

Authority: Ontario Land Tribunal Decision issued on March 7, 2022 and Order issued on August 8, 2022 in File OLT-22-002927 (PL190438)

CITY OF TORONTO

BY-LAW 1193-2022(OLT)

To amend former City of Toronto By-law 438-86, as amended, with respect to the lands municipally known in the year 2021 as 206 Russell Hill Road.

Whereas the Ontario Land Tribunal, in its Decision issued on March 7, 2022 and its Order issued on August 8, 2022 in file OLT-22-002927 (PL190438), 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 former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2021 as 206 Russell Hill Road;

The Ontario Land Tribunal Orders:

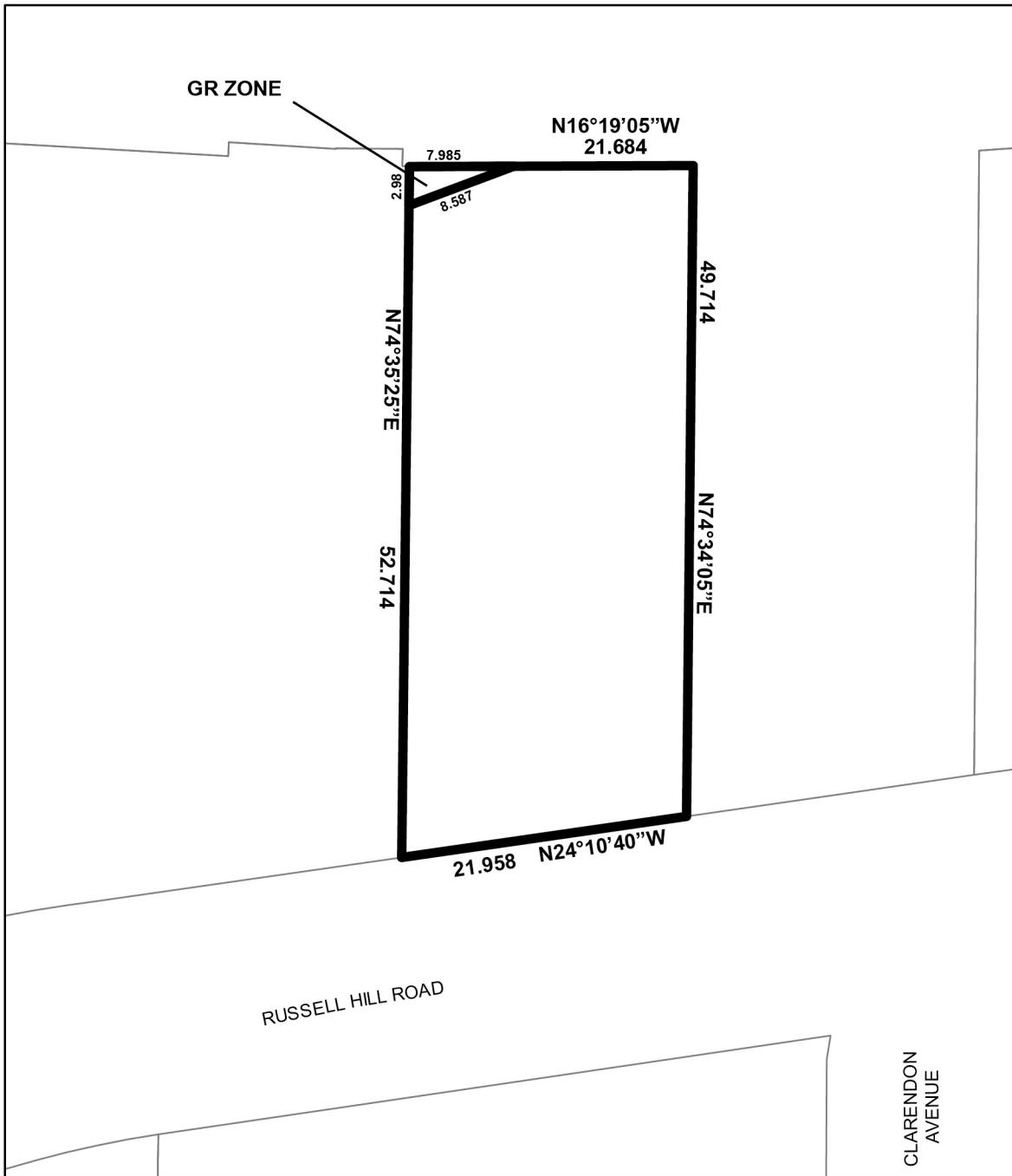
1. Map 50J-322 of the Former City of Toronto by-law 438-86, as amended are hereby amended in accordance with Map 1.
2. Section 12(1) of By-law 438-86, as amended of the Former City of Toronto is amended by adding the following Subsection:
 - (549). None of the provisions of Section 2 with respect to the definition of "*grade*", "*height*", "*lot*", "*row house*", Section 4(2), Section 6(3) PART I, 6(3) PART II, 6(3) PART III, and 6(3) Part IV of By-Law 438-86 of the former City of Toronto, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of land and other matters relating to buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection and use of the lands known municipally as 206 Russell Hill Road for *row houses* and *accessory uses* thereto, provided:
 - (A) The *lot* consists of the lands delineated by heavy lines on Map 1 attached hereto;
 - (B) The *residential gross floor area* erected on the lands shown on Map 2 does not exceed 1,664 square metres;
 - (C) No portion of any building or structure shall extend beyond the solid and dashed lines delineating the building envelope on Map 2 attached hereto;
 - (D) The *height* of any building or structure, or portion thereof, does not exceed a maximum height on Map 2, attached hereto;
 - (E) Despite (C) and (D) above, the following building elements, structures and projections are permitted to exceed the maximum heights and beyond the heavy lines referred to herein:

- (i) Architectural features, awnings, balconies, bicycle racks, bollards, canopies, chimneys, cornices, columns, eaves, elevator enclosures and overruns, fences, guardrails, landscape features, lighting fixtures, mechanical penthouses, monitor wells, ornamental elements, parapets, patios, pipes, planters, platforms, privacy screens, railings, retaining walls, roof fascias, screens, soffits, stacks, stairs, stair enclosures, terraces, trellises, underground garage ramps and their associated structures, vents, walkways, wheel chair ramps, wind protection, window sills, and window washing equipment;
 - (F) A minimum *landscaped open space* on the lot shall be no less than 450 square metres.
- 3. For the purposes of this By-law, the terms set forth in italics shall have the same meaning as such terms have for the purposes of By-law 438-86, as amended, except that the following definitions shall apply:
 - (A) *Grade* means 147.00 metres Canadian Geodetic Datum;
 - (B) *Gross Floor Area* shall mean the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior main wall of each floor level, exclusive of any areas in a building or structure used for:
 - (i) Parking, loading and bicycle parking below ground;
 - (ii) Loading spaces at grade and bicycle parking spaces at or above ground;
 - (iii) Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below ground;
 - (iv) Shower and change facilities required by this By-law for required bicycle parking spaces;
 - (v) Residential amenity space required by this By-law;
 - (vi) Elevator shafts;
 - (vii) Garbage shafts;
 - (viii) Mechanical penthouse; and
 - (ix) Exit stairwells in the building.
 - (C) *Height* means the vertical distance between *grade* and the highest point of the roof, building or structure, exclusive of any elements described in 2(e)(i) herein;
 - (D) *Lot* means those lands outlined on Map 1 attached hereto;

- (E) *Row house* means one of a series of more than two attached buildings:
- (i) each building comprising one *dwelling unit*; and
 - (ii) each building divided vertically from the other by a party wall.
4. Notwithstanding any severance, division, or conveyance of the *lot* subject to the exception, the regulations of this exception shall continue to apply to the whole of the *lot*.

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Map 1



Map 2

