

Authority: Ontario Land Tribunal Decision issued on October 4, 2022 and Order issued on September 1, 2023 in Tribunal File OLT-22-002386

CITY OF TORONTO

BY-LAW 91-2023(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 16, 18, 20, 24 and 26 Earlington Avenue and 4161, 4165 and 4169 Dundas Street West.

Whereas the Ontario Land Tribunal, in its Decision issued on October 4, 2022 and its Order issued on September 1, 2023 in file OLT-22-002386, in hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, ordered the amendment of Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 16, 18, 20, 24 and 26 Earlington Avenue and 4161, 4165 and 4169 Dundas Street West; 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;

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

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: CR 2.5 (c1.0; r2.5) SS2 (x879) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Article 995.10.1 and applying no value.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands to the Height Overlay Map in Article 995.20.1, and applying the following height and storey label to these lands: HT 14, as shown on Diagram 3 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands to the Lot Coverage Overlay Map in Article 995.30.1, and applying the following lot coverage label to these lands: 33, as shown on Diagram 4 attached to this By-law.
7. Zoning By-law 569-2013, as amended, as amended, is further amended by adding the lands to the Rooming House Overlay Map in Article 995.40.1, and applying the following rooming house label to these lands: A1.

8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 879 so that it reads:

(879) Exception CR 879

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 16, 18, 20, 24 and 26 Earlington and 4161, 4165 and 4169 Dundas Street West, if the requirements of By-law 91-2023(OLT) are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (O) below:
- (B) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 113.58 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite Clause 40.10.30.40, the permitted maximum **lot coverage**, as a percentage of the **lot area**, is 55 percent;
- (D) Despite Regulation 40.10.40.10(2) and (5), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 6 of By-law 91-2023(OLT);
- (E) Despite Regulations 40.5.40.10(3) to (8) and (D) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 6 of By-law 91-2023(OLT):
- (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 3.1 metres;
 - (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) above, inclusive of a mechanical penthouse, by a maximum of 3.1 metres;
 - (iii) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 1.5 metres;
 - (iv) **building** maintenance units and window washing equipment, by a maximum of 1.5 metres;
 - (v) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 2.0 metres; and

- (vi) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 3.0 metres.
- (F) Despite Regulation 40.10.40.40(1) and 40.5.1.10(3), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is:
- (i) the permitted maximum **gross floor area** for residential uses is 15,400 square metres, of which:
 - (a) the permitted maximum **gross floor area** for **townhouses** is 2060 square metres.
 - (ii) A minimum of 25 percent of the total number of **dwelling units** on the **lot** must have two or more bedrooms and a minimum of 8 percent of the total number of **dwelling units** on the **lot** must have three or more bedrooms.
- (G) Despite Regulation 40.10.40.50(1), a **building** with 20 or more **dwelling units** must provide **amenity space** on the **lot** at the following rate:
- (i) at least 2.0 square metres for each **dwelling unit** as indoor **amenity space**;
 - (ii) at least 2.0 square metres of outdoor **amenity space** for each **dwelling unit**; and
 - (iii) none of the outdoor component may be a **green roof**.
- (H) Despite Regulation 40.10.40.70(2) and (4), the required minimum **building setbacks** are as shown in metres on Diagram 6 of By-law 91-2023(OLT);
- (I) Regulations 40.10.40.1(3), 40.10.40.1(5) and 40.10.40.1(6), do not apply;
- (J) Despite Regulation 40.10.40.80(2), the required separation of **main walls** are as shown in metres on Diagram 6 of By-law 91-2023(OLT);
- (K) Despite Clauses 40.10.40.60 and 40.5.40.60 and (H) and (I) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) decks, porches, and balconies, by a maximum of 2.3 metres;
 - (ii) canopies and awnings, by a maximum of 0.45 metres;
 - (iii) cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 0.15 metres;
 - (iv) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 2.0 metres;

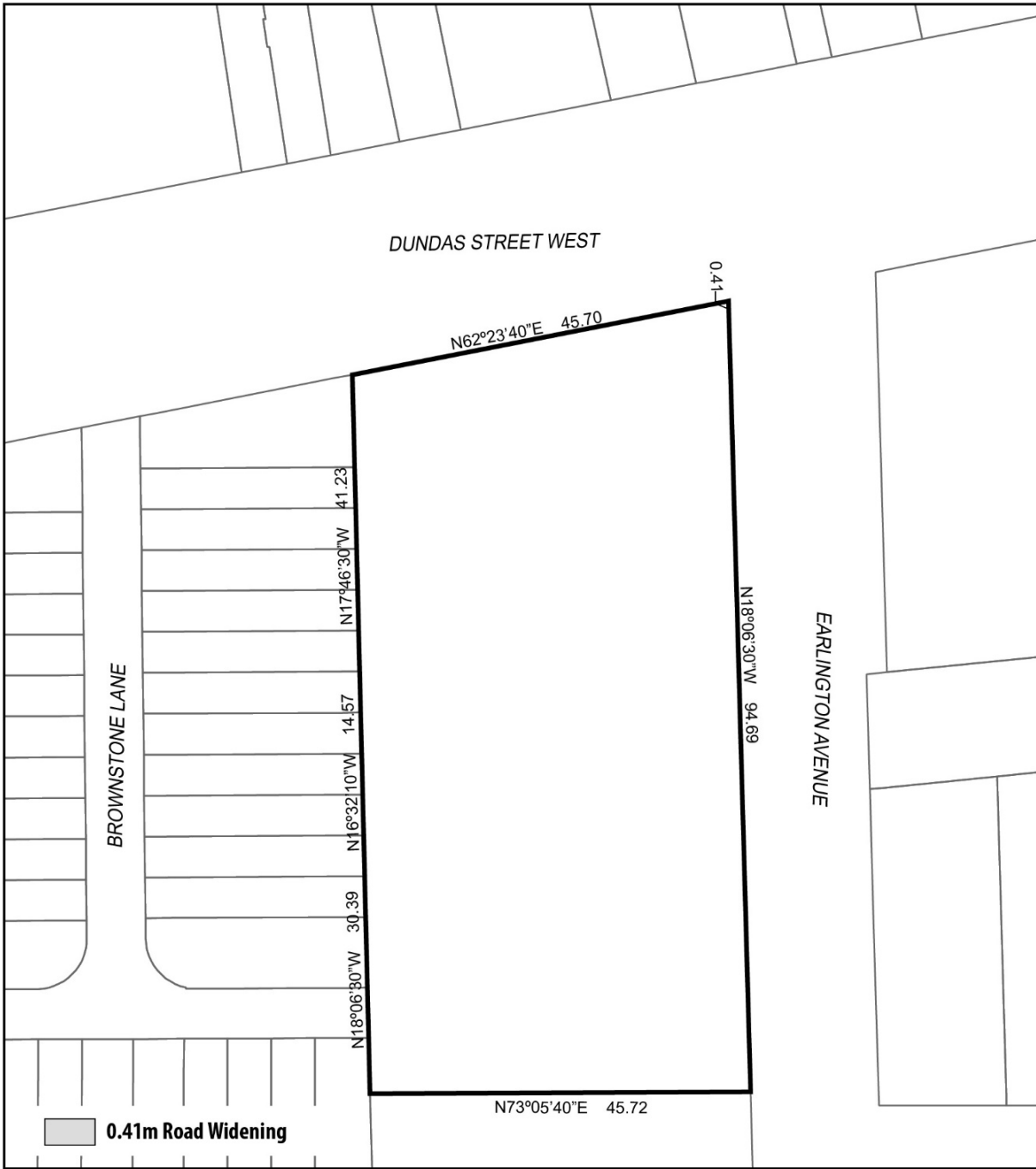
- (v) eaves, by a maximum of 1.7 metres; and
 - (vi) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 0.5 metres.
- (L) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) a minimum of 0 residential occupant **parking spaces** for **dwelling units in apartment building**;
 - (ii) a maximum of 0.9 **parking spaces** for each one-bedroom **dwelling units in apartment building**;
 - (iii) a maximum of 1.0 parking spaces for each two-bedroom **dwelling units in apartment building**;
 - (iv) a maximum of 1.2 parking spaces for each three-bedroom **dwelling units in apartment building**;
 - (v) a minimum of 0 parking spaces for each **dwelling units for townhouse**;
 - (vi) a maximum of 1.5 parking spaces for each **dwelling units for townhouse**; and
 - (vii) a minimum of 2 parking space plus 0.05 residential visitor **parking spaces** for each **dwelling unit in apartment building**.
- (M) Regulation 40.10.90.10 (1)(C) does not apply;
- (N) Despite Regulations 230.5.10.1(1), (3) and (5) and Table 230.5.10.1(1), **bicycle parking spaces** must be provided in accordance with the following minimum rates:
- (i) 0.73 "long-term" **bicycle parking spaces** for each **dwelling unit**; and
 - (ii) 0.08 "short-term" **bicycle parking spaces** for each **dwelling unit**.
- (O) Regulation 230.40.1.20(2) regarding the location of a "short-term" **bicycle parking space** relative to a **building** entrance does not apply.
9. 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.

10. Temporary use:

- (A) None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a temporary sales centre for the sale and leasing of **dwelling units** constructed on the **lot** for a period of not more than 3 years from the date this By-law comes into full force and effect.

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Diagram 1



16-26 Earlington Avenue & 4161-4169 Dundas Street West

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Diagram 2



Diagram 3

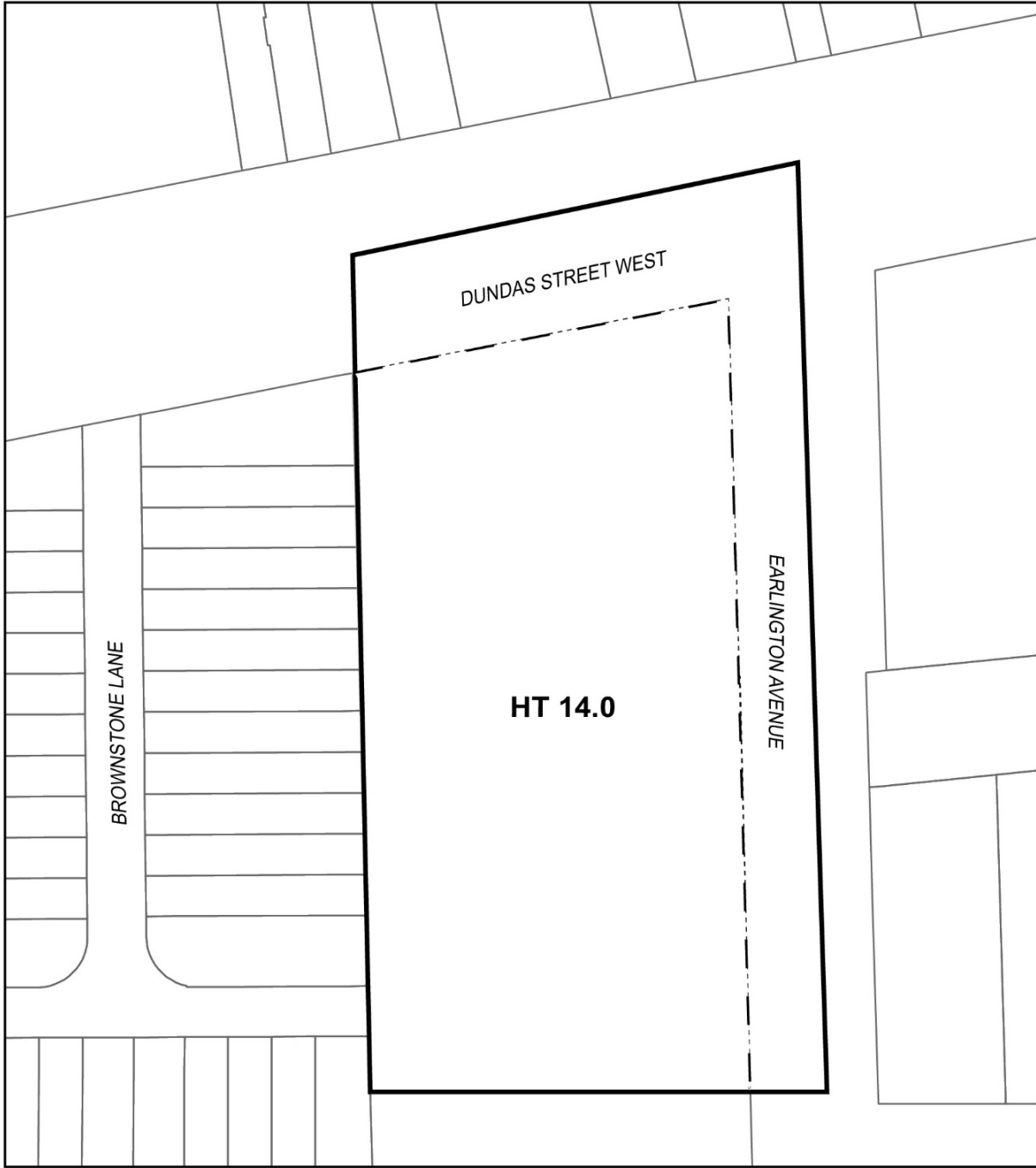


Diagram 4

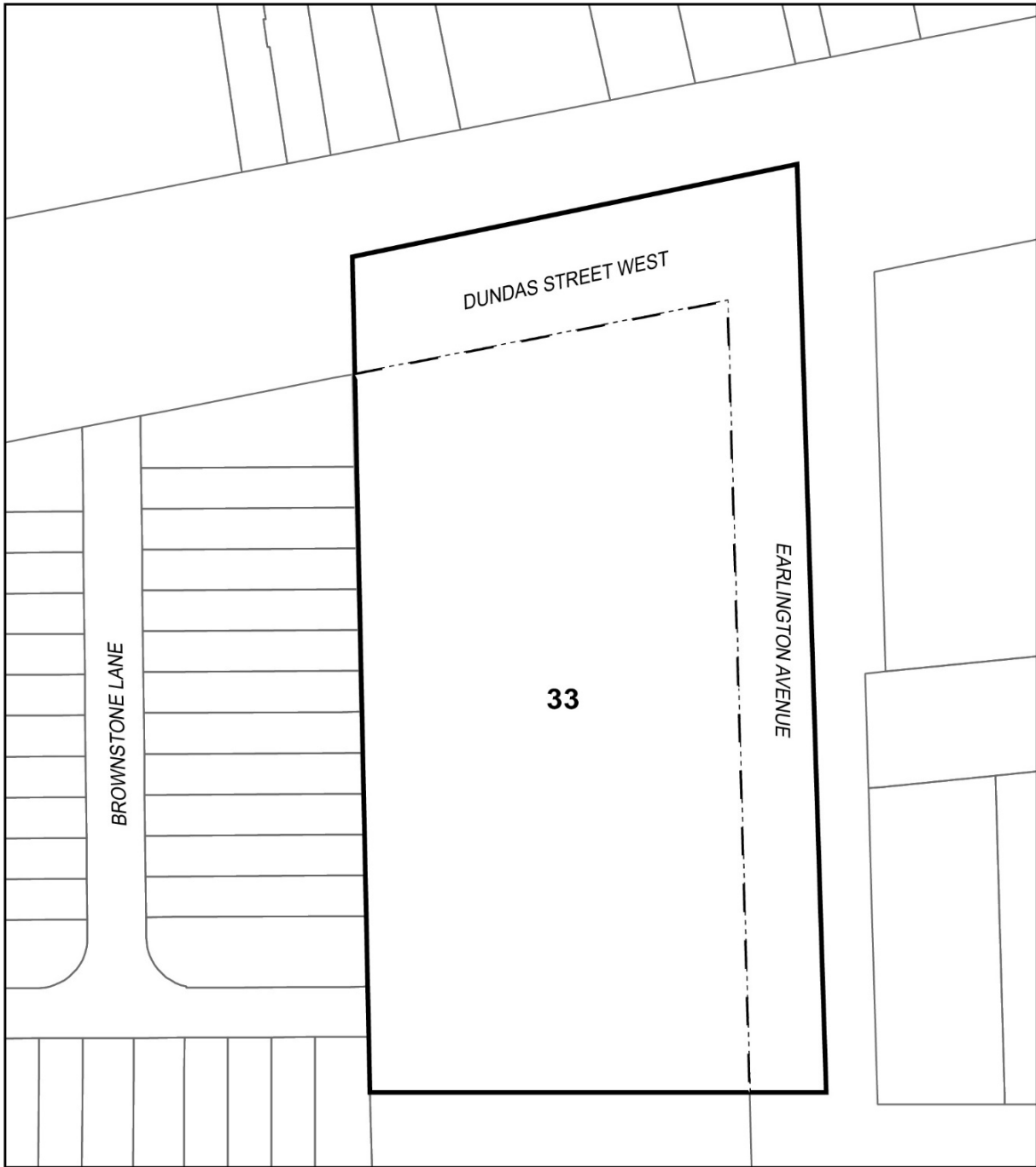


Diagram 5

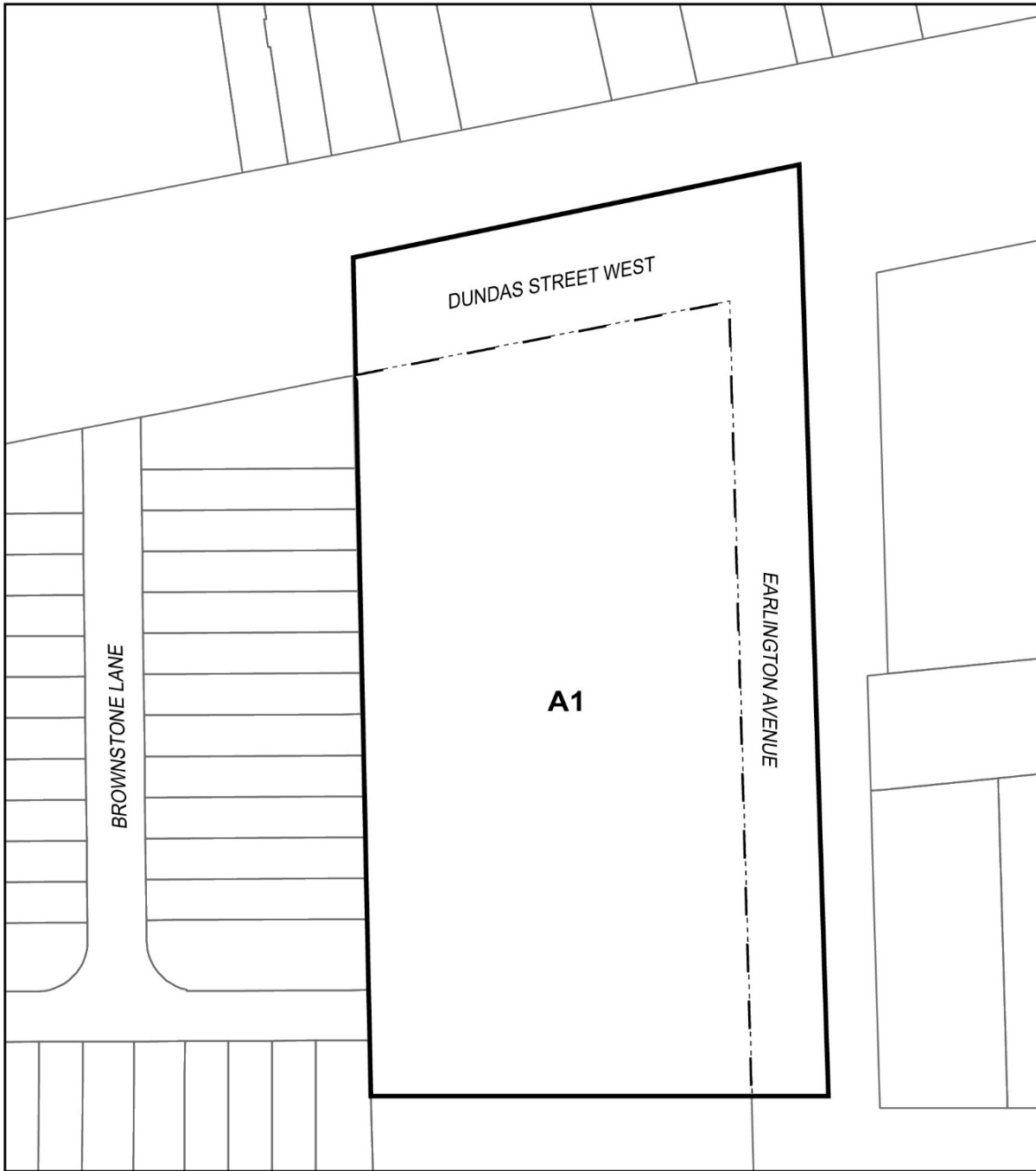


Diagram 6

