

Authority: Ontario Land Tribunal Decision issued on July 2, 2019 and Order issued on April 14, 2023, in File PL170478

CITY OF TORONTO

BY-LAW 388-2023(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 14-16 Elvina Gardens, 197 and 197R Erskine Avenue.

Whereas the Ontario Land Tribunal Decision issued on July 2, 2019, and Ontario Land Tribunal Order dated April 14, 2023 in Tribunal File PL170478, 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, with respect to lands municipally known in the year 2022 as 14-16 Elvina Gardens, and 197 and 197R Erskine Avenue;

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

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines from a zone label of R (f9.0; u2; d0.6) (x956) and R (f7.5; u2; d0.6) (x958) to a zone label of R 1.0 (x144) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number 144, so that it reads:

(144) Exception R 144

- (A) On 14-16 Elvina Gardens, 197 and 197R Erskine Avenue, an **apartment building, detached, semi-detached dwellings and townhouses** may be constructed, used or enlarged in compliance with Regulations (B) to (O) below;
- (B) Despite regulation 10.10.40.40(1), the permitted maximum **gross floor area** on the **lot** is 2,000 square metres;
- (C) In addition to the areas of a **building** identified in regulation 10.5.40.40(3)(A), any portion of a **building** below the Canadian Geodetic Datum elevation of 160.50 metres is also excluded from the calculation of **gross floor area**;
- (D) Despite regulations 10.5.40.10(1) and (2), the height of a **building** or **structure** is the vertical distance between the Canadian Geodetic Datum elevation of 160.50 metres and the highest point of the **building** or **structure**;

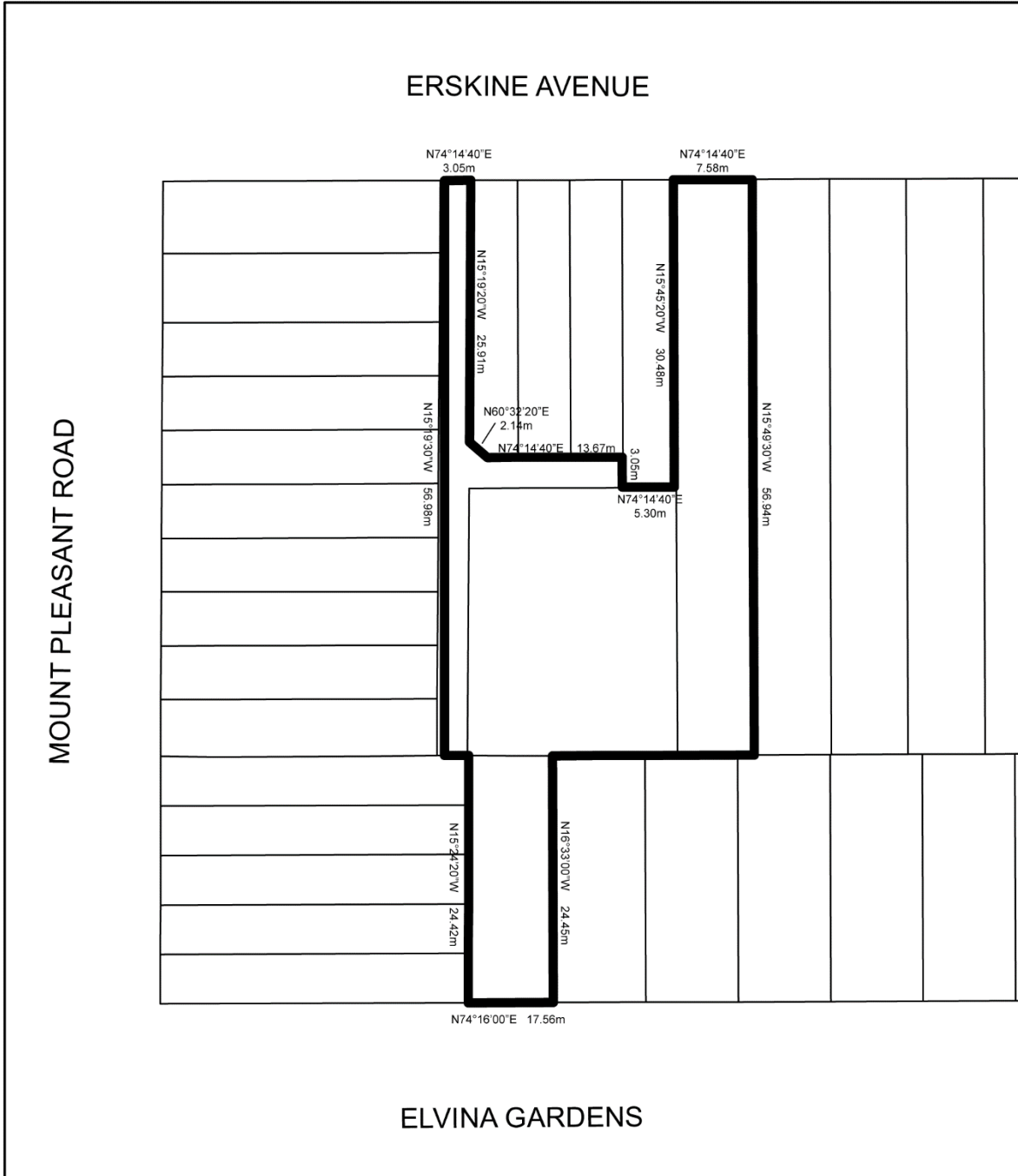
- (E) Despite regulations 10.10.40.10(1), the permitted maximum height of any **building** or **structure** is the numerical value, in metres, following the letters "HT" shown on Diagram 3 of By-law 388-2023(OLT);
- (F) Regulation 10.10.40.10(2) regarding the maximum permitted height of the exterior portion of **main walls** for a **residential building** does not apply;
- (G) Despite (E) above and regulations 10.5.40.10(2), (3) and (4), and 10.10.40.10(2), (4), (5), (6), (7), (8), (9) and (10), the following **building** elements and **structures** may exceed the permitted maximum **building** height:
- (i) a parapet, roof drainage components, or thermal and waterproofing assembly located at each of the roof levels of the **building**, all of which may project up to a maximum of 1.8 metres;
 - (ii) safety railings, fences and guardrails at each of the roof levels of the **building**, all of which may project up to a maximum of 2.0 metres;
 - (iii) **structures** on the roof of any part of the **building** used for outside or open air recreation, **green roof** elements, planters, wind mitigation elements, noise mitigation elements, screens, trellises, landscape features, telecommunications equipment and antennae, and partitions dividing outdoor recreation areas, all of which may project up to a maximum of 3.0 metres; and
 - (iv) mechanical penthouses, equipment used for the functional operation of the **building**, such as electrical, utility, mechanical and ventilation equipment, stairs, stair enclosures, window washing equipment, lightning rods, exhaust flues, vents, ventilating equipment, chimney stack, and garbage chute overruns, and **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in this section, all of which may project up to a maximum of 5.0 metres;
- (H) Despite regulation 10.10.40.10(3), the permitted maximum number of **storeys** is three;
- (I) Despite clause 10.50.40.70, and regulations 10.10.40.70(1), (2) and (3) and 10.10.40.80(1), the required minimum **building setbacks** for a **building** or **structure** are shown on Diagram 3 of By-law 388-2023(OLT);
- (J) Despite regulation 10.5.40.60(1), balconies and terraces located at or above the second **storey** may encroach into a required **building setback** up to a maximum of 3.0 metres;
- (K) Despite regulation 10.5.40.60(2), canopies, awnings or other weather protection elements may encroach into a required **building setback** up to a maximum of 3.0 metres;

- (L) Despite regulation 10.5.40.60(5), architectural features may encroach into a required **building setback** up to a maximum of 0.75 metres;
- (M) Despite regulation 10.5.40.60(8), equipment including vents, pipes, utility equipment, satellite dishes, antennas, or air conditioners may encroach into a required **building setback** up to a maximum of 1.0 metres;
- (N) Regulation 10.10.40.30(1) regarding maximum permitted **building depth** does not apply;
- (O) Despite regulation 200.5.10.1 and Table 200.5.10.1, **parking spaces** must be provided and maintained in accordance with the following requirements:
 - (i) For a **detached house**, no **parking spaces** are required; and
 - (ii) For a **semi-detached house** or **townhouse**, a minimum of one (1) **parking space** per **dwelling unit** for residential occupants, and one (1) **parking space** for residential visitors.

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

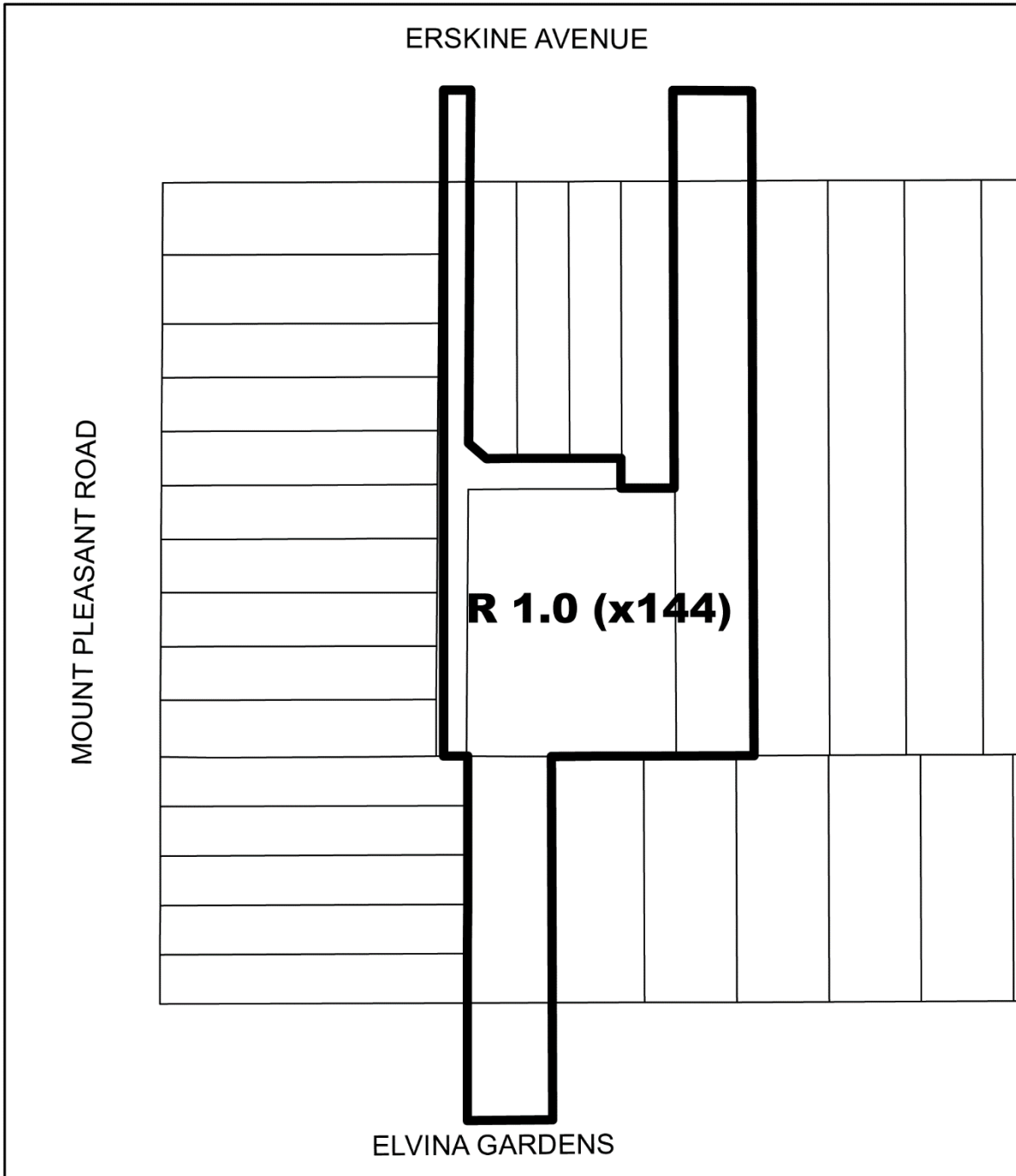
5. Despite any existing or future severance, partition or division of lands, the provisions of this By-law apply to the whole of the lands as if no severance, partition or division occurred.

Pursuant to Ontario Land Tribunal Decision issued on July 2, 2019 and Order issued on April 14, 2023, in File PL170478.



197-197R Erskine Avenue & 14-16 Elvina Gardens

File # 16 263364 NNY 25 0Z



 **TORONTO**
Diagram 2

197-197R Erskine Avenue & 14-16 Elvina Gardens

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