

Authority: Ontario Land Tribunal Decision and Order
issued on July 12, 2022 in OLT Case OLT-22-002414

CITY OF TORONTO

BY-LAW 1184-2022(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to lands municipally known in the year 2021 as 1710, 1712, 1714, 1716, 1718, 1720, 1722, 1724, 1726, 1728, 1730, 1732, 1734 and 1736 Bayview Avenue.

Whereas the Ontario Land Tribunal pursuant to its Decision and Order issued on July 12, 2022, in OLT Case OLT-22-002414, upon hearing an appeal under Section 34(11) of the Planning Act R.S.O. 1990, c. P.13, as amended, deems it advisable to amend By-law 569-2013, as amended, for the City of Toronto with respect to lands municipally known as in the year 2022 as 1710, 1712, 1714, 1716, 1718, 1720, 1722, 1724, 1726, 1728, 1730, 1732, 1734 and 1736 Bayview Avenue; and

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

Whereas pursuant to Section 39 of the Planning Act, as amended, the Ontario Land Tribunal, 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 the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; 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to the COVID-19 Economic Recovery Act, 2020 came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge by-law and this by-law was passed prior to that date; and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 subsection 37(3) of the Planning Act provides that where an owner of lands elects to provide facilities, services or matters in return for an increase in height and density of development, a 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 lands known at the date of the enactment of this by-law as 1710, 1712, 1714, 1716, 1718, 1720, 1722, 1724, 1726, 1728, 1730, 1732, 1734 and 1736 Bayview Avenue (the 'Lands') has elected to provide the facilities, services and matters as set out in Schedule A of

this By-law in return for the increase in height and density permitted on the aforesaid lands by By-law 569-2013, as amended; and

Whereas Schedule A of this By-law requires the owner of the aforesaid lands to provide certain facilities, services or matters and enter into an agreement or agreements between the owner of the land and the City of Toronto prior to the issuance of a building permit; and

Whereas Schedule B of this By-law requires the owner confirm the availability of and/or provide municipal services to service the land, buildings or structures prior to the issuance of a building permit as required by Subsection 34(5) of the Planning Act, the issuance of such permit shall be dependent on satisfaction of same;

Therefore, pursuant to the Order of the Ontario Land Tribunal, City of Toronto By-law 569-2013, as amended, is further amended 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 municipally known in the year 2022 as 1710-1736 Bayview Avenue as outlined by heavy black lines from R (d1.0) (x690) to CR 1.0 (c1.0; r1.0) SS2 (x613), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number 613, so that it reads:

(613) Exception CR 613

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 the lands municipally known in the year 2022 as 1710, 1712, 1714, 1716, 1718, 1720, 1722, 1724, 1726, 1728, 1730, 1732, 1734 and 1736 Bayview Avenue, if the requirements of Section 7 and Schedule A are complied with, a **mixed-use building, structure**, addition or enlargement may be constructed in compliance with (B) through (AA) below:
- (B) For the purpose of this exception, the **lot** comprises the lands outlined by heavy lines on Diagram 1 of By-law 1184-2022(OLT);
- (C) Despite Regulation 40.10.40.40(1), the maximum total **gross floor area** of all **buildings** and **structures** on the **lot** must not exceed 16,700 square metres, subject to the following:

- (i) the maximum residential **gross floor area** is 16,200 square metres;
- (D) The following shall apply to **dwelling units**:
- (i) a maximum of 205 **dwelling units** are permitted;
 - (ii) a minimum of 15 percent of the total number of **dwelling units** must contain two bedrooms, and a minimum of 10 percent of the total number of **dwelling units** must contain a minimum of three bedrooms; and
 - (iii) in the event that the calculation of the number of required **dwelling units** with three bedrooms results in a number with a fraction, the number shall be rounded down to the nearest whole number;
- (E) Despite Regulation 40.10.40.1(1), in the CR zone within a **mixed-use building**, residential use portions may be located on the same level as non-residential use portions, but **dwelling units** must not have direct frontage onto Bayview Avenue;
- (F) Despite Regulations 40.5.40.10(1) and 40.5.40.10(2), the height of a **building** or **structure** is measured as the vertical distance between the Canadian Geodetic Datum elevation of 150.11 metres and the elevation of the highest point of the **building** or **structure**;
- (G) Despite Regulation 40.10.40.10(2), the permitted maximum height of any **building** or **structure** is the height in metres specified by the numbers following the symbol 'HT' on Diagram 3 of By-law 1184-2022(OLT);
- (H) Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is the number following the ST symbol as shown on Diagram 3 of By-law 1184-2022(OLT);
- (I) Despite Regulation (H) above, any portion of a **building** that is located between the Canadian Geodetic Datum elevations of 150.11 metres and 155.68 metres will be considered as one **storey**;
- (J) Despite (G) and (H) above and in addition to Regulations 40.5.40.10(4) and 40.5.40.10(6), the following elements may project above the permitted maximum **building** height as shown on Diagram 3 of By-law 1184-2022(OLT);
- (i) **structures** and elements related to outdoor flooring and roofing assembly features by a maximum of 0.5 metres;
 - (ii) railings, guard rails, parapets, terrace walls, patios, planters, balustrades, bollards and ornamental or architectural features by a maximum of 1.5 metres;
 - (iii) landscape features, privacy and decorative screens, terrace dividers, fences, parapet walls and elements of a **green roof** by 2.0 metres;

- (iv) enclosed stairwells, roof access, safety elements and maintenance equipment storage to a maximum of 2.0 metres;
 - (v) elevator shafts, elevator machine rooms and overruns, water supply facilities, chimneys, pipes, vents, shafts to a maximum of 3.0 metres;
 - (vi) cabanas, pergolas, trellises, and ancillary **structures** by a maximum of 3.5 metres; and
 - (vii) electrical, utility, mechanical and ventilation equipment, cooling equipment and related structural, mechanical, enclosure and screening elements to a maximum of 6.0 metres;
- (K) Despite Regulations 40.5.40.10(5) and 40.5.40.10(8), the total area of all equipment and **structures** may cover no more than 40 percent of the area of the roof, measured horizontally;
- (L) Despite Regulation 40.10.40.70(2), the minimum required **building setbacks** in metres are as shown on Diagram 3 of By-law 1184-2022(OLT);
- (M) Despite (L) above and in addition to Regulations 40.10.40.60(1), 40.10.40.60(2), 40.10.40.60(3), 40.10.40.60(5), 40.10.40.60(6), 40.10.40.60(7), 40.10.40.60(8) and 40.10.40.60(9), the following **building** elements may also encroach into the required **building setbacks** as follows:
- (i) roof overhangs, terraces, balustrades, trellises, canopies, awnings chimneys, vents, pipes cornices, eaves, railings, guardrails, parapets, landscape and **green roof** elements, planters, lighting fixtures, architectural and ornamental features, public art features, window washing equipment, decorative privacy screens, vents, wheelchair ramps, wind mitigation features and windowsills, to a maximum of 2.0 metres;
- (N) Despite Regulation 40.10.50.10(2), no fence is required along the north and south **side lot lines** abutting a **lot** in the Residential Zone category;
- (O) Despite Regulation 40.10.50.10(3), no **soft landscaping** is required along the north and south **side lot lines** abutting a **lot** in the Residential Zone category;
- (P) Despite Regulation 40.10.40.50(1), 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 1.0 square metre of outdoor **amenity space** for each **dwelling unit**; and

- (iii) The indoor residential **amenity space** does not need to be contiguous with the outdoor residential **amenity space**;
- (Q) Despite Regulation 40.10.90.40(1)(A), access to a **loading space** may be provided from Bayview Avenue;
- (R) Despite Regulation 40.10.100.10(1)(A), **vehicle** access to the **lot**, may be provided from Bayview Avenue;
- (S) Despite Regulation 200.5.10.1(1) and 200.5.10.1(2) and Table 200.5.10.1, **vehicle parking spaces** must be provided and maintained in accordance with the following minimum requirements:
 - (i) 0.5 **parking spaces** per **dwelling unit** for residential occupants; and
 - (ii) 0.1 **parking spaces** per **dwelling unit** for the shared use of residential visitors and non-residential uses;
- (T) Despite Regulation 200.5.1.10(2), a maximum of five (5) percent of the total **parking spaces** provided on the **lot** may have a minimum width of 2.6 metres, and may be obstructed on one side as described in Regulation 200.5.1.10(2)(D) without being required to provide additional width for the obstructed sides of the **parking space**;
- (U) Despite Regulation 200.5.1.10(2)(D), Electric Vehicle Infrastructure, including electrical vehicle supply equipment, does not constitute an obstruction to a **parking space**;
- (V) Despite Regulations 200.15.1(1) and 200.15.1(3), accessible **parking spaces** must comply with the following:
 - (i) accessible **parking spaces** 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.
- (W) Despite Regulation 200.15.1(4), an accessible **parking space** must be located within 25 metres of a barrier free entrance to the **building** or passenger elevator that provides access to the first **storey** of the **building**;
- (X) Despite Regulation 230.5.1.10(4), **stacked bicycle parking spaces** provided in a horizontal orientation may have the following minimum dimensions:

- (i) a minimum length of 1.8 metres;
 - (ii) a minimum width of 0.45 metres; and
 - (iii) a minimum vertical clearance for each **bicycle parking space** of 1.2 metres.
- (Y) Despite Regulation 230.5.1.10(9), long-term **bicycle parking spaces** are permitted to be located on all levels of the **building** and **parking garage** both above and below a Canadian Geodetic Datum elevation of 150.11 metres;
- (Z) Despite Regulation 230.5.1.10(10), required short-term **bicycle parking spaces** may be located in a **stacked bicycle parking space**;
- (AA) Section 600.30, with regards to inclusionary zoning, does not apply.

Prevailing By-laws and Prevailing Section(s): (None Apply)

5. Despite any existing or future consent, severance, partition, or division of the lands as shown on Diagram 1 of By-law 1184-2022(OLT), the provisions of this Exception and By-law 569-2013 shall apply to the whole of the lands as one **lot**, as if no consent, severance, partition or division occurred.
6. None of the provisions of this By-law or Zoning By-law 569-2013, as amended, will apply to prevent the erection or use of a temporary sales, leasing or construction office on the **lot** for a period of not more than 3 years from the date this By-law comes into full force and effect.
7. Section 37 Provisions
- (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 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof 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 of this By-law requires the owner to provide certain facilities, services or matters and enter into an agreement or agreements 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/or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

8. Availability of Municipal Services

- (A) Pursuant to Subsection 34(5) of the Planning Act, it is prohibited to use the lands shown on Diagram 1 or erect or use buildings or structures as permitted in this By-law until the owner confirms the availability of and/or provide municipal services to service the land, building or structures, as set out in Schedule B hereof, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.
- (B) Where Schedule B of this By-law requires the owner confirm the availability of and/or provide municipal services to service the land, buildings or structures prior to the issuance of any 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 pursuant to this By-law unless all provisions of Schedule B are satisfied.

Pursuant to the Decision and Order of the Ontario Land Tribunal issued on July 12, 2022 in OLT Case OLT-22-002414.

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 on the lands shown as CR 1.0 (c1.0; r1.0) SS2 (x613) on Diagram 2 of this By-law, and secured in an agreement or agreements pursuant to Section 37(3) of the Planning Act, whereby the owner agrees to provide the following:

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:

Community Benefits

2. An indexed cash contribution of \$1,400,000 to be paid by the Applicant prior to the issuance of the first above-grade building permit for the proposed development, to be allocated for local area improvements in the vicinity of the Lands, to the satisfaction of the Chief Planner and Executive Director City Planning, in consultation with the local Ward Councillor;

Matters of Legal Convenience

3. The Applicant shall provide, at its own expense, all to the satisfaction of the Chief Planner and Executive Director City Planning and the City Solicitor, a privately-owned, publicly-accessible space located along the rear of the subject site as generally shown on the POPS Area and Pedestrian Clearway Diagram, prepared by BDP Quadrangle, dated June 1, 2022, and have a minimum area of not less than 410 square metres;
4. Prior to the issuance of site plan approval, the Applicant shall convey for nominal consideration an easement along the surface of the privately-owned, publicly-accessible space lands to the City; the specific location, configuration, and design of the privately-owned, publicly-accessible space area shall be determined through the site plan approval process and shall be secured in a Site Plan Agreement with the City to the satisfaction of the Director, Community Planning, North York District;
5. The Applicant shall own, operate, maintain, and repair the privately-owned, publicly-accessible space and shall be required to install and maintain a sign stating that members of the public shall be entitled to use the privately-owned, publicly-accessible space area, all at the Applicant's own expense;
6. The Applicant shall also provide, at its own expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, two publicly-accessible mid-block connections from Bayview Avenue to the privately-owned, publicly-accessible space lands described in paragraph 2, above, ('Mid-Block Pedestrian

Connections') located along the middle and south ends of the subject site as generally shown the POPS Area and Pedestrian Clearway Diagram, prepared by BDP Quadrangle, dated June 1, 2022;

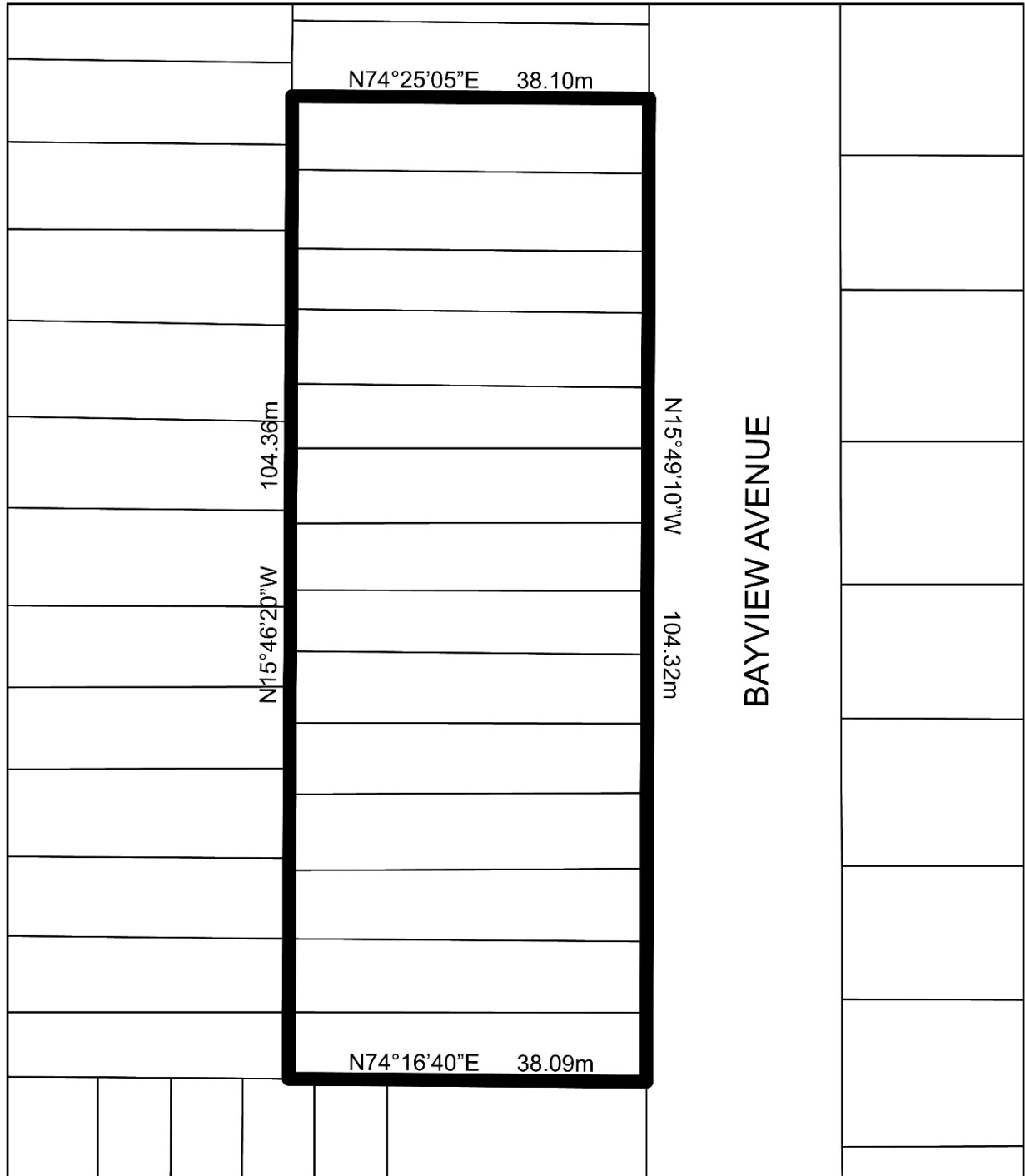
7. The Mid-Block Pedestrian Connections shall have a minimum width of 5 metres and 2.1 metres in the middle of the subject site and 2.1 metres at the south of the subject site;
8. Prior to the issuance of site plan approval, the Applicant shall convey for nominal consideration an easement along the surface of the Mid-Block Pedestrian Connections lands to the City; and
9. The specific location, configuration, and design of the Mid-Block Pedestrian Connections shall be determined through the site plan approval process and shall be secured in a Site Plan Agreement with the City to the satisfaction of the Director, Community Planning, North York District; the Applicant shall own, operate, maintain, and repair the Mid-Block Pedestrian Connections and shall be required to install and maintain a sign stating that members of the public shall be entitled to use the Mid-Block Pedestrian Connections, all at the Applicant's own expense.

SCHEDULE B

Availability of Municipal Services Provisions

The confirmation of the availability of and/or provision of municipal services to service the lands shown as CR 1.0 (c1.0; r1.0) SS2 (x613) on Diagram 2 of this By-law shall be completed by the owner and at the owner's expense to the satisfaction of the City prior to the issuance of any Building Permit as follows:

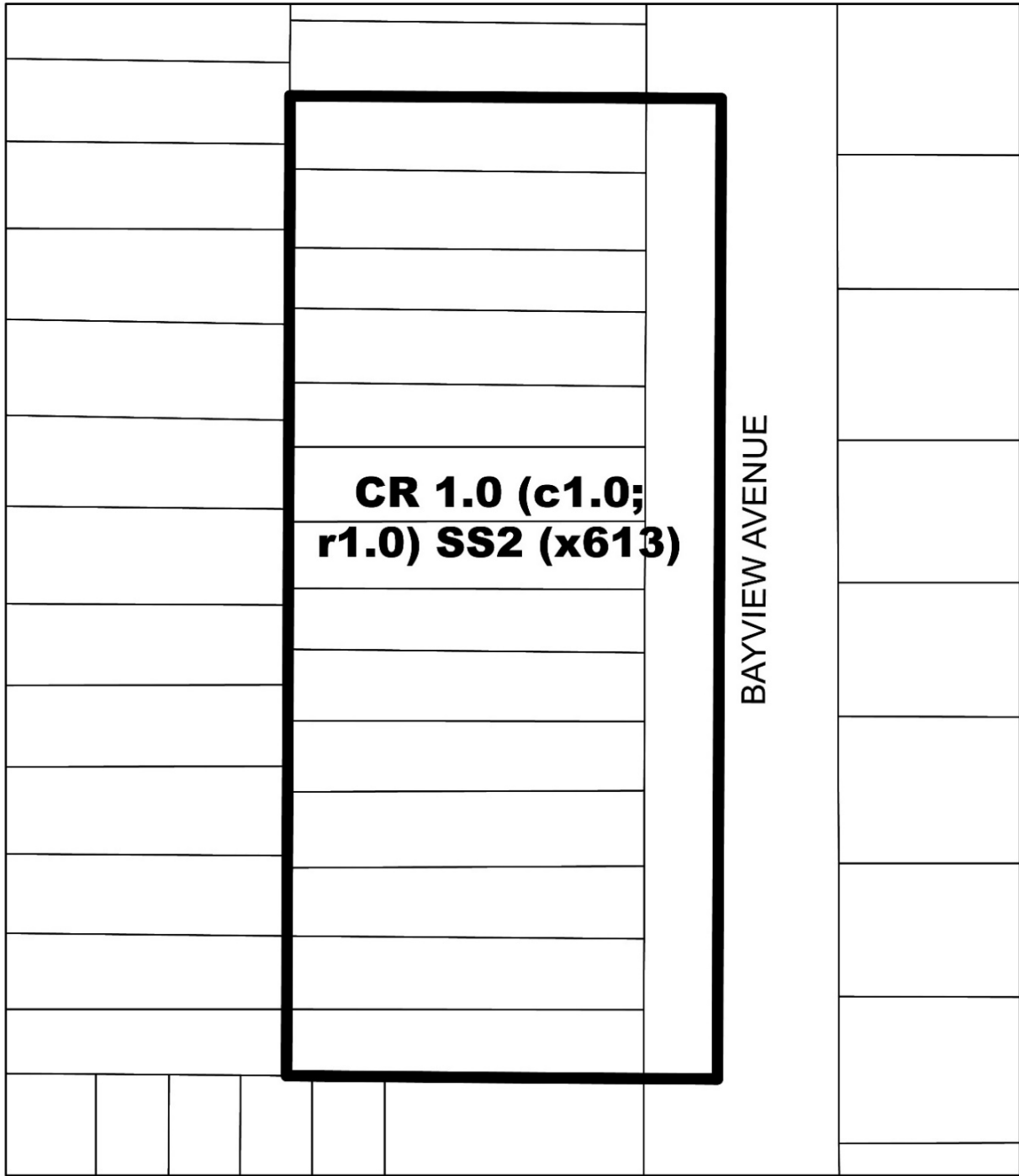
1. The Applicant has addressed all outstanding issues raised by Engineering and Construction Services as they relate to the Zoning By-law Amendment application as set out in their memorandum dated April 9, 2021 or as may be updated in response to further submission(s) filed by the Applicant, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
2. The Applicant has provided a revised Functional Servicing Report, Stormwater Management Report, Municipal Servicing and Grading Plan, and any other reports or documents deemed necessary in support of the development to the City for review and acceptance by and to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and
3. The Applicant has entered into a financially secured agreement to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services for the construction of any improvements to the municipal infrastructure, at the owner's sole expense, should it be determined that upgrades are required to support the development as identified in the accepted Functional Servicing and Stormwater Management Reports or other reports accepted by the Chief Engineer and Executive Director, Engineering and Construction Services.

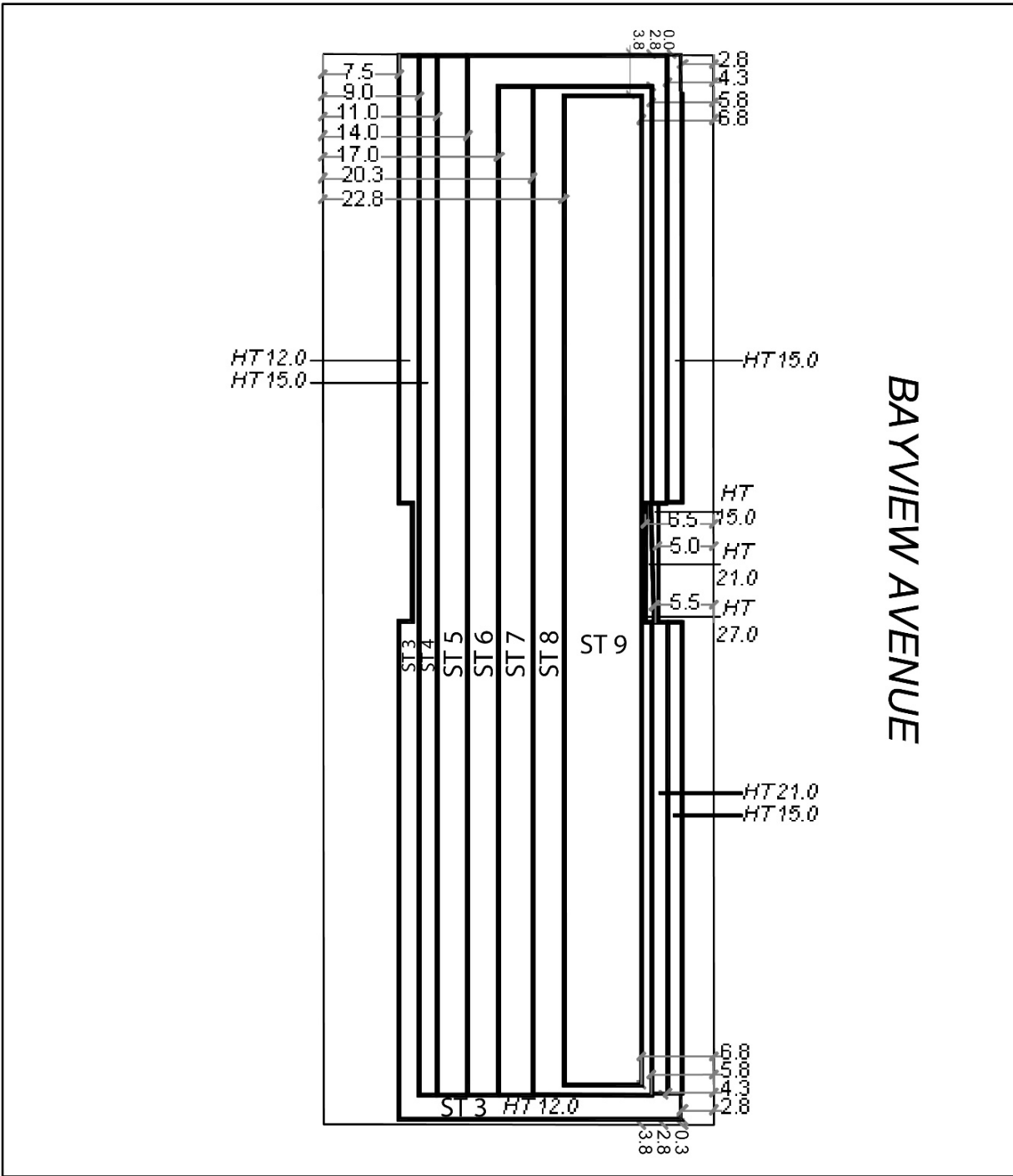


 **TORONTO**
Diagram 1

1710-1736 Bayview Avenue

File # 20 153356 NNY 15 0Z





 **TORONTO**
Diagram 3

1710-1736 Bayview Avenue

File # 20 153356 NNY 15 OZ