

Authority: Ontario Land Tribunal Decision and Order
effective on August 4, 2022 in File OLT-22-003152

CITY OF TORONTO
BY-LAW 1282-2022(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 1-70 Eglinton Square, 1431 and 1437 Victoria Park Avenue, 14, 18, 22 and 26 Engelhart Crescent.

Whereas the Ontario Land Tribunal, by its Decision and Order effective on August 4, 2022 in hearing an appeal under 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 lands municipally known in the year 2021 as 1-70 Eglinton Square, 1431 and 1437 Victoria Park Avenue, 14, 18, 22 and 26 Engelhart Crescent; and

Whereas a zoning by-law may include Holding (H) symbol pursuant to section 36 of the Planning Act, R.S.O. 1990, c. P.13, as amended; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of Holding (H) symbol with conditions in the zoning by-law; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in the density of development; 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 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 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 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 Orders:

- 1.** The lands subject to this By-law as outlined by the heavy black lines on Diagram 1 attached to this By-law.

2. The land comprises the lands delineated by the dashed lines on Diagram 4, Diagram 5, Diagram 6, Diagram 7, and Diagram 8 attached to and forming part of this By-law and identified as Block 1, Block 2, Block 3, Block 4, Block 5, and Block 6.
3. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
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 as outlined in heavy black lines and adding the zone labels identified on Diagram 2 attached to this By-law, as follows:
 - (A) OR for Block 3 and Block 4;
 - (B) (H) CR 0.1 (c0.1; r0.0) SS3 (x791) for Block 1;
 - (C) CR 0.1 (c0.1; r0.0) SS3 (x791) for Block 2 and 5; and
 - (D) RA (au99.0)(x475) for Block 6.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands outlined by heavy black lines on Diagram 3 attached to this By-law to the Policy Areas Overlay Map in Section 995.10.1, and applying the following Policy Area label to these lands: PA4, as shown on Diagram 3 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 791 so that it reads:

(791) Exception CR 791

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 1-70 Eglinton Square, 1431 and 1437 Victoria Park Avenue, 14, 18, 22 and 26 Engelhart Crescent, if the requirements of By-law 1282-2022(OLT), including Section 9 and Schedule A, are complied with, a **building** or **structure** on Block 1, Block 2 and Block 5, may be constructed, used or enlarged in compliance with Regulations (B) to (CC) below;
- (B) For the purposes of By-law this exception, reference to Block 1, Block 2, Block 3, Block 4, Block 5, and Block 6 are as identified on Diagram 4 attached to By-law 1282-2022(OLT) and reference to **building 1A, building 1B, building 1C, building 1D, building 1E, building 2A, building 2B, building 2C, building 2D, building 2E, and building 5A** are the **buildings** within such Blocks as identified on Diagram 5, Diagram 6, Diagram 7, and Diagram 8 attached to By-law 1282-2022(OLT);

- (C) For the purpose of this exception:
- (i) "lot" is defined as the lands outlined by black lines collectively Block 1, Block 2, Block 3, Block 4, Block 5, and Block 6 as identified on Diagram 2 attached to By-law 1282-2022(OLT); and
 - (ii) "lot line" is defined to include the boundary of any of Block identified on Diagram 2 attached to By-law 1282-2022(OLT);
- (D) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** on Block 1, Block 2 and Block 5 is the vertical distance between the Canadian Geodetic Datum as identified below and the elevation of the highest point of the **building** or **structure** as follows:
- (i) On Block 1, the Canadian Geodetic Datum elevation is:
 - a. 162.00 metres for **building** 1A;
 - b. 162.15 metres for **building** 1B;
 - c. 162.15 metres for **building** 1C;
 - d. 162.20 metres for **building** 1D;
 - e. 162.20 metres for **building** 1E;
 - (ii) On Block 2, the Canadian Geodetic Datum elevation is:
 - a. 161.98 metres for **building** 2A;
 - b. 161.98 metres for **building** 2B;
 - c. 161.98 metres for **building** 2C;
 - d. 161.98 metres for **building** 2D;
 - e. 161.98 metres for **building** 2E;
 - (iii) On Block 5, the Canadian Geodetic Datum elevation is:
 - a. 160.27 metres for **building** 5A;
- (E) Despite Clause 40.10.30.40, the permitted maximum lot coverage, is 65 percent for Block 1, 60 percent for Block 2 and 75 percent for Block 5;
- (F) Despite Regulation 40.10.40.10(3), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 6, Diagram 7, and Diagram 8 of By-law 1282-2022(OLT);

- (G) Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is the number following the letters 'ST' as shown on Diagram 6, Diagram 7 and Diagram 8 of By-law 1282-2022(OLT); and
- (i) For the purposes of this exception, the following do not constitute a **storey**:
- a. a mechanical penthouse;
 - b. an **amenity space** on the same level as a mechanical penthouse;
 - c. a mezzanine level located above the first **storey** and below the second **storey** of a **building**;
 - d. the second level of any at grade **dwelling units** on Block 1, Block 2 and Block 5, which contains two levels;
- (H) Despite (F) above and Regulations 40.5.40.10 (3) to (8), the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 6, Diagram 7, and Diagram 8 of By-law 1282-2022(OLT):
- (i) **structures** and elements related to outdoor flooring and roofing assembly, safety railings, guard rails, railings, parapets, terraces, planters, balustrades, bollards, stairs, **ancillary structures**, retaining walls, and ornamental or architectural features, to a maximum of 2.0 metres;
 - (ii) elements on the roof of the **mixed use building** or **structure** used for **green roof** technology and related roofing material, to a maximum of 2.0 metres;
 - (iii) equipment used for the functional operation of the **building**, such as electrical, utility, mechanical and ventilation equipment, garbage chutes, emergency generators and lighting fixtures, to a maximum of 2.5 metres;
 - (iv) elevator overrun, acoustical barriers, landscape features, privacy screens, terrace dividers, covered stairs or stair enclosures, and fences, to a maximum of 2.75 metres;
 - (v) cabanas and trellises, to a maximum of 3.6 metres;
 - (vi) wind mitigation features, to a maximum of 3.0 metres; and
 - (vii) window washing equipment, lightning rods, decorative lighting canopy and public art features;
- (I) Despite (F) above and Regulation 40.5.40.10(8)(A), the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 6, Diagram 7, and Diagram 8 of By-law 1282-2022(OLT):

- (i) equipment, **structures** or parts of a **building** listed in Regulation 40.5.40.10(4) located on the roof of a tower portion of a **building** on each block may exceed the permitted maximum height for that **building** by 7.0 metres and the total area of all equipment, **structures**, or parts on the roof of the tower portion of that **building** may not exceed 500 square metres, measured horizontally;
- (J) Mid-rise **buildings** on Block 5 will be located beneath the 45-degree angular planes, originating from the adjacent **street** property line, being Victoria Park Avenue, starting at a height of 28.8 metres for **building** 5A;
- (K) For the purposes of this By-law 1282-2022(OLT), a "tower":
 - (i) is the portions of a **building** which collectively enclose the entirety of a **storey** higher than 24.0 metres above the average grade, and where the maximum gross construction area of any **storey** located above 24.0 metres, excluding balconies, does not exceed 750 square metres; and
 - (ii) excludes Building 1A and Building 5A;
- (L) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** on Block 1, Block 2, and Block 5 identified on Diagram 4 must not exceed 261,460 square metres and is subject to the following:
 - (i) a maximum of 121,152 square metres of **gross floor area**, of which a minimum of 2,287 square metres of **gross floor area** must be provided for non-residential uses on Block 1, excluding the gross floor area required in (Q) below;
 - (ii) a maximum of 133,862 square metres of **gross floor area**, of which a minimum of 1,218 square metres of **gross floor area** must be provided for non-residential uses on Block 2;
 - (iii) a maximum of 6,626 square metres of **gross floor area**, of which a minimum of 474 square metres of **gross floor area** must be provided for non-residential uses on Block 5;
 - (iv) any **gross floor area** associated with **public parking** uses shall not be calculated towards the required minimum non-residential **gross floor area** specified in Provision (L)(i), (ii), and (iii) above for non-residential uses;
- (M) In addition to the **building** elements listed in Regulation 40.5.40.40(3), the **gross floor area** of a **mixed use building** is also reduced by the areas in a **building** used for:
 - (i) Areas that are open to the inside of a **building** associated with **building entrances**, and interior **amenity space**;

- (ii) Hallways and elevator vestibules in the **basement**; and
 - (iii) Electrical, utility, mechanical and ventilation rooms on any level of the **building**, not located within a **dwelling unit**;
- (N) Despite Regulation 40.10.20.40(1), **dwelling units** are permitted in a **building** or **structure** and the maximum number of **dwelling units** on the lands shall be 3,638;
- (O) For the provision of **dwelling units** permitted in (N) above, each **building** on Block 1, Block 2, and Block 5 will include:
- (i) a minimum of 25 per cent must be two-bedroom **dwelling units**; and
 - (ii) a minimum of 10 per cent must be three-bedroom **dwelling units** or larger;
- (P) Despite Provision (O) above, where the **building** shares a common above ground component that connects two or more **buildings**, the requirements of (O)(i) and (ii) may be distributed between those connected **buildings** with a common above ground component;
- (Q) A minimum of 929 square metres of **gross floor area** will be provided as **day nursery** uses on Block 1;
- (R) In addition to the exclusions listed in Regulations 40.5.40.40(1),(2), (3), and (4) the **gross floor area** of a **building** is also reduced by:
- (i) the **day nursery** required by **Schedule A** of this By-law; and
 - (ii) a library;
- (S) Despite Regulation 40.10.40.50(1), Block 1, Block 2 and Block 5 must each provide **amenity space** at a minimum rate of 4.0 square metres for each **dwelling unit**, of which:
- (i) at least 2.0 square metres for each **dwelling unit** is indoor **amenity space**;
 - (ii) at least 40.0 square metres is outdoor **amenity space**;
 - (iii) required outdoor **amenity space** may be provided in a location which is not adjoining or directly accessible to the indoor amenity space;
 - (iv) no more than 25 percent of the outdoor component may be a green roof; and

- (v) required **amenity space** may be distributed and shared within the block that the **building** is located within, provided the location of the **amenity space** enables access occupants of the **building** of the required **amenity space**;
- (T) Despite Regulations 40.10.40.70(3) and 40.10.40.80(2) the required minimum **building setbacks** and minimum separation of **main walls** must be provided as shown on Diagram 5, Diagram 6, Diagram 7, and Diagram 8 of By-law 1282-2022(OLT);
- (U) Despite Clause 40.10.40.60 and (T) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
 - (i) public art features and **landscaping**;
 - (ii) Cladding and architectural features, up to a maximum of 1.0 metre;
 - (iii) balconies, up to a maximum of 1.8 metres;
 - (iv) wind mitigation features, up to a maximum of 3.0 metres; and
 - (v) awnings and canopies may encroach a maximum of 2.7 metres into the required **building** setbacks identified, if no part of the canopy, awning or similar structure is more than 5.0 metres above the elevation of the ground directly below it;
- (V) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** shall be provided and maintained on each of Block 1, Block 2 and Block 5 in accordance with the following:
 - (i) a minimum rate of 0.5 **parking spaces** must be provided for each **dwelling unit**;
 - (ii) a minimum rate of 0.1 visitor **parking spaces** must be provided for each **dwelling unit**;
 - (iii) a minimum of 1.0 **parking spaces** must be provided for each 100 squares metres of **gross floor area** for permitted non-residential uses, excluding the **day nursery** on Block 1; and
 - (iv) **parking spaces** required for any **building** may be provided on each block in which the **building** is located;
 - a. For the purposes of this exception, each **building** within each block may not meet the requirements of (V)(i) to (iii) provided that the last **building** to be constructed on the Block will collectively, with all **buildings** on the Block, meet the minimum requirements

set out in (V)(i) to (iii) for the subject Block;

- (W) Despite Regulations 200.5.10.1(6) and 200.10.1 and (V) above, **parking spaces** required for non-residential uses and for **dwelling unit** visitors may be:
- (i) shared on a non-exclusive basis within each Block;
 - (ii) provided within a **public parking** facility, only for **parking spaces** required for non-residential uses and for **dwelling unit** visitors; and/or
 - (iii) located within the same Block;
- (X) Despite Regulation 200.5.1.10(2)(A)(ii) and Provisions (V) and (W) above;
- (i) a minimum of 4 of the required **parking spaces** in (V) above must be provided for the exclusive use of the **day nursery** in a **building** on Block 1 during its hours of operations;
 - (ii) the **parking spaces** under (i) above must have a minimum width of 3.9 metres;
- (Y) Despite Regulation 200.5.10.1(1), "car-share **parking spaces**" may replace **parking spaces** otherwise required for residential occupants, subject to the following:
- (i) a reduction of four (4) resident occupant **parking spaces** will be permitted for each "car-share **parking space**" provided for each **building** and that the maximum reduction permitted be capped by the application of the following formula:
 - a. four (4) multiplied by the total number of **dwelling units** divided by 60, and rounded down to the nearest whole number;
 - (ii) "car-share" or "car-sharing" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and such car-share motor vehicles are made available to at least the occupants of the building or short-term rental, including hourly rental; and
 - (iii) "car-share **parking space**" means a parking space exclusively reserved and signed for a car used only for car-share purposes;
- (Z) Despite (V) above, the total minimum number of vehicle **parking spaces** required on a lot may be reduced at a rate of 1 vehicle **parking space** for every 5 **bicycle parking spaces** provided in excess of the minimum number of **bicycle parking spaces** required, if the reduction of vehicle **parking spaces** is not greater than 20 percent of the total minimum vehicle **parking spaces** required;

- (AA) Despite Regulations 200.15.1(1), (3) and (4), accessible **parking spaces** must be provided on each Block as follows:
- (i) An accessible parking space must have the following minimum dimensions:
 - a. length of 5.6 metres;
 - b. width of 3.4 metres; and
 - c. vertical clearance of 2.1 metres;
 - (ii) The entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
 - (iii) Accessible **parking spaces** must be the **parking spaces** closest to a barrier free:
 - a. entrance to the **building** for which the accessible **parking spaces** are required;
 - b. passenger elevator that provides access to the first **storey** of the **building**; and
 - c. and shortest route from the required entrances in (AA)(iii)a. and b.
- (BB) Despite Regulations 220.5.10.1(2), (3), (4), (5), and (8), **loading spaces** must be provided in accordance with the following:
- (i) a required minimum of one (1) Type 'G' **loading space** must be provided Building 1A;
 - (ii) a required minimum of one (1) Type 'G' **loading space** and one (1) Type 'C' **loading space** must be provided as shared between building 1B and building 1C;
 - (iii) a required minimum of one (1) Type 'G' **loading space** and one (1) Type 'C' **loading space** must be provided as shared between building 1D and building 1E;
 - (iv) a required minimum of one (1) Type 'G' **loading space** and one (1) Type 'C' **loading space** must be provided as shared between building 2A and building 2B;
 - (v) a required minimum of one (1) Type 'G' **loading space** and one (1) Type 'C' **loading space** must be provided building 2C;

- (vi) a required minimum of one (1) Type 'G' **loading space** and one (1) Type 'C' **loading space** must be provided as shared between building 2D and building 2E;
 - (vii) a required minimum of one (1) Type 'G' **loading space** must be provided building 5A; and
- (CC) Despite Regulation 230.5.1.10(10), "short-term" **bicycle parking spaces** may also be located in a **stacked bicycle parking space**.

Prevailing By-laws and Prevailing Sections: (none apply)

7. 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.
8. Holding Provisions
- (A) The lands zoned with the '(H)' symbol delineated by heavy lines on Diagram 2 attached to and forming part of this By-law, must not be used for any purpose other than those uses and buildings existing on the site as of the date of date of passing of this By-law until the '(H)' symbol has been removed.
 - (B) An amending by-law to remove the '(H)' symbol may be enacted by City Council when the following conditions have been fulfilled to the satisfaction of the City Solicitor, the Chief Planner and Executive Director, City Planning and the Chief Engineer and Executive Director, Engineering and Construction Services, the General Manager, Transportation Services, and Council:
 - (i) the selection of the public street alignment as it relates to the O'Connor Drive reconfiguration and extension and substantial completion of the Municipal Class Environmental Assessment, under the Environmental Assessment Act, identifying the alignment of the O'Connor Drive extension;
 - (ii) it has been demonstrated to the satisfaction of the General Manager, Transportation Services that the development subject of the Zoning By-law can proceed without impacting the final determination of the public street alignment for O'Connor Drive.
 - (C) Despite (B)(i) and (ii) above, if the City has not removed the '(H)' symbol by December 31, 2023, the Owner can make an application to remove the '(H)' symbol demonstrating that the '(H)' symbol can be lifted, and the '(H)' symbol shall be lifted unless City Council identifies an extraordinary circumstance that justifies the '(H)' symbol not being lifted, which circumstance shall not include a delay by the City or any of its consultants with respect to (B)(i) or B(ii) above.

9. 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, as amended, 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 lands on Diagram 2 of By-law 1282-2022(OLT) 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, as amended, came into force, that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
- (B) Where Schedule A of 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 upon satisfaction of the same;
- (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 applicable provisions of Schedule A are satisfied; and
- (D) Once the agreement or agreements securing the facilities, services and matters set out in Schedule A have been executed and registered, the provisions of Schedule A shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.

Ontario Land Tribunal Decision and Order effective on August 4, 2022 in Tribunal File OLT-22-003152.

SCHEDULE A
Section 37 Provisions

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 shown in Diagram 1 in this By-law. Prior to the issuance of any **building** permit, the owner shall enter into an agreement, on such terms and conditions, including upwards indexing, securities, details and requirements, to the satisfaction of the City Solicitor pursuant to Section 37(3) and (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, as amended, came into force, (the "**Section 37 Agreement**") to secure the community benefits and matters required to support the development below, whereby the owner agrees as follows:

Community Benefits

Affordable Housing

1. The Owner shall provide, on such terms and conditions as specified in the Section 37 Agreement, a minimum of 85 affordable housing rental units, based on 100 percent Average Market Rent and an affordability period as specified in Clause 2 below, with these affordable housing rental units being provided on the lands, including the following:
 - (A) A minimum of 6 New Affordable Rental Units in Building 5A, secured for a Thirty (30) Year Period;
 - (B) A minimum of 17 New Affordable Rental Units in Building 2A and/or Building 2B, secured for a Thirty (30) Year Period;
 - (C) A minimum of 30 New Affordable Rental Units in Building 2C, Building 2D, Building 2E and/or any Building on Block 1, secured for a Fifteen (15) Year Period;
 - (D) A minimum of 32 Affordable Rental Units in Building 2C, Building 2D, Building 2E and/or any Building on Block 1, secured for a Thirty (30) Year Period;
 - (E) The affordable rental housing units required in 1. (C) and (D) above may be provided in Building 2A, Building 2B or Building 5A, where the Chief Planner is advised of such in writing;
 - (F) the affordable rental housing units will be made available for residential occupancy on terms and conditions as specified in the Section 37 Agreement;
 - (G) the affordable housing units must be grouped in no less than 6 contiguous units within each **building**; and

- (H) the unit types and sizes, with such unit sizes be to the satisfaction of the Chief Planner and Executive Director, City Planning, as specified in the Section 37 Agreement.
2. The affordable housing rental housing units shall consist of the following affordability periods:
- (A) A minimum of thirty (30) affordable rental housing units shall be maintained as affordable housing for a minimum of fifteen (15) year period; and
- (B) A minimum of fifty-five (55) rental housing units shall be maintained as affordable housing for a minimum of thirty (30) year period.

Child Care Centre

3. The Owner, at its sole cost and expense, shall design, construct, finish, Commission, Hand-over and convey to the City a non-profit licensable **day nursery** of a minimum size of 1,300 square metres of interior and exterior space combined, in a manner that is more particularly set out in Section 6 of this Agreement, that can accommodate approximately 62 child care spaces (10 Infants, 20 Toddlers, 32 Preschoolers) generally comprising interior areas and exterior areas (in reasonable proximity to the interior areas) including the associated outdoor play area, all appliances (major and minor), all situate within the base of a **building** on Block 1 along a public **street**, together with access to and egress from, the adjacent public street and from and to the parking spaces described in below (the "**Child Care Centre**"), including the following:
- (A) prior to the earlier of residential occupancy of the building in which the Child Care Centre is located and/or registration of any condominium for the building in which the Child Care Centre is located, the Child Care Centre shall be conveyed to the City, at no cost to the City, in fee simple, in an acceptable environmental condition to the satisfaction of the Executive Director, Corporate and Real Estate Management and City Solicitor;
- (B) dedicated two (2) vehicular drop-off and pick-up parking space locations exclusive to the Child Care Centre, and the two (2) designated parking spots for staff, visitors and daily delivery of the Child Care Centre drop-off and pick-up locations, if such access to the parking at grade is restricted, such access cards and/or vouchers for accessing the parking must be provided to the General Manager, Children's Services and/or Child Care Operator by the Owner;
- (C) the details of the other matters as described in these provisions, such as timing, location, obligations and any such matters to implement the Child Care Centre, will be finalized between the owner and the City and will be substantially in accordance with the City of Toronto's Child Care Development Guidelines and to the satisfaction of the Executive Director, Corporate and Real Estate Management, the General Manager, Children's Services, and the Chief Planner and Executive Director, City Planning, in consultation with the City Solicitor; and

- (D) on, or prior to, the conveyance of the Child Care Centre, the City and the owner enter into, and register on title to, the appropriate lands an Easement and Cost Sharing Agreement for nominal consideration and at no cost to the City, that is in a form satisfactory to the City Solicitor; the Easement and Cost Sharing Agreement shall address and/or provide for the integrated support, use, operation, maintenance, repair, replacement and reconstruction of certain shared facilities, and the sharing of costs, in respect thereof, of portions of the subject lands to be owned by the City and the owner as they pertain to the Child Care Centre, and the development to be constructed within the base building of the development.
4. Prior to the issuance of the first Above-Grade Building Permit for the building in which the Child Care Centre will be located, on Block 1 on the Lands:
- (A) the Owner shall provide a cost estimate for the design, construction and Hand-over of the Child Care Centre; and
- (B) Upon approval of the cost estimate by the Executive Director, CREM and the General Manager, Children's Services, the Owner shall provide one or more Letters of Credit in an amount(s) sufficient to guarantee 120 percent of the estimated cost of the design, construction and Hand-over of the Child Care Centre.
5. Prior to conveyance of the Child Care Centre to the City, the Owner shall make a one-time cash contribution in the amount of Two Hundred Thousand Dollars (\$200,000.00), subject to Upward Indexing in accordance with the Construction Price Index, calculated from the effective date of this By-law to the date of payment towards the following at the discretion of the General Manager, Children's Services:
- (A) Child Care Centre Replacement Reserve Fund to be used towards start-up operating costs, to replace appliances and large equipment due to wear and tear and to support ongoing financial viability; and
- (B) play-based toys, furnishings and equipment in accordance with provincial and City standards based on an inventory list provided by the Child Care Centre Operator and/or the General Manager, Children's Services which will be finalized and approved by the General Manager, Children's Services.

Cash Contribution

6. Upon the this By-law becoming final and binding with all appeal and request for review periods having expired, the Owner shall pay to the City the sum of **FOUR MILLION DOLLARS** (\$4,000,000.00) in Canadian funds (herein referred to as the "**Cash Contribution**") and the Cash Contribution shall be used by the City for the purpose of community benefits to be determined by the Ward Councillor in consultation with the Chief Planner.
7. The Cash Contribution shall be indexed upwards in accordance with the Construction Price Index, calculated from thirty (30) days from the effective date of issuance of the

Order of the Tribunal on this By-law for the Development of the Lands to the date payment by the Owner of the Cash Contribution is made to the City.

8. In the event the Cash Contribution has not been used for its intended purpose within three (3) years of this By-law coming into full force and effect, the Cash Contribution may be redirected for another purpose, at the discretion of the Chief Planner, in consultation with the Ward Councillor, provided that the purposes are identified in the City's Official Plan and will benefit the local community.

Matters Required to Support the Development

Existing Rental Units on Block 6

9. The Owner agrees that improvements to the satisfaction of the Chief Planner to the existing low-rise apartment buildings south of the O'Connor Drive extension on Block 6 in accordance with Policy 3.2.1.5 of the Official Plan, will be completed prior to the issuance of an above-grade **building** permit for Building 5A.
10. As part of the Site Plan Application for Building 5A, the Owner agrees that the improvements to the existing low-rise **apartment buildings** on Block 6 will be identified through the Housing Issues Report to the satisfaction of the Chief Planner.

Metrolinx

11. Prior to the issuance of each **building** permit for all or any part of Block or **building** on the Lands, the Owner shall:
 - (A) complete a Metrolinx technical review(s) of the Development on each Block and/or each **building** on the Lands, as may be required by Metrolinx;
 - (B) provide any and all requisite information as may be required by Metrolinx; and
 - (C) obtain Metrolinx's written acknowledgement that the Owner has satisfied all of the conditions arising out of the Technical Review review(s) including the entry into any agreements with the Metrolinx and/or the City, if applicable.

Street A, Street B and Street C

12. Prior to the issuance of an above-grade **building** permits for Building 1A, except for a structural permit, Street A and Street B must be constructed (to base course asphalt) and conveyed to the City and any temporary services to Block 2 through Block 1 are removed and re-established in Street B to service Block 2 unless an interim condition is approved at the sole discretion of the City in accordance with SASP 582 Policy 13, 14 and 15.
13. Prior to the issuance of an above-grade **building** permits for Building 1B, except for a structural permit, Street A and Street B shall be constructed (to base course asphalt) and conveyed to the City and any temporary services to Block 2 through Block 1 are removed

and re-established in Street B to service Block 2 unless an interim condition is approved at the sole discretion of the City in accordance with SASP 582 Policy 13, 14 and 15.

14. Prior to the issuance of an above-grade **building** permits for Building 1C, except for a structural permit, Street A connecting Victoria Park Avenue up to the western point of Building 1D shall be constructed (to base course asphalt) and conveyed to the City and provided no portion of any **building** is established on any temporary services traversing Block 1 to Block 2 to service Block 2, unless an interim condition is approved at the sole discretion of the City in accordance with SASP 582 Policy 13, 14 and 15.
15. Prior to the issuance of an above-grade **building** permits for Building 1D and Building 1E, except for a structural permit, Street A connecting Victoria Park Avenue to Pharmacy Avenue shall be constructed (to base course asphalt) and conveyed to the City and provided no portion of any **building** is established on any temporary services traversing Block 1 to Block 2 to service Block 2, unless an interim condition permitting a portion of Street A on the Lands to be constructed and conveyed to the City is approved in the sole discretion of, and to the satisfaction of the General Manager, Toronto Water, and Chief Engineer.
16. Prior to the issuance of an above-grade **building** permits for Building 2A, except for a structural permit, Street A and the portion of Street C on the Lands shall be constructed (to base course asphalt) and conveyed to the City unless an interim condition is approved at the sole discretion of the City in accordance with SASP 582 Policy 13, 14 and 15.
17. Prior to the issuance of an above-grade **building** permits for Building 2B, except for a structural permit, Street A and Street B shall be constructed (to base course asphalt) and conveyed to the City unless an interim condition is approved at the sole discretion of the City in accordance with SASP 582 Policy 13, 14 and 15.
18. Prior to the issuance of an above-grade **building** permits for Building 2C, except for a structural permit, Street A connecting Victoria Park Avenue to Pharmacy Avenue and Street B shall be constructed (to base course asphalt) and conveyed to the City and any temporary services to Block 2 through Block 1 are removed and re-established in Street B to service Block 2, unless an interim condition permitting a portion of Street A on the Lands to be constructed and conveyed to the City is approved in the sole discretion of, and to the satisfaction of the General Manager, Toronto Water, and Chief Engineer.
19. Prior to the issuance of an above-grade **building** permits for Building 2D and Building 2E, except for a structural permit, Street A connecting Victoria Park Avenue to Pharmacy Avenue and Street C shall be constructed (to base course asphalt) and conveyed to the City, unless an interim condition permitting a portion of Street A on the Lands to be constructed and conveyed to the City is approved in the sole discretion of, and to the satisfaction of the General Manager, Toronto Water, and Chief Engineer.

Parkland Dedication

20. Prior to the issuance of the first Above-Grade Building Permit for any Building on any part of the Lands, the Owner shall:

- (A) convey, in fee simple to the City, a minimum of 7,277.2 square metres of land for public park purposes in the general location identified on Diagram 4 of this By-law, excluding the remaining lands on Block 4 for an existing driveway (the "**Block 4 Parkland**") to the satisfaction of General Manager, PFR and where the Block 4 Parkland shall partially satisfy the Owner's Statutory Parkland Dedication requirement;
 - (B) convey the Block 4 Parkland free and clear above-grade and below-grade of all physical obstructions and easements, encumbrances, unless otherwise permitted in writing by the General Manager, PFR or as otherwise permitted by this Agreement, and free and clear of all title encumbrances including, but not limited to all easements, rights-of-way, leases, charges, and encroachments, including surface and subsurface easements, to the satisfaction of General Manager, PFR and the City Solicitor; and
 - (C) complete the environmental obligations outlined in the Section 37 Agreement to the satisfaction of General Manager, PFR.
21. Prior to the later of the (i) issuance of the first above-grade **building** Permit for the first of Building 2C, Building 2D or Building 2E, and (ii) prior to or concurrently with the construction and conveyance of either Street A or Street B, the Owner shall:
- (A) convey, in fee simple to the City, a minimum of 2,858.6 square metres of land for public park purposes in the general location identified on Diagram 4 of this By-law, including the remaining lands on Block 4 for an existing driveway (the "**Block 3 Parkland**") to the satisfaction of General Manager, PFR and where the Block 3 Parkland shall partially satisfy the Owner's Statutory Parkland Dedication requirement;
 - (B) convey the Block 3 Parkland free and clear above-grade and below-grade of all physical obstructions and easements, encumbrances, unless otherwise permitted in writing by the General Manager, PFR or as otherwise permitted by this Agreement, and free and clear of all title encumbrances including, but not limited to all easements, rights-of-way, leases, charges, and encroachments, including surface and subsurface easements, to the satisfaction of General Manager, PFR and the City Solicitor; and
 - (C) complete the environmental obligations outlined in the Section 37 Agreement to the satisfaction of General Manager, PFR.

POPS and Midblock Connection

22. The Owner shall provide the following privately owned publicly accessible open spaces on the lands shown on Diagram 1 of this By-law, whereby as a pre-approval condition to Site Plan Approval for each Building or Block as specified in the Section 37 Agreement, the owner shall convey to the City, for nominal consideration, easement(s) along the surface of the lands, to the satisfaction of the City Solicitor, which shall constitute the privately owned publicly accessible open spaces and any required public access

easements to connect the privately owned publicly accessible open spaces to adjacent privately owned publicly accessible open spaces and/or public rights-of-way, where necessary; and the owner shall own, operate, maintain and repair the privately owned publicly accessible open spaces and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the privately owned publicly accessible open spaces at all times of the day and night, 365 days of the year; and the specific location, configuration and design of the privately owned publicly accessible open spaces shall be determined in the context of a site plan approval for each building and/or block pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City:

- (A) A minimum of 1,464.9 square metres north of Building 2A and Building 2B on the lands, with the specific size, location, configuration and design to be determined to the satisfaction of the Chief Planner at the time of and through the Site Plan Approval process for Building 2A and Building 2B ("**Eglinton POPS**");
 - (B) A minimum of 1,016.7 square metres on Block 1, between Building 1A and Building 1B on the lands, with the specific size, location, configuration and design, including the timing which may occur of a phased basis associated with the development of Building 1A and Building 1B, to be determined to the satisfaction of the Chief Planner at the time of and through the Site Plan Approval process for Block 1. ("**Eglinton Square POPS**");
 - (C) If the 23 metre north-south public street the location of which is shown generally on Diagram 4 of the Zoning By-law Amendment, does not connect directly to Eglinton Square and instead connects directly to Eglinton Avenue East, the location of these additional lands will become a POPS with the specific size, location, configuration and design, will be determined to the satisfaction of the Chief Planner at the time of and through the Site Plan Approval process. ("**Street B POPS**").
23. The Owner shall provide public access easements to provide access to and through the lands shown on Block 2 adjacent to Block 3 of this By-law for the mid-block connection(s) and private street to the satisfaction of the Chief Planner and Executive Director, City Planning, with the exact location, design and timing of delivery of the vehicular and pedestrian easement to be determined in the context of a Site Plan Approval; the owner shall own, operate, maintain and repair the public easement area and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the public easement at certain times of the day and night, and the owner may restrict other uses of this space, so long as they do not unreasonably obstruct pedestrian movement of persons of all ages and abilities with such matters determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City.

Transportation Demand Management

24. Prior to the issuance of an Above-Grade Building Permit for Building 2A and Building 2B, the Owner shall pay to the City a Financial Security for the future implementation of

a minimum of three (3) bike-share stations, at locations as may be determined by the Chief Planner and the General Manager, Transportation, and the Owner shall thereafter implement the bike-share stations at the locations so specified and Financial Security for each bike-share station will be returned to the Owner as each bike-share station is implemented.

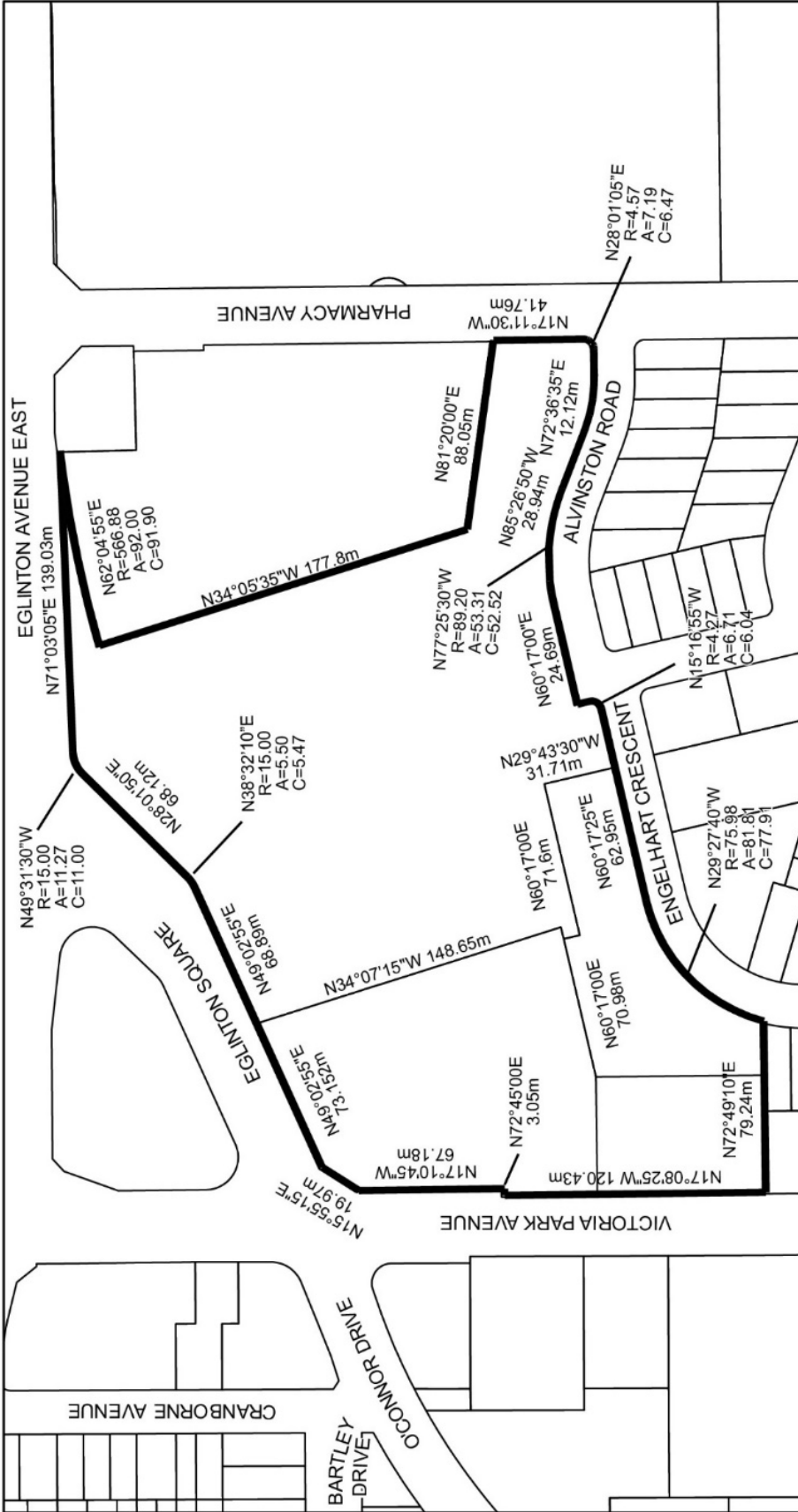
25. Prior to the issuance of the first Above-Grade Building Permit for any of Building 2C, Building 2D, Building 2E and any Building on Block 1, the Owner shall pay to the City a Financial Security for the future implementation of a minimum of seven (7) bike-share stations, at locations as may be determined by the Chief Planner and the General Manager, Transportation, and the Owner shall thereafter implement the bike-share stations at the locations so specified and Financial Security for each bike-share station will be returned to the Owner as each bike-share station is implemented.
26. Prior to the issuance of each and every above-grade **building** Permit for each Building on Block 1 and each Building on Block 2, the Owner shall pay to the City a Financial Security for the future implementation of a bike repair station per Building on the Lands, and thereafter provide evidence of installation in a form satisfactory to the General Manager, Transportation for such Financial Security to be returned to the Owner as each bike-repair station is installed in each **Building**.
27. Prior to the issuance of the first Above Grade **building** Permit for any **building** on Block 1 and for any **building** on Block 2, the Owner shall provide a financial contribution of a Forty Thousand Dollars (\$40,000.00), subject to Upward Indexing, calculated the effective date of issuance of the Order of the Tribunal on this By-law to the date of payment, for the future Monitoring Program for the transportation network in the Golden Mile Area.
28. Prior to the issuance of the first Above Grade Building Permit for any Building on Block 1, Building 2C, Building 2D and Building 2E, the Owner shall provide a financial contribution of a Two Hundred Thousand Dollars (\$200,000.00), subject to Upward Indexing, calculated the effective date of issuance of the Order of the Tribunal on this By-law to the date of payment, for the future Victoria Park Avenue and Warden Avenue Transit Study.

Other Matters

29. Prior to the issuance of Site Plan Approval for any part of the lands, the owner shall provide a Design Brief, to the satisfaction of the Chief Planner and Executive Director, City Planning.
30. The owner will construct and maintain the lands in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each **building** on the lands.

- 31.** The requirements for a construction management plan to be provided at site plan approval, including but not limited to, noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, coordination with adjacent on-going development construction, parking and laneway uses and access, refuse storage, site security, site supervisor contact information, any required coordination with Metrolinx regarding the Eglinton Crosstown LRT, and a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services as set out in the Section 37 Agreement.
- 32.** The Section 37 Agreement shall identify the implementation of, and/or mitigation measures listed, in any the reports, studies and plans accepted by the City submitted by the owner and any such implementation measures secured in the appropriate agreements.
- 33.** The appropriate agreement(s) shall identify the conditions and matters as identified in memorandums provided to the City on behalf of Metrolinx as it relates to the Eglinton LRT, utility companies Toronto District School Board, Toronto District Catholic School Board, and the Toronto and Region Conservation Authority based on their review of the development applications, all of which are identified satisfactory to the Chief Planner and Executive Director, City Planning and secured in the appropriate agreement(s), the Section 37 Agreement and conditions of Site Plan Approval (where appropriate), satisfactory to the City Solicitor.
- 34.** As part of the first site plan application and prior to any site plan approval on any part of the site, the owner shall provide a revised landscape plan and soil volume plan for the entire Development Site, including streetscape cross-sections, all satisfactory to the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services, and the Director, Urban Forestry.
- 35.** As part of the first site plan application and prior to any site plan approval on any part of the lands, the owner shall provide a Public Utilities Plan for the lands to ensure, among other matters, that above ground and underground utilities and streetscape elements, such as street trees, sidewalk locations are located at appropriate locations for all new and existing streets and such plan should be submitted as a separate grayed out underlay and underlay on the Landscape Plan required above, for the entire lands, all satisfactory to the Chief Planner and Executive Director, City Planning.

Diagram 1



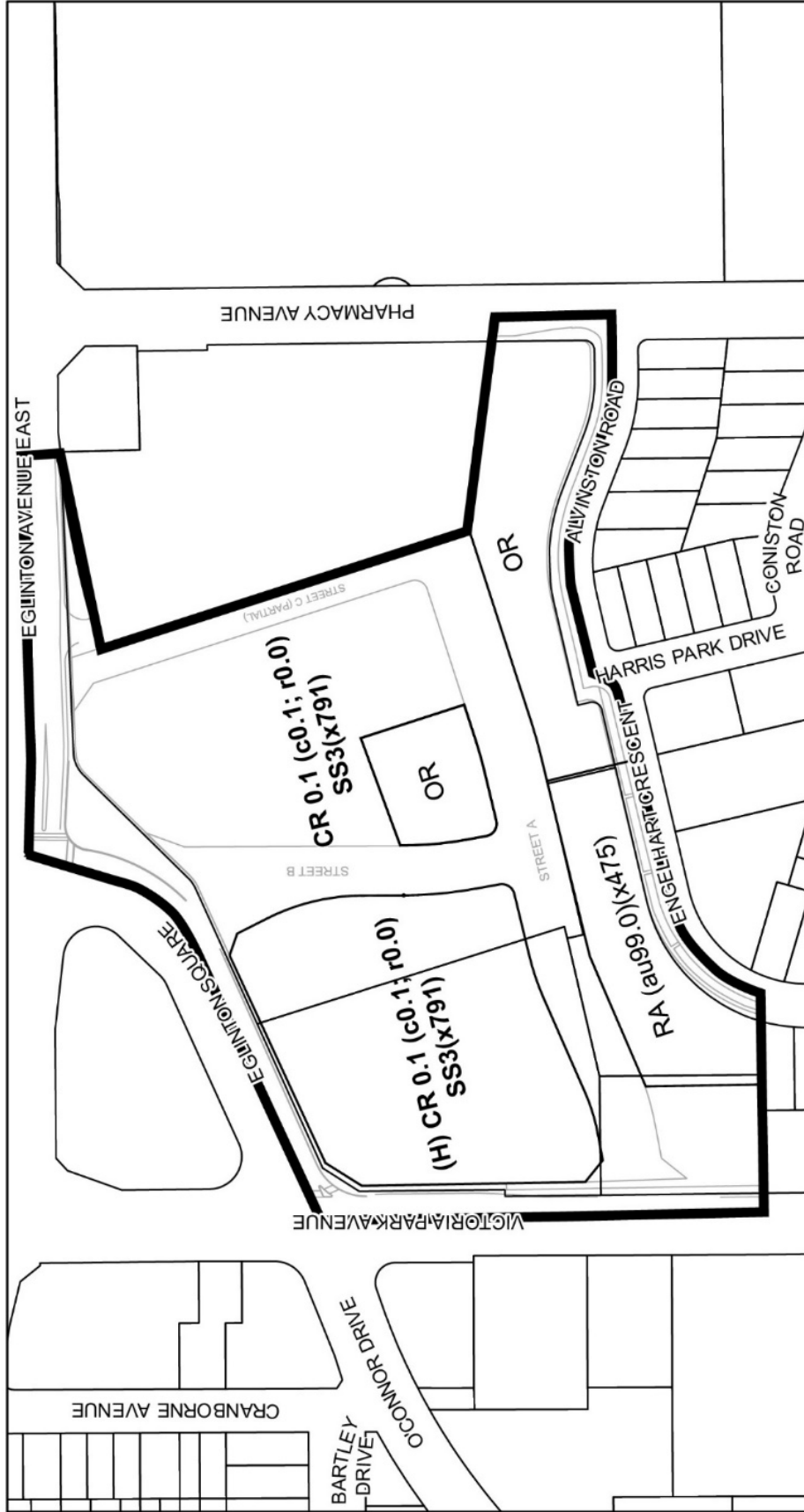
Toronto
Diagram 1

**1-70 Eglinton Square, 1431 & 1437 Victoria Park Avenue,
 14, 18, 22 & 26 Engelhart Crescent Square**

File # 17 242390 ESC 35 0Z

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 City of Toronto By-law 569-2013
 Not to Scale
 08/04/2022

Diagram 2



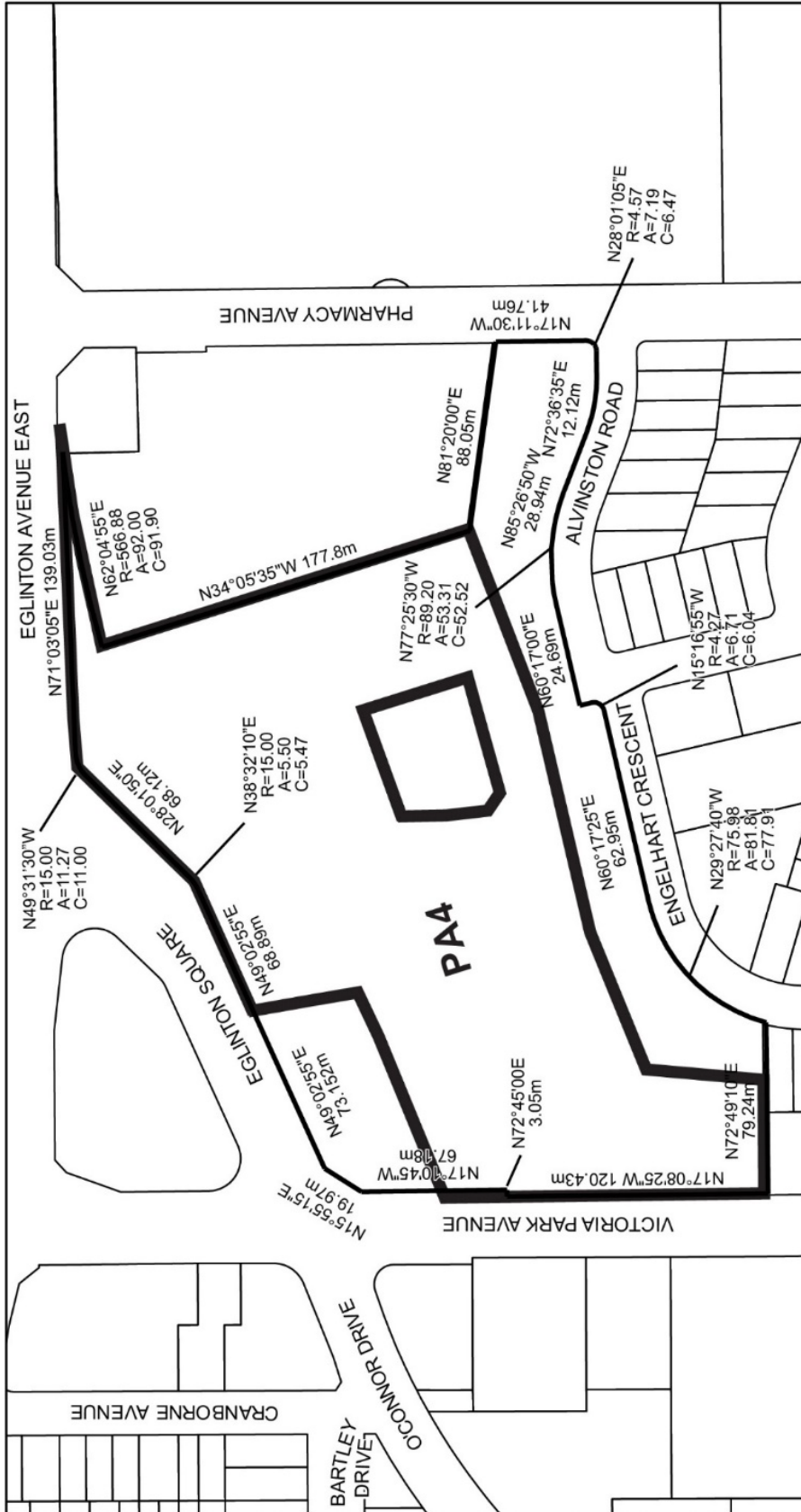
1-70 Eglinton Square, 1431 & 1437 Victoria Park Avenue,
14, 18, 22 & 26 Englehart Crescent Square

File # 17 242390 ESC 35 0Z



City of Toronto By-law 569-2013
Not to Scale
08/04/2022

Diagram 3



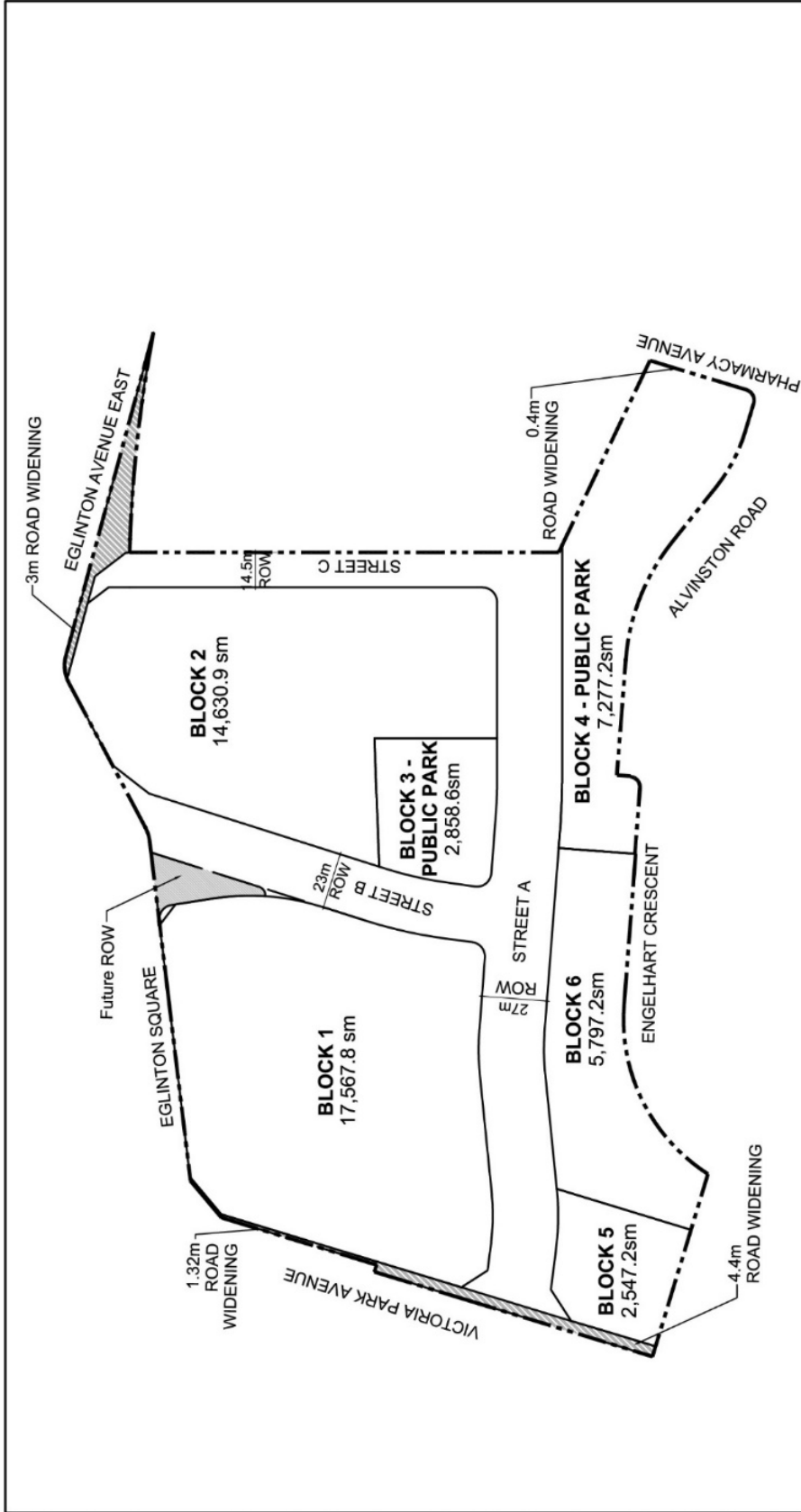
TORONTO
Diagram 3

1-70 Eglinton Square, 1431 & 1437 Victoria Park Avenue,
 14, 18, 22 & 26 Engelhart Crescent

File # 17 242390 ESC 35 0Z

City of Toronto By-law 569-2013
 Not to Scale
 08/04/2022

Diagram 4



Toronto
Diagram 4

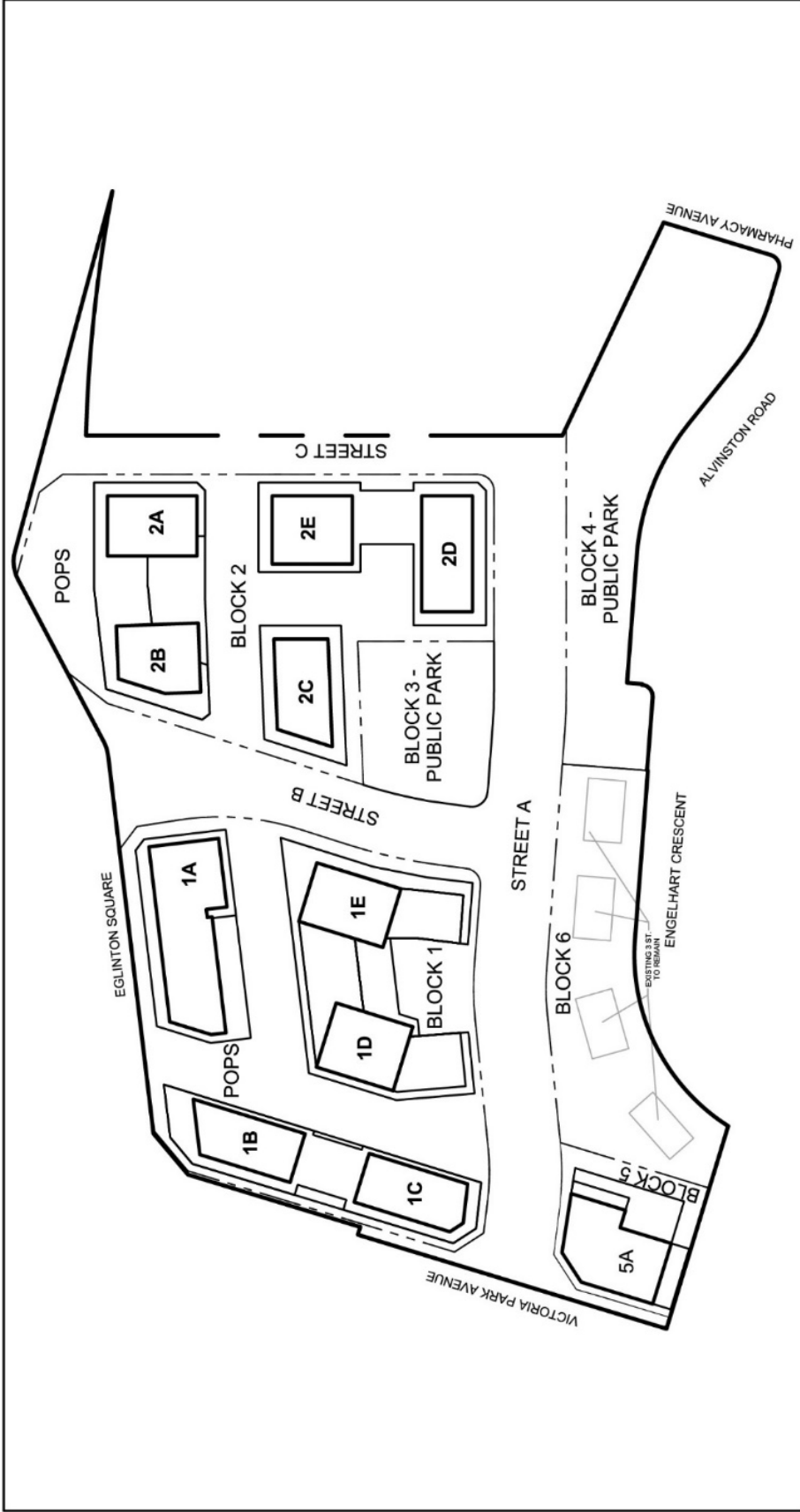
**1-70 Eglinton Square, 1431 & 1437 Victoria Park Avenue,
 14, 18, 22 & 26 Engelhart Crescent/Square**

File # 17 242390 ESC 35 0Z



City of Toronto By-law 569-2013
 Not to Scale
 08/04/2022

Diagram 5



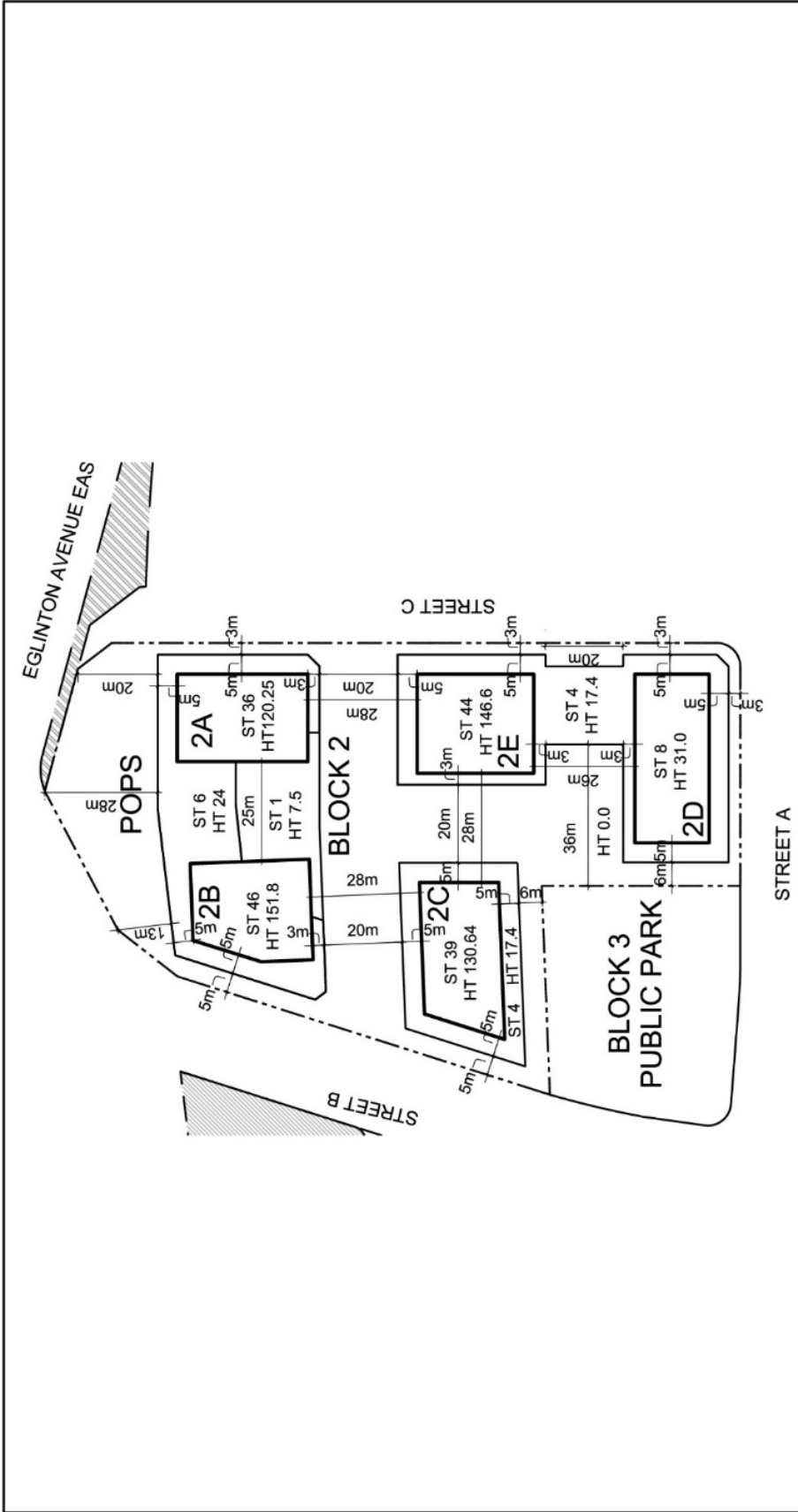
Toronto
Diagram 5

1-70 Eglinton Square, 1431 & 1437 Victoria Park Avenue,
 14, 18, 22 & 26 Engelhart Crescent Square

File # 17 242390 ESC 35 0Z

City of Toronto By-law 569-2013
 Not to Scale
 08/04/2022

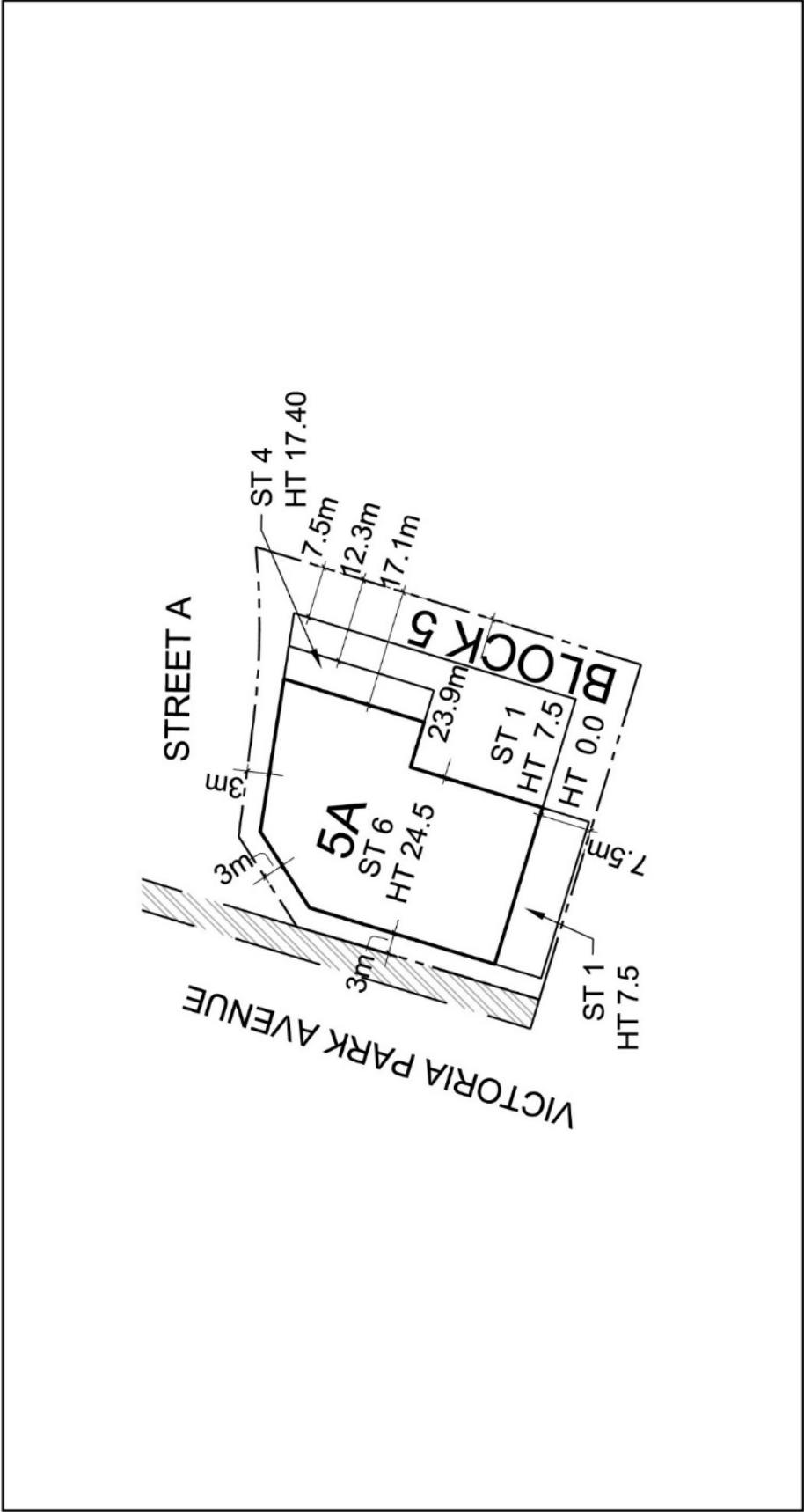
Diagram 7



1-70 Eglinton Square, 1431 & 1437 Victoria Park Avenue,
14, 18, 22 & 26 Engelhart Crescent Square
File # 17 242390 ESC 35 0Z



Diagram 8



Toronto
Diagram 8

1-70 Eglinton Square, 1431 & 1437 Victoria Park Avenue,
 14, 18, 22 & 26 Engelhart Crescent Square

File # 17 242390 ESC 35 0Z



City of Toronto By-law 569-2013
 Not to Scale
 08/04/2022