

Authority: Ontario Land Tribunal Decision issued on May 13, 2021 and Ontario Land Tribunal Order issued on August 12, 2022 in Tribunal File PL170953

## **CITY OF TORONTO**

### **BY-LAW 1199-2022(OLT)**

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 160, 170, 180 and 200 Chalkfarm Drive.**

Whereas the Ontario Land Tribunal, in its Decision issued on May 13, 2021 and its Order issued on August 12, 2022, in file PL170953, 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 160, 170, 180 and 200 Chalkfarm Drive; 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 39 of the Planning Act, as amended, a by-law passed under Section 34 of the Planning Act, may 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 pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Ontario Land Tribunal, by Order, amends By-law 569-2013 as follows:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.

3. Zoning By-law 569-2013, as amended, is further amended by amending and replacing Article 900.8.10 Exception Number 121 so that it reads:

(121) Exception RAC 121

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 160, 170, 180 and 200 Chalkfarm Drive, if the requirements of By-law 1199-2022(OLT) are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (T) below;
- (B) The **buildings** and **structures** permitted on the **lot** include "Building 1," "Building 2," "Building 3," "Building 4," the "Community Centre" and "New Building" as shown on Diagram 2 of 1199-2022(OLT) as follows:
- (i) for the purposes of this exception:
- (a) "Building 1" means the existing **apartment building** located at the address municipally known as 200 Chalkfarm Drive, as labeled as "1" on Diagram 2 of this By-law;
- (b) "Community Centre" means the existing **community centre** located at the address municipally known as 180 Chalkfarm Drive;
- (c) "Building 2" means the existing **apartment building** and municipally known as 180 Chalkfarm Drive, as labeled as "2" on Diagram 2 of this By-law;
- (d) "Building 3" means the existing **apartment building** municipally known as 170 Chalkfarm Drive, as labeled as "3" on Diagram 2 of this By-law;
- (e) "Building 4" means the existing **apartment building** municipally known as 160 Chalkfarm Drive, as labeled as "4" on Diagram 2 of this By-law; and
- (f) in addition to (a) to (e), **ancillary** structures, including an underground **parking garage, loading spaces**, and enclosed garage entry ramp located on the lands in the year 2021.
- (ii) for the purposes of this exception, "New Building" means the new **apartment building** on the **lot** as shown on Diagram 2, as well as **ancillary structures** and portions below ground.

- (C) **Dwelling units** provided in the "New Building" must comply with the following:
- (i) a minimum of 10 percent of the total number of **dwelling units** must contain three or more bedrooms and these **dwelling units** must have a minimum average **interior floor area** of 87.6 square metres; and
  - (ii) a minimum of 25 percent of the total number of **dwelling units** must contain two or more bedrooms, in addition to and exclusive of the units provided to satisfy (i).
- (D) Despite Regulation 15.5.50.10(1), a minimum of 40.69 percent of the area of the lands shown on Diagram 1 of By-law 1199-2022(OLT) must be provided as **landscaping** and a minimum of 50.0 percent of the required **landscaping** must be comprised of **soft landscaping**;
- (E) Despite Regulation 15.5.100.1(1)(B), the permitted maximum **driveway** width is 7.5 metres;
- (F) Clause 15.20.30.40, regarding **lot coverage**, does not apply;
- (G) Despite Regulation 15.20.40.50(1), "amenity space" must be provided for the "New Building" at the following minimum rates:
- (i) At least 2.0 square metres of indoor "amenity space" for each **dwelling unit**;
  - (ii) At least 2.0 square metres of outdoor "amenity space" for each **dwelling unit**;
  - (iii) No more than 25 percent of the outdoor component may be a **green roof**;
  - (iv) In addition to (i) above, a minimum of 930 square metres of indoor "amenity space" must be provided in the "New Building" for the exclusive use of residents in "Building 1," "Building 2," "Building 3," and "Building 4" as shown on Diagram 2 of By-law 1199-2022(OLT); and
  - (v) for the purpose of this exception, "amenity space" means indoor or outdoor space for recreational or social activities on a **lot** that is communal and available for use by the occupants of "Building 1," "Building 2," "Building 3" and "Building 4" or the "New Building".
- (H) Despite Regulations 15.5.40.10(1) and 15.5.60.40(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 130.96 metres and the elevation of the highest point of the **building** or **structure**;

- (I) Despite Regulation 15.20.40.10(1) and (2) and 15.5.60.40(2), the permitted maximum height and number of **storeys** of the "New Building" or **structures** which are **ancillary** to the "New Building" is the number in metres following the letters "HT" and "ST" as shown on Diagrams 3 and 4 of By-law 1199-2022(OLT);
- (J) Despite Regulations 15.5.40.10(2) to (6), and (I) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagrams 3 and 4 of By-law 1199-2022(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, chimneys, and vents, and **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building**, inclusive of a mechanical penthouse, by a maximum of 7.5 metres;
  - (ii) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 4.0 metres; and
  - (iii) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 2.5 metres.
- (K) Despite Regulation 15.20.40.40, the permitted maximum **gross floor area** of the "New Building" is 33,600 square metres;
- (L) Despite Clauses 15.5.60.20 and 15.20.40.70, the required minimum **building setbacks** for the "New Building" and **structures** that are **ancillary** to the "New Building" are as shown in metres on Diagrams 3 and 4 of By-law 1199-2022(OLT);
- (M) Despite Regulation 15.20.40.80(2), the required separation of **main walls** are as shown in metres on Diagrams 3 and 4 of By-law 1199-2022(OLT);
- (N) Despite Clause 15.5.40.60 and (L) 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 1.8 metres;
  - (ii) canopies and awnings, by a maximum of 5.0 metres;
  - (iii) exterior stairs, access ramps and elevating devices, by a maximum of 3.0 metres;
  - (iv) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 1.0 metres;

- (v) parapets, trellises, pillars, fences, screens, guard rails up to a maximum, by a maximum of 2.5 metres; and
  - (vi) window projections, including bay windows and box windows, by a maximum of 1.0 metres.
- (O) 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 699 residential occupant **parking spaces** shall be provided and maintained for "Building 1," "Building 2," "Building 3" and "Building 4" as shown in Diagram 2 of By-law 1199-2022(OLT);
  - (ii) a minimum of 141 **parking spaces** for residential visitors of "Building 1," "Building 2," "Building 3," "Building 4" and the "Community Centre" as shown in Diagram 2 of By-law 1199-2022(OLT);
  - (iii) a minimum of 0.7 residential occupant **parking spaces** for all **dwelling units** for the "New Building" as shown on Diagram 2 of By-law 1199-2022(OLT); and
  - (iv) a minimum of 0.15 residential visitor **parking spaces** for each **dwelling unit** for the "New Building" as shown on Diagram 2 of By-law 1199-2022(OLT).
- (P) despite (O)(iii) and (iv) above, "car-share parking spaces" may replace **parking spaces** required for residential occupants in the "New Building", subject to the following:
- (i) a reduction of four residential occupant **parking spaces** will be permitted for each "car-share parking space" provided and that that the maximum reduction permitted be capped by the application of the following formula:
    - (a) four multiplied by the total number of **dwelling units** provided in "New Building" as shown on Diagram 2 of By-law 1199-2022(OLT), divided by 60, and rounded down to the nearest whole number.
  - (ii) 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
  - (iii) 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.

- (Q) Despite Regulations 200.15.1(1) and 200.15.10(1) and (2), a minimum of four of either of the required residential occupant or residential visitor **parking spaces** for the "New Building" as shown in Diagram 2 must be accessible **parking spaces** and must have the following minimum dimensions:
- (i) length of 5.6 metres;
  - (ii) width of 3.4 metres, and
  - (iii) a vertical clearance of 2.1 metres.
- (R) Despite regulation 230.5.10.1(5), **bicycle parking spaces** for the "New Building" shall be provided and maintained as follows:
- (i) a minimum of 0.68 "long-term" **bicycle parking spaces per dwelling unit**; and
  - (ii) minimum of 0.07 "short-term" **bicycle parking spaces per dwelling unit**.
- (S) Despite Regulation 220.5.1(2) and Clause 220.5.10.1, one Type "G" **loading space** and one Type "B" **loading space** must be provided and maintained for the use of the "New Building" as shown in Diagram 2;
- (T) Regulation 15.5.100.1(2), regarding driveway access to **apartment buildings**, does not apply.

Prevailing By-laws and Prevailing Sections:

- (A) Sections 2(a), 2(b), 2(c), 2(d), 2(f), and 2(g) of former City of North York By-law 22135, as amended by By-law 25477, for "Building 1," "Building 2," "Building 3," "Building 4," and the "Community Centre" only, as shown on Diagram 2 of By-law 1199-2022(OLT).
4. 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.
5. Temporary use(s):
- (A) None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a **sales 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.
6. Section 37 Requirements:
- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and/or density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 4 attached to this By-law in return for the provision by the owner, at the owner's expense of the

facilities, services and matters set out in Schedule A attached to this By-law and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;

- (B) Where Schedule A attached to this by-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and/or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Ontario Land Tribunal Decision issued on May 13, 2021 and Ontario Land Tribunal Order issued on August 12, 2022 in Tribunal File PL170953.

**SCHEDULE A**  
**Section 37 Requirements**

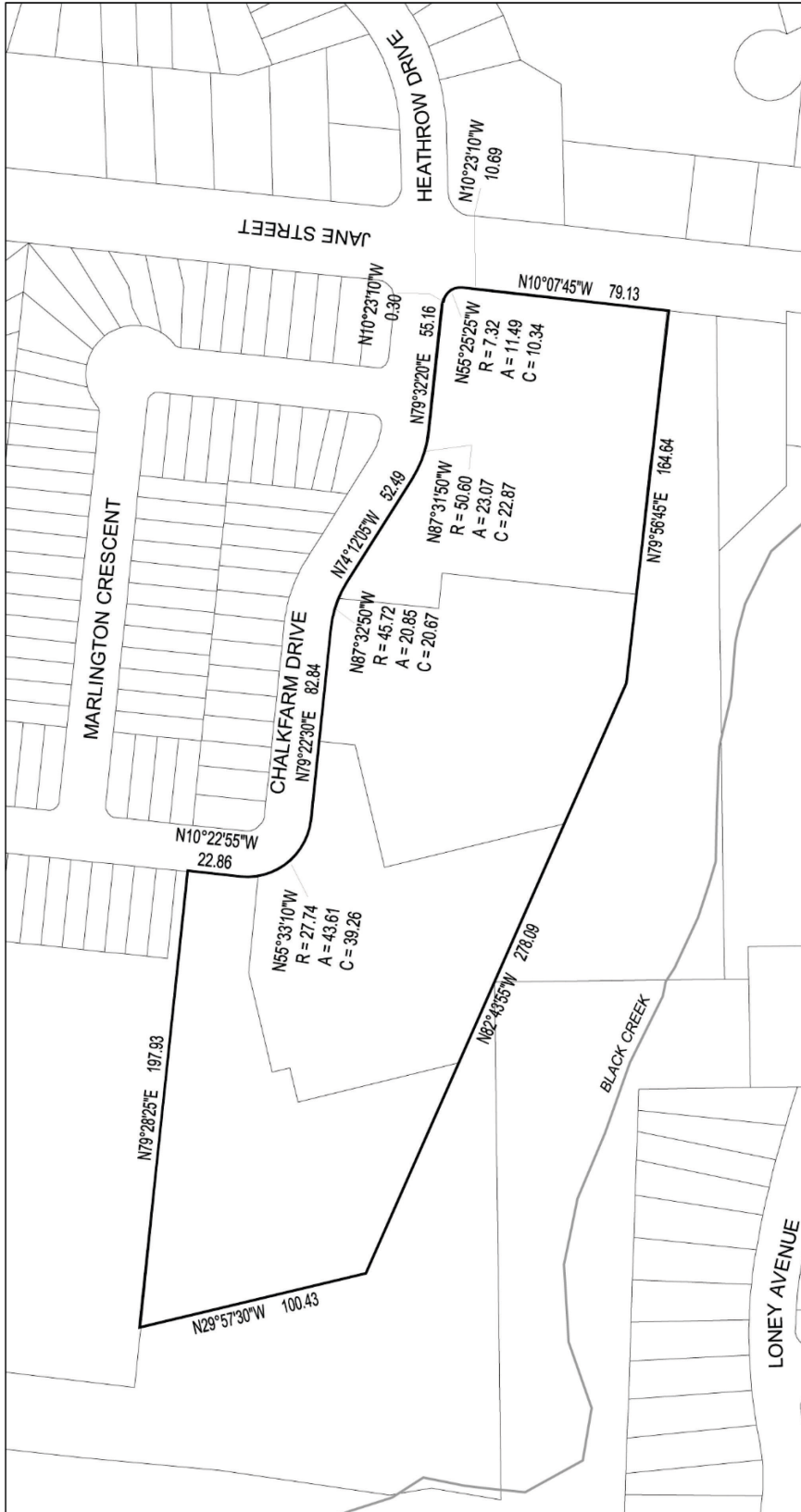
Upon execution and registration in priority of an agreement with the owner, pursuant to Section 37 of the Planning Act, with conditions providing for, without limitation, indexing, escalation of letters of credit, indemnity and registration, satisfactory to the City Solicitor, securing the provision of the facilities, services and matters set out herein, the lands outlined in heavy black lines as shown on Diagram 1 of this By-law are subject to the provisions of this By-law, provided that in the event the said agreement requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements:

1. Prior to issuance of the first above-grade permit for the new building the owner shall make a cash contribution to the City in the amount of one million dollars (\$1,000,000) (the "Cash Contribution") be allocated towards local community benefits and improvements in the vicinity of the lands.
2. The Cash Contribution set out in Clause 1 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 Table: 18-10-0135-01, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment of the Cash Contribution by the owner to the City.
3. In the event the Cash Contribution in Clause 1 has not been used for the intended purpose within three (3) years of the By-law coming into full force and effect, the Cash Contribution may be redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director, City Planning ("Chief Planner"), in consultation with the Ward Councillor, provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands.
4. Prior to first occupancy of the new building, the owner shall provide elevator improvements with a monetary value of \$125,000 for each of the existing buildings located at 160, 170, 180 and 200 Chalkfarm Drive, subject to the following conditions:
  - (A) The costs of the improvements shall not be passed on to tenants of the existing buildings including through an above-guideline rent increase;
  - (B) Construction schedule, budget and specifications of the improvements shall be determined through the Site Plan Approval process, to the satisfaction of the Chief Planner; and
  - (C) The improvements shall be secured by a letter of credit issued to the City of Toronto in the amount of \$500,000 prior to the issuance of the first above-grade building permit for the new building.
5. The owner shall provide and maintain the existing 1214 rental units in the buildings located at 160, 170, 180 and 200 Chalkfarm Drive for a minimum twenty (20) year

period commencing on the date of the execution of the Section 37 agreement, and shall not apply to demolish or convert the rental units, in accordance with the terms of the Section 37 agreement.

6. The existing rental units described in Clause 5 shall have access to the following amenity areas located at-grade in the new building, at no cost and in accordance with the terms of the Section 37 agreement:
  - (A) four (4) indoor amenity areas of approximately three hundred and twenty-eight (328), two hundred and ninety five (295), and seventy-one (71) square metres respectively on the ground floor of the new building;
  - (B) one (1) outdoor amenity area at the rear of the new building totalling ninety-five (95) square metres; and
  - (C) one (1) outdoor amenity area of two-hundred and fifty-five (255) square metres located at the southeastern corner of the building fronting Jane Street.
  
7. The owner shall provide the following to support the development of the lands:
  - (A) A minimum of ten (10) percent of all new dwelling units shall be three-bedroom units, which shall have an average area of Nine Hundred Forty-Three (943) square feet;
  - (B) In addition to subparagraph 7(A), a minimum of twenty-five (25) percent of all new dwelling units shall be two-bedroom units;
  - (C) The new building shall be constructed in accordance with Tier 1, Toronto Green Standard, or greater; and
  - (D) A Construction Mitigation Strategy and a Tenant Communication Plan, to the satisfaction of the Chief Planner, to be implemented during the course of construction of the new building.

Diagram 1



160, 170, 180 & 200 Chalkfarm Drive

File # 16 269918 WET 07 02

City of Toronto By-law 569-2013  
Not to Scale  
08/02/2022

Diagram 2



160, 170, 180 & 200 Chalkfarm Drive

File # 16 269918 WET 07 0Z



City of Toronto By-law 569-2013  
Not to Scale  
08/02/2022

Diagram 3



 **Toronto**  
Diagram 3

160, 170, 180 & 200 Chalkfarm Drive

File # 16 269918 WET 07 0Z



City of Toronto By-law 569-2013  
Not to Scale  
08/02/2022

Diagram 4

