

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 227-2023(OLT)

To amend Zoning By-law 569-2013, 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 City of Toronto Zoning By-law 569-2013, 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, 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 provisions of such facilities, services or matters as are set out in the by-law; and

Whereas Section 37.1 of the Planning Act provides that Subsections 37(1) to (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to the COVID-19 Economic Recovery Act, 2020 came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge By-law and this By-law was passed prior to that date; and

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services or 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 and 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;

Pursuant to the Order of the Ontario Land Tribunal, the City of Toronto Zoning By-law 569-2013, as amended, is further amended 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 amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR 4.5 (c2.0; r4.0) SS2 (x493) and O as shown on Diagram 2 of By-law 227-2023(OLT).
4. Zoning Bylaw 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number [493] so that it reads:

(493) Exception CR [493]

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 245-285 Queen Street East, 348-412 Richmond Street East, 88-116 Ontario Street and 8-12 Brigden Place, if the requirements of Section 6 and Schedule A of By-law 227-2023(OLT) are complied with, a **building, structure**, addition or enlargement may be constructed, used or enlarged in compliance with (B) to (DD) below;
- (B) For the purposes of this this exception:
 - (i) "Building A" means the **building** identified as "Building A" on Diagram 4 of By-law 227-2023(OLT);
 - (ii) "Building B" means the **building** identified as "Building B" on Diagram 4 of By-law 227-2023(OLT); and
 - (iii) "Building C" means the **building** identified as "Building C" on Diagram 4 of By-law 227-2023(OLT);
- (C) Of the total number of **dwelling units** provided in "Building A":
 - (i) A minimum of 40 percent of the **dwelling units** must contain at least two bedrooms; and
 - (ii) A minimum of 10 percent of the **dwelling units** 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 40 percent of the **dwelling units** must contain at least two bedrooms;

- (ii) A minimum of 10 percent of the **dwelling units** must contain at least three bedrooms; and
 - (iii) "Building B" must contain at least 45 percent and not more than 55 percent of the total number of **dwelling units** required by (D)(i) and (ii) above.
- (E) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the vertical distance between the Canadian Geodetic Datum elevation of 84.80 and the highest point of the **building** or **structure**;
- (F) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure**, including mechanical equipment, is the number, in metres, following the symbol "HT" as shown on Diagram 3 of By-law 227-2023(OLT);
- (G) Despite Regulation 40.10.40.10(7)(B), the permitted maximum number of **storeys** in a **building** is the number following the symbol "ST" as shown on Diagram 3 of By-law 227-2023(OLT);
- (H) For the purposes of this exception, a mechanical penthouse level or a mezzanine level is not a **storey**;
- (I) Despite (F) above and Regulations 40.5.40.10(3) to (8), the following elements may project above the permitted maximum height:
- (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.
- (J) Regulation 40.10.40.10(5), with respect to the minimum height of the first **storey**, does not apply;
- (K) Regulation 40.10.40.1(1), with respect to the location of **dwelling units** in a **mixed use building**, does not apply;
- (L) In "Building A" and "Building C", a **dwelling unit** containing a **home occupation** use must be located above non-residential uses;

- (M) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** is 138,992 square metres, of which:
- (i) The permitted maximum **gross floor area** for residential uses in "Building A" is 34,760 square metres;
 - (ii) The permitted maximum **gross floor area** for residential uses in "Building B" and "Building C" combined is 64,281 square metres;
 - (iii) The permitted maximum combined **gross floor area** for a **financial institution, eating establishment, entertainment place of assembly, retail service** or **retail store** in "Building A" is 2,800 square metres;
 - (iv) The permitted maximum combined **gross floor area** for a **financial institution, eating establishment, entertainment place of assembly, retail service** or **retail store** in "Building B" and "Building C" combined is 7,446 square metres;
 - (v) The permitted maximum **gross floor area** for a **hotel** in "Building A", "Building B", and "Building C" combined is 19,705 square metres;
 - (vi) The required minimum **gross floor area** for a medical office or office use in "Building A" is 5,000 square metres;
 - (vii) The required minimum **gross floor area** for a medical office or office use in "Building B" and "Building C" combined is 5,000 square metres;
- (N) The permitted maximum **interior floor area** of each individual **retail store** above the first **storey** is 3,500 square metres;
- (O) Despite Regulation 40.10.40.50(1), **amenity space** must be provided in each of "Building A", "Building B" and "Building C" as follows:
- (i) At least 2.0 square metres of indoor **amenity space** per **dwelling unit**;
 - (ii) At least 1.7 square metres of outdoor **amenity space** per **dwelling unit**, of which a minimum of 40 square metres must be provided in a location adjoining or directly accessible to the indoor **amenity space**; and
 - (iii) No more than 40 percent of the outdoor component may be a **green roof**;
- (P) Despite Regulation 40.10.40.70(2) and 40.10.40.80(2), the required minimum **building setbacks** and separation distances are shown in metres on Diagram 3 of By-law 227-2023(OLT);
- (Q) Despite (P) above, Regulation 40.5.40.70(1) and Clause 40.10.40.60, the following **building** elements may encroach into a required **building setbacks** and separation distances as follows:

- (i) Architectural features and parapets, cornices, piers, eaves, pre-cast elements, 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.
- (R) Despite Regulation 40.10.100.10(1)(A), **vehicle** access must be from a **lane** or from Ontario Street;
- (S) Despite Regulation 40.10.100.10(1)(C), 3 **vehicle** accesses to the **lot** are permitted;
- (T) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided on the **lot** for "Building A" 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 **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 and for medical office;
- (U) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided on the **lot** for each of "Building B" and "Building C" 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 **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 office and for medical office;
- (V) The **parking spaces** required for non-residential uses and for residential visitors may operate as **public parking** on a non-exclusive basis;
- (W) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, "Car-share parking spaces" may replace **parking spaces** otherwise required for residential occupants, subject to the following:
- (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;
- (X) For the purposes of this exception, a "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;
- (Y) Regulation 200.5.1.10(12)(C), with respect to the required distance between the **vehicle** entrance and exit to the **building** and the **lot line** abutting the **street**, does not apply;
- (Z) Regulation 200.15.1(4), with respect to the location of accessible **parking spaces**, does not apply;
- (AA) Despite Regulation 230.5.1.10(4), if a **stacked bicycle parking space** is provided the minimum width for each **bicycle parking space** is 0.45 metres;

- (BB) Despite Regulation 230.5.1.10(6), "long-term" **bicycle parking spaces** must be located in a **building** and "short-term" **bicycle parking spaces** may be located in a **building**;
- (CC) Despite Regulation 150.5.20.1(6), a **home occupation** within a **dwelling unit** may have employees in the **dwelling unit** who are not the business operator; and
- (DD) Article 600.10.10, with respect to District "A" building setbacks, does not apply.

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

- 5. Despite any existing or future severance, partition or division of the **lot**, the provisions of this By-law must apply to the whole of the **lot** as if no severance, partition or division occurred.
- 6. Section 37 Provisions
 - (A) Pursuant to Section 37 of the Planning Act, 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 on Diagram 1 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 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 must be dependent on satisfaction of the same.
 - (C) The owner must 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 provisions of Schedule A are satisfied.

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 to the City at the *owner's* expense in return for the increase in height of the proposed development on the **lot** and in accordance with an agreement under Section 37(3) of the Planning Act whereby the *owner* agrees as follows:

1. Prior to the issuance of any Building Permit, the owner shall enter into an agreement and the agreement shall be registered on title to the lands 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 facilities, services or matters set out 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) must 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 lands.
4. The Section 37 Agreement must also secure the following matters as a legal convenience to support the development as per the amended Council resolution:
 - (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* must:
 - (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 must 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 must 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* must:

- (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* must:
- (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* must 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

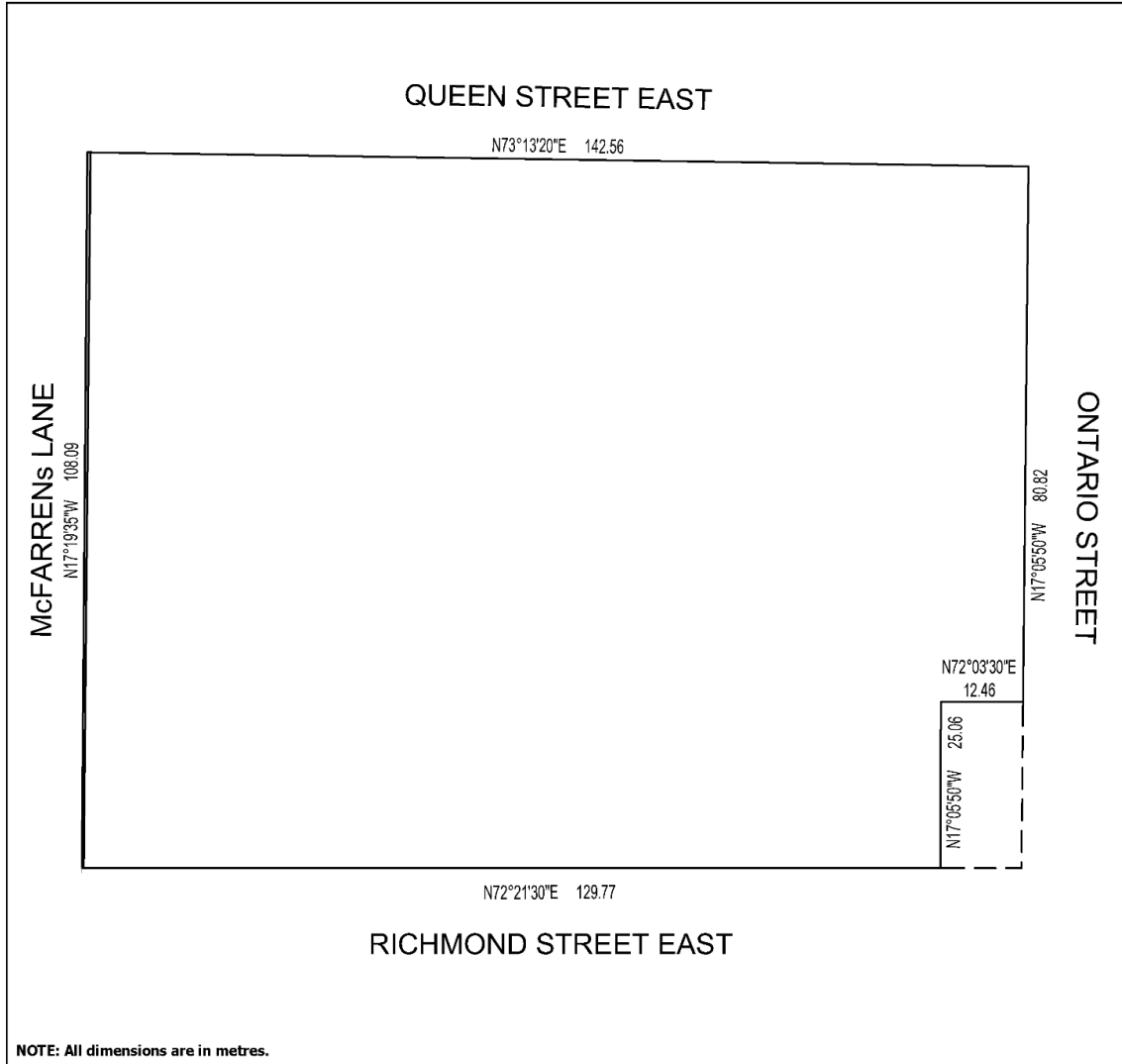
beginning from the date that each replacement rental unit is first occupied. During such 20-year period, no *replacement rental dwelling unit* shall be registered as a condominium or any other form of ownership housing that provides a right to exclusive possession of a dwelling unit, including life-lease 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.



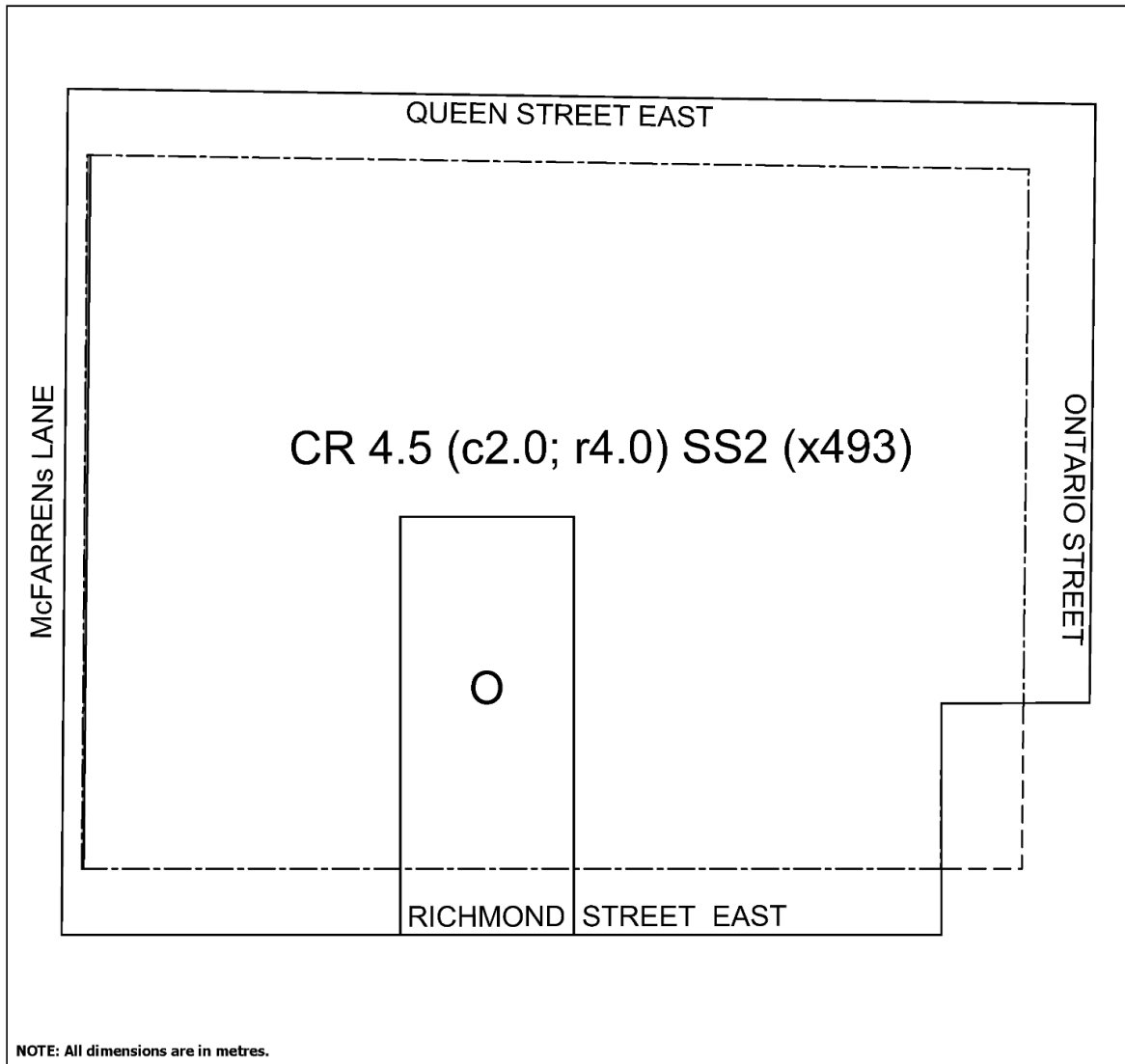
**245-285 Queen Street East, 348-410 Richmond Street East,
88-106 Ontario Street and 8-12 Brigden Place, Toronto**

Diagram 1

File # 16 118638 STE 28 OZ



Not to Scale



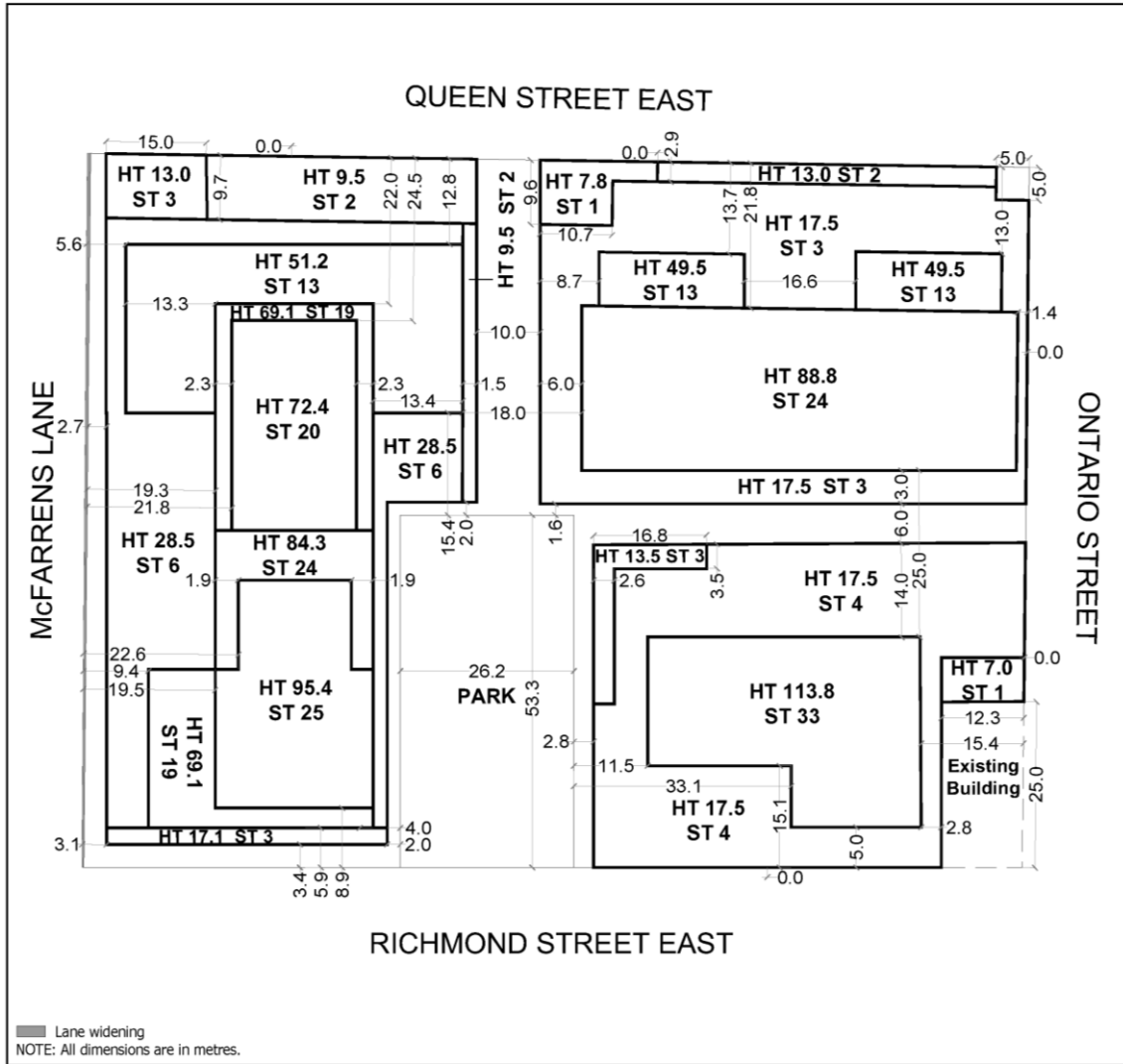
**245-285 Queen Street East, 348-410 Richmond Street East,
88-106 Ontario Street and 8-12 Bridgen Place, Toronto**

Diagram 2

File # 16 118638 STE 28 OZ



Not to Scale



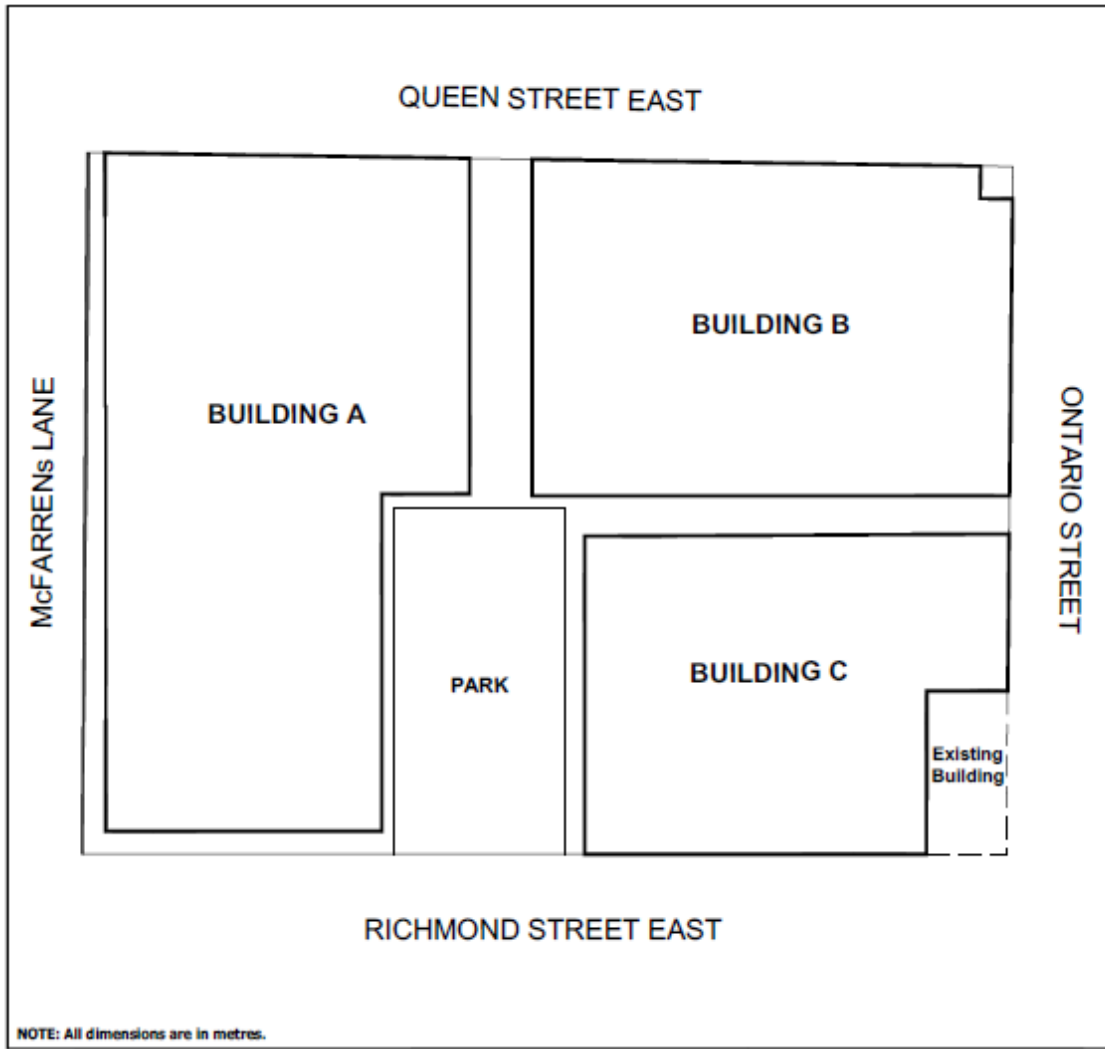
245-285 Queen Street East, 348-410 Richmond Street East,
 88-106 Ontario Street and 8-12 Brigiden Place, Toronto

Diagram 3

File #16 118638 STE 28 OZ



Not to Scale



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

Diagram 4

File # 16 118638 STE 28 OZ



Not to Scale