

Authority: Ontario Land Tribunal Decision and Order issued on October 12, 2021 and its Final Order issued on November 30, 2022, in Tribunal File PL130592

CITY OF TORONTO

BY-LAW 1277-2022(OLT)

To amend Zoning By-law 569-2013, as amended, resulting from the Sub-phase 2 of the Phase 2 Ontario Land Tribunal Hearing on Certain Appeals to Zoning By-law 569-2013.

Whereas the Ontario Land Tribunal, by way of its Order and Decision issued on October 12, 2021, and Final Order on November 30, 2022 in Tribunal File PL130592 following appeals pursuant to Section 34(19) of the Planning Act, R.S.O. 1990, c. P.13, as amended, determined to amend the City of Toronto Zoning By-law 569-2013, as amended, with respect to: Maximum Height in Residential Zones within the boundary of the former City of Toronto; Maximum Main Wall Height; Maximum Height of Main Walls of a Detached House with a Flat or Shallow Roof; Width of Dormers; and the Definitions of Basement and First Floor;

The Ontario Land Tribunal orders as follows:

Maximum Height in Residential Zones within the boundary of the former City of Toronto

1. By-law 569-2013, as amended, is further amended as follows:
 - (A) Within the lands of the boundary of the former City of Toronto, as shown with heavy black lines on Schedule 1 of this By-law 1277-2022(OLT), for those lands that have a zone symbol of "R" and "RD" on the Zoning By-law Map in Section 990.10, on the Height Overlay Map in Article 995.20.1 change the existing numerical values, in metres, following the letters HT to the numerical values as follows:
 - (i) from "HT 9.0" to "HT 10.0";
 - (ii) from "HT 10.0" to "HT 11.0";
 - (iii) from "HT 11.0" to "HT 12.0"; and
 - (iv) from "HT 12.0" to "HT 13.0".

Maximum Main Wall Height

2. By-law 569-2013, as amended, is further amended as follows:
 - (A) Replace Regulation 10.10.40.10(2) with the following:
 - "(2) Maximum Height of Specified Pairs of Main Walls

In the R zone, the permitted maximum height of the exterior portion of **main walls** for a **residential building**, other than an **apartment building**, is the higher of 7.0 metres above **established grade** or 2.5 metres less than the permitted maximum height in regulation 10.10.40.10(1), for either (A) or (B) below:

- (A) all side **main walls**, for at least 70 percent of the total width of each side **main wall**; or
- (B) all front **main walls** and all rear **main walls**, for at least:
 - (i) 60 percent of the total width of all front **main walls** and all rear **main walls** if the **building** is on a **lot** with a **lot frontage** of 12.0 metres or more;
 - (ii) 50 percent of the total width of all front **main walls** and all rear **main walls** if the **building** is on a **lot** with a **lot frontage** greater than 7.5 metres and less than 12.0 metres; and
 - (iii) 40 percent of the total width of all front **main walls** and all rear **main walls** if the **building** is on a **lot** with a **lot frontage** of 7.5 metres or less."

3. By-law 569-2013, as amended, is further amended as follows:

- (A) Replace Regulation 10.20.40.10(2) with the following:

"(2) Maximum Height of Specified Pairs of Main Walls

In the RD zone, the permitted maximum height of the exterior portion of **main walls** for a **detached house** is the higher of 7.0 metres above **established grade** or 2.5 metres less than the permitted maximum height in regulation 10.20.40.10(1), for either (A) or (B) below:

- (A) all side **main walls**, for at least 70 percent of the total width of each side **main wall**; or
- (B) all front **main walls** and all rear **main walls**, for at least:
 - (i) 60 percent of the total width of all front **main walls** and all rear **main walls** if the **building** is on a **lot** with a **lot frontage** of 12.0 metres or more;
 - (ii) 50 percent of the total width of all front **main walls** and all rear **main walls** if the **building** is on a **lot** with a **lot frontage** greater than 7.5 metres and less than 12.0 metres; and

- (iii) 40 percent of the total width of all front **main walls** and all rear **main walls** if the **building** is on a **lot** with a **lot frontage** of 7.5 metres or less."

4. By-law 569-2013, as amended, is further amended as follows:

(A) Replace Regulation 10.40.40.10(2) with the following:

"(2) Maximum Height of Specified Pairs of Main Walls

In the RS zone, the permitted maximum height of the exterior portion of **main walls** for a **detached house** or a **semi-detached house** is the higher of 7.0 metres above **established grade** or 2.5 metres less than the permitted maximum height in regulation 10.40.40.10(1), for either (A) or (B) below:

- (A) all side **main walls**, for at least 70 percent of the total width of each side **main wall**; or
- (B) all front **main walls** and all rear **main walls**, for at least:
 - (i) 60 percent of the total width of all front **main walls** and all rear **main walls** if the **building** is on a **lot** with a **lot frontage** of 12.0 metres or more;
 - (ii) 50 percent of the total width of all front **main walls** and all rear **main walls** if the **building** is on a **lot** with a **lot frontage** greater than 7.5 metres and less than 12.0 metres; and
 - (iii) 40 percent of the total width of all front **main walls** and all rear **main walls** if the **building** is on a **lot** with a **lot frontage** of 7.5 metres or less."

5. By-law 569-2013, as amended, is further amended as follows:

(A) Replace Regulation 10.80.40.10(2) with the following:

"(2) Maximum Height of Specified Pairs of Main Walls

In the RM zone, the permitted maximum height of the exterior portion of **main walls** for a **detached house** or a **semi-detached house** is the higher of 7.0 metres above **established grade** or 2.5 metres less than the permitted maximum height in regulation 10.80.40.10(1), for either (A) or (B) below:

- (A) all side **main walls**, for at least 70 percent of the total width of each side **main wall**; or
- (B) all front **main walls** and all rear **main walls**, for at least:
 - (i) 60 percent of the total width of all front **main walls** and all rear **main walls** if the **building** is on a **lot** with a **lot frontage** of 12.0 metres or more;
 - (ii) 50 percent of the total width of all front **main walls** and all rear **main walls** if the **building** is on a **lot** with a **lot frontage** greater than 7.5 metres and less than 12.0 metres; and
 - (iii) 40 percent of the total width of all front **main walls** and all rear **main walls** if the **building** is on a **lot** with a **lot frontage** of 7.5 metres or less."

Maximum Height of Main Walls of a Detached House with a Flat or Shallow Roof

6. By-law 569-2013, as amended, is further amended as follows:

(A) Replace Regulation 10.20.40.10(4) with the following:

"(4) Maximum Height of Main Walls of a Detached House with a Flat or Shallow Roof

Subject to regulation 10.20.40.10(1), if a **detached house** in the RD zone has a roof with a slope of less than 1.0 vertical units for every 10.0 horizontal units for more than 50 percent of the total horizontal roof area:

- (A) despite regulation 10.20.40.10(2), the permitted maximum height of all **main walls** is the higher of 7.2 metres above **established grade** or 2.5 metres less than the permitted maximum height in regulation 10.20.40.10(1); and
- (B) despite (A) above, additional **main walls** are permitted to be located above the maximum height of all **main walls** permitted in (A) above, provided all the additional front **main walls** and rear **main walls** located above the **main walls** permitted in (A) above are set back a minimum of 1.4 metres from the front **main walls** and rear **main walls** permitted in (A)."

7. By-law 569-2013, as amended, is further amended as follows:

(A) Replace Regulation 10.20.40.10(5) with the following:

- "(5) A parapet on a **detached house** in the RD zone may exceed the permitted maximum **main wall** height in regulation 10.20.40.10(4) by a maximum of 0.3 metres."

Width of Dormers

8. By-law 569-2013, as amended, is further amended as follows:

- (A) Replace Regulation 10.10.40.10(5) with the following:

"(5) Width of Dormers in a Roof Above a Second Storey or Higher

In the R zone, on a **residential building** with two or more **storeys**, the walls of a dormer are not **main walls** if:

- (A) the face of the dormer is in a roof directly above a part of a **main wall** that does not exceed the permitted maximum **main wall** height; and
- (B) the total width of the faces of the dormers in the roof described in (A) above is no greater than 40 percent of the width of the parts of the **main walls** that do not exceed the permitted maximum **main wall** height, measured at the level of the uppermost **storey** below the roof."

9. By-law 569-2013, as amended, is further amended as follows:

- (A) Replace Regulation 10.20.40.10(7) with the following:

"(7) Width of Dormers in a Roof Above a Second Storey or Higher

In the RD zone, on a **detached house** with two or more **storeys**, the walls of a dormer are not **main walls** if:

- (A) the face of the dormer is in a roof directly above a part of a **main wall** that does not exceed the permitted maximum **main wall** height; and
- (B) the total width of the faces of the dormers in the roof described in (A) above is no greater than 40 percent of the width of the parts of the **main walls** that do not exceed the permitted maximum **main wall** height, measured at the level of the uppermost **storey** below the roof."

10. By-law 569-2013, as amended, is further amended as follows:

- (A) Replace Regulation 10.40.40.10(5) with the following:

"(5) Width of Dormers in a Roof Above a Second Storey or Higher

In the RS zone, on a **detached house** or a **semi-detached house** with two or more **storeys**, the walls of a dormer are not **main walls** if:

- (A) the face of the dormer is in a roof directly above a part of a **main wall** that does not exceed the permitted maximum **main wall** height; and
- (B) the total width of the faces of the dormers in the roof described in (A) above is no greater than 40 percent of the width of the parts of the **main walls** that do not exceed the permitted maximum **main wall** height, measured at the level of the uppermost **storey** below the roof."

11. By-law 569-2013, as amended, is further amended as follows:

- (A) Replace Regulation 10.80.40.10(5) with the following:

"(5) Width of Dormers in a Roof Above a Second Storey or Higher

In the RM zone, on a **detached house** or a **semi-detached house** with two or more **storeys**, the walls of a dormer are not **main walls** if:

- (A) the face of the dormer is in a roof directly above a part of a **main wall** that does not exceed the permitted maximum **main wall** height; and
- (B) the total width of the faces of the dormers in the roof described in (A) above is no greater than 40 percent of the width of the parts of the **main walls** that do not exceed the permitted maximum **main wall** height, measured at the level of the uppermost **storey** below the roof."

Definitions of Basement and First Floor

12. By-law 569-2013, as amended, is further amended as follows:

- (A) Replace Section 800.50 Defined Terms, Regulation (80) Basement with the following:

"(80) Basement

means any part of a **building** where the elevation of the midpoint between the lowest part of a floor and the bottom of the joists directly above it is lower than the elevation of:

- (A) **established grade** in the Residential Zone category and the Residential Apartment Zone category; and
- (B) in all other zone categories, the average elevation of the ground along the **front lot line**."

13. By-law 569-2013, as amended, is further amended as follows:

- (A) Replace Section 800.50 Defined Terms, Regulation (255) First Floor with the following:

"(255) First Floor

means the floor of any part of a **building**, other than an area used for parking, that is:

- (A) directly above a **basement**; and
- (B) if there is no **basement**, closest to the elevation of:
 - (i) **established grade** in the Residential Zone category and the Residential Apartment Zone category; and
 - (ii) in all other zone categories, the average elevation of the ground along the **front lot line**."

Transition: Minor Variance Applications

14. Nothing in regulations 10.10.40.10(2), 10.20.40.10(2), 10.40.40.10(2), 10.80.40.10(2), 10.20.40.10(4), 10.10.40.10(5), 10.20.40.10(7), 10.40.40.10(5), 10.80.40.10(5), and Section 800.50(80) Basement and 800.50(255) First Floor of By-law 569-2013 will prevent the erection or use of a building or structure, in the circumstances for which:

- (A) a complete application for a minor variance under Section 45 of the Planning Act was filed on or prior to November 30, 2022; or
- (B) a complete application for a minor variance under Section 45 of the Planning Act was filed after November 30, 2022 based on a building permit application or a zoning certificate application.

15. For the purposes of Section 14 of this By-law, a complete application for a minor variance means an application which satisfies the requirements of Section 2 of Ontario Regulation 200/96 (Minor Variance Applications) under the Planning Act.

16. Where a project qualifies under Section 14 of this By-law:

- (A) the minor variance may be granted in compliance with Section 45 of the Planning Act in the context of regulations 10.10.40.10(2), 10.20.40.10(2), 10.40.40.10(2),

10.80.40.10(2), 10.20.40.10(4), 10.10.40.10(5), 10.20.40.10(7), 10.40.40.10(5), 10.80.40.10(5), and Section 800.50(80) Basement and 800.50(255) First Floor of By-law 569-2013 as they read on November 30, 2022; and

- (B) a building permit for that project may be issued after final approval is received for the minor variance if the project in question complies, or the building permit application for the project is amended to comply, with regulations 10.10.40.10(2), 10.20.40.10(2), 10.40.40.10(2), 10.80.40.10(2), 10.20.40.10(4), 10.10.40.10(5), 10.20.40.10(7), 10.40.40.10(5), 10.80.40.10(5), and Section 800.50(80) Basement and 800.50(255) First Floor of By-law 569-2013 as they read on November 30, 2022 and all finally approved minor variances.

Transition: Building Permit Applications

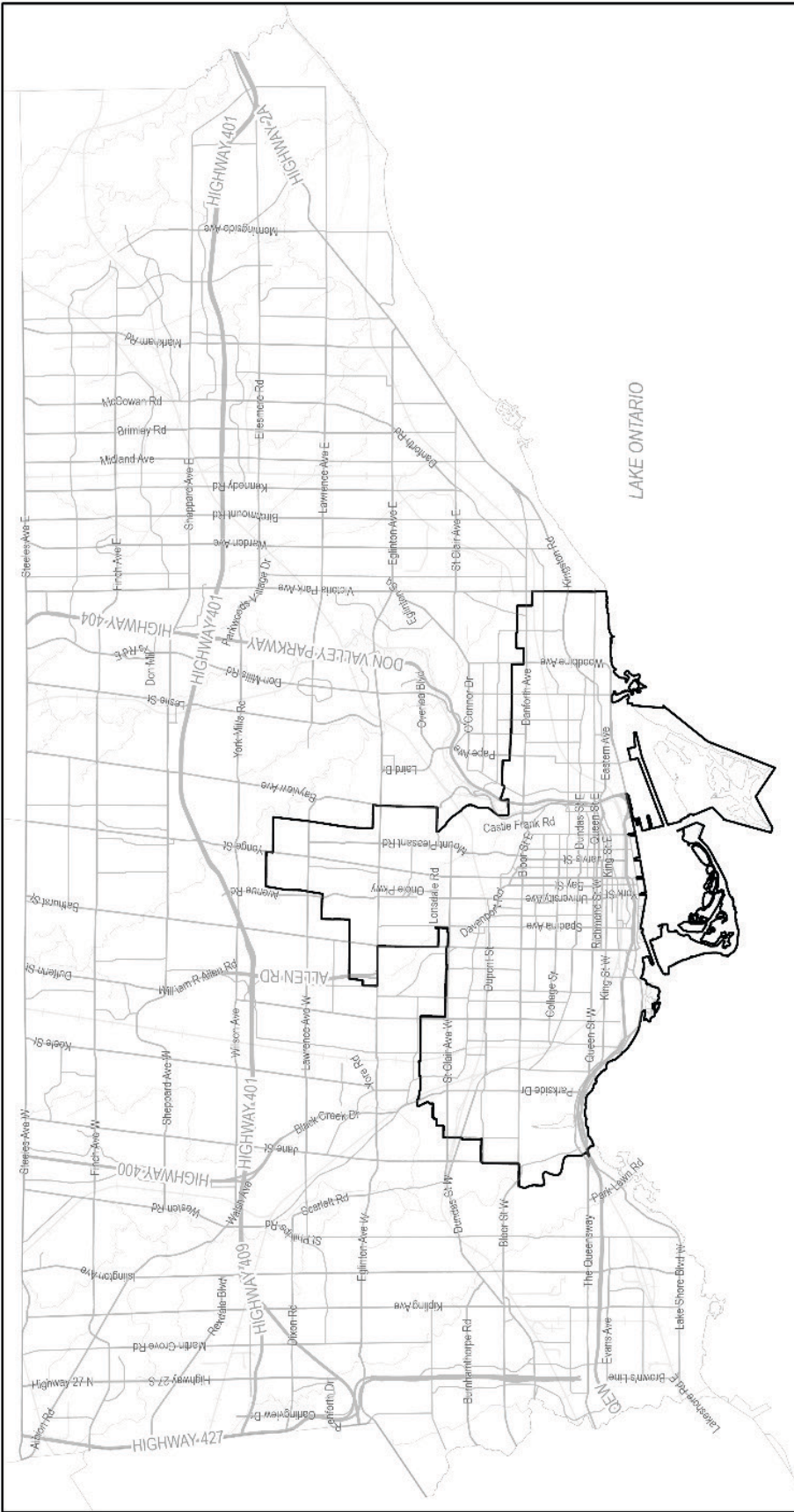
17. Nothing in regulations 10.10.40.10(2), 10.20.40.10(2), 10.40.40.10(2), 10.80.40.10(2), 10.20.40.10(4), 10.10.40.10(5), 10.20.40.10(7), 10.40.40.10(5), 10.80.40.10(5), and Section 800.50(80) Basement and 800.50(255) First Floor of By-law 569-2013 will prevent the erection or use of a building or structure, for which a complete application for a building permit was filed on or prior to November 30, 2022, if the project in question complies, or the building permit application for the project is amended to comply with regulations 10.10.40.10(2), 10.20.40.10(2), 10.40.40.10(2), 10.80.40.10(2), 10.20.40.10(4), 10.10.40.10(5), 10.20.40.10(7), 10.40.40.10(5), 10.80.40.10(5), and Section 800.50(80) Basement and 800.50(255) First Floor of By-law 569-2013 as they read on November 30, 2022.
18. For the purposes of Section 17 of this By-law, an application for a building permit means an application for a building permit that satisfies the requirements set out in Article 3 Permits of Chapter 363, Building Construction and Demolition, of the City of Toronto Municipal Code.

Transition: Site Plan Approval Applications


19. Nothing in regulations 10.10.40.10(2), 10.20.40.10(2), 10.40.40.10(2), 10.80.40.10(2), 10.20.40.10(4), 10.10.40.10(5), 10.20.40.10(7), 10.40.40.10(5), 10.80.40.10(5), and Section 800.50(80) Basement and 800.50(255) First Floor of By-law 569-2013 will prevent the erection or use of a building or structure for a project for which a complete application for site plan approval was filed on or prior to November 30, 2022, if the project in question complies with regulations 10.10.40.10(2), 10.20.40.10(2), 10.40.40.10(2), 10.80.40.10(2), 10.20.40.10(4), 10.10.40.10(5), 10.20.40.10(7), 10.40.40.10(5), 10.80.40.10(5), and Section 800.50(80) Basement and 800.50(255) First Floor of By-law 569-2013 as they read on November 30, 2022.
20. For the purposes of Section 19 of this By-law, a "complete application for site plan approval" means an application which satisfies the requirements set out in the City of Toronto Official Plan Policy 5.5.2.
21. Where a project qualifies under Section 19 of this By-law:

- (A) the Notice of Approval Conditions and final site plan approval may be granted if the project complies with regulations 10.10.40.10(2), 10.20.40.10(2), 10.40.40.10(2), 10.80.40.10(2), 10.20.40.10(4), 10.10.40.10(5), 10.20.40.10(7), 10.40.40.10(5), 10.80.40.10(5), and Section 800.50(80) Basement and 800.50(255) First Floor of By-law 569-2013 as they read on November 30, 2022, all requirements of the Planning Act, and Section 114 of the City of Toronto Act, 2006, S.O. 2006, c.11 Schedule. A.
- (B) after a Notice of Approval Conditions or final site plan approval is received for a project that qualifies under Section 19 of this By-law, a building permit for that project may be issued if the project in question complies, or the building permit application for the project is amended to comply, with regulations 10.10.40.10(2), 10.20.40.10(2), 10.40.40.10(2), 10.80.40.10(2), 10.20.40.10(4), 10.10.40.10(5), 10.20.40.10(7), 10.40.40.10(5), 10.80.40.10(5), and Section 800.50(80) Basement and 800.50(255) First Floor of By-law 569-2013 as they read on November 30, 2022, the site plan approval, and all finally approved minor variances.

Ontario Land Tribunal Decision and Order issued on October 12, 2021 and final approval on November 30, 2022, in Tribunal File PL130592.



Former City Of Toronto



 City of Toronto By-law 569-2013
 Not to Scale
 12/15/2021