - (b) at least three (3) of the new ARDUs shall be one-bedroom rental units with a minimum unit size that is no less than 50 square metres (540 square feet);
 - (c) at least two (2) of the new ARDUs shall be two-bedroom rental units with minimum unit size that is no less than 87 square metres (936 square feet);
 - (d) at least one (1) of the new ARDUs shall be a three-bedroom rental unit with minimum unit size that is no less than 100 square metres (1,067 square feet); and
 - (e) the location and layouts of the new ARDUs within the development shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.

6. At the election of the owner, the ARDUs shall either be:
 - (a) conveyed, in fee simple to the City as dwelling units in a building for which a declaration and description is registered in accordance with the Condominium Act, 1998 (a "Declaration and Description"); or
 - (b) constructed, provided and maintained by the owner in a building for which a Declaration and Description is not registered.

7. Where the owner elects to convey to the City in fee simple in accordance with Part 6(a) above, the following shall apply:
 - (a) The owner shall design, construct, finish and convey in fee simple the ARDUs which shall be located in a building for which a Declaration and Description is requested to the satisfaction of the Chief Planner and Executive Director, City Planning, including:
 - i) The conveyance of the ARDUs shall be at no cost to the City, in fee simple, prior to first occupancy of any building on the lands;
 - ii) The owner and the City entering into one or more agreements of purchase and sale for the ARDUs, prior to the issuance of the first building permit for the phase of development within which the units are to be provided, and the agreements of purchase and sale will be assignable by the City at no additional cost;

- iii) The ARDUs will have access to all building facilities and amenities on the same terms and conditions as all the other residents;
 - iv) On, or prior to, the conveyance of the ARDUs, the City and the owner enter into, and register on title to the appropriate lands, an Easement and Cost Sharing Agreement, as appropriate, 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 ARDUs; and
 - v) Notwithstanding the foregoing, the owner may elect to convey, or to construct, provide and maintain the ARDU, as the case may be, in phase two of the development provided that the owner shall post a letter of credit with the City in the amount of two million seven hundred thousand dollars (\$2,700,000.00) to financially secure to delivery of the ARDU in phase two, and thereafter the ARDU shall be conveyed to the City in phase two of the development. The letter of credit shall be secured through the development review process for phase one and posted prior to the issuance of the first above grade building permit for phase one, with more specific details related to the release of same to be set out in the site plan agreement to the satisfaction of the Chief Planner.
8. Where the owner elects to construct, provide and maintain the ARDUs in accordance with Part 6(b) above, the following shall apply:
- (a) The owner shall provide and maintain the new ARDUs as secured rental housing for a minimum period of ninety-nine (99) years commencing from the date of the final approval of the Amending By-laws; during such secured rental period, no ARDU shall be registered as a condominium or any other form of ownership housing that provides a right to exclusive possession of a dwelling unit, including life-lease or co-ownership, and no application shall be made to demolish any ARDU or to convert any ARDU to a non-residential rental purpose; and upon the expiration of the secured rental period, the owner shall continue to provide and maintain the units as rental dwelling units, unless and until such time as the owner has applied for, and obtained, all approvals necessary to do otherwise;
 - (b) The ARDUs shall be provided as part of first occupancy of any building on the lands. Notwithstanding the foregoing, the owner may elect to construct, provide and maintain the ARDUs in phase two of the development provided that the owner shall post a letter of credit with the City in the amount of two million seven hundred thousand dollars (\$2,700,000.00) to financially secure to delivery of the ARDU in phase two, and thereafter the ARDU shall either be constructed, provided in and maintained by the owner in phase two of the development. The letter of credit shall be secured through the development review process for phase one and posted prior to the issuance of the first above grade building permit for

phase one, with more specific details related to the release of same to be set out in the site plan agreement to the satisfaction of the Chief Planner;

- (c) The owner shall provide and maintain all six (6) new ARDUs at affordable rents, for a minimum period of 99 years, during which the initial rent (inclusive of utilities) charged to any tenant of a new ARDUs shall not exceed one (1) times the average rent for the same bedroom type in the City of Toronto, as reported by the Canada Mortgage and Housing Corporation in its most recent Rental Market Survey;
- (d) Notwithstanding Part 8.(b) above, after the first year of occupancy of an ARDU, the rent (inclusive of utilities) charged to any first tenant or new tenant of a new ARDU may be escalated annually by not more than the annual provincial rent guideline, regardless of whether such guideline is applicable to the unit under the Residential Tenancies Act or any successor legislation governing residential tenancies in Ontario, until the tenancy ends;
- (e) The owner shall use the City's Centralized Access Plan to advertise the units and select tenants and shall develop and implement an Access Plan in consultation with and to the satisfaction of the Executive Director, Housing Secretariat;
- (f) The six (6) new ARDUs shall be made ready and available for occupancy no later than the date by which seventy percent (70 percent) of the new dwelling units erected on the lands for the subject phase of development are available and ready for occupancy;
- (g) The owner shall provide all tenants of the ARDUs with access to, and use of, all indoor and outdoor amenities in the development at no extra charge and on the same terms and conditions as any other resident of the building without the need to pre-book or pay a fee, unless specifically required as a customary practice for private bookings;
- (h) The owner shall provide all tenants of the ARDUs with laundry facilities on the same basis as other residents of the development at no extra charge;
- (i) The owner shall provide all tenants of the ARDUs with access to permanent and visitor vehicular and bicycle parking on the same terms and conditions as any other resident of the development, and in accordance with the Zoning By-law; and
- (j) The owner agrees to maintain the rental tenure of the remainder of the building in which the six (6) new ARDUs on the lands at 6 Dawes Road, without application to convert or demolish for at least ninety-nine (99) years commencing from the date of the final approval of the Amending By-laws, more particularly no rental dwelling unit in the remainder of the building shall be registered as a condominium or any other form of ownership housing that provides a right to exclusive possession of a dwelling unit, including life-lease or co-ownership, and no application shall be made to demolish any rental dwelling unit or to convert any rental dwelling unit in the remainder of the building to a non-residential rental

purpose; and upon the expiration of the ninety-nine (99) year period, the owner shall continue to provide and maintain the units as rental dwelling units, unless and until such time as the owner has applied for, and obtained, all approvals necessary to do otherwise.

Matters required to support the development

9. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

Parkland

- (a) An on-site parkland dedication pursuant to Section 42 of the Planning Act having a minimum size of 1,400 square metres (which 1,400 square metres may include an as yet undetermined parkland over-dedication, should the size of the site decrease from its current size), generally as shown on the drawing prepared by Fitzrovia Real Estate dated August 12, 2022 and attached as Schedule "D" of the Section 37 Agreement entered into between the City and the owner, with the exact size, location and configuration of the on-site parkland dedication to be determined through the development review process for the second phase of the development to the satisfaction of the General Manager, Parks, Forestry and Recreation;
- (b) Such on-site parkland dedication shall be transferred to the City, free and clear, above and below grade, of all easements, encumbrances and encroachments, in an acceptable environmental condition;
- (c) The owner shall enter into and register a Section 118 Restriction under the Land Titles Act, to the satisfaction of the City Solicitor, agreeing not to transfer or charge the parkland, which restriction may be released only upon the owner transferring the parkland to the City, all to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor;
- (d) Subject to 8.(c) having been secured, the timing of conveyance of the parkland shall be prior to the earlier of first occupancy or condominium registration for the East Block as identified on Diagram 4;

Development Charge Credits

- (e) If the owner elects to construct above base park improvements, a development charge credit will be secured against the Parks and Recreation component of the development charges for the design and construction by the owner of above base park improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation;
- (f) The development charge credit shall be in an amount that is the lesser of the cost to the owner of designing 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;

- (g) City Council approve a development charge credit against the Water, Sanitary Sewer, and Storm Water Management components of the development charges applicable to the development, for any servicing works undertaken by the owner which benefit other properties, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- (h) The development charge credit shall be in an amount that is equal to the cost of any improvements that are in excess of the improvements necessitated by and attributable to the development, but not to exceed:
 - (i) the actual cost of the work identified in the Master Functional Servicing Report for Character Area C of Official Plan Amendment 478 that is undertaken by the owner; and
 - (ii) the Water, Sanitary Sewer, and Storm Water Management components of the development charges applicable to the development.

Phasing plan

- (i) The owner shall submit a phasing plan, in a form acceptable to the Chief Planner and Executive Director, City Planning, in consultation with the General Manager, Transportation Services, the General Manager, Parks, Forestry and Recreation, the Chief Engineer and Executive Director, Engineering and Construction Services, and the City Solicitor, and such matters are secured to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;

Privately Owned Publicly Accessible Open Space

- (j) Provision by the owner of one privately owned publicly accessible open space, not less than 503 square metres approximately in the centre of the Site, as generally shown on Diagram 5, with the final location to be determined through the development approval process, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (k) The owner shall convey to the City, for nominal consideration, easement(s) along the surface of the lands, to the satisfaction of the City Solicitor, which shall constitute the privately owned publicly accessible open space and any required public access easements to connect the privately owned publicly accessible open space to the owner's share of the Dawes Road extension, with the timing of conveyance to be prior to the earlier of the date that the PPUDO has been constructed as part of the future Dawes Road extension and occupancy or registration for the East Block as identified on Diagram 4;

- (l) Following construction of the privately owned publicly accessible open space, the owner shall own, operate, maintain and repair the privately owned publicly accessible open 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 open 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 open space shall be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a site plan agreement with the City;

Dawes Road Extension

- (m) Securing the following obligations with respect to the Dawes Road Extension set out in OPA 478:
- (n) Construction by the owner of the 10.7 metre-wide southerly portion of the east-west extension of Dawes Road, which shall function as a private driveway as an interim condition;
- (o) Conveyance to the City, for nominal consideration, of easements(s) along the surface of the private driveway lands in Part 8(n) above, which shall not be extinguished until the east-west extension of Dawes Road in its entirety has been constructed, conveyed, and assumed by the City;
- (p) The conveyance of the southerly portion of the east-west extension of Dawes Road at the time that the lands to the north redevelop and the northerly portion of the east-west extension of Dawes Road has been constructed and conveyed to the City, all to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services and the City Solicitor; and,
- (q) Prior to the first above-grade building permit for the first phase of the development, the owner entering into and registering a Section 118 Restriction under the Land Titles Act, agreeing not to transfer or charge its lands which will form part of the future east-west extension of Dawes Road, which restriction may be released only upon the owner transferring the land to the City, all to the satisfaction of the General Manager, General Manager, Transportation Services and the City Solicitor;

Other matters

- (r) Provision of a comprehensive Transportation Demand Management Plan, submitted to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (s) Should the accepted Transportation Demand Management Plan include any cash contribution toward Transportation Demand Management measures, such cash contribution shall be paid by the owner prior to the issuance of the first above-

grade building permit for the development and allocated in accordance with the Transportation Demand Management Plan, and such cash contribution shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication 18-10-0135-01, or its successor, calculated from the date of the Section 37 Agreement to the date of payment;

- (t) Provision by the owner of space within the development for installation and maintenance access holes and sampling ports on the private side, for both storm and sanitary service connections, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- (u) Construction of a minimum of 10 percent of all units on the lands at 6 Dawes Road as 3-bedroom units and a minimum of 20 percent of all units on the lands at 6 Dawes Road as 2-bedroom units;
- (v) Construction and maintenance of the development in accordance with the Tier 1 or higher 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 2009.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 2017.PG23.9 of the Planning and Growth Management Committee, and as may be further amended by Council from time to time;
- (w) Prior to site plan approval, submission of the following reports:
 - (i) an Environmental Noise and Vibration Report, and the peer review of the submitted Environmental Noise and Vibration Assessment Report, at the owner's sole expense, to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - (ii) a Rail Safety Report and the peer review of the submitted Rail Safety Report, at the owner's sole expense, to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - (iii) a Traffic Impact Study, at the owner's sole expense, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
 - (iv) a Wind Tunnel analysis to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - (v) Grading and Servicing Plans, Architectural Plans and Landscape Plans, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation, as appropriate, with the Chief Engineer and

Executive Director, Engineering and Construction Services and the General Manager, Parks Forestry and Recreation;

- (vi) 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;
- (vii) through the site plan approval process for the lands, implementation of any required recommendations and/or mitigation measures from the accepted and peer reviewed Rail Safety and Environmental Noise and Vibration Reports, and the accepted Wind Tunnel analysis, Traffic Impact Study, Grading and Servicing Plan, and Landscape Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning; and
- (viii) inclusion of 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;
- (ix) incorporation of 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; and
- (x) satisfaction of the requirements of the Toronto Transit Commission in regards to additional information related to the Toronto Transit Commission infrastructure and their Limited Scope Technical Review, to the satisfaction of the Manager of Technical Review, Toronto Transit Commission.

Servicing Infrastructure

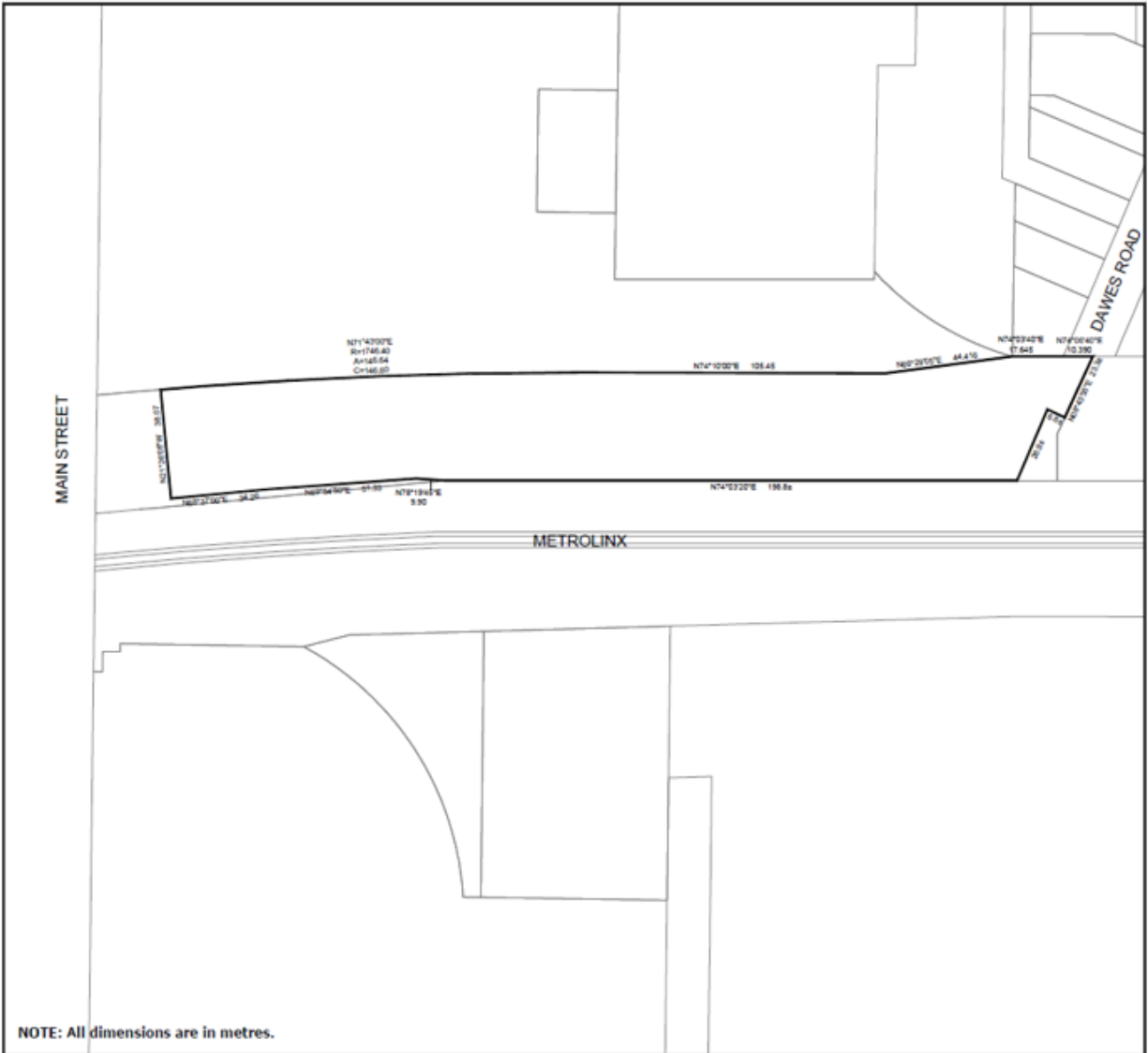
10. Prior to issuance of any building permit for the development, the owner, or the owner working in concert with others, shall submit a Master Functional Servicing Report (the "MFSR") for the lands identified as Character Area C in OPA 478 to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.
11. Prior to issuance of any building permit for the development, 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 MSFR (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.

12. Prior to site plan approval, 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 consistent with those identified in the 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.
 - (a) 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
 - (b) The improvements will be secured by way of a municipal infrastructure agreement.

13. Prior to site plan approval, at the owner's cost or in concert with other owners in the vicinity of the Lands and in accordance with the MFSR, the owner agrees it shall provide financial securities for any upgrades and/or required improvements to the municipal infrastructure in connection with the accepted 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



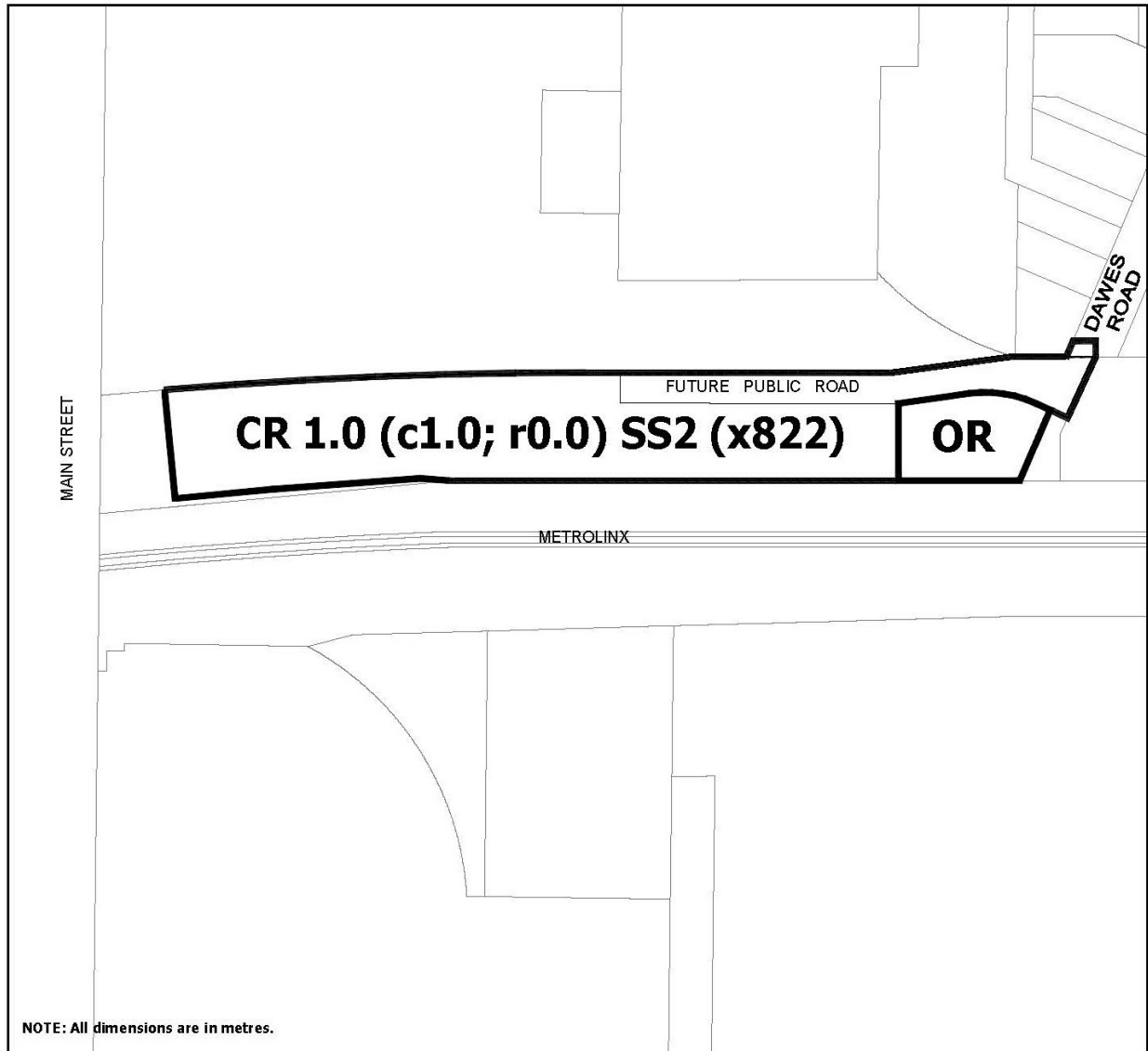
TORONTO City Planning
Division
Diagram 1 - Land Map

6 Dawes Road, Toronto
File # _____

Not to Scale



Diagram 2



TORONTO City Planning
Division

6 Dawes Road, Toronto

Diagram 2 - Zoning By-law Map

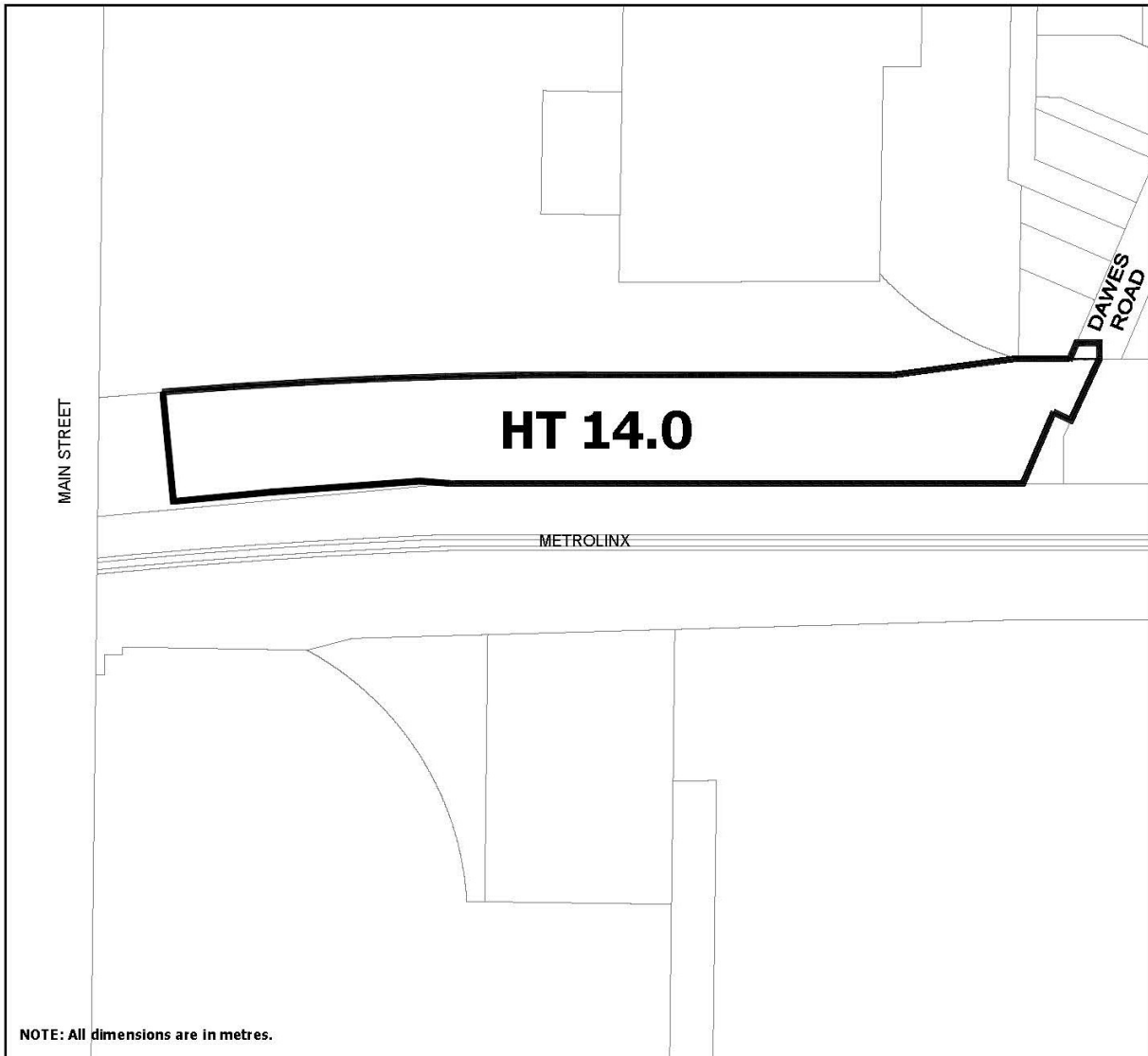
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City of Toronto By-law 569-2013

Diagram 3



TORONTO City Planning
Division

6 Dawes Road, Toronto

Diagram 3 - Height Overlay Map

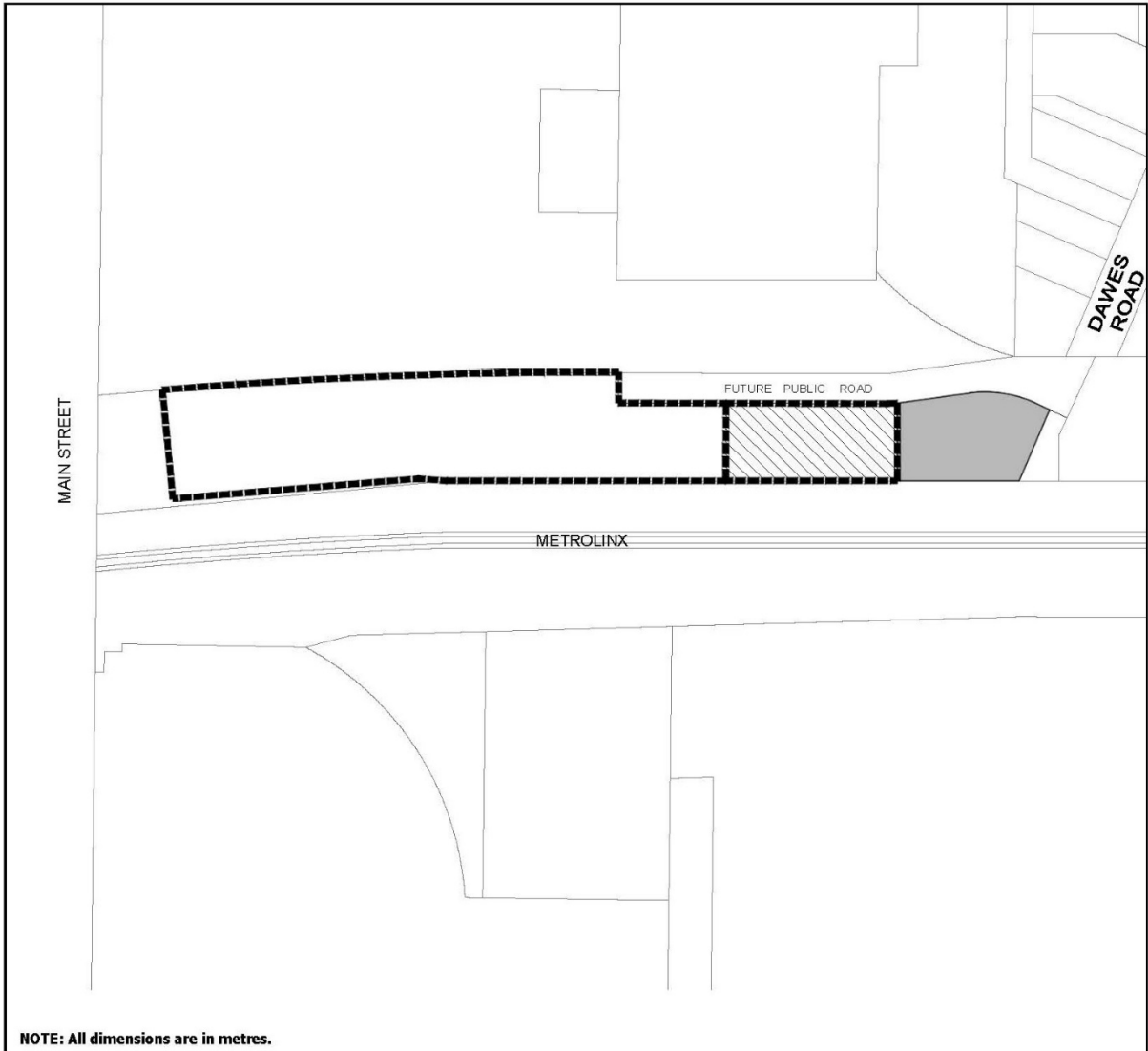
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City of Toronto By-law 569-2013

Diagram 4



NOTE: All dimensions are in metres.

TORONTO City Planning Division

6 Dawes Road, Toronto

Diagram 4 - West/East Blocks

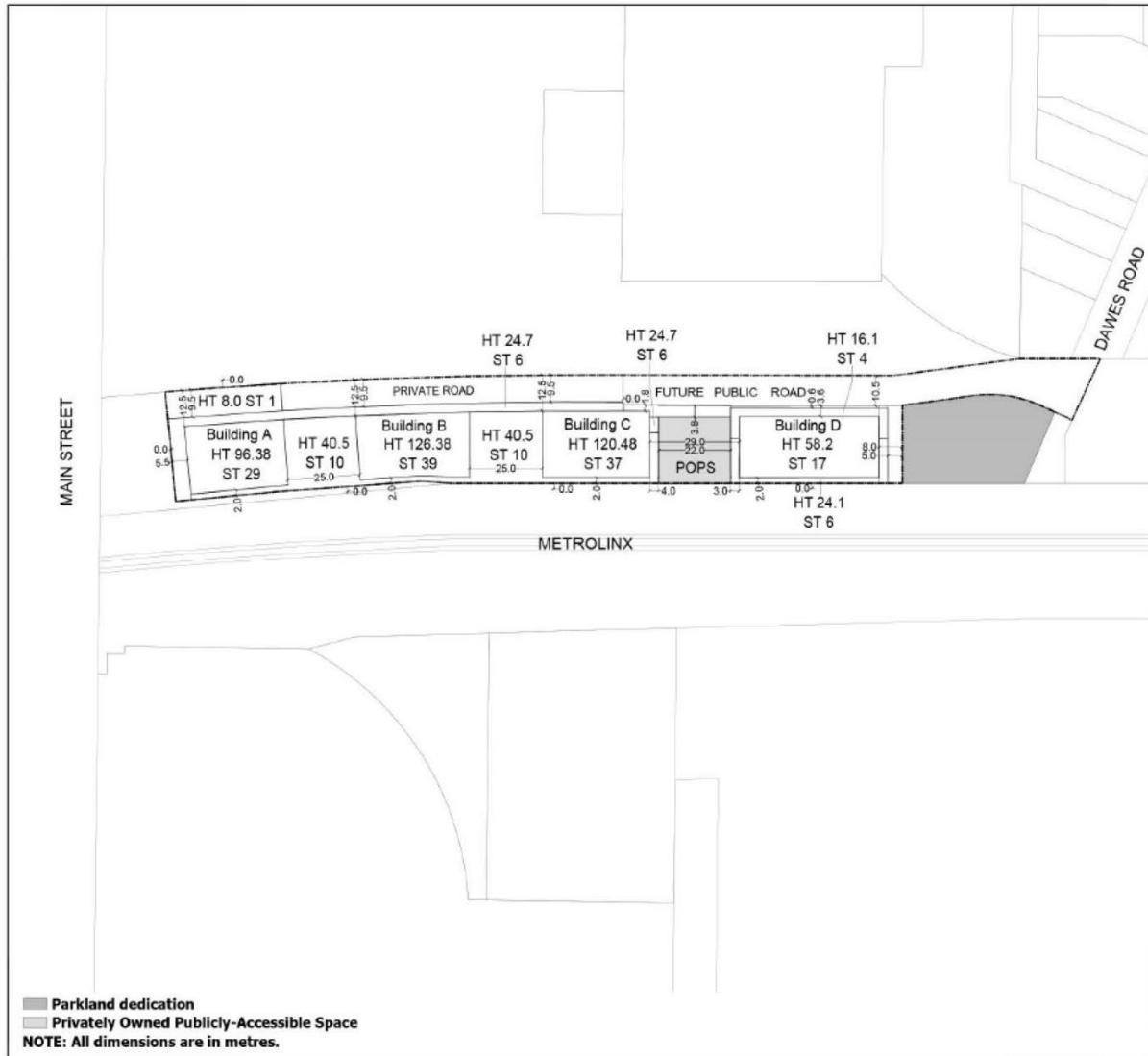
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-  West Block
-  East Block
-  Parkland dedication

Not to Scale



Diagram 5



Toronto City Planning Division

6 Dawes Road, Toronto

Diagram 5 - Height Map

File # _____

Not to Scale



City of Toronto By-law 569-2013