

Authority: Ontario Land Tribunal Decision issued on May 13, 2022 and Ontario Land Tribunal Order effective on May 13, 2022 in File OLT-21-001621

CITY OF TORONTO

BY-LAW 82-2023(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 241 Redpath Avenue.

Whereas the Ontario Land Tribunal, by its Decision issued on May 13, 2022 and its Order effective on May 13, 2022, in file OLT-21-001621, 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 lands municipally known in the year 2022 as 241 Redpath Avenue; 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 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 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 except as specified by this By-law.

3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.2.10 respecting the lands outlined by heavy black lines to R (d2.0)(x119), as shown on Diagram 2, attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number 119 so that it reads:

(119) Exception R 119

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 lands municipally known as 241 Redpath Avenue, if the requirements of By-law 82-2023(OLT), including Section 7 and Schedule A of By-law, are complied with, a **building** or **structure** may be constructed, erected or used in compliance with Regulation (B) to (T) below;
- (B) Despite Regulation 10.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 158.4 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite Regulation 10.10.40.10(1), the permitted maximum height of a **building** or **structure**, including a mechanical penthouse, is the number in metres following the letter "HT" as shown on Diagram 3 of By-law 82-2023(OLT);
- (D) Despite Regulation 10.10.40.10(3), the permitted maximum number of **storeys** in a **building** is the number following the letters "ST" as shown on Diagram 3 of By-law 82-2023(OLT);
 - (i) for the purposes of this exception, a mezzanine and mechanical penthouse must be within a wholly enclosed **building** envelope and does not constitute a **storey**;
- (E) Despite Regulations 10.5.40.10(2), (3) and (4) and (C) above, the following equipment and **structures** may project above the permitted maximum height shown on Diagram 3 of By-law 82-2023(OLT) as follows:
 - (i) chimneys, vents, air shafts, antennae, staircases or enclosures, roof accesses, elevator shafts, and overruns up to a maximum of 2.5 metres;
 - (ii) architectural features, parapets, access hatches, skylights, elements and **structures** associated with a **green roof**, up to a maximum of 1.2 metres;
 - (iii) **building** maintenance units, storage and window washing equipment up to a maximum of 5.0 metres; and

- (iv) planters, trellises, pergolas, unenclosed **structures**, wind screens, noise and visual screens, landscape features, balustrades, railings, guardrails, dividers, fences, and privacy screens up to a maximum of 3.0 metres;
- (F) For the purposes of this exception, a mechanical penthouse may include **amenity space**;
- (G) Despite Regulation 10.10.40.40(1), the permitted maximum **gross floor area** is 25,000 square metres;
- (H) The provision of **dwelling units** is subject to the following:
 - (i) a minimum of 15 percent must be two-bedroom **dwelling units**; and
 - (ii) a minimum of 10 percent must be three-bedroom **dwelling units** or larger;
 - (iii) the provision of **dwelling units** in Provision (H) (i) and (ii) above excludes the requirement for any rental replacement **dwelling units**; and
 - (iv) if the calculation of the number of required **dwelling units** in Provision (I)(i) and (ii) above results in a number with a fraction, the requirement number of **dwelling units** may be rounded down to the nearest whole number;
- (I) Despite Clause 10.10.40.70, Clause 10.10.40.80 and Regulation 10.5.40.70(1), the required minimum **building setbacks** and required minimum above-ground separation distance of **main walls** are as shown in metres on Diagram 3 of By-law 82-2023(OLT);
- (J) Despite Regulations 5.10.40.70(1), 10.5.40.60(1), (2), (3), (5), (7) and (8) and Provision (I) above, the following may encroach into a required minimum **building setback** on Diagram 3 of By-law 82-2023(OLT):
 - (i) lighting fixtures, bay windows, canopies, pergolas, trellises, eaves, window sills, pilasters, screens, fences, parapets, vents, railings, guardrails, balustrades, stair enclosures, bollards, walkways, wheel chair ramps, underground garage ramps, window washing equipment, planters, landscape and public art features a maximum of 3.0 metres; and
 - (ii) awnings, architectural features, including mechanical penthouse **structures**, cornices, and privacy screens a maximum of 2.0 metres;
 - (iii) on elevations facing the "podium courtyard", balconies are permitted to encroach to a maximum of 1.5 metres within the area delineated by the dashed line on Diagram 4;
 - (iv) on the north and south elevations of the "tower", balconies are permitted to encroach a maximum of 1.5 metres within the area delineated by the dashed line on Diagram 4; and

- (v) balconies are not permitted to encroach on the east and west elevations of the "tower", elevations facing the "podium notch", or elevations facing "tower notch";
- (K) For the purposes of this exception:
- (i) "podium courtyards" means the 7.1 metre setback area from north property line above 6.45 metres height on Diagram 3, and the 7.0 metre setback area from the south property line above 6.45 metres height on Diagram 3 of By-law 82-2023(OLT);
 - (ii) "podium notch" means the 3.0 metre setback area from the north property line and 12.0 metre setback area from the west property line, excluding the podium courtyards, as shown on Diagram 3 of By-law 82-2023(OLT);
 - (iii) "tower" means the portion of the building above 17.75 metres height on as shown on Diagram 3 of By-law 82-2023(OLT);
 - (iv) "tower notch" means the 7.5 metre setback area above 17.75 metres height, forming a 2 metre by 2 metre step-back at the southeast portion of the tower as shown on Diagram 3 of By-law 82-2023(OLT);
 - (v) "mezzanine" means a floor between the ground floor and second floor which is partly open to the floor below;
- (L) Despite Regulation 10.10.40.50(1), **amenity space** must be provided on the **lot** as follows:
- (i) a minimum of 2.0 square metres of indoor **amenity space** for each **dwelling unit**; and
 - (ii) a minimum of 2.0 square metres of outdoor **amenity space** for each **dwelling unit**;
- (M) Despite Regulations 200.5.10.1(1), 200.15.10(1) and Table 200.5.10.1, **parking spaces** must be provided and maintained as follows:
- (i) A minimum of 0.194 **parking spaces** per **dwelling unit** for residential occupants, of which a maximum of 5 **parking spaces** may be "car-share parking spaces";
 - (ii) A minimum of 0.034 **parking spaces** per **dwelling units** for residential visitors;
 - (iii) A minimum of 5 accessible **parking spaces**;
 - (iv) 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

- (v) 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;
- (N) Despite Regulations 200.5.1.10(2)(A), (B), and (C), a **parking space** must have the following minimum dimensions:
- (i) A minimum length of 5.6 metres;
 - (ii) A minimum width of 2.6 metres; and
 - (iii) A vertical clearance of 2.0 metres;
- (O) 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 a **building**;
 - b. passenger elevator that provides access to the first **storey** of the **building**; and
 - c. and shortest route from the required entrances in (O)(iii)a. and b;
- (P) Despite Clause 220.5.10.1, a minimum of one Type "G" **loading space** must be provided on the lands;
- (Q) **Bicycle parking spaces** must be provided and maintained on the lands in accordance with the following:
- (i) Despite Regulations 230.5.10.1(1), (3) and (5):
 - a. a minimum of 0.9 **bicycle parking spaces** per **dwelling unit** must be provided as "long-term" **bicycle parking spaces**; and

- b. a minimum of 0.1 **bicycle parking spaces** per **dwelling unit** must be provided as "short-term" **bicycle parking spaces**;
- (ii) Despite Regulation 230.5.1.10(2), the number of required **bicycle parking spaces** may be rounded down to the next whole number when the calculation results in a fraction;
- (iii) Despite Regulation 230.5.1.10(4)(A), a **bicycle parking space** oriented in a horizontal position must have:
 - a. a minimum length of 1.8 metres;
 - b. a minimum width of 0.45 metres; and
 - c. a minimum vertical clearance of 1.2 metres;
- (iv) Despite Regulation 230.5.1.10(4)(B), a **bicycle parking space** oriented in a vertical position must have:
 - a. a minimum length or vertical clearance of 1.9 metres;
 - b. a minimum width of 0.45 metres; and
 - c. a minimum horizontal clearance from the wall of 1.2 metres;
- (v) Despite Regulation 230.5.1.10(4)(C), a **stacked bicycle parking space** must have:
 - a. a minimum length or vertical clearance of 1.2 metres;
 - b. a minimum width of 0.4 metres; and
 - c. a minimum horizontal clearance from the wall of 1.8 metres;
- (vi) Despite Regulation 230.5.1.10(9), "long-term" and "short-term" **bicycle parking spaces** for **dwelling units** may be located on any level above or below-ground in the **building**;
- (vii) Despite Regulation 230.5.1.10(10), "long-term" and "short-term" **bicycle parking spaces** for **dwelling units** may be provided in any combination of vertical, horizontal or stacked positions;
- (viii) Despite Regulation 230.10.1.20(1), a "long-term" **bicycle parking spaces** may be located in a storage locker; and
- (ix) Despite Regulation 230.10.1.20(2), "short-term" and "long-term" **bicycle parking spaces**, above or below grade, may be located more than 30 metres from a pedestrian entrance or elevator lobby to the **building** on the lands;
- (R) Regulations 10.5.50.10(4), 10.5.50.10(5) do not apply;
- (S) Despite Regulation 10.5.100.1(4)(B) a **driveway** may be a maximum total width of 6.21 metres;

- (T) Despite Regulation 10.5.100.1(5), an unobstructed **vehicle** access shall be provided to the **loading spaces** and below ground **parking spaces** so that a **vehicle** can enter and leave the lands while driving forward in one continuous movement through the front **main wall**;
- (U) Despite Regulation 10.10.40.30(1) the permitted maximum building depth for an apartment building does not apply.

Prevailing By-laws and Prevailing Sections: (None Apply)

- 5. Despite any severance, partition or division of the lands, the provisions of this By-law will apply as if no severance, partition or division occurred.
- 6. Pursuant to Section 39(1) of the *Planning Act*, none of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a **retail store**, with a maximum height of 5.0 metres, for the purpose of selling or leasing **dwelling units** on the **lot** in the R Zone to which this By-law applies. Section 6 of this By-law shall expire on May 13, 2025.
- 7. Section 37 Provisions
 - (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 shown as on Diagram 1 of By-law 82-2023(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 issued on May 13, 2022 and Ontario Land Tribunal Order effective on May 13, 2022 in File OLT-21-001621.

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

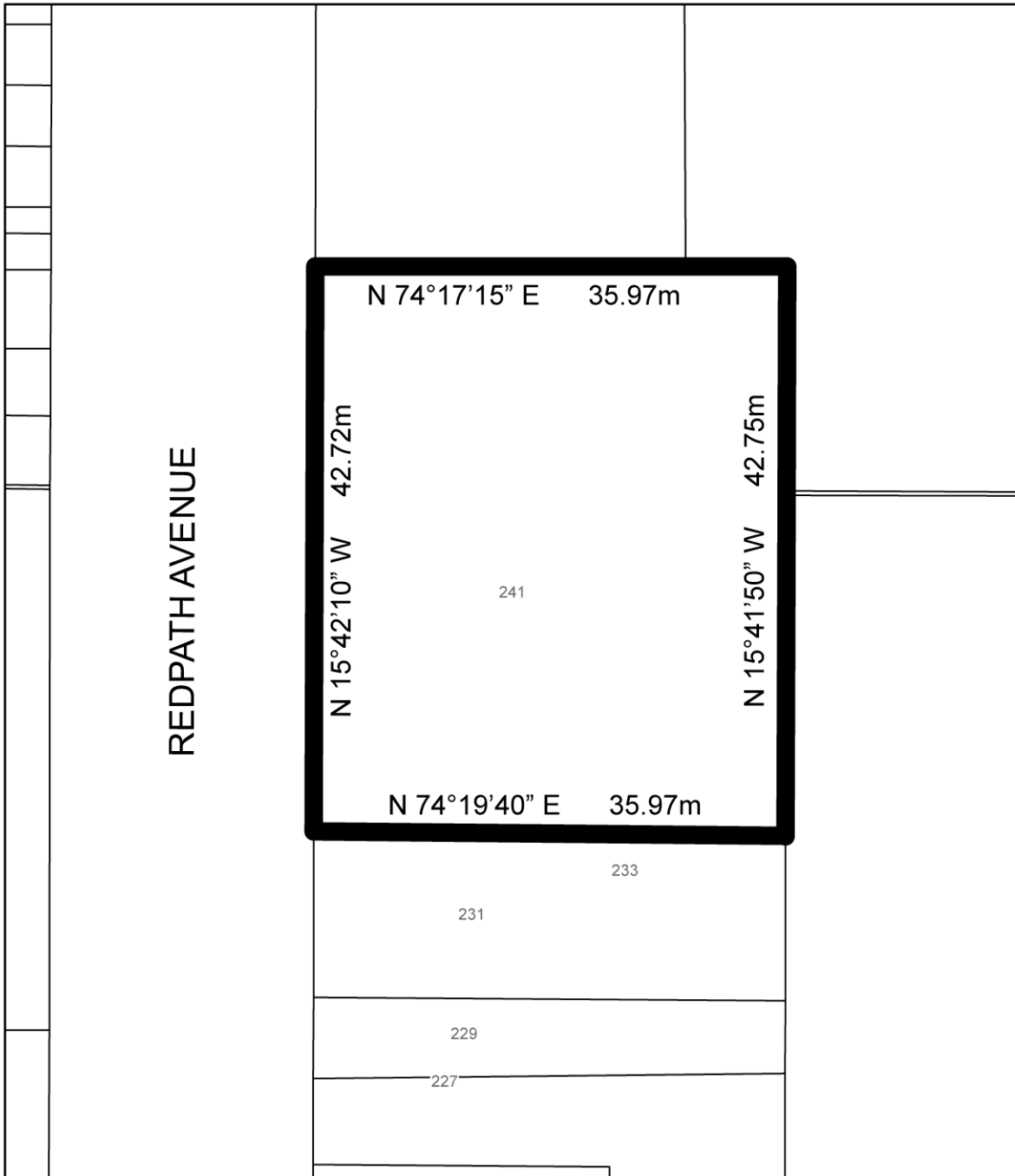
1. Prior to the issuance of an above-grade **building** permit on the lands, the owner shall make a cash contribution to the City in the amount of three million and seven hundred and fifty thousand Canadian dollars (\$3,750,000.00) (the "**Cash Contribution**") allocated towards community services and facilities, local parkland acquisition and improvements, and/or public realm improvements within the vicinity of the lands, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
2. The Cash Contribution set out in Clause 1 shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135, or its successor, calculated from the effective date of this By-law 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, in consultation with the Ward Councillor, provided the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands.

Matters Required to Support the Development

4. The Owner shall provide and maintain forty-six (46) replacement rental dwelling units at 241 Redpath Avenue for a period of at least twenty (20) years, beginning from the date that each replacement rental unit is first occupied and, during which time, no application may be submitted to the City for condominium registration, or for any other conversion to a non-rental housing purpose, or for demolition without providing for replacement during the, at minimum, twenty (20) year period; the forty-six (46) replacement rental units shall be comprised of at least thirty-four (34) one-bedroom units and twelve (12) two-bedroom units as shown on the Floor Plans by architectsAlliance dated March 29,

2022 submitted to the City Planning Division with any revisions to the satisfaction of the Chief Planner and Executive Director, City Planning.

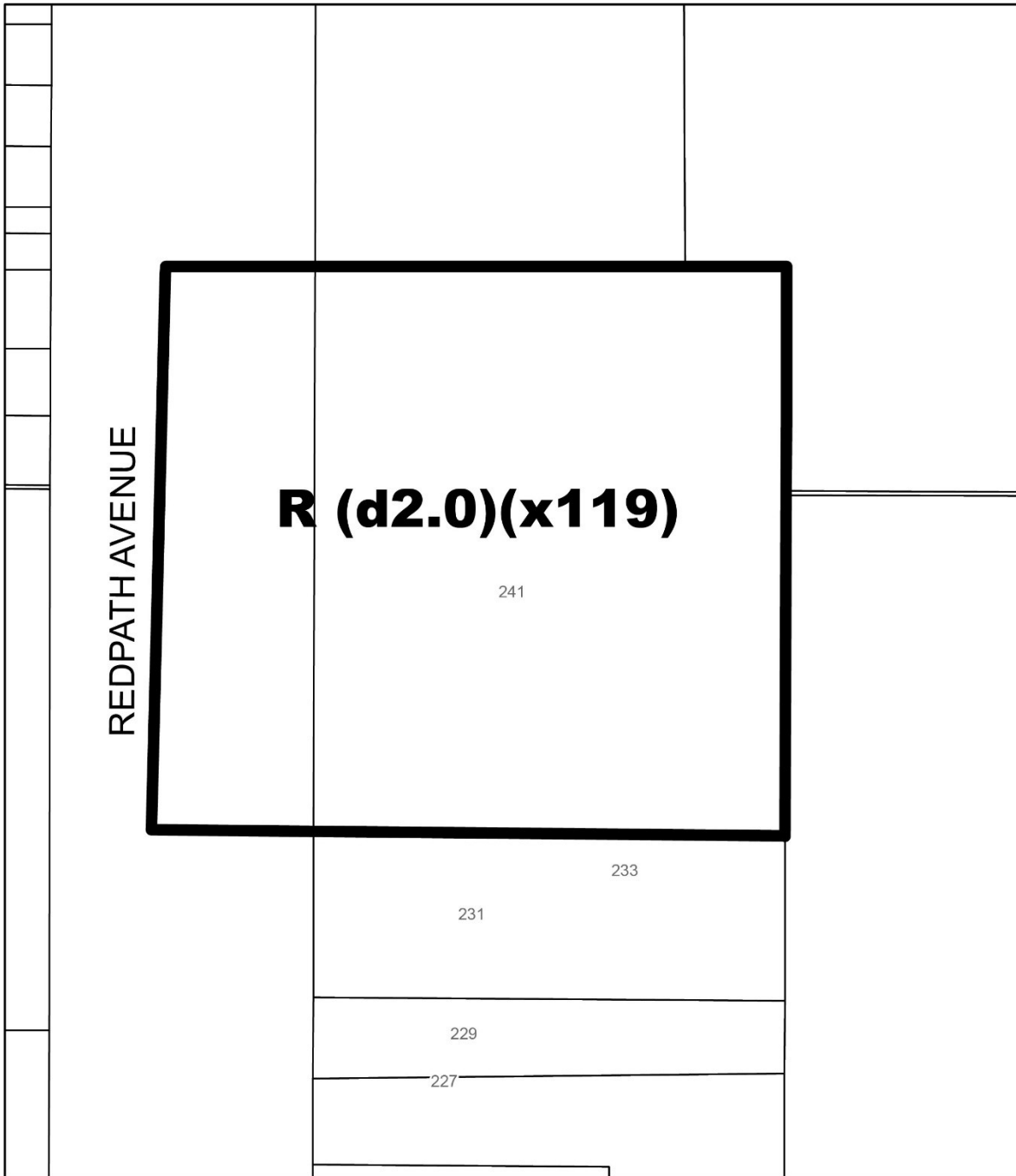
5. The Owner shall, as part of the forty-six (46) replacement rental dwelling units required above, provide at least thirty-four (34) one-bedroom units and twelve (12) two-bedroom replacement rental dwelling units at affordable rents, as defined in the City's Official Plan, as defined in the City's Official Plan, all for a period of at least ten (10) years, beginning from the date of first occupancy of each unit.
6. The Owner shall provide tenants of the replacement rental dwelling units with access to all indoor and outdoor amenities in the proposed rental replacement building as shown on the plans satisfactory to the Chief Planner and Executive Director, City Planning at no extra charge; access and use of these amenities shall be on the same terms and conditions as any other building resident without the need to pre-book or pay a fee, unless specifically required as customary practices for private bookings.
7. The Owner shall provide all forty-six (46) replacement rental dwelling units with ensuite laundry.
8. The Owner shall provide tenants of the forty-six (46) replacement rental dwelling units with access to all bicycle parking, all vehicle parking, visitor parking and storage lockers on the same terms and conditions as any other resident of the building.
9. The Owner shall provide tenant relocation and assistance to all eligible tenants occupying the existing forty-six (46) rental dwelling units proposed to be demolished at 241 Redpath Avenue, all to the satisfaction of the Chief Planner and Executive Director, City Planning.
10. The owner shall construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the owner shall 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 Control application.
11. The Owner shall erect a sign to the Toronto District School Board's specifications and satisfaction prior to issuance of any **building** permit.



 **TORONTO**
Diagram 1

241 Redpath Avenue

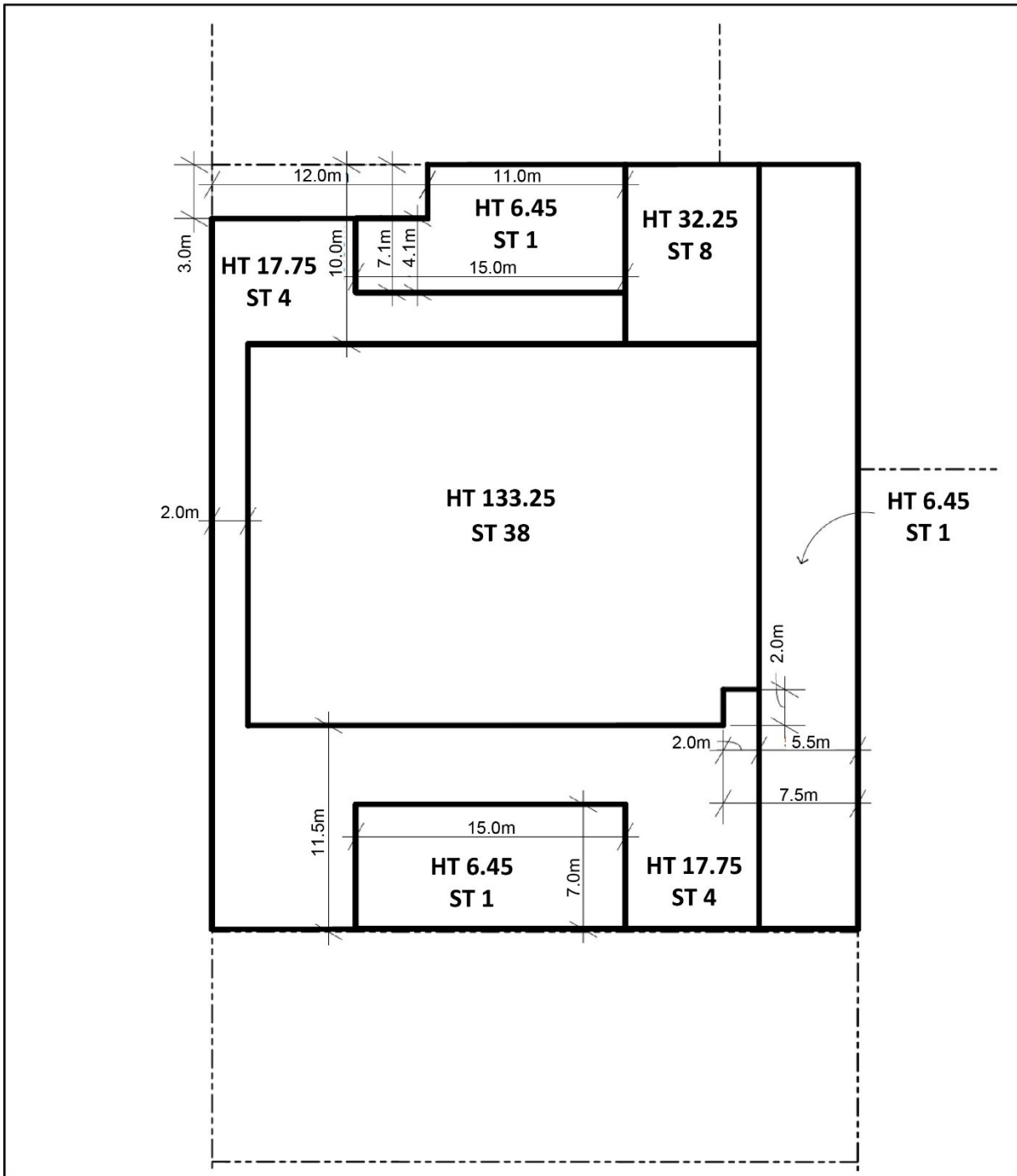
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 **TORONTO**
Diagram 2

241 Redpath Avenue

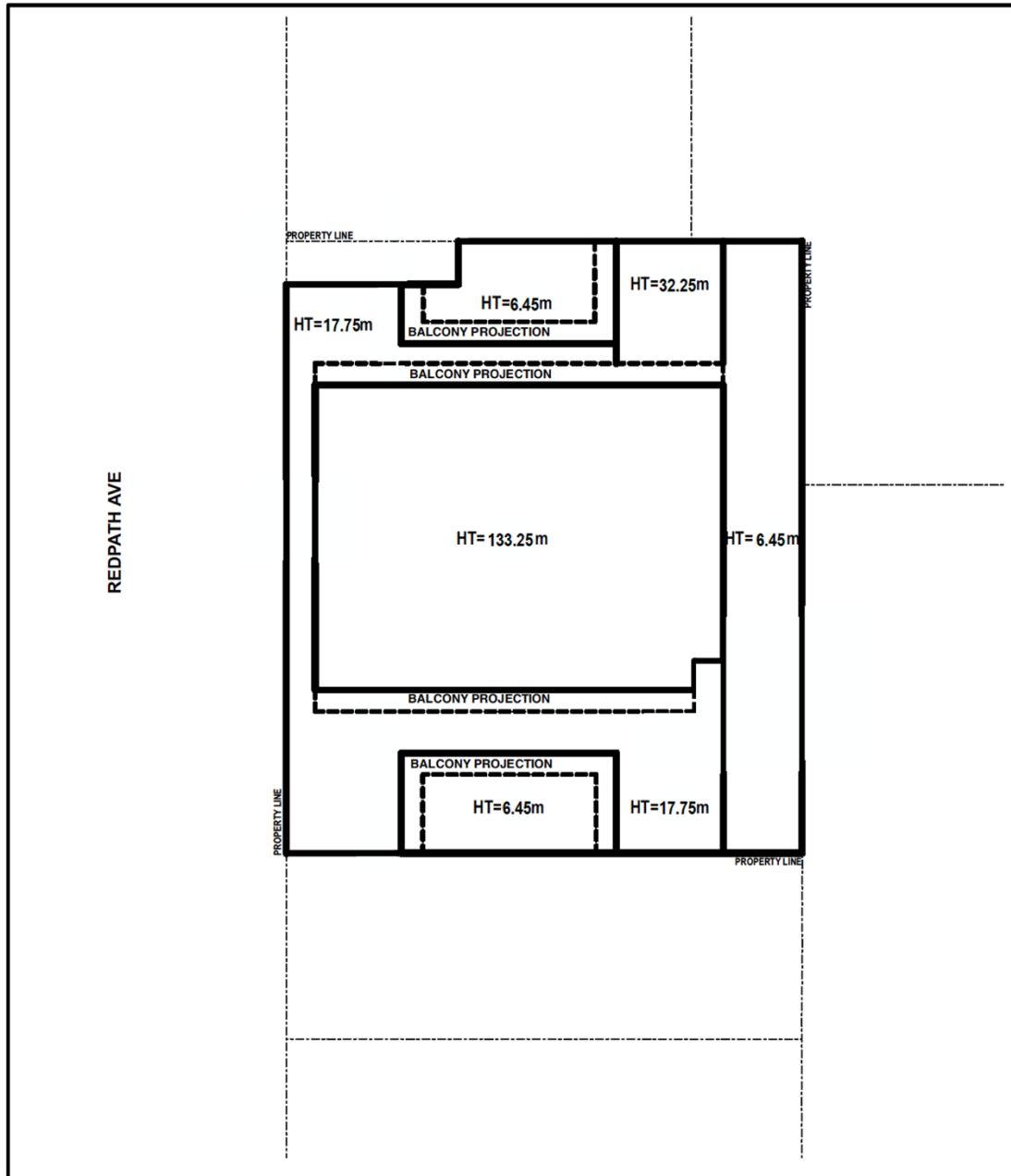
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Diagram 3

241 Redpath Avenue

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Diagram 4

241 Redpath Avenue

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