

Authority: Ontario Land Tribunal Decision issued on November 5, 2021 and its Order issued on June 22, 2022 in Tribunal File PL210092

CITY OF TORONTO

BY-LAW 234-2023(OLT)

To amend former City of North York Zoning By-law 7625 and site-specific By-law 1338-2018(LPAT), as amended, with respect to lands municipally known as 2, 4 and 6 Teagarden Court.

Whereas pursuant to Section 37 of the Planning Act, a By-law passed under Section 34 of the Planning Act may authorize increases in height or density of development beyond that permitted otherwise by the by-law 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, 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 lands known at the date of enactment of this By-law as 2, 4 and 6 Teagarden Court (the "Lands") has elected to provide the facilities, services or matters as set out in this By-law; and

Whereas the increase in height and density of development permitted under this By-law beyond that otherwise permitted on the Lands by By-law 7625 and site-specific By-law 1338-2018(LPAT), as amended, is 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 the Lands and the City of Toronto;

The Ontario Land Tribunal enacts as follows:

1. Schedules "B" and "C" of By-law 7625 and Schedules RM6(251) of site-specific By-law 1338-2018(LPAT) of the former City of North York are amended in accordance with Schedule 1 attached to this By-law.
2. Section 64.20-A of By-law 7625 and Section 64.20-A (251) of site-specific By-law 1338-2018(LPAT) of the former City of North York is amended by adding the following subsection:

64.20-A (251) RM6(251) DEFINITIONS

- (a) For the purpose of this exception, "established grade" shall mean a geodetic elevation of 181.25 metres.

- (b) For the purpose of this exception, "gross floor area" shall mean the total area of all of the floors of a building above or below grade measured from the outside of the exterior walls, but excluding:
- (i) any floor area used for motor vehicle parking, including ancillary areas, ramps, and driveways;
 - (ii) any floor area used for mechanical equipment or elevators;
 - (iii) any floor area used for stair enclosures providing access to the roof of the building or structure;
 - (iv) any area used for loading areas;
 - (v) locker areas;
 - (vi) the floor area of unenclosed terraces or balconies;
 - (vii) any floor area used for bicycle parking; and
 - (viii) indoor residential amenity space
- (c) "Lands" shall mean the lands zoned RM6(251) on Schedule 1.

PERMITTED USES

- (d) On the lands identified on Schedule '1', the only permitted uses shall be:
- (i) Residential: apartment house dwellings, including private recreational amenity areas and accessory uses.

EXCEPTION REGULATIONS LANDSCAPING

- (e) A minimum of 460 square metres of soft landscaping and a maximum of 520 square metres of hard landscaping shall be provided.

YARD SETBACKS AND DISTANCE TO BUILDINGS

- (f) The minimum yard setbacks shall be as shown on Schedule RM6(251).
- (g) Despite paragraph (h) and in addition to the projections permitted by Section 6(9) (Permitted Projection into Minimum Yard Setbacks), each of the following structures shall be permitted to project into the setbacks shown on Schedule RM6(251):
- (i) a balcony that overhangs may project horizontally a maximum of 2.5 metres from the wall(s) to which it is attached, this does not

apply to balconies located on top of the building (ie. a balcony above a floor below);

- (ii) ramps;
- (iii) public art;
- (iv) a railing; and,
- (v) patios or porch.

MAXIMUM GROSS FLOOR AREA

- (h) The maximum gross floor area permitted shall not exceed 9,700 square metres.

NUMBER OF DWELLING UNITS

- (i) A maximum number of 128 dwelling units shall be permitted.

RECREATIONAL AMENITY AREA

- (j) A minimum of 2.3 square metres per dwelling unit of indoor recreational amenity area shall be provided for the use of all residents.

BUILDING HEIGHT

- (k) Notwithstanding Section 20-A.2.6 (Building Height):
 - (i) the maximum building height of any portion of the building or structure shall not exceed the height in metres above established grade shown for that portion of the building or structure on Schedule RM6(251).
 - (ii) enclosures for rooftop mechanical and elevator equipment may exceed the maximum building height shown on Schedule RM6(251) by a maximum of 5.0 metres provided such enclosures are located within the area shown as 'Mechanical Penthouse' on Schedule RM6(251). Notwithstanding the above, parapets and other decorative roof elements are permitted to exceed this height.
 - (iii) the rooftop indoor recreational amenity area may exceed the maximum building height shown on Schedule RM6(251) by a maximum 5.0 metres provided it is located within the area shown as 'Rooftop Indoor Recreational Amenity' on Schedule RM6(251). Notwithstanding the above, parapets and other decorative roof elements are permitted to exceed this height.

- (iv) roof top trellises, railings and outdoor recreational and landscape features may exceed the maximum building height shown on Schedule RM6(251).
 - (v) A maximum of 14 storeys excluding mechanical penthouse and rooftop indoor recreational amenity area is permitted above the Established Grade.
- (l) Except as provided herein, Section 2.10 shall continue to apply.

PARKING

- (m) The minimum parking spaces shall be calculated in accordance with the following:

Residential

- 1-bedroom – 0.7 spaces per dwelling unit.
- 2-bedrooms – 0.9 spaces per dwelling unit.
- 3- or more bedrooms – 1.0 spaces per dwelling unit
- Visitors – 0.10 spaces per dwellings unit.

BICYCLE PARKING

- (n) The minimum number of parking spaces shall be calculated in accordance with the following:
- (i) 0.60 spaces per dwelling unit;
 - (ii) 0.15 spaces per dwelling unit for visitors.

LOADING SPACE DIMENSIONS

- (o) A minimum of 1 loading space shall be provided, which shall have minimum dimensions of 4.0 metres x 13.0 metres and a minimum vertical clearance of 6.1 metres.

DIVISION OF LANDS

- (p) Notwithstanding any severance, or division of the lands subject to this exception, the regulations of this exception shall continue to apply to the whole of the lands.

SECTION 37 AGREEMENT

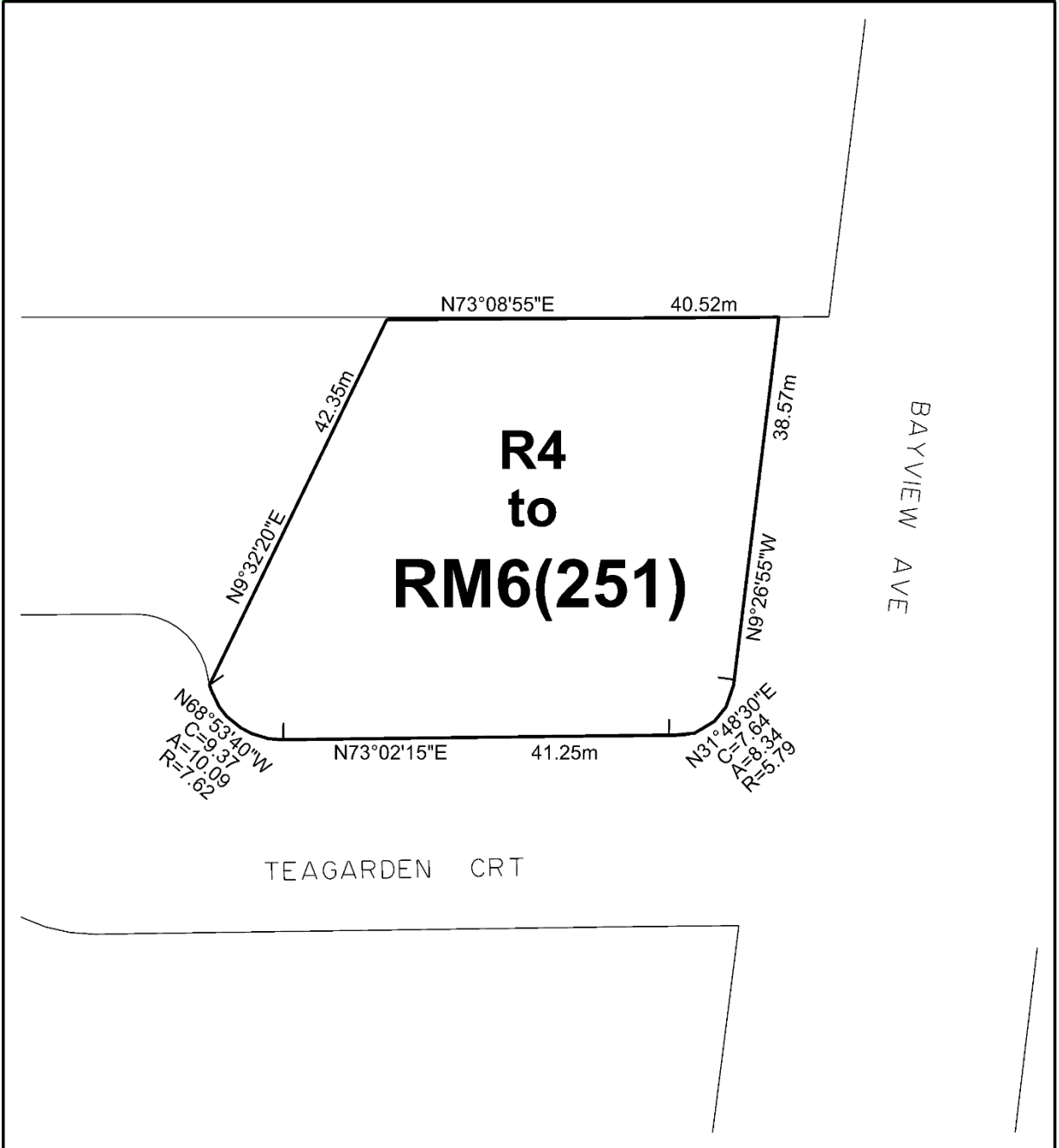
- (q) In order to permit an increase in the maximum gross floor area cited in clause 2(h) of this exception, the owner of the Lands shall enter into and register against title to the Lands an agreement or agreements pursuant to Section 37 of the Planning Act securing the provision of the following facilities, services or matters, to the satisfaction of the City Solicitor:
- (i) Prior to the issuance of the first Above Grade Permit for all or any part of the Lands, the owner shall pay to the City a cash contribution of \$550,000 to be allocated to capital improvements for area parks that will benefit the community in the vicinity of the development, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Index for Toronto, calculated from the date of the agreement pursuant to Section 37 of the Planning Act to the date of payment.
 - (ii) Prior to the issuance of the first Above Grade Permit for all or any part of the Lands, the owner shall pay to the City an additional cash contribution of \$350,000 to be allocated to capital improvements for area parks that will benefit the community in the vicinity of the development, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Index for Toronto, calculated from the date of the agreement pursuant to Section 37 of the Planning Act to the date of payment.

EXEMPTIONS

- (r) The following sections of By-law 7625 and Section (r) of site-specific By-law 1338-2018(LPAT) shall not apply:
- (i) The provisions of Section 15.8 (Landscaping);
 - (ii) The provisions of Section 20-A.2.2 (Lot Coverage);
 - (iii) The provisions of Section 20-A.2.5 (Gross Floor Area);
 - (iv) The provisions of Section 6A(16)(c) (Location of Loading Spaces);
 - (v) The provisions of Section 6-A(2)(a) (Parking Requirements) and 6A(8) (Parking Requirements for RM zones);
 - (vi) The provisions of Section 15.6 (Minimum Distance of Apartment House Dwellings from R and RM2 Zones) and Section 20-A.2.4.1 (Distance between Buildings and/or Portions of Buildings Forming Courts)
3. Section 64.20-A of By-law 7625 of the former City of North York is amended by adding Schedule 1 and Schedule RM6(251) attached to site-specific By-law 1338-2018(LPAT).

4. Section 64.20-A of By-law 7625 and site-specific By-law 1338-2018(LPAT) of the former City of North York is amended by adding Schedule 1 and Schedule RM6(251) attached to this By-law.

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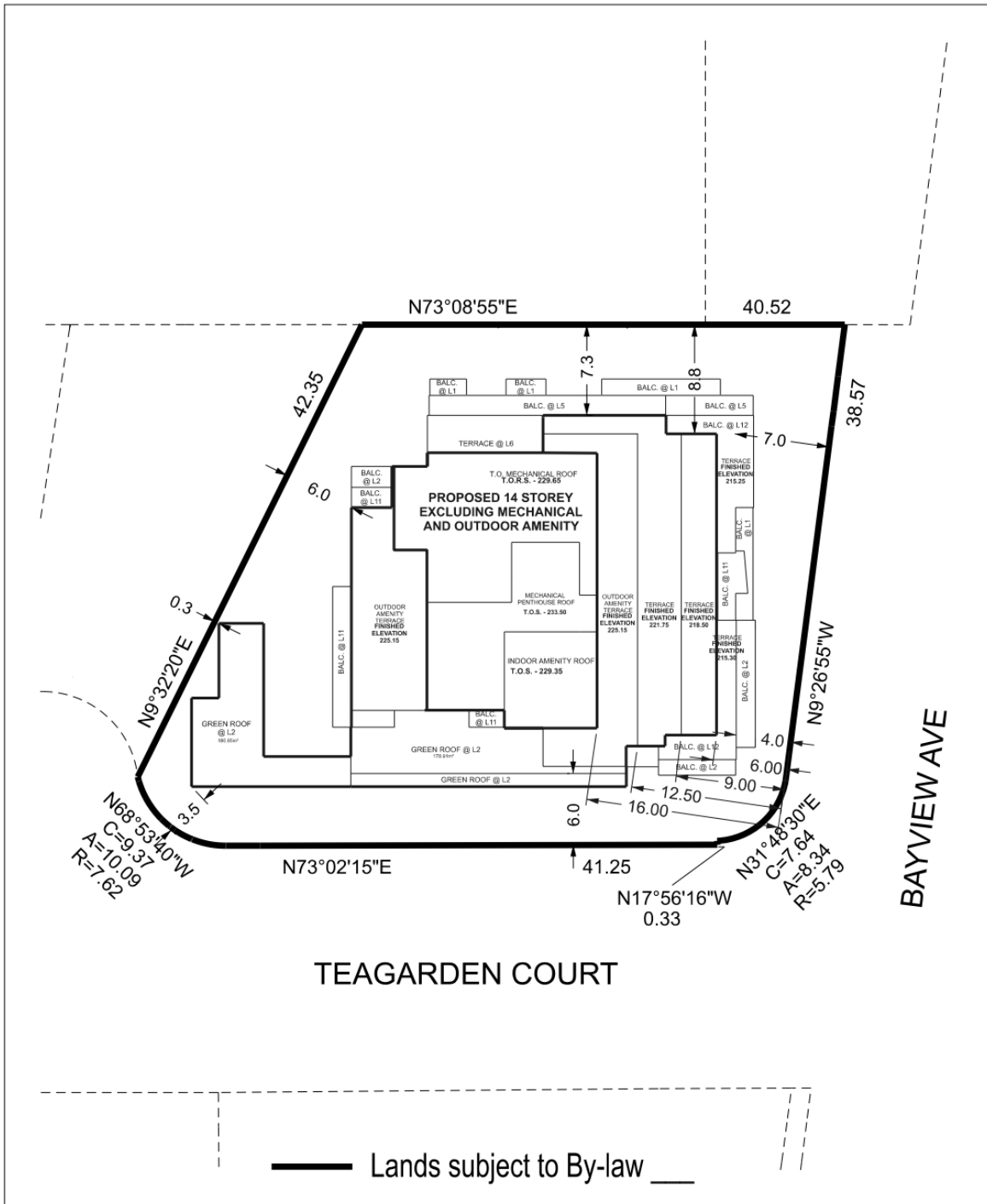
Schedule 1

2,4 & 6 Teagarden Court
Parcels 1-1, 2-1, 3-1, Section M1669 LOT 1 PLAN 66M1669

File # 11 328717 NNY 23 0Z

Date: 07/17/2013
Approved by: G.M.





Schedule RM6 [251]

2, 4, AND 6 TEAGARDEN COURT
 PARCELS 1-1, 2-1, 3-1, SECTION M1669 LOT 1
 PLAN 66M1669
 (formerly in the CITY OF YORK)
 CITY OF TORONTO

File # 20 192585 NNY 18 OZ

former City of North York By-law 7625

Not to Scale
 Sept 13/21