

Authority: Ontario Land Tribunal Decision issued on October 31, 2018 and Order issued on August 17, 2022, in File PL171288

CITY OF TORONTO

BY-LAW 226-2023(OLT)

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands known municipally in the year 2021 as 245-285 Queen Street East, 348-410 Richmond Street East, 88-106 Ontario Street and 8-12 Brigden Place.

Whereas the Ontario Land Tribunal, by its decision issued on October 31, 2018 and Order issued on August 17, 2022, in File PL171288, approved amendments to the former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands; and

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in the height or density of development; and

Whereas 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 came into force, a by-law under Section 34 of the Planning Act may authorize increases in the height or 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, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c.18 came into force, provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, a 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 height or density permitted hereunder, beyond that otherwise permitted on the land by By-law 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the *owner* of such land and the City of Toronto;

Pursuant to the Order of the Ontario Land Tribunal, By-law 438-86, the General Zoning By-law of the former City of Toronto, as amended, is further amended as follows:

1. Pursuant to Section 37 of the Planning Act, the *heights* and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision by the *owner* of the *lot* of the following facilities, services and matters set out in Schedule A of this By-law, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the Planning Act and registered on title to the *lot*.

2. Upon execution and registration of an agreement or agreements between the City and the *owner* of the *lot* pursuant to Section 37 of the Planning Act securing the provision of the facilities, services and matters set out in Schedule A of this By-law, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a *building permit*, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements
3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement(s) entered into with the *City* pursuant to Section 37 of the Planning Act, then once such agreement(s) has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
4. The lands subject to this By-law are outlined by heavy black lines on Map 1 attached to and forming part of this By-law.
5. District Map 51G-322 contained in Appendix "A" of By-law 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, is further amended by redesignating from "RA" to "MCR T3.0" on Appendix "A" as outlined on Map 2 attached to and forming part of this By-law.
6. Except as otherwise provided herein, the provisions of By-law 438-86, as amended shall continue to apply to the *lot*.
7. None of the provisions of Section 2 with respect to the definitions of the terms *grade*, *height*, *lot*, *gross floor area*, *non-residential gross floor area*, *residential gross floor area* and Sections 4(2)(a), 4(3)(a), 4(5), 4(8), 4(12), 4(13), 4(16), 8(3) Part I, 8(3) Part II, 12(2)246, 12(2)260, 12(2)270 and 12(2)380 of the aforementioned Zoning By-law 438-86, as amended, shall apply to prevent the erection on the *lot* of *mixed-use buildings*, which may contain *dwelling units* and *non-residential gross floor area*, a *commercial parking garage* and other uses *accessory* thereto on the lands municipally known in the year 2021 as 245-285 Queen Street East, 348-412 Richmond Street East, 88- 116 Ontario Street and 8-12 Brigden Place, provided that:
 - (A) the total aggregate *residential gross floor area* and *non-residential gross floor area* on the *lot* shall not exceed 138,992 square metres, of which;
 - (i) the *non-residential gross floor area* on the *lot* shall not exceed 39,951 square metres, of which:
 - (a) the combined *non-residential gross floor area* used for a *financial institution*, *restaurant*, *take-out restaurant*, *place of assembly*, *service*, *rental or repair shop*, and *retail store* in Building A shall not exceed 2,800 square metres;

- (b) the combined *non-residential gross floor area* used for a *financial institution, restaurant, take-out restaurant, place of assembly, service, rental or repair shop, and retail store* in Building B and Building C combined shall not exceed 7,446 square metres;
 - (c) the *non-residential gross floor area* used for a *hotel* use shall not exceed 19,705 square metres;
 - (d) a minimum of 5,000 square metres of *non-residential gross floor area* shall be used for office uses in Building A; and
 - (e) a minimum of 5,000 square metres of *non-residential gross floor area* shall be used for office uses in Building B and Building C combined;
- (ii) the *residential gross floor area* on the *lot* shall not exceed 99,041 square metres, of which:
 - (a) the *residential gross floor area* used for Building A shall not exceed 34,760 square metres; and
 - (b) the combined *residential gross floor area* for Building B and Building C shall not exceed 64,281 square metres;
- (B) the interior floor area of each individual *retail store* above the first storey shall not exceed 3,500 square metres;
 - (C) of the total number of *dwelling units* provided in Building A:
 - (i) a minimum of forty percent must contain at least two bedrooms; and
 - (ii) a minimum of ten percent must contain at least three bedrooms;
 - (D) of the total number of *dwelling units* provided in Building B and Building C:
 - (i) a minimum of forty percent must contain at least two bedrooms;
 - (ii) a minimum of ten percent must contain at least three bedrooms; and
 - (iii) Building B must contain at least forty-five percent and not more than fifty-five percent of the total number of *dwelling units* required by (D)(i) and (D)(ii) above;
 - (E) no portion of a *mixed-use building* erected on the *lot* shall be located otherwise than wholly within the heavy lines identified on Map 3, other than a *lot* line, attached to and forming part of this By-law, with the exception of the following:

- (i) Architectural features and parapets, cornices, pre-cast elements, piers, eaves, roof overhangs, mouldings, sills, scuppers, rain water leaders, lighting fixtures and bay windows to a maximum of 0.9 metres;
 - (ii) Balconies, guard rails and window washing equipment, to a maximum of 1.5 metres;
 - (iii) Doors to a maximum of 1.0 metres;
 - (iv) Retaining walls, stairs and ventilation shafts, to a maximum of 2.5 metres; and
 - (v) Decks, porches, canopies and awnings, stoops, trellises, privacy screens, awnings and/ or other similar shade devices and their associated structural elements, utility meters and associated enclosures, railings, vents, and wind mitigation structures to a maximum of 4.0 metres.
- (F) no portion of a *mixed-use building* erected on the *lot* shall be located above the *heights* and *storeys* shown on Map 3 attached to and forming part of this By-law, with the exception of the following:
- (i) Skylights, roof access hatch and terraces, to a maximum of 0.9 metres;
 - (ii) Architectural features, parapets, railings, dividers and privacy screens, to a maximum of 1.8 metres;
 - (iii) Wind screens, wind mitigation structures and trellises, canopies, awnings and/or other similar shade devices and associated structures, outdoor amenity space elements including outdoor kitchens to a maximum of 3.0 metres;
 - (iv) Elevator overruns, stairs, stair enclosures, vents, stacks, flues, chimneys and associated enclosures to a maximum of 0.9 metres; and
 - (v) Window washing equipment to a maximum of 10.5 metres.
- (G) *residential amenity space* shall be provided for each of Building A, Building B, and Building C at the following rates:
- (i) a minimum of 2.0 square metres per *dwelling unit* of indoor *residential amenity space*;
 - (ii) a minimum of 1.7 square metres per *dwelling unit* of outdoor *residential amenity space*, of which at least 40 square metres is to be provided in a location adjoining or directly accessible from the indoor *residential amenity space*; and

- (iii) no more than 40 percent of the outdoor *residential amenity space* may be a green roof;
- (H) a mechanical penthouse or a mezzanine level is not a *storey*;
- (I) *parking spaces* for *Building A* shall be provided on the *lot* in accordance with the following rates:
 - (i) a minimum of 0.2 *parking spaces* for each *dwelling unit* for residential occupants;
 - (ii) a minimum of 0.1 *parking spaces* per *dwelling unit* for residential visitors;
 - (iii) a minimum of 1.0 *parking spaces* for each 100 square metres of *gross floor area* used for non-residential uses;
 - (iv) despite (iii) above, a minimum of 0.2 *parking spaces* for each 100 square metres of non-residential *gross floor area* used for a *hotel*; and
 - (v) despite (iii) and (iv) above, a minimum of 0.35 *parking space* for each 100 square metres of *gross floor area* used for offices;
- (J) *parking spaces* for *Building B* and *Building C* shall be provided on the *lot* in accordance with the following rates:
 - (i) a minimum of 0.2 parking spaces for each dwelling unit for residential occupants;
 - (ii) a minimum of 0.1 *parking spaces* per *dwelling unit* for residential visitors;
 - (iii) a minimum of 1.0 *parking spaces* for each 100 square metres of *gross floor area* used for non-residential uses;
 - (iv) despite (iii) above, a minimum of 0.2 *parking spaces* for each 100 square metres of non-residential *gross floor area* used for a *hotel*; and
 - (v) despite (iii) and (iv) above, a minimum of 0.35 *parking space* for each 100 square metres of *gross floor area* used for offices;
- (K) the parking spaces required in (I) or (J) can be shared in accordance with the occupancy rates found in Regulation 200.5.10.1(1) of City-wide Zoning By-law 569-2013, as amended;
- (L) the *parking spaces* required for *non-residential gross floor area* and for visitors to the *dwelling units* may operate as a *commercial parking garage*;
- (M) "*Car-share parking spaces*" may replace *parking spaces* otherwise required for residential occupants, subject to the following:

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- (i) a reduction of four resident occupant *parking spaces* will be permitted for each "car-share parking space" provided and that the maximum reduction permitted be capped by the application of the following formula:
 - (a) four multiplied by (total number of *dwelling units* divided by 60), rounded down to the nearest whole number;
 - (N) *loading spaces* shall be provided on the *lot* in accordance Chapter 220, Regulation 40.10.90.1(1) and Regulation 40.10.90.1(2) of City-wide Zoning By-law 569-2013, as amended;
 - (O) *bicycle parking spaces* shall be provided on the *lot* in accordance with Chapter 230 of City-wide Zoning By-law 569-2013, as amended;
 - (P) where a *stacked bicycle parking space* is provided, the minimum width shall be 0.45 metres;
 - (Q) a *live-work unit* is subject to the regulations set out in Section 150.5.20 of Zoning By-law 569-2013, as amended;
 - (R) no provision of this by-law or By-law 438-86, as amended, shall restrict employees in the *live-work unit* who are not the business operator; and
 - (S) a *live-work unit* shall be located above *non-residential uses* in *Building A* or *Building C*.
8. None of the provisions of Zoning By-law 438-86, as amended, or this By-law shall apply to prevent a *temporary sales or leasing office* on the *lot*.
9. For the purposes of this By-law, all italicized words and expressions have the same meaning as defined in By-law 438-86, as amended, with the exception of the following:
- "*bicycle parking spaces – long term*" are bicycle parking spaces for use by the occupants or tenants of a building;
- "*bicycle parking spaces – short term*" are bicycle parking spaces for use by visitors to a building;
- "*Building A*" means the *building* identified as "Building A" on Map 4;
- "*Building B*" means the *building* identified as "Building B" on Map 4;
- "*Building C*" means the *building* identified as "Building C" on Map 4;
- "*car-share parking space*" shall mean a *parking space* that is reserved and actively used for *car-sharing*, including by non-residents. *Car-sharing* shall mean 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 where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the *car-sharing* organization, including the payment of a membership fee that may or may not be non-refundable;

"*grade*" means 84.80 metres Canadian Geodetic Datum;

"*height*" means the vertical distance between *grade* and the highest point of the roof of any building on the *lot*, except for those elements prescribed by this By-law;

"*live-work uses*" means a business use within a *dwelling unit*, where the *dwelling unit* is the principal residences of the business operator;

"*lot*" shall refer to those lands delineated by a heavy black line on Map 1, attached to and forming part of this By-law;

"*non-residential gross floor area*" shall mean the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior main wall of each floor level. The *non-residential gross floor area* of the mixed-use building is reduced by the area in the building used for:

- (i) Parking, loading and bicycle parking below grade;
- (ii) Required loading spaces at the ground level and required bicycle parking spaces at grade;
- (iii) Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below grade;
- (iv) Shower and change facilities required by this By-law for required bicycle parking spaces;
- (v) Elevator shafts;
- (vi) Mechanical penthouse; and
- (vii) Exit stairwells in the building.

"*residential gross floor area*" shall mean the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior main wall of each floor level. The *residential gross floor area* of the mixed-use building is reduced by the area in the building used for:

- (i) Parking, loading and bicycle parking below grade;
- (ii) Required loading spaces at the ground level and required bicycle parking spaces at grade;

- (iii) Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below grade;
- (iv) Shower and change facilities required by this By-law for required bicycle parking spaces;
- (v) Amenity space required by this By-law;
- (vi) Elevator shafts;
- (vii) Garbage shafts;
- (viii) Mechanical penthouse; and
- (ix) Exit stairwells in the building;

"temporary sales or leasing office" means a building, structure, facility or trailer on the *lot* used for the purpose of the sale or leasing of *dwelling units* or *non-residential uses* to be erected on the *lot*.

- 10. Despite any existing or future severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.
- 11. Within the lands delineated by heavy lines on Map 1 attached, no persons shall erect or use any building or structure on the *lot* unless the following municipal services are provided to the *lot* line and the following provisions are complied with:
 - (i) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - (ii) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

Pursuant to the Decision of the Ontario Land Tribunal issued on October 31, 2018 and Order issued August 17, 2022 under File PL171288.

SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out below are required to be provided by the owner of the *lot* at its expense to the City in accordance with 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 came into force, in a form satisfactory to the City with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

1. Prior to the issuance of any Building Permit, the owner shall enter into an agreement to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as it read on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure the community benefits below.
 - (A) A cash contribution of eleven million dollars (\$11,000,000) to be paid to the City prior to the issuance of the first above grade building permit towards capital facilities in the vicinity of the subject site, with the allocation as follows:
 - (i) Two million five hundred thousand dollars (\$2,500,000) to be used for capital improvements to Toronto Community Housing Corporation properties in the vicinity of the subject site, including Moss Park Apartments (275, 285 and 295 Shuter Street), to the satisfaction of the Chief Executive Officer, Toronto Community Housing Corporation, or their designate and subject to Toronto Community Housing Corporation signing an Undertaking governing the use of the funds and the financial reporting requirements; and
 - (ii) Eight million five hundred thousand dollars (\$8,500,000) towards capital facilities to be determined by the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
2. The payment amount referred to in Section (1) shall be increased by upwards index in accordance with the apartment Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price indexes Publication 327-0058, or its successor, calculated from the date of the execution of the Section 37 Agreement to the date each such payment is made.
3. In the event the cash contribution referred to in Section (1) has not been used for the intended purpose(s) within three (3) years of the zoning by-law coming into force and effect, the cash contribution may be redirected for another purpose(s), provided that the purpose(s) is identified in the Toronto Official Plan and will benefit the community in the vicinity of the *lot*.
4. The Section 37 Agreement shall also secure the following matters as a legal convenience to support the development:

- (A) A pedestrian walkway easement to be registered on title of the lands, with a right-of-way width of a minimum 6 metres connecting Queen Street East to the on-site parkland to the satisfaction of the Chief Planner and Executive Director, City Planning Division prior to final site plan approval;
- (B) A Construction Management Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division prior to the issuance of the site plan notice of approval conditions;
- (C) Matters related to the required archaeological resource assessment to the satisfaction of the City's Planning Division, Heritage Preservation Services Unit;
- (D) Prior to final Site Plan approval for the proposed development at 245-251 and 263-265 Queen Street East, 90 Ontario Street and 384 and 410 Richmond Street East as shown in the plans and drawings dated July 6, 2018 prepared by Sweeny & Co., the *owner* shall:
 - (i) Provide final site plan drawings substantially in accordance with the approved Conservation Plan required, to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - (ii) Have obtained final approval for the necessary Official Plan and Zoning By-law Amendments required for the subject property, such Amendments having come into full force and effect;
 - (iii) Provide a Heritage Lighting Plan that describes how the exterior of the heritage properties will be sensitively illuminated to enhance their heritage character to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager Heritage Preservation Services;
 - (iv) Provide an Interpretation Plan for the subject properties, to the satisfaction of the Senior Manager, Heritage Preservation Services and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - (v) Provide a detailed Landscape Plan for the subject property satisfactory to the Senior Manager, Heritage Preservation Services; and
 - (vi) Submit a Signage Plan to the satisfaction of the Senior Manager, Heritage Preservation Services;
- (E) Prior to the issuance of any permit for all or any part of the properties at 245-251 and 263-265 Queen Street East, 90 Ontario Street and 384 and 410 Richmond Street East, including a heritage permit or a building permit but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building as are acceptable to the Senior Manager, Heritage Preservation Services, the *owner* shall:

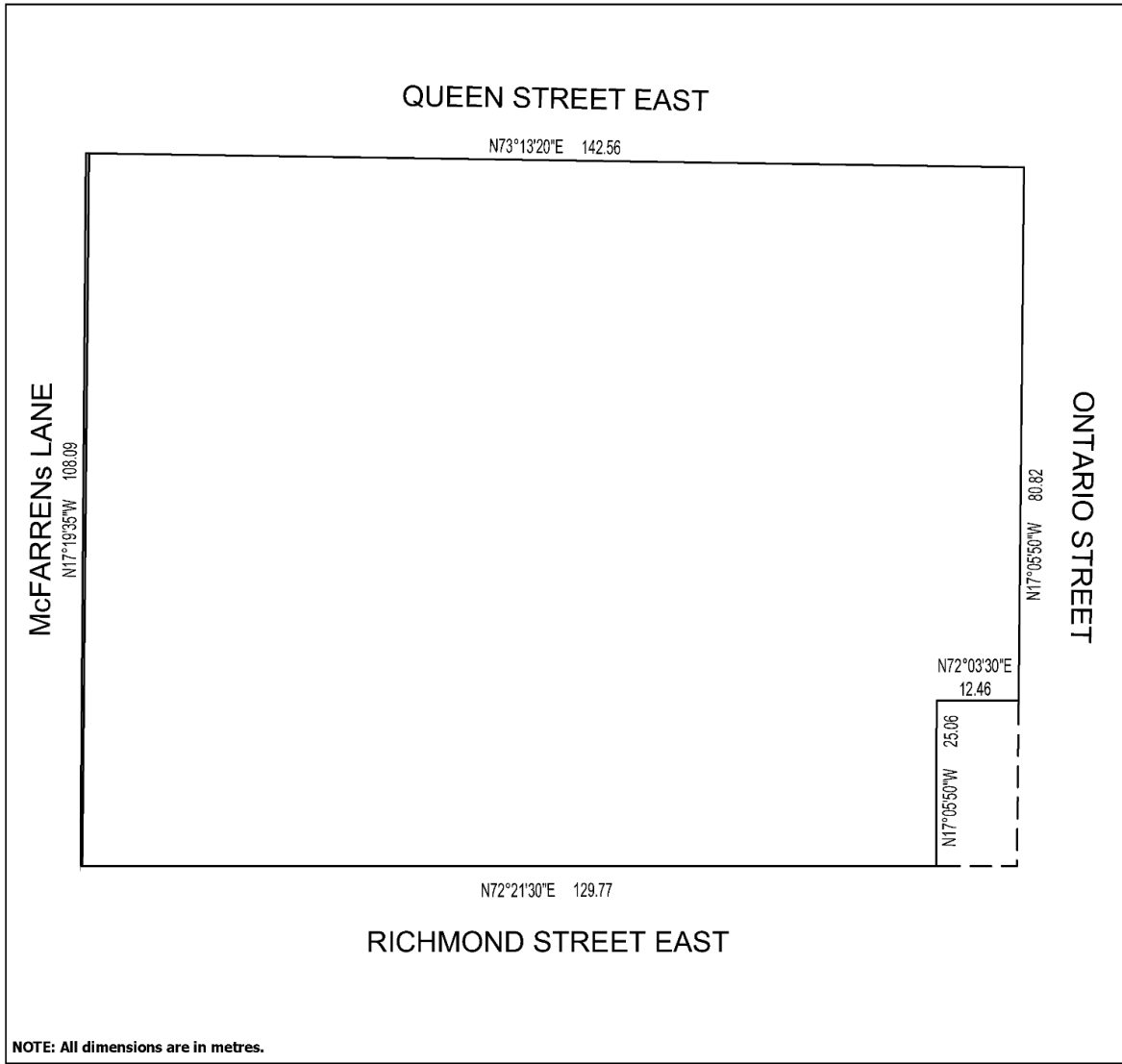
- (i) Have obtained final approval for the necessary Official Plan and Zoning By-law Amendments required for the subject properties, such Amendment having come into full force and effect;
 - (ii) Provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - (iii) Provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Preservation Services to secure all work included in the approved Conservation Plan, Heritage Lighting Plan, and Interpretation Plan; and
 - (iv) Provide full documentation of the existing heritage properties, including two (2) printed sets of archival quality 8" x 10" colour photographs with borders in a glossy or semi-gloss finish and one (1) digital set on a CD in tiff format and 600 dpi resolution keyed to a location map, elevations and measured drawings, and copies of all existing interior floor plans and original drawings as may be available, to the satisfaction of the Senior Manager, Heritage Preservation Services;
- (F) Prior to the release of the Letter of Credit, required by Paragraph 4(E)(iii) above, the *owner* shall:
- (i) Provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work and the required interpretive work has been completed in accordance with the Conservation Plan, Interpretation Plan and Heritage Lighting Plan, and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Preservation Services; and
 - (ii) Provide replacement Heritage Easement Agreement photographs for the properties at 245-251 and 263-265 Queen Street East, 90 Ontario Street and 384 and 410 Richmond Street East to the satisfaction of the Senior Manager, Heritage Preservation Services.
- (G) The *owner* shall construct the Above Base Park improvements for the on- site park to the satisfaction of the General Manager, Parks, Forestry and Recreation;
- (H) Matters related to the *owner's* parkland dedication requirement for the Lands pursuant to Section 42 of the Planning Act, to the satisfaction of the General Manager, Parks, Forestry and Recreation;

- (I) The owner shall provide and maintain seventy (70) replacement rental dwelling units within Tower B on the subject site for a period of at least twenty (20) years beginning from the date that each replacement rental unit is first occupied. During such 20-year period, no replacement rental dwelling unit shall be registered as a condominium or any other form of ownership housing that provides a right to exclusive possession of a dwelling unit, including life-lease or co-ownership, and no application shall be made to demolish any replacement rental dwelling unit or convert any replacement rental dwelling unit to a non-residential rental purpose. The seventy (70) replacement rental dwelling units shall be comprised of twenty-seven (27) Live/Work rental units, all of which shall be one-bedroom units, and forty-three (43) rental dwelling units, including twenty-nine (29) one-bedroom units, twelve (12) two-bedroom units, and two (2) three-bedroom units, as generally illustrated in the plans submitted to the City Planning Division dated May 18, 2021. Any revision to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (J) The owner shall provide and maintain at least twenty-two (22) replacement rental dwelling units at affordable rents, as currently defined in the Toronto Official Plan, and twenty-four (24) replacement rental dwelling units at mid-range rents, as defined in the Toronto Official Plan, for a period of at least ten (10) years beginning from the date of first occupancy of each unit. The twenty-two (22) affordable replacement rental dwelling units shall collectively contain a total gross floor area of at least 1,350 square metres and shall be comprised of twenty (20) one-bedroom units, one (1) two-bedroom unit and one (1) Live/Work one-bedroom unit. The twenty-four (24) mid-range replacement rental dwelling units shall collectively contain a total gross floor area of at least 2,240 square metres and shall be comprised of four (4) one-bedroom units, seven (7) two-bedroom units, two (2) three-bedroom units and eleven (11) Live/Work one-bedroom units. The remaining twenty-four (24) replacement rental dwelling units – which include five (5) one-bedroom units, four (4) two-bedroom units and fifteen (15) Live/Work one-bedroom units – shall have unrestricted rents, except where an Eligible Tenant elects to return to an unrestricted rental unit, in which case the rent will be similar to their previous rent, as provided for under the City-approved Tenant Relocation and Assistance Plan;
- (K) The owner shall construct all twenty-seven (27) Live/Work replacement rental dwelling units required in 4(I) above with a minimum internal ceiling height of twelve feet (12'). Any changes to the minimum ceiling heights of the Live/Work replacement rental dwelling units shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (L) The owner shall provide an acceptable Tenant Relocation and Assistance Plan to all Eligible Tenants of the fifty-seven (57) existing rental dwelling units proposed to be demolished at 263-265 Queen Street East and 90 Ontario Street, addressing the right to return to occupy one of the replacement rental dwelling units at similar rents and other assistance to mitigate hardship. The Tenant Relocation and Assistance plan shall be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning;

- (M) The owner shall calculate both the existing rent paid by an Eligible Tenant for their existing rental dwelling unit and the initial rent of such Eligible Tenant upon returning to occupy a replacement rental dwelling unit on a square foot basis for the purposes of reserving the right of tenants to return to a replacement rental dwelling unit at similar rents, as provided under the City-approved Tenant Relocation and Assistance Plan required in 4(L) above;
- (N) Should the owner elect to provide financial compensation to Eligible Tenants above and beyond the compensation amounts provided under the City-approved Tenant Relocation and Assistance Plan, as required in 4(L) above, for the purposes of mitigating hardship from the loss of residential space or any other matter dealing with the residential rental use of an existing dwelling unit, the owner shall offer such additional compensation on the same terms and conditions to all Eligible Tenants occupying a similar unit type;
- (O) The owner shall provide tenants of all seventy (70) replacement rental dwelling units with access to, and use of, all indoor and outdoor amenities in the proposed development at no extra charge, and on the same terms and conditions as any other resident of the development, without the need to pre-book or pay a fee unless specifically required as a customary practice for private bookings;
- (P) The owner shall provide ensuite laundry in each replacement rental dwelling unit within the proposed development at no additional cost to tenants;
- (Q) The owner shall provide central air conditioning in each replacement rental dwelling unit within the proposed development at no additional cost to tenants;
- (R) The owner shall provide and make available for rent at least twelve (12) vehicular parking spaces to tenants of the replacement rental dwelling units and such vehicular parking spaces shall be made available firstly to returning tenants who previously rented a vehicle parking space, secondly to returning tenants who did not previously rent a vehicle parking space and thirdly to new tenants of the replacement rental dwelling units;
- (S) The owner shall provide tenants of the replacement rental dwelling units with access to all bicycle and visitor vehicular parking on the same terms and conditions as any other resident of the proposed development;
- (T) The owner shall provide at least fourteen (14) storage lockers to tenants of the replacement rental dwelling units and such storage lockers shall be made available firstly to returning tenants and secondly to new tenants of the replacement rental dwelling units;
- (U) The owner may apply for below-grade and above-grade building permits encompassing both replacement and non-replacement rental dwelling units within the proposed development concurrently, but shall not receive the issuance of any above-grade building permit(s) for any tower without replacement rental dwelling

units prior to the issuance of the above-grade building permit(s) for the tower containing the seventy (70) replacement rental dwelling units required in 4(I) above (Tower B). The owner shall notify Toronto Building in writing of the same at the time of application for any below-grade or above-grade building permit(s) encompassing non-replacement rental dwelling units;

- (V) The seventy (70) replacement rental dwelling units required in 4(F) above shall be constructed in the first phase of the proposed development and be made ready and available for occupancy no later than the date by which 70 percent of the new dwelling units located in Tower B, exclusive of the replacement rental dwelling units, are made available and ready for occupancy; and
- (W) The owner shall enter into, and register on title to the lands at 245-285 Queen Street East, 348-410 Richmond Street East, 88-106 Ontario Street and 8-12 Brigden Place, one or more agreement(s) to secure the conditions outlined in 4(F) through 4(S) above, including an agreement pursuant to Section 111 of the City of Toronto Act, 2006, all to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning.



**245-285 Queen Street East, 348-410 Richmond Street East,
88-106 Ontario Street and 8-12 Bridgen Place, Toronto**

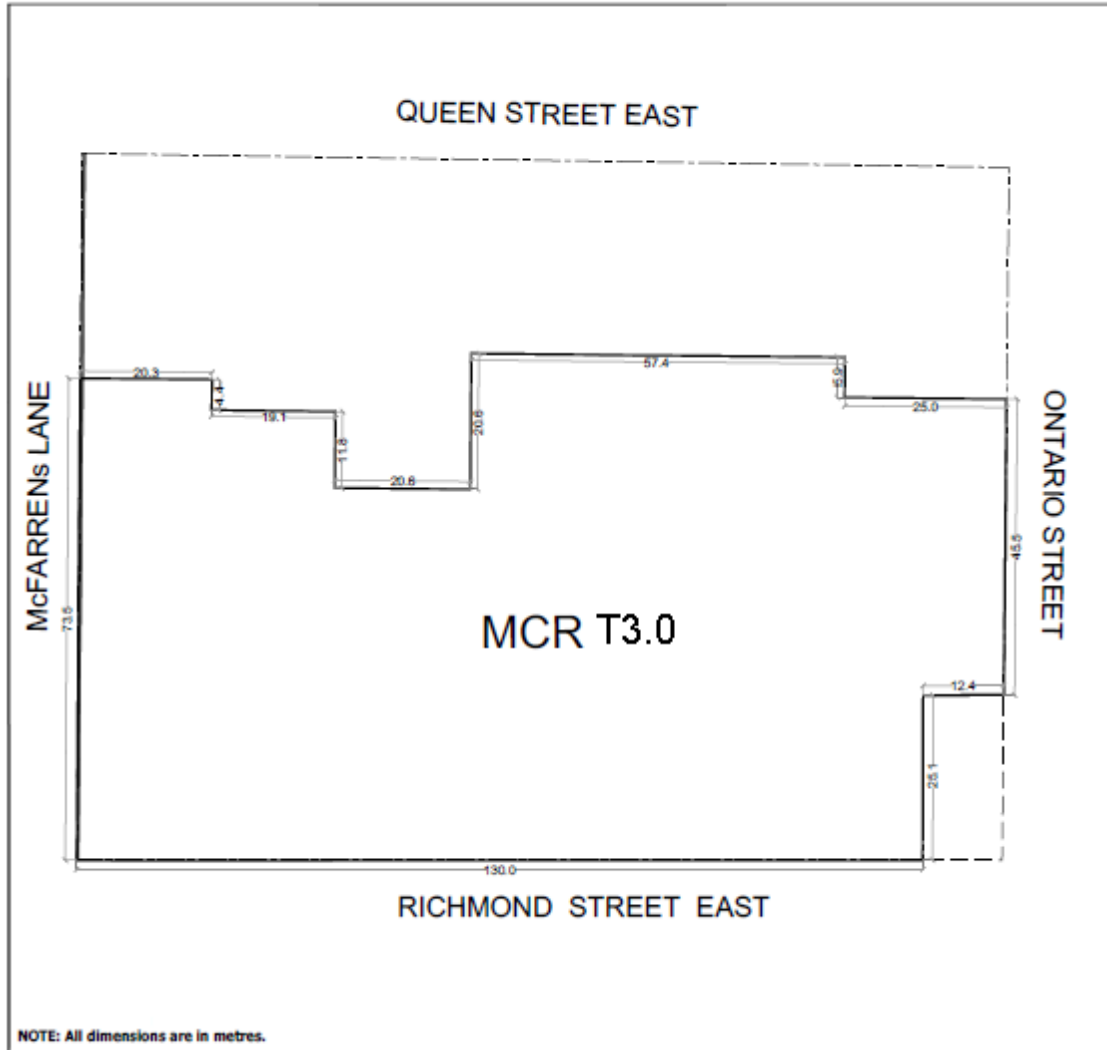
Map 1

File # 16 118638 STE 28 OZ



Not to Scale

Former City of Toronto By-law 438-86



245-285 Queen Street East, 348-410 Richmond Street East,
88-106 Ontario Street and 8-12 Bridgen Place, Toronto

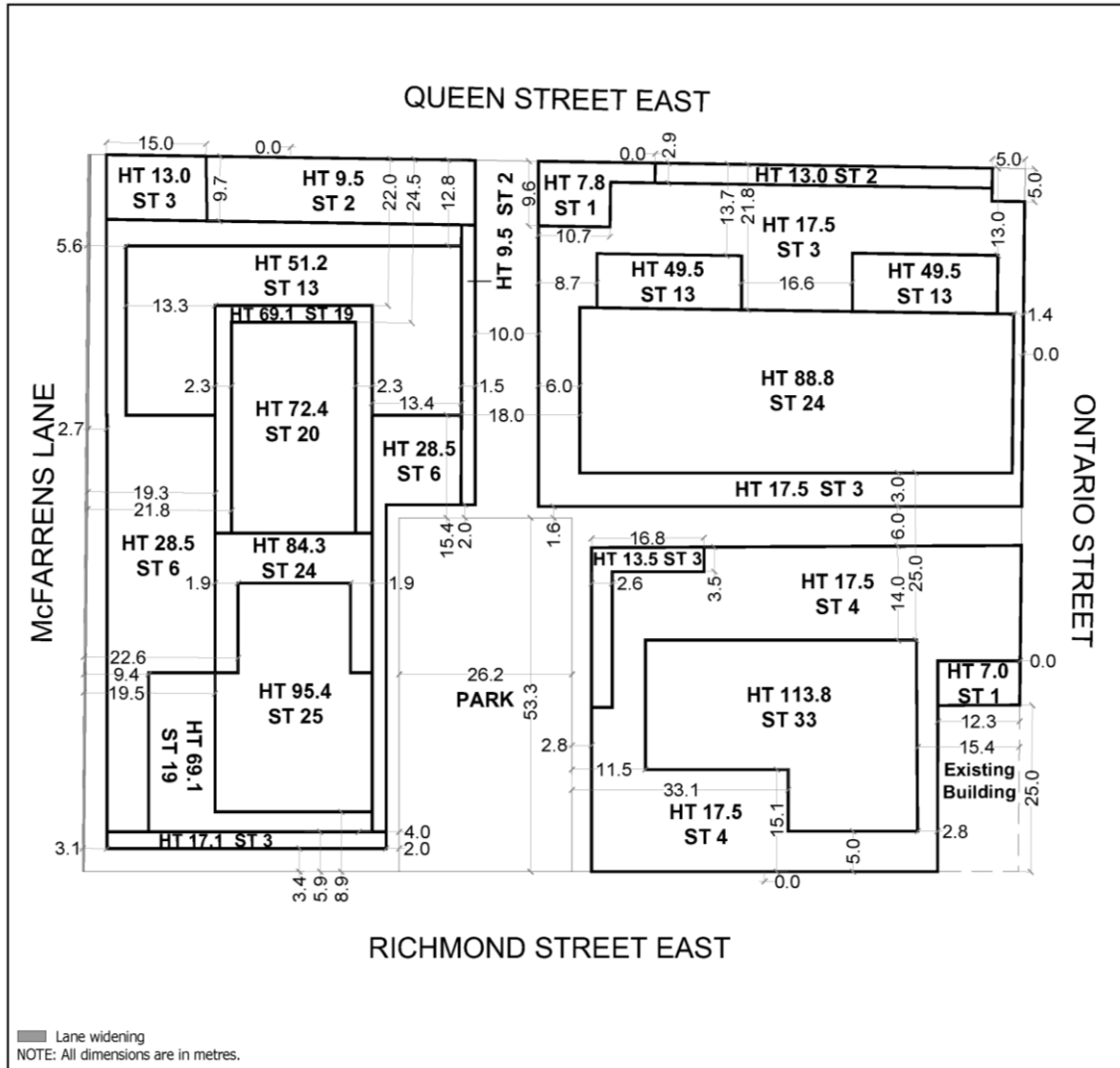
Map 2

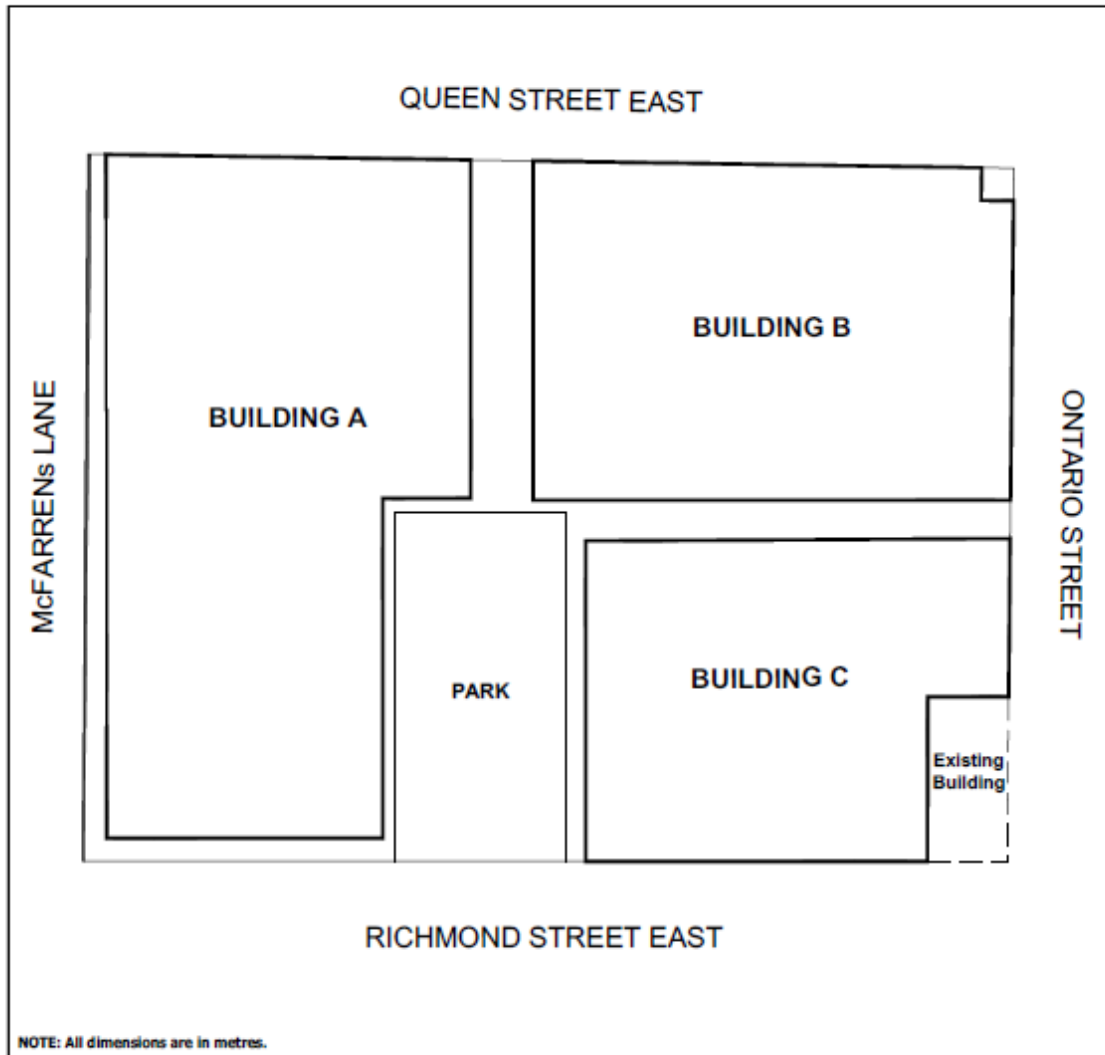
File # 16 118638 STE 28 OZ



Not to Scale

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Map 4

245-285 Queen Street East, 348-410 Richmond Street East,
88-106 Ontario Street and 8-12 Bridgen Place, Toronto

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