

Authority: Ontario Land Tribunal Decision and Order  
issued on April 2, 2019 and June 28, 2022 in Tribunal File  
PL170596

## CITY OF TORONTO

### BY-LAW 1213-2022(OLT)

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2020 as 413, 417, 419, 423, 425, 429, 431 and 435 Roehampton Avenue.**

Whereas the Ontario Land Tribunal, after hearing the appeal under subsection 34(11) of the Planning Act, R.S.O. 1999, c. P.13, as amended, regarding Tribunal File PL170596 and pursuant to its Decision issued on April 2, 2019 and its Order issued on June 28, 2022, deems it advisable to amend the By-law 69-2013, as amended, with respect to the lands municipally known as 413, 417, 419, 423, 425, 429, 431 and 435 Roehampton Avenue; and

Whereas pursuant to Section 39 of the Planning Act, the Council of the City of Toronto may, 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 by the by-law;

The Ontario Land Tribunal orders:

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 outlined by heavy black lines to R (x97) and O as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Exception Number 97 to Article 900.2.10 as follows:

#### **Exception R (x97)**

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 413,417, 419, 423, 425, 429, 431 and 435 Roehampton Avenue, no provisions apply to prevent the use or erection of an **apartment building or structure**, addition or enlargement permitted in compliance with (B) to (L) below;

- (B) Despite (A) above, an **apartment building** is not permitted within the shaded areas on 413 and 435 Roehampton Avenue identified on Diagram 3 of By-law 1213-2022(OLT);
- (C) Despite Regulation 10.10.40.40(1), the **gross floor area** of the **building** must not exceed 4675 square metres, exclusive of any existing **structures** on the lands as of June 28, 2022;
- (D) Despite (C) above, a **gross floor area** of 224 square metres is permitted for the existing **semi-detached houses** at 413 and 435 Roehampton Avenue excluding a future addition of 42 square metres to the rear of 435 Roehampton Avenue;
- (E) Despite Clauses 10.10.40.70 and 10.10.40.80, the required minimum **building setbacks** and distance between **main walls** for all **buildings** and **structures** above ground are as shown on Diagram 3 of By-law 1213-2022(OLT);
- (F) Despite Clause 10.5.40.60 and (E) above, the following may encroach a maximum of 2.0 metres into the required minimum **building setbacks** shown on Diagram 3 of By-law 1213-2022(OLT);
- (i) cornices, lighting fixtures, vents, awnings, canopies, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, wheelchair ramps, fences, downspouts, retaining walls, planter boxes and landscape features and other minor architectural projections;
- (G) Despite Regulation 10.10.40.10(1), the height of any **building** or **structure** must not exceed the maximum height permitted as indicated by the letters "HT" as shown on Diagram 3 of By-law 1213-2022(OLT);
- (H) Despite Regulation 10.5.40.10(1) for the purpose of calculating the height of a **building** or **structure** in this exception, **established grade** is the Canadian Geodetic Datum elevation of 156.85 metres;
- (I) Despite Regulations 10.5.40.10(2), (3) and (4) and (G) above, the following may project no more than 3.0 metres beyond the maximum height as shown on Diagram 3 of By-law 1213-2022(OLT):
- (i) a parapet wall, fence, safety railing, **landscaping**, roof assembly, mechanical equipment, mechanical room, stair, stair overruns, roof terrace access, terrace, trellis or privacy screen;
- (J) Regulation 10.5.50.10(5) with respect to **soft landscaping** when abutting another **lot** in the Residential Zone category does not apply;
- (K) Despite Regulation 10.10.40.50(1), no **amenity space** is required;

- (L) Despite Regulation 200.5.10.1(1), **parking spaces** must be provided in accordance with the following:
- (i) A minimum of 1.0 **parking spaces** for each **dwelling unit**; and
  - (ii) A minimum of 0.2 **parking spaces** for visitors for each **dwelling unit**.

Prevailing By-laws and Prevailing Sections:

- (A) Section 12(2) 118 of former City of Toronto By-law 438-86; and
  - (B) Section 12(2) 119 of former City of Toronto By-law 438-86.
5. Despite any existing or future severance, partition or division of the lands, the provisions of this By-law will apply to the whole lands as if no severance, partition or division occurred.
6. On the lands outlined on Diagram 1 of this By-law, a temporary sales office is permitted for a period of not more than 3 years from the date this by-law comes into force and effect, used exclusively for the purpose of marketing, sales and leasing of **dwelling units**. A temporary sales office is permitted if 5 **parking spaces** are provided.

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Diagram 1

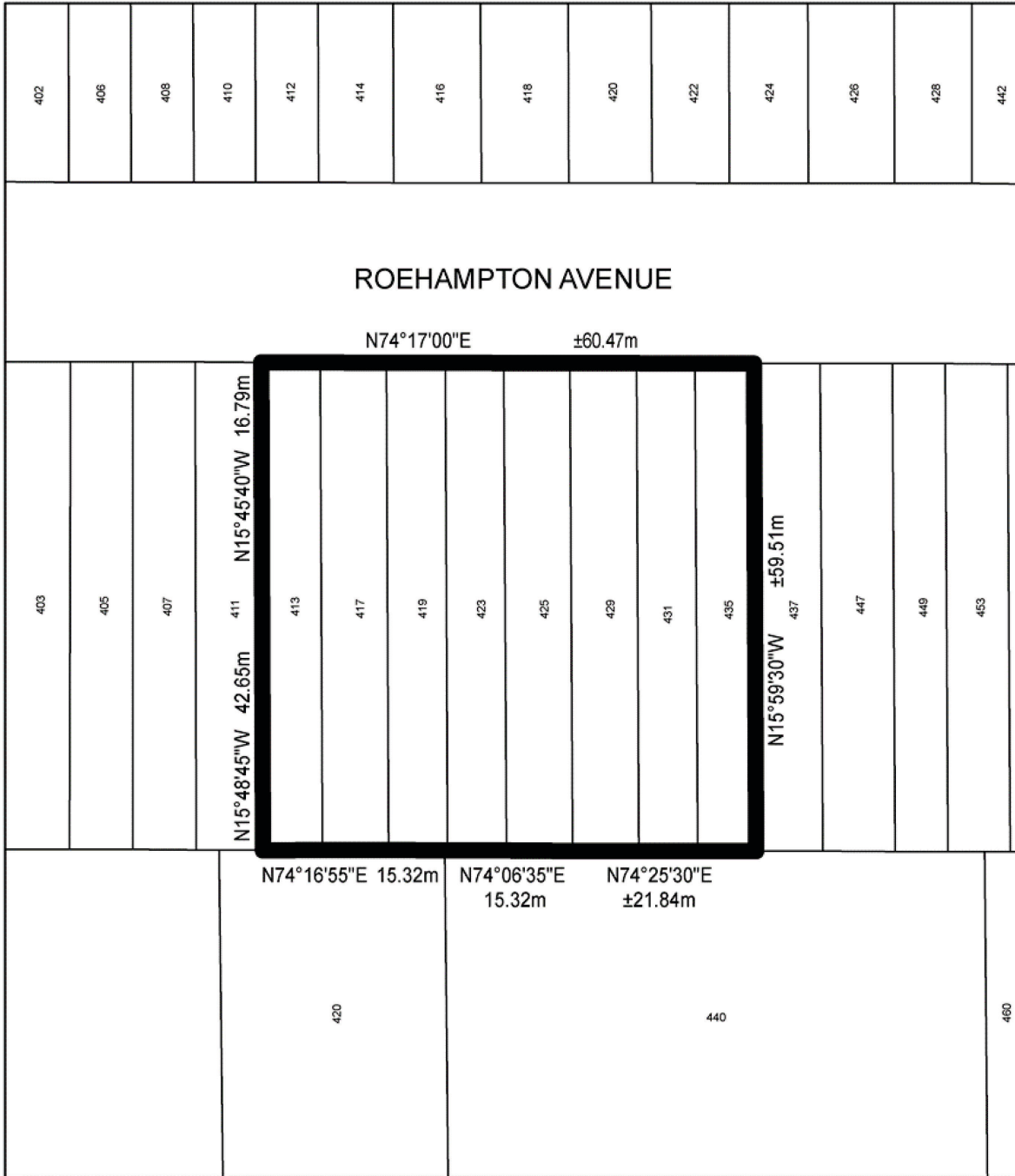


Diagram 2

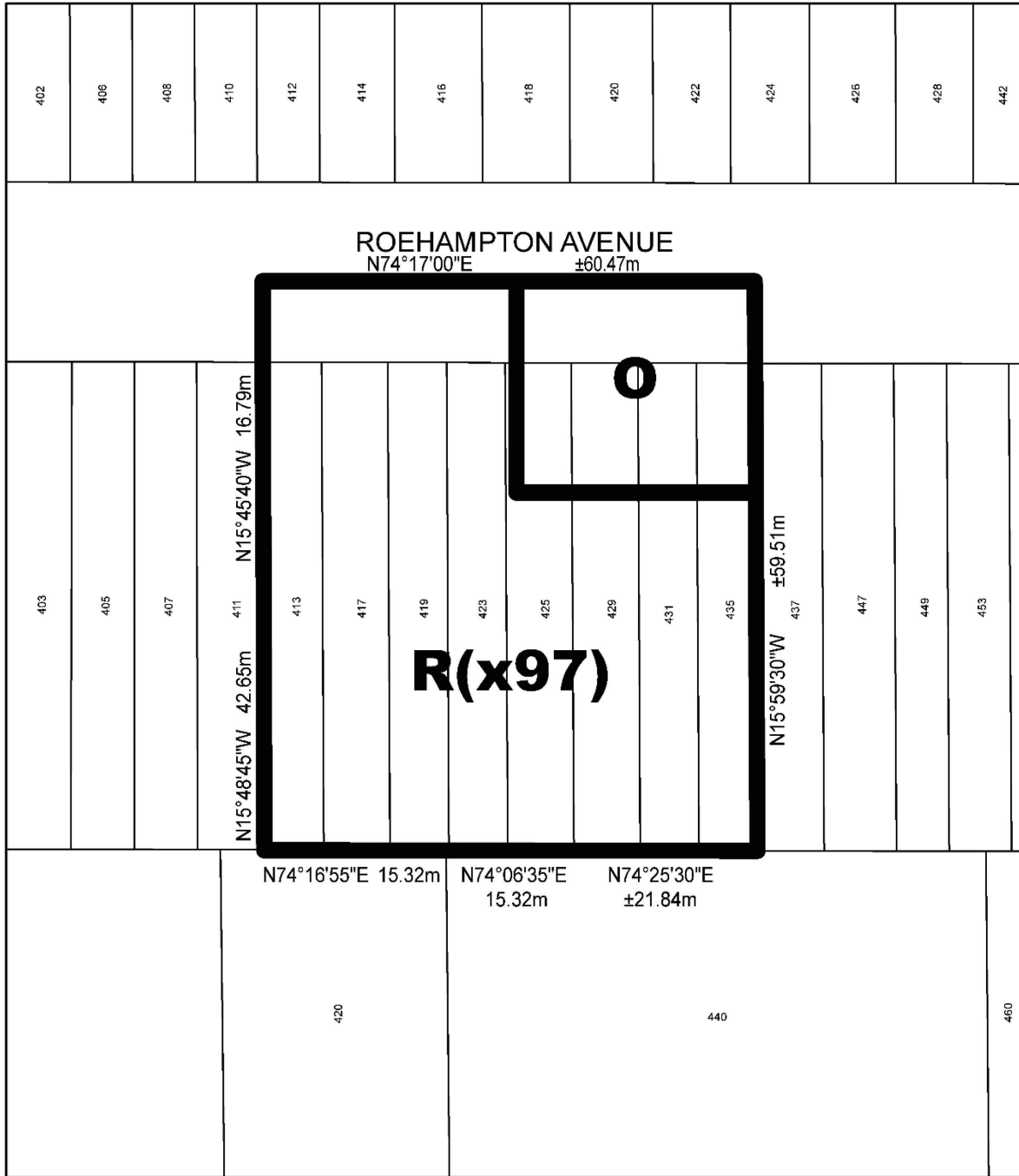


Diagram 3

