

Authority: Ontario Land Tribunal Decision issued on June 10, 2022 and Ontario Land Tribunal Orders issued on August 16, 2022 (effective August 13, 2022) and on December 9, 2022 (effective August 13, 2022) in Tribunal File OLT-22-002332 (Legacy File PL210087)

CITY OF TORONTO

BY-LAW 1187-2022(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 3100-3200 Bloor Street West and 4-8 Montgomery Road.

Whereas the Ontario Land Tribunal, in its Decision issued on June 10, 2022 and its Orders issued on August 16, 2022 (effective August 13, 2022) and on December 9, 2022 (effective August 13, 2022) on File OLT-22-002332 (Legacy File PL210087), 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 3100-3200 Bloor Street West and 4-8 Montgomery Road; and

Whereas the Ontario Land Tribunal has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13 to pass this By-law; and

Whereas pursuant to Section 36 of the Planning Act, as amended, a by-law passed under Section 34 of the Planning Act, may use a holding symbol "(H)" in conjunction with any use designation to specify the use that lands, buildings or structures may be put once council removes the holding symbol "(H)" by amendment to the by-law; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of the holding symbol "(H)"; 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 the Official Plan for the City of Toronto contains provisions relating to the use of Section 37 of the Planning Act as a mechanism to secure capital facilities required to support 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Recovery Act, 2020, S.O. 2020, c. 18 came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge by-law and this by-law was passed prior to that date; and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, 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, a By-law under Section 34 of the Planning Act may authorize increase in the height or 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 matter as are set out in the By-law; and

Whereas Subsection 37(3) 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, provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the density or height 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 in Schedule A of this By-law in return for the increase in height and density permitted on the aforesaid lands by Zoning 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;

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 municipally known as 3100-3200 Bloor Street West to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to the lands described as Part A on Diagram 1 attached to this By-law: (H)CR 2.0 (c.0.5; r.2.0) SS2 (x781), and applying the ON zone label to the lands described as Part C and Part D on Diagram 1 attached to this By-law, as shown on Diagram 2 attached to this By-law.
4. 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 as 4-8 Montgomery Road and described as Part B on Diagram 1 attached to this By-law, from a zone label of RD (f13.5; a510; d0.45) (x38) to a zone label of (H)CR 2.0 (c.0.5; r.2.0) SS2 (x781), as shown on Diagram 2 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands, referred to as Part A and Part B on Diagram 1, to the Policy Areas Overlay Map in Article 995.10.1 and applying the following Policy Area label to these lands: PA2, 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 referred to as Part A on Diagram 1 to the Height Overlay Map in Article 995.20.1, and applying the following height label to these lands: HT 15.0, as shown on Diagram 4 attached to this By-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands referred to as Part A on Diagram 1 to the Lot Coverage Overlay Map in Article 995.30.1, and applying the following lot coverage label to these lands: 30, as shown on Diagram 5 attached to this By-law.

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8. Zoning By-law 569-2013, as amended, is further amended by amending the Lot Coverage Overlay Map in Article 995.30.1 for the lands referred to as Part B on Diagram 1, from a lot coverage label of 33 to a lot coverage label of 30, as shown on Diagram 5 attached to this By-law.
 9. Zoning By-law 569-2013, as amended, is further amended by adding the lands referred to as Parts A and B to the Rooming House Overlay Map in Article 995.40.1, and applying no value.
 10. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 781 so that it reads:

(781) Exception CR 781

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 known municipally as part of 3100-3200 Bloor Street West and 4-8 Montgomery Road, shown as Part A and Part B on Diagram 1, if the requirements of Sections 13, 14 and Schedule A of By-law 1187-2022(OLT) are complied with, a **building or structure** may be constructed, used or enlarged in compliance with Regulations (B) to (Z) below;
- (B) For the purpose of this exception, the **lot** is comprised of the lands shown as Part A and Part B on Diagram 1 of By-law 1187-2022(OLT);
- (C) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 38,140 square metres, of which:
 - (i) the permitted maximum **gross floor area** for residential uses is 37,700 square metres; and
 - (ii) the required minimum **gross floor area** for non-residential uses is 440 square metres;
- (D) The permitted maximum "floor plate area" of each **storey** of a "tower" is 825 square metres, and for the purpose of this exception:
 - (i) "floor plate area" means the total built area within a "tower", measured from the exterior of the **main walls** on each storey, excluding balconies; and
 - (ii) despite Regulation 40.5.40.10(8)(C), "tower" means the portion of a **building** with a height equal to or greater than 36.0 metres;

- (E) In addition to the elements which reduce **gross floor area** in a **mixed use building** listed in Regulation 40.5.40.40(3), **gross floor area** is also reduced by the area in a **building** used for:
- (i) all bicycle parking provided at and above ground level;
 - (ii) storage rooms and areas, waste collection and recycling areas, electrical, utility, mechanical, and ventilation rooms and areas, provided below, at or above ground level;
 - (iii) ventilation ducts, utility shafts, and vehicular ramps;
 - (iv) all indoor **amenity space**;
 - (v) the area of a void in a floor if there is a vertical clearance of more than 2.95 metres between the top of the floor below the void and the ceiling directly above it; and
 - (vi) all inset balconies;
- (F) Despite Regulation 40.10.30.40(1), the permitted maximum **lot coverage**, as a percentage of the **lot area** is 75 percent;
- (G) Regulations 40.10.40.1(1) and (3), with respect to the location of residential and non-residential uses in a **mixed use building** and with respect to residential use orientation to a **street** and requirements for direct access to a **street**, do not apply;
- (H) A minimum of 50 percent of the length of the first **storey** of the exterior **building main wall** along Bloor Street West, commencing from the eastern-most point of the **main wall**, must be used for non-residential uses as listed in Regulations 40.10.20.10(1)(A) and 40.10.20.20(1)(A). For the purpose of this Regulation, the extent of the **main wall** along Bloor Street West is as shown on Diagram 6;
- (I) Despite Regulation 40.10.40.1(2), the floor level of the portion of a first **storey** that accommodates a non-residential use must be within 0.2 metres of the ground measured at 1.0 metres outside of each pedestrian entrance to such non-residential use;
- (J) Regulation 40.10.40.10(5), regarding the required minimum height of the first **storey** of non-residential uses, measured between the floor of the first **storey** and floor of the second **storey**, is 4.5 metres. The required minimum height of the first **storey** does not apply to residential uses;
- (K) For the purpose of this exception, Clause 150.100.30.1 does not apply;
- (L) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 117.50 metres and the elevation of the highest point of the **building** or **structure**;

- (M) 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 **storeys** of a **building** or **structure** is the number following the letters "ST" as shown on Diagram 6 of By-law 1187-2022(OLT) provided that for the purpose of this exception a mezzanine and a mechanical penthouse is not a **storey**;
- (N) Despite Regulations 40.5.40.10(3) to (8), 40.5.75.1(2) and (M) above, the following **building** elements, equipment and **structures** may project beyond the permitted maximum heights shown on Diagram 6 of By-law 1187-2022(OLT), and if located on a rooftop such **building** elements, equipment and **structures** are not subject to area, coverage, horizontal dimension or locational restrictions:
- (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, chimneys, and vents, by a maximum of 6.5 metres;
 - (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) above, inclusive of a mechanical penthouse, by a maximum of 6.5 metres;
 - (iii) architectural feature at the southwest corner of the "tower", by a maximum height of 6.5 metres;
 - (iv) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 2.0 metres;
 - (v) **building** maintenance units and window washing equipment, by a maximum of 3.5 metres;
 - (vi) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 3.0 metres;
 - (vii) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, and mitigation structures and features by a maximum of 4.0 metres;
 - (viii) **building** elements and **structures** such as railings, balustrades, eaves, roof drainage, balcony and terrace guards, fences, skylights, cornices, seating areas, decorative screens, privacy screens, access ramps, and ramps to underground, by a maximum of 3.0 metres;
 - (ix) **building** elements, **structures** and equipment used for outdoor **amenity space** or open-air recreation including pools and associated equipment, light monitors, light fixtures, by a maximum of 4.0 metres;
 - (x) **building** elements and **structures** such as canopies, awnings, and related architectural elements by a maximum of 6.0 metres;

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- (xi) heating/cooling, and **building** elements and devices, maintenance equipment storage, public art, by a maximum of 6.5 metres; and
 - (xii) elevator overruns, lightning rods, stacks, flues, air intakes, antennas, satellite dishes, cellular arrays, flagpoles, **solar panels** and related equipment, by a maximum of 7.0 metres;
- (O) Despite Clause 40.10.40.80 and Regulations 40.10.40.70(2) and (4), the required minimum **building setbacks**, including any portion of a **building** with **dwelling units** located in the first **storey** of a **building**, are as shown in metres on Diagram 6 of By-law 1187-2022(OLT) and no **angular planes** or minimum distance between the **main walls** requirements apply;
- (P) Despite Clause 40.10.40.60, Regulation 5.10.40.70(1) and (O) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances shown on Diagram 6 of By-law 1187-2022(OLT) as follows:
- (i) decks, porches, **patios** and balconies, by a maximum of 2.0 metres;
 - (ii) despite (i) above, **patios** associated with **dwelling units** not facing a **street**, by a maximum of 3.0 metres;
 - (iii) canopies and awnings, guardrails, balustrades, railings, and light fixtures by a maximum of 3.0 metres;
 - (iv) exterior stairs, access ramps and elevating devices;
 - (v) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 0.6 metres;
 - (vi) window projections, including bay windows and box windows, by a maximum of 1.0 metre;
 - (vii) eaves, by a maximum of 0.6 metre;
 - (viii) air conditioners, satellite dishes, antennae, vents, and pipes, lightning rods and flag poles, by a maximum of 1.0 metre;
 - (ix) pergolas and cabanas, by a maximum of 3.0 metres, and 0.0 metres when facing the **lot line** abutting Montgomery Road and Bloor Street West;
 - (x) **landscaping**, planters, public art, **structures** and equipment used for outdoor **amenity space** or open air recreation, patios, air vents, air shafts/intakes, site mechanical and servicing features, elements required for the functional operation of a **building**, fences, screens, safety and wind mitigation elements, and window washing equipment, including a Building Maintenance Unit and crane; and

- (xi) **building** elements and **structures** such as parapets, trellises, pillars, and damper equipment to reduce **building** movement, by a maximum of 2.5 metres;
- (Q) Despite Regulations 40.5.40.60(1) and 40.10.40.60(2) and (P)(iii) above, a canopy, awning or similar **structure**, with or without structural support, may encroach by a maximum of 3.0 metres into a required minimum **building setback** that abuts a **street**, if no part of the canopy, awning or similar **structure** is located more than 8.0 metres above the elevation of the ground directly below it;
- (R) Despite Regulation 5.10.40.70(2):
 - (i) **buildings** or **structures** below ground must be setback a minimum of 3.0 metres from a **lot line** abutting an ON zone; and
 - (ii) **buildings** or **structures** below ground must be setback a minimum of 3.0 metres from the **lot line** abutting the "TTC Bloor Line" as shown on Diagram 1 of By-law 1187-2022(OLT);
- (S) Of the total number of **dwelling units** provided on the **lot**:
 - (i) a minimum of 10 percent of the total **dwelling units** must be 3-bedroom units or greater; and
 - (ii) a minimum of 15 percent of the total **dwelling units** must be 2-bedrooms units;
- (T) Clause 40.10.50.10 regarding **landscaping** does not apply;
- (U) Despite Regulations 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 1.05 residential occupant **parking spaces** for each **dwelling unit**;
 - (ii) a minimum of 0.15 residential visitor **parking spaces** for each **dwelling unit**; and
 - (iii) a minimum of 1.0 **parking space** for each 100 square metres of non-residential **gross floor area**;
- (V) Despite Regulations 200.5.1.10(2)(A) and (D), equipment for the charging of one electric **vehicle** is permitted within a **parking space**, subject to the equipment being located in the same **parking space** as the vehicle to be charged and:
 - (i) being within 0.25 metres of two adjoining sides of the **parking space** which are not adjacent and parallel to a **drive aisle** from which **vehicle** access is provided, measured at right angles; or

- (ii) being at least 5.35 metres from a **drive aisle** from which **vehicle** access is provided, measured at right angles, and at least 1.0 metre from the ground;
- (W) Despite Regulation 200.5.10.1(1) and (U)(i) above, "car-share parking spaces" may be provided and for each "car-share parking space" provided the number of required **parking spaces** for residential occupants may be reduced by four (4) **parking spaces**, exclusive of required accessible **parking spaces**, where for the purpose of this exception:
- (i) "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) a "car-share parking space" means a **parking space** exclusively used for "car-share" purposes;
- (X) Despite Regulations 200.15.1(1), (3) and (4) and 200.15.10(1) and (2), four **parking spaces** required pursuant to (U)(i) and (ii) above, must comply with all regulations below for an accessible **parking space**:
- (i) minimum length of 5.6 metres;
 - (ii) minimum width of 3.4 metres;
 - (iii) minimum vertical clearance of 2.1 metres;
 - (iv) the entire length of one side of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path; and
 - (v) an accessible **parking space** is not required to be the closest **parking space** to a barrier free entrance and/or main pedestrian access to a **building** or to a passenger elevator, or be the shortest route from such entrance or elevator, or be at the same level as the pedestrian entrance to the **building**;
- (Y) Despite Clauses 40.10.90.1 and 220.5.10.1, a minimum of one Type 'G' **loading space** must be provided and maintained on the **lot**;
- (Z) Despite Regulations 230.5.1.10(4)(A)(i) and (ii), 230.5.1.10(5)(A) and 230.5.1.10(4)(C), a **stacked bicycle parking space** must have the following minimum dimensions:
- (i) length of 1.6 metres;
 - (ii) width of 0.3 metres; and

- (iii) vertical clearance of 1.1 metres;

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

11. 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. None of the provisions of this By-law, including the (H) Holding Provisions in Section 12 of this By-law below, or By-law 569-2013, as amended, will prevent an existing **building(s)** from being used for any purpose that existed on **lot** as of August 13, 2022 or for a Sales Office.
12. Holding Provisions
 - (A) The lands zoned with the "(H)" symbol delineated by heavy lines in Diagram 2 attached to this by-law must not be used for any purpose other than as described in Section 11 until the "(H)" symbol has been removed.
 - (B) An amending by-law to remove the "(H)" symbol may be enacted by City Council with respect to the *site* when the following conditions have been fulfilled to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, the General Manager, Toronto Water, and Council:
 - (i) The owner has submitted all identified revisions required to submission materials related to site servicing and a revised Functional Servicing Report to determine the stormwater run-off, sanitary flow, and water supply demand resulting from the development and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development and/or any upgrades that may be required, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
 - (ii) The owner has provided a revised Transportation Demand Management Plan, satisfactory to the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning;
 - (iii) The owner has made satisfactory arrangements with the City and has entered into the appropriate agreements for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support the development, according to the accepted Functional Servicing Report and Traffic Impact Study/Urban Transportation Consideration Report accepted by the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Transportation Services;
 - (iv) The owner has provided space within the development for installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with Section 681-10 of City of Toronto Municipal Code Chapter 681, Sewers, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

- (v) The owner has provided a revised Pedestrian Level Windy Study, including wind tunnel test, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (vi) The owner has addressed all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review as they relate to the Official Plan and Zoning By-law Amendment applications, to the satisfaction of the Supervisor, Tree Protection and Plan Review;
- (vii) The owner has submitted a revised Landscape Plan and/or Tree Inventory and Preservation Plan Report and that Tree Preservation matters are resolved to the satisfaction of the General Manager, Parks, Forestry, and Recreation;
- (viii) The owner has submitted a Noise and Vibration Feasibility Study has been peer reviewed by a third-party Noise and Vibration Consultant retained by the City of Toronto at the Owner's expense, to the satisfaction of the Chief Planner and Executive Director, City Planning; and
- (ix) The owner has satisfied the requirements of the Toronto Region and Conservation Authority regarding requested revisions to reports.

13. Section 37 Requirements:

- (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 *site* 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, 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 are in a form and registered on title to the *site*, 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 and enter into an agreement of agreements prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Pursuant to Ontario Land Tribunal Decision issued on June 10, 2022 and Ontario Land Tribunal Orders issued on August 16, 2022 (effective August 13, 2022) and December 9, 2022 (effective August 13, 2022) in Tribunal File OLT-22-002332 (formerly PL210087).

SCHEDULE A
Section 37 Requirements

The facilities, services and matters set out below are required to be provided to the City at the Owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the Owner agrees as follows:

1. Prior to the issuance of the first Building Permit for the proposed development, 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 \$2,690,000 to be paid by the Owner to the City 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 Subject Property, to the satisfaction of the Chief Planner in consultation with the local Ward Councillor.
3. The cash contributions referred to in Part 2 above shall be increased upwards by indexing in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date the by-law comes into force and effect to the date the payment is made to the City.
4. In the event the cash contributions referred to in Part 2 above has not been used for the intended purposes within three (3) years of the by-law coming into full force and effect, the cash contributions 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 Ward 3.

Matters Secured as a Legal Convenience

5. Prior to the issuance of Site Plan Approval, the Owner shall provide, at its own expense, all to the satisfaction of the Chief Planner and the City Solicitor, a privately-owned, publicly-accessible space ("POPS") located along the southeastern frontages of the Subject Property at the corner of Montgomery Road and Bloor Street West and having a minimum area of not less than 200 square metres; prior to the issuance of site plan approval, the Owner 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, Etobicoke York District. The Owner 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 Owner's expense.

6. Prior to the issuance of Site Plan Approval, the Owner shall agree to convey all lands below the proposed top-of-bank, within the 10 metre buffer adjoining the top-of-bank, and north of the Toronto Transit Commission subway tracks to the Toronto and Region Conservation Authority.
7. Prior to the issuance of Site Plan Approval, the Owner shall design, construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item 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 PG23.9 of the Planning and Growth Management Committee, and as may be further amended by City Council from time to time.
8. Prior to the issuance of Site Plan Approval, the Owner shall satisfy the requirements of the Toronto District School Board and the Toronto Catholic District School Board regarding warning clauses and signage with respect to school accommodation issues and the provision of a construction management plan to address student safety.
9. Prior to the issuance of Site Plan Approval, the Owner shall design and construct off-site sidewalk improvements to the existing sidewalk along the west side of Montgomery Road, between the north end of the Subject Site to Belvedere Boulevard, to be funded by a development charge credit and funding allocated from Transportation Service's capital budget in amounts to the satisfaction of the Chief Financial Officer and the General Manager, Transportation Services. The off-site sidewalk improvements shall comprise of raising the level of the existing sidewalk and providing a curb edge to ensure clear and safe separation from the roadway. The location, design, and construction of such off-site sidewalk improvements by the Owner shall be to the satisfaction of the General Manager, Transportation Services. The off-site sidewalk improvements shall be constructed prior to any occupancy of the proposed redevelopment of the Subject Site and shall be constructed concurrently with any public realm improvements otherwise required to be undertaken by the Owner secured as part of the redevelopment of the Subject Site through the site plan approvals process.

Diagram 1



Toronto
 Diagram 1

**3100-3200 Bloor Street West
 and 4-8 Montgomery Road**
 File # 20 151103 WET 03 0Z



City of Toronto By-law 569-2013
 Not to Scale
 08/12/2022

Diagram 2



Toronto
Diagram 2

**3100-3200 Bloor Street West
 and 4-8 Montgomery Road**
 File # 20 151103 WET 03 OZ

Future Property Boundary
 0.4m Road Widening



City of Toronto By-law 569-2013
 Not to Scale
 08/12/2022

Diagram 3



Toronto
Diagram 3

**3100-3200 Bloor Street West
 and 4-8 Montgomery Road**
 File # 20 151103 WET 03 0Z

Future Property Boundary
 0.4m Road Widening



City of Toronto By-law 569-2013
 Not to Scale
 08/12/2022

Diagram 4



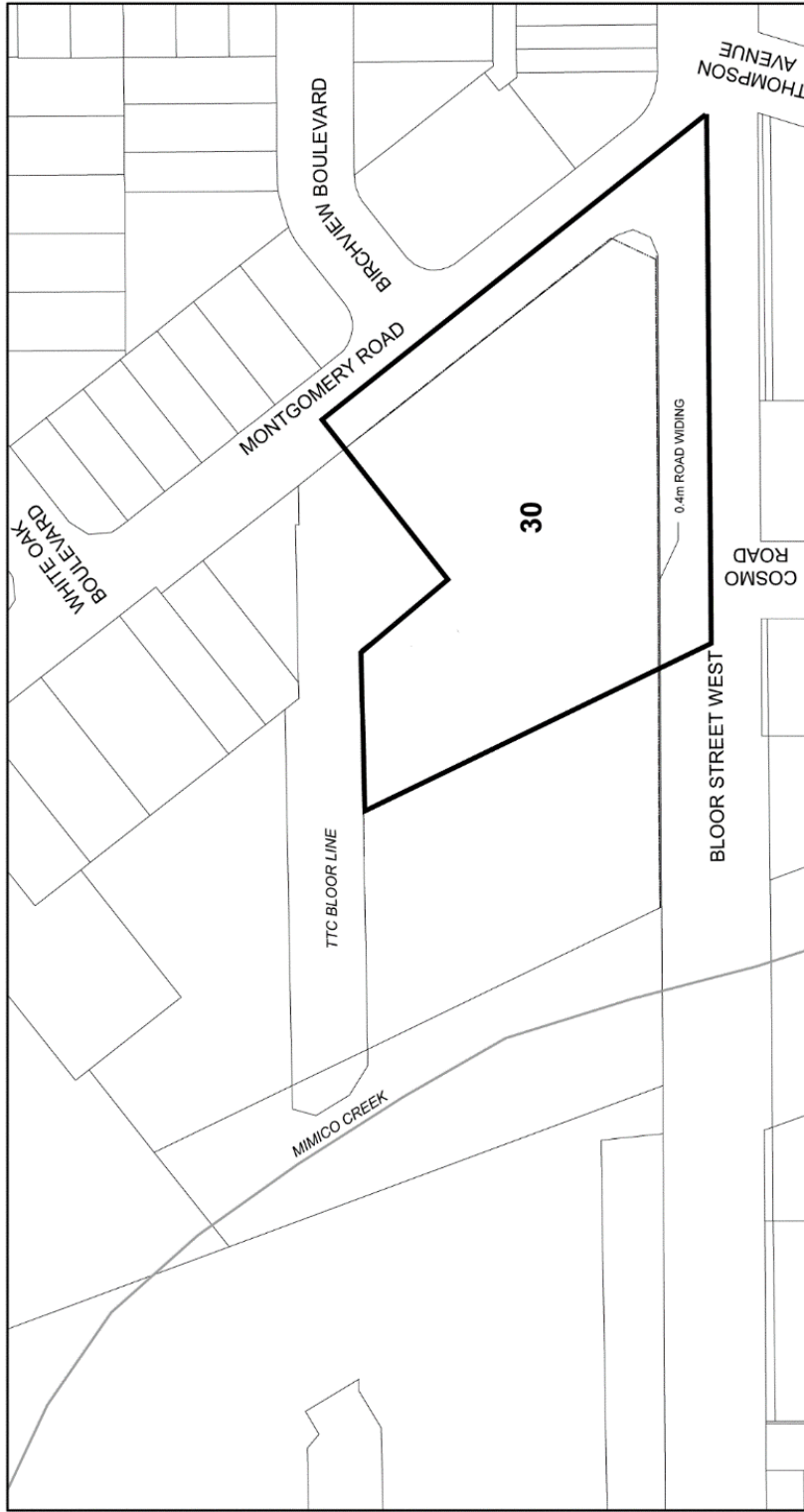
Toronto
Diagram 4

**3100-3200 Bloor Street West
 and 4-8 Montgomery Road**
 File # 20 151103 WET 03 OZ

Future Property Boundary
 0.4m Road Widening

City of Toronto By-law 569-2013
 Not to Scale
 08/22/2022

Diagram 5



Toronto
Diagram 5

**3100-3200 Bloor Street West
 and 4-8 Montgomery Road**
 File # 20 151103 WET 03 OZ

--- Future Property Boundary
 ■ 0.4m Road Widening



City of Toronto By-law 569-2013
 Not to Scale
 08/22/2022

