

Authority: Ontario Land Tribunal Decisions/Orders
issued August 19, 2022 (effective August 14, 2022) in
File PL200249

CITY OF TORONTO

BY-LAW 314-2023(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands known municipally in the year 2021 as 287 Davenport Road and 141, 143 and 145 Bedford Road.

Whereas the Ontario Land Tribunal pursuant to its Decision/Order issued on August 19, 2022 (effective August 14, 2022) in File PL200249 upon hearing an appeal under Section 34(11) of the Planning Act R.S.O. 1990, c. P.13, as amended deems it advisable to amend By-law 569-2013, as amended, for the City of Toronto with respect to lands municipally known as 287 Davenport Road and 141-145 Bedford Road; and

Whereas pursuant to Section 39 of the Planning Act, as amended, the Council of a Municipality may, in a By-law passed under Section 34 of the Planning Act, 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 height and 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 and 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 height or 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 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 Ontario Land Tribunal Decisions/Orders issued August 19, 2022 (effective August 14, 2022) in Tribunal File PL200249, By-law 569-2013 of the City of Toronto, 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 from zone labels of CR 2.0 (c2.0; r1.5) SS2 (x2357) and R (d1.0) (x471) to a zone label of CR 2.0 (c2.0; r1.5) (SS2) (x521) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number (521) so that it reads:

(521) Exception CR 521

The lands, or portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 287 Davenport Road and 141-145 Bedford Road, if the requirements of Section 7 and Schedule A of By-law 314-2023(OLT) are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Sections (B) to (X) below;
- (B) Despite Regulation 5.10.30.20(1), the **front lot line** is the **lot line** running parallel to Davenport Road;
- (C) 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 119.28 metres and elevation of the highest point of the **building** or **structure**;
- (D) Despite Regulation 40.10.40.1(1), within a **mixed-use building**, residential use portions of a **building** may be located below or on the same **storey** as non-residential uses portions of a **building**;
- (E) Regulation 40.10.40.1(6), with respect to location of entrances when abutting a **lot** in the Residential Zone category, does not apply;
- (F) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the number following the HT symbol in metres as shown on Diagram 3 of By-law 314-2023(OLT);
- (G) Despite Regulations 40.5.40.10(3) to (8) and (F) above, the following equipment and **structures** may project beyond the permitted maximum height of a **building**:
 - (i) railings, guard rails, parapets, terraces, patios, planters, balustrades, bollards, stairs, ladders, ancillary **structures**, retaining walls, wheelchair ramps and ornamental or architectural features, elements of a **green roof**,

- landscape features, cabanas, trellises, wind mitigation features, privacy screens, terrace dividers, covered stairs or stair enclosures and fences by a maximum of 3.0 metres;
- (ii) elements used for the functional operation of the **building**, including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access ladders, maintenance equipment storage, water supply facilities, safety elements, chimneys, pipes, vents, shafts, elevators, elevator machine rooms, vents, water supply facilities cooling elements, and related structural, mechanical, enclosure and screening elements by a maximum of 2.0 metres; and
 - (iii) for the level of the **building** with a maximum height of 53.5 metres, the equipment and **structures** permitted in (ii) above, may only be located within the area labelled as "MPH" on Diagram 3 of By-law 314-2023(OLT);
- (H) Regulations 40.5.40.10(5) and 40.5.40.10(8), with respect to the functional operation of a **building**, do not apply;
- (I) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** for residential and non-residential uses is 12,900 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 12,600 square metres;
 - (ii) the permitted maximum **gross floor area** for non-residential uses is 300 square metres;
- (J) Despite Regulation 40.10.40.70(2), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law 314-2023(OLT);
- (K) Despite (J) above and Regulations 40.10.40.60(1), 40.10.40.60(2), and 40.10.40.60(9), and in addition to Regulations 40.10.40.60(3), 40.10.40.60(5), 40.10.40.60(6), 40.10.40.60(7), 40.10.40.60(8) the following elements of a **building** or **structure** may also encroach into the required **building setbacks** as shown on Diagram 3 of By-law 314-2023(OLT) as follows:
- (i) roof overhangs, balustrades, canopies, chimneys, vents, pipes cornices, eaves, guardrails, parapets, landscape and **green roof** elements, waste storage and **loading space** enclosures, lighting fixtures, ornamental and masonry elements, public art features, railings, window washing equipment, terraces, decorative architectural features, privacy screens, stair enclosures, stairs, trellises, underground garage ramps, vents, wheelchair ramps, wind mitigation features and windowsills, to a maximum extent of 2.0 metres; and
 - (ii) balconies, to a maximum extent of 2.35 metres;

- (L) Regulation 40.10.40.80(2), with respect to the minimum separation of the **main walls** of a **building**, does not apply;
- (M) Regulation 40.10.50.10(2), with respect to fence requirements if abutting a **lot** in the Residential category, does not apply;
- (N) Regulations 40.10.50.10(1)(A) and 40.10.50.10(3), with respect to **landscaping** requirements if abutting a **lot** in the Residential Zone category, does not apply;
- (O) Despite Regulation 40.10.90.40(1)(B), access to a **loading space** may be provided from Davenport Road;
- (P) Despite Regulation 40.10.100.10(1)(B), **vehicle** access to the **lot**, may be provided from Davenport Road;
- (Q) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided on the **lot** in accordance with the following requirements:
 - (i) a minimum of 1.0 **parking spaces** for each bachelor **dwelling unit**;
 - (ii) a minimum of 0.5 **parking spaces** for each one bedroom **dwelling unit**;
 - (iii) a minimum of 0.8 **parking spaces** for each two bedroom **dwelling unit**;
 - (iv) a minimum of 1.0 **parking spaces** for each three bedroom **dwelling unit**;
 - (v) a minimum of 0.1 **parking spaces** for each **dwelling unit** for residential visitors, which may be shared on a non-exclusive basis with non-residential uses; and
 - (vi) a minimum of 1 **parking spaces** for each 100 square metres of non-residential **gross floor area** for non-residential uses;
- (R) Regulations 200.5.10.1(1) and 200.5.10.1(2) and Table 200.5.10.1, with respect to maximum **parking space** rates, do not apply
- (S) Despite Regulation 200.5.1.10(2), a maximum of 5 percent of the total number of **parking spaces** may have a minimum width of 2.6 metres, despite being obstructed as described in Regulation 200.5.1.10(2)(D);
- (T) Despite Regulation 200.5.1.10(2)(D), electric **vehicle** infrastructure, including electrical **vehicle** charging equipment, does not constitute an obstruction to a **parking space** subject to the equipment being located in the same **parking space** as the **vehicle** to be charged;
- (U) Despite Regulations 200.15.1(1) to (4), accessible **parking spaces** must be provided in accordance with the following:

- (i) an accessible **parking space** must have the following minimum dimensions:
 - a. length of 5.4 metres;
 - b. width of 3.4 metres; and
 - c. vertical clearance of 2.1 metres; and
- (ii) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path as shown on Diagram 1 and Diagram 2 of By-law 579-2017;
- (iii) accessible **parking spaces** must be located within 24 metres of a barrier free entrance to the **building** or passenger elevator that provides access to the first **storey** of the **building**;
- (V) Despite Clause 230.40.1.20, "short-term" **bicycle parking spaces** may be located more than 30.0 metres from a pedestrian entrance to the **building**;
- (W) A minimum of 55 percent of the total number of **dwelling units** on the **lot** must contain a minimum of two bedrooms and a minimum of 10 percent of the total number of **dwelling units** must contain a minimum of three bedrooms;
- (X) If the calculation of the number of required **dwelling units** with two or three bedrooms in (W) above results in a number with a fraction, the number will be rounded down to the nearest whole number.

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. None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a temporary sales office on the **lot**, used exclusively for the initial sale and/or initial leasing of **dwelling units** or non-residential units proposed on the same **lot**, for a period of not more than 3 years from the date this By-law comes into full force and effect, provided the temporary sales office is limited to a height of 1 **storey** and 3.0 metres;
- 7. Section 37 Provisions
 - (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height 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 shall be dependent on 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 provisions of Schedule A are satisfied.

Ontario Land Tribunal Decisions/Orders issued August 19, 2022 (effective August 14, 2022) in File PL200249.

SCHEDULE A
Section 37 Provisions

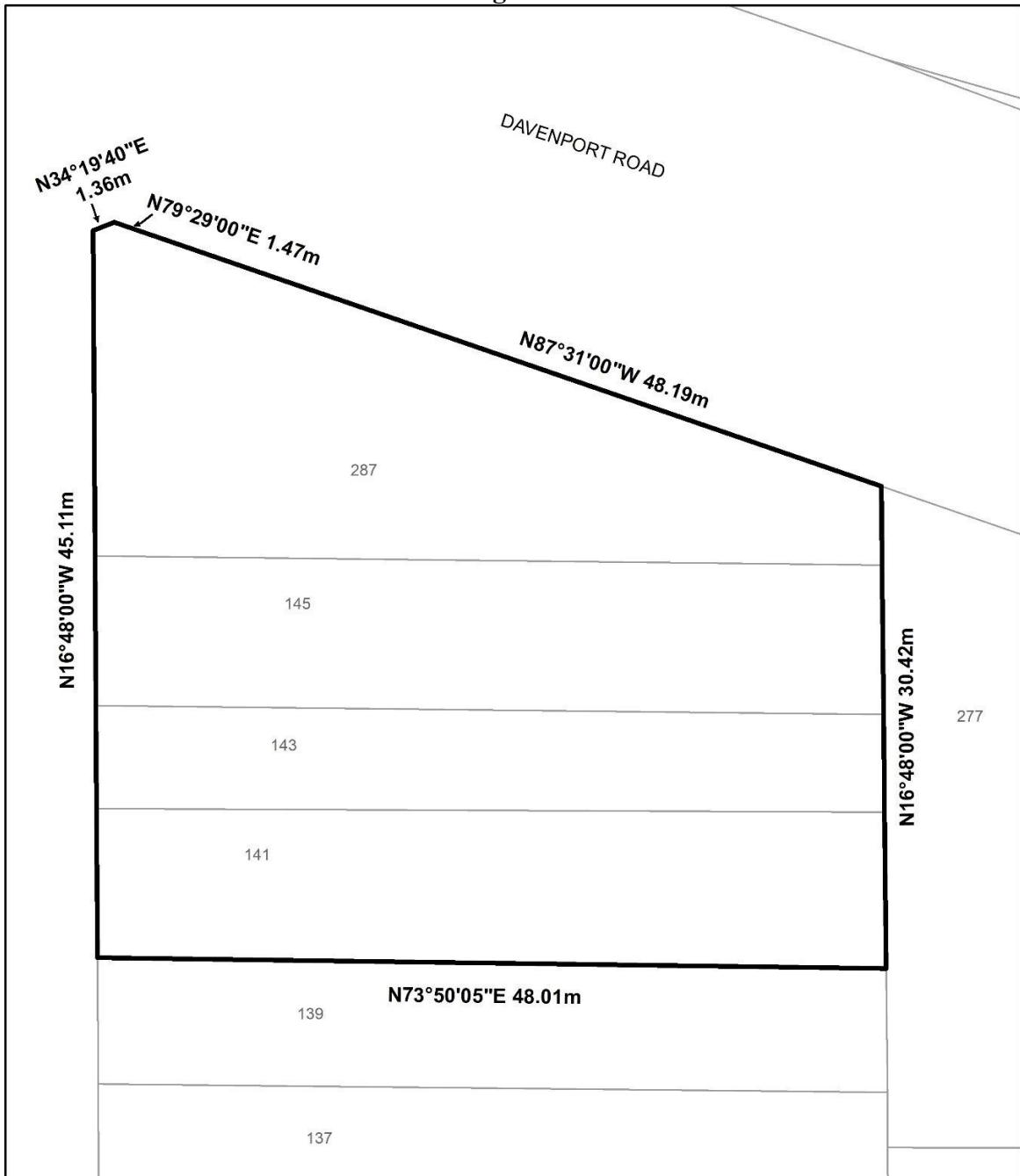
The facilities, services and matters set out herein are required to be provided by the owner of the lot at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the Planning Act, in a form satisfactory to the City with conditions providing for indexing escalation of all financial contributions from the passage of the zoning by-law, no credit for development charges, indemnity, insurance, HST, termination and unwinding, and registration and priority of agreement whereby the owner shall agree as follows:

1. Prior to the issuance of an above-grade building permit of the proposed development, a cash contribution of \$900,000.00 to be paid by the Owner and to be allocated toward the following, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor:
 - a. \$160,000.00 to be allocated to new or existing Toronto Community Housing and/or affordable housing in the Ward; and
 - b. \$740,000.00 towards current and future streetscape improvements and landscaping upgrades in the vicinity of the subject site, including along Bedford Road, potentially including, but not limited to, landscaping, seating and lighting improvements and the potential removal of any existing boulevard parking.
2. The \$900,000.00 Cash Contribution shall be indexed upwardly in accordance with the Building Construction Price Index, or its successor, as defined in the Section 37 Agreement relating to the proposed development at 287 Davenport Road and 141-145 Bedford Road (the "Section 37 Agreement"), calculated from the date of the execution of the Section 37 Agreement to the date the Owner makes payment to the City; all cash contributions will be payable prior to issuance of the first above-grade building permit.
3. In the event that the portion of the cash contribution to be allocated towards local community benefits and improvements set out in Part 1 has not been allocated for other capital improvements, including but not limited to work on laneways and public right-of-ways adjacent to the Lands, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, within one (1) year after the Amending By-laws come into force and effect, the Parties acknowledge and agree to pursue such steps as they may agree are necessary to secure the foregoing capital improvements, including but not limited to effecting an amendment to this Agreement.
4. In the event the cash contribution referred to in Part 1 above has not been used for the determined purpose within three years of the amending Zoning By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided the purpose is identified in Official Plan Policy 5.1.1 and will benefit the community in the vicinity of the lands;
5. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City

Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Management Committee, as further amended by City Council from time to time; and

6. The Owner shall erect a sign to the Toronto District School Board's specifications and satisfaction prior to issuance of any building permit.

Diagram 1

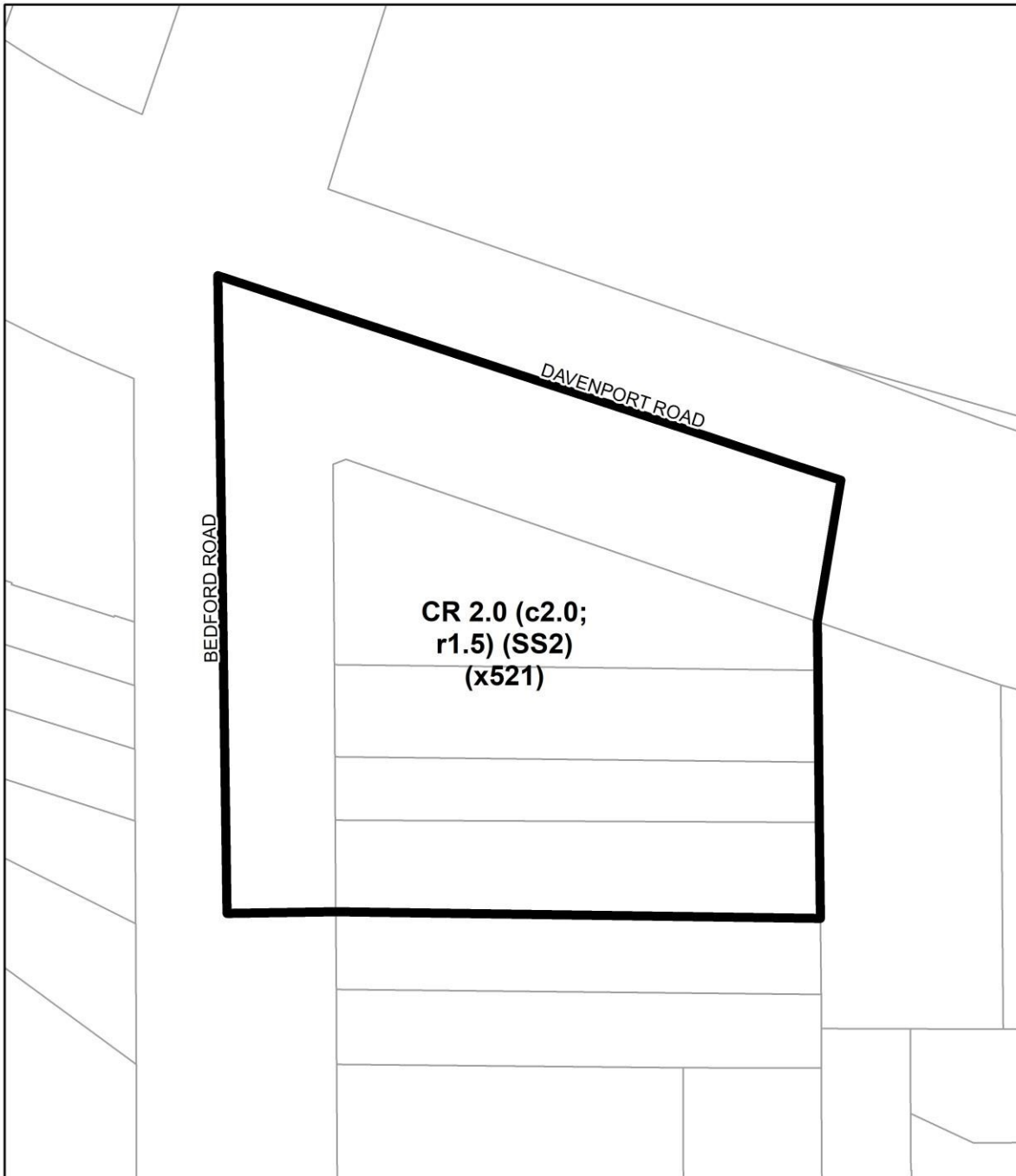


 **TORONTO**
Diagram 1

**287 Davenport Road And
141 - 145 Bedford Road**

File # 19 244078 STE 11 0Z

Diagram 2

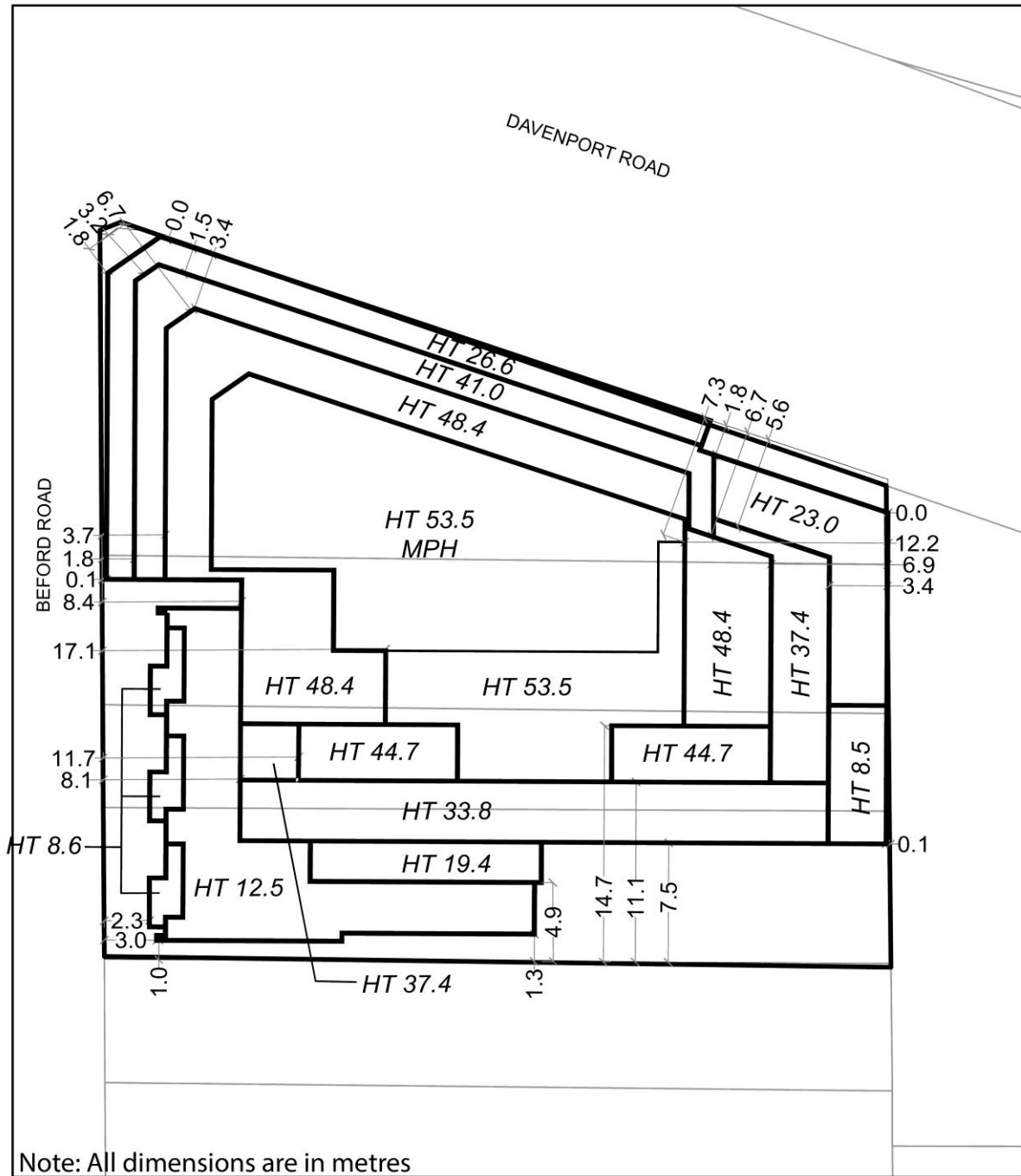


 **TORONTO**
Diagram 2

**287 Davenport Road And
141 - 145 Bedford Road**

File # 19 244078 STE 11 0Z

Diagram 3



 **TORONTO**
Diagram 3

**287 Davenport Road And
141 - 145 Bedford Road**

File # 19 244078 STE 11 0Z