

Authority: Local Planning Appeal Tribunal Decision
issued on April 27, 2020 and Ontario Land Tribunal Order
issued on August 12, 2022 in Tribunal File PL171127 and
OLT-22-004021

CITY OF TORONTO

BY-LAW 393-2023(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2019 as 128-132 Gorman Park Road and 795-799 Sheppard Avenue West.

Whereas the Ontario Land Tribunal, in its Decision issued on April 27, 2020 and its Order issued on August 12, 2022, in file PL171127, in hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, ordered the amendment of Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2019 as 128-132 Gorman Park Road and 795-799 Sheppard Avenue West; and

Whereas pursuant to Section 36 of the Planning Act, as amended, a by-law passed under Section 34 of the Planning Act, may use a holding symbol "(H)" in conjunction with any use designation to specify the use that lands, buildings or structures may be put once council removes the holding symbol "(H)" by amendment to the by-law; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of the holding symbol "(H)"; 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, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020., c. 18 ("COVID-19 Economic Recovery Act, 2020") came into force, 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, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 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, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters and to enter into an agreement prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of same; 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;

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 to (H)CR 1.0 (c1.0; r1.0) SS2 (x783), as shown on Diagram 2, attached hereto and forming part of this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 783 so that it reads:

(783) Exception CR 783

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 128-132 Gorman Park Road and 795-799 Sheppard Avenue West, as shown on Diagram 1 of By-law 393-2023(OLT), if the requirements of Section 8 and Schedule A of By-law 393-2023(OLT) are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with (B) to (O) below;
- B. For the purpose of this exception, the **lot** is as shown on Diagram 1 of By-law 393-2023(OLT);
- C. Despite Regulation 40.10.40.70(2) and Clause 40.10.40.80, the required minimum **building setbacks** and separation of **main walls** are as shown in metres on Diagram 3 of By-law 393-2023(OLT);
- D. Despite Clause 40.10.40.60 and (C) above, the following elements may encroach into the required minimum **building setbacks** and separation distances as follows:
 - (i) Cornices, lighting fixtures, window washing equipment, awnings, canopies, finials, parapets, terraces, terrace guards, platforms, ornamental or architectural elements, trellises, eaves, window sills, bay windows, canopies, guardrails, balustrades, railings, wind mitigation screens and

- features, planters, monuments, arbours, patios, decorative features, stairs, stair enclosures, stair landings, supportive columns, wheel chair ramps, vents, stacks, wind screens and features, acoustic screens and features, underground garage ramps and their associated **structures**, underground garage stair enclosures, retaining walls, fences, screens, weather protection canopies, and landscape and public art features, to a maximum of 3.0 metres; and
- (ii) balconies to a maximum of 2.5 metres;
- E. Despite Regulation 40.10.40.10(2) the permitted maximum height of a **building** or **structure** is the height in metres specified by the numbers following the symbol HT on Diagram 3 of this By-law 393-2023(OLT);
- F. Despite Regulations 40.5.40.10(3) to (8) and (E) above, the following equipment and **structures** may project above the permitted maximum height of the **building**:
- (i) A parapet, roof drainage, thermal insulation or roof ballast, located at each of the roof levels of the **building**, provided the maximum vertical distance of any such structure does not exceed 1.8 metres;
- (ii) Safety railings and fences at each of the roof levels of the **building**, provided the maximum vertical dimension of any such structure does not exceed 1.8 metres, which are permitted to have a maximum combined vertical dimension with (i) above of 2.75 metres above the height of each roof level of the **building**;
- (iii) **Structures** on the roof of any part of the **building** used for outside or open air recreation, **green roof** elements, wind mitigation elements, landscape features, architectural elements, elevator overruns, public art features, mechanical equipment, telecommunications equipment and antennae, window washing equipment, stair towers, partitions dividing outdoor recreation areas, trellises or a fence, planters, landscape features, walls or **structures** enclosing such elements, lightning rods and exhaust flues, swimming pools (elevated or otherwise), **structures** housing pool or spa maintenance or operational equipment, provided the maximum vertical distance of such does not exceed 4.0 metres.
- G. Despite regulation 40.5.40.10(1) and (2) the height of the **building** or **structure** is the distance between Canadian Geodetic Datum elevation of 191.00 metres and the elevation of the highest point of the **building** or **structure**;
- H. Despite regulation 40.10.40.40(1) the permitted maximum **gross floor area** on the **lot** is 16,000 square metres;
- I. A maximum of 170 **dwelling units** are permitted on the **lot** of which a minimum of 20 percent of the **dwelling units** must provide a minimum **interior floor area** of 75 square metres;

- J. Despite regulations 40.10.40.50(1)(A) and (B) a minimum of 250 square metres of indoor **amenity space** and 250 square metres of outdoor **amenity space** must be provided on the **lot**;
- K. Despite clause 220.5.10.1, one Type "G" **loading space** must be provided on the **lot**;
- L. Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) A minimum of 0.8 residential occupant **parking spaces** for each **dwelling unit**;
 - (ii) A minimum of 0.03 residential visitor **parking spaces** for each **dwelling unit**
 - (iii) A minimum of 4 **parking spaces** for non-residential uses; and
 - (iv) for each "car-share parking space" provided, the required minimum number of **parking spaces** required by (i) above shall be reduced by 4 **parking spaces**; and
 - (v) for the purpose of this exception, "car-share" means the practice whereby a number of people share the use of one or more motor **vehicles** and such "car-share" motor **vehicles** are made available to at least the occupants of the **building** for short-term rental, including hourly rental; and
 - (vi) for the purpose of this exception, "car-share parking space" means a **parking space** exclusively reserved and signed for "car-share" purposes;
- M. Despite regulation 200.5.1.10(2), 10 **parking spaces** may have a minimum width of 2.4 metres, a minimum length of 5.4 metres, and a minimum height of 1.7 metres with or without obstructions;
- N. Despite regulations 30.5.1.10(9) and 230.40.1.20(1), **Bicycle parking spaces** may be provided, within or outside of a parking stacker - bicycle, and maintained on the **lot**;
- O. Despite regulation 230.5.1.10(4) the required minimum dimensions of a **stacked bicycle parking space** is a length of 1.5 metres, a width of 0.5 metres, and a vertical clearance of 1.2 metres;

Prevailing By-laws and Prevailing Sections: (none apply)

5. Holding Requirements:

Prior to the lifting of the (H) holding in whole or in part, the following applies:

- (A) The lands zoned with the "(H)" symbol delineated by heavy lines on Diagram 2 attached to and forming part of this By-law shall not be used for any purpose other than the uses and buildings as existed on the site or as otherwise specified in this by-law, as of the date of the passing of this by-law until the "(H)" symbol has been removed; and
 - (B) An amending by-law to remove the Holding provision in (A) above, in whole or in part, shall be enacted by City Council when the following condition has been fulfilled to the satisfaction of Council:
 - i. An acceptable sanitary system solution has been constructed and is operational as determined by the Chief Engineering and Executive Director, Engineering and Construction Services.
6. Despite any regulation to the contrary in By-law 569-2013, a sales office is permitted on the **lot** for the purpose of the sale of **dwelling units** or non-residential units in the **building**.
7. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.
8. Section 37 Requirements:
- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and/or 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 shall be dependent on satisfaction of the same; and
 - (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and/or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

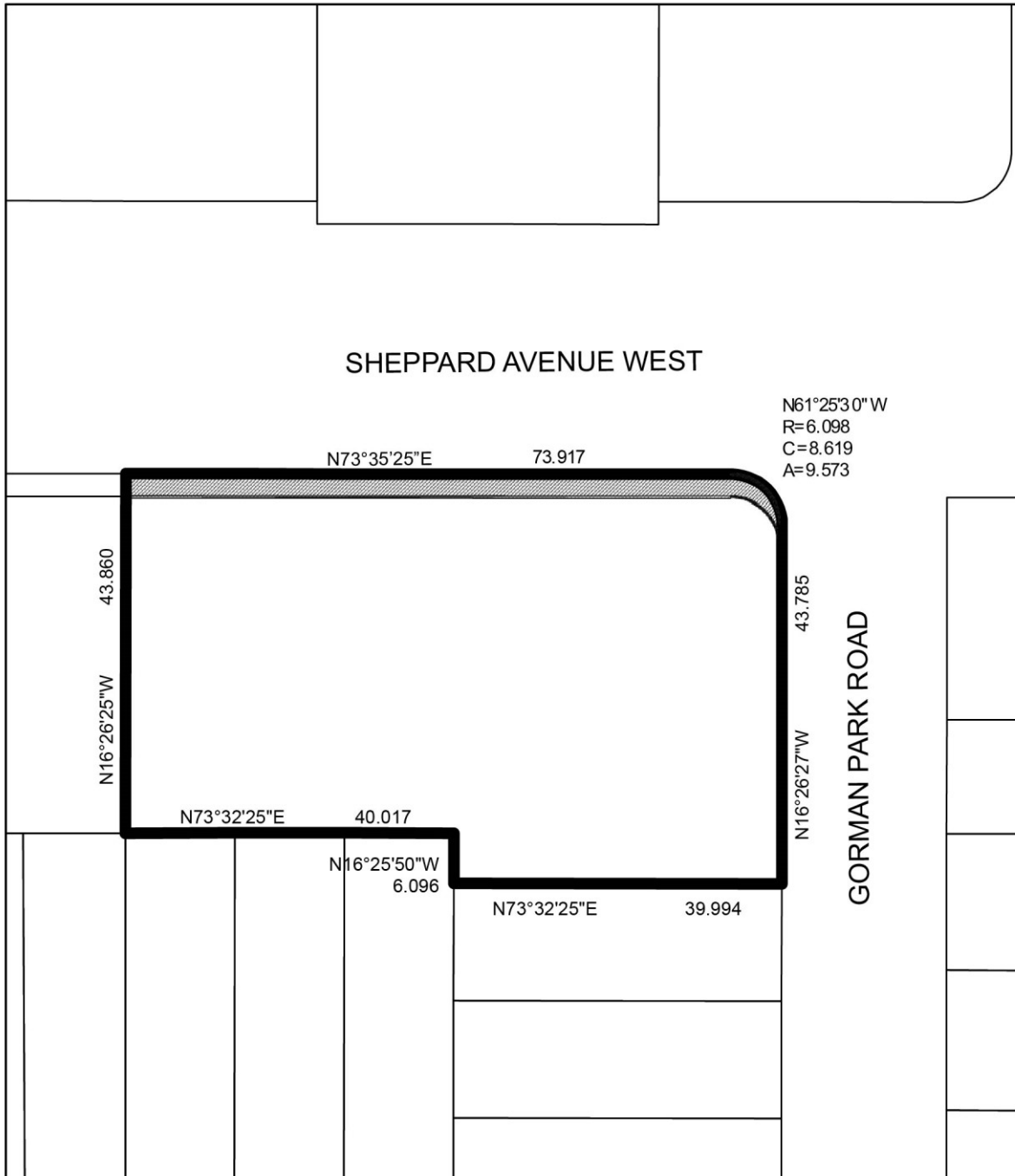
Pursuant to Local Planning Appeal Tribunal Decision issued on April 27, 2020 in Tribunal File PL171127 and Ontario Land Tribunal Order issued on August 12, 2022 in Tribunal File OLT-22-004021.

SCHEDULE A
Schedule 37

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 and density of the proposed development on the lands shown in Diagram 1 in this By-law. 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 community benefits and matters required to support the development, as follows:


Community Benefits


1. The Owner agrees to pay to the City the sum of \$997,000 ("Cash Contribution"), which shall be indexed annually in accordance with any increases in the Construction Price Index from the date of execution of this Agreement until the payment of the Cash Contribution, which shall be paid by certified cheque, as set out below:
 - a. payable prior to issuance of the first Above-grade Building Permit, to be allocated at the discretion of the Chief Planner, in consultation with the Ward Councillor, provided that the purposes are identified in the Official Plan and will benefit the community in the vicinity of the lands.

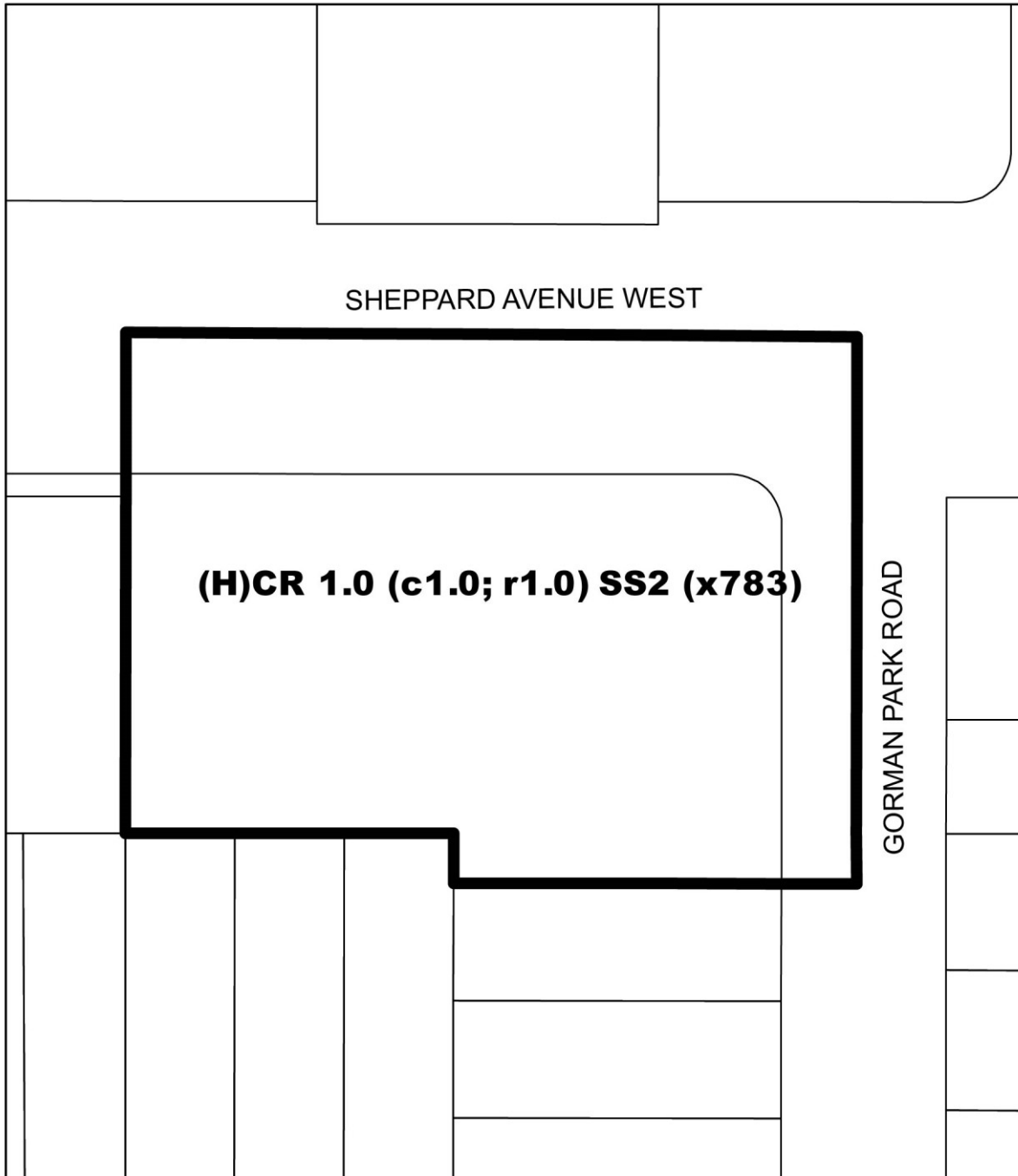


 **TORONTO**
Diagram 1

**128-132 Gorman Park Road &
795-799 Sheppard Avenue West**
File # 16 208768 NNY 10 02

 Area to be conveyed


City of Toronto By-law 569-2013
Not to Scale
08/08/2022

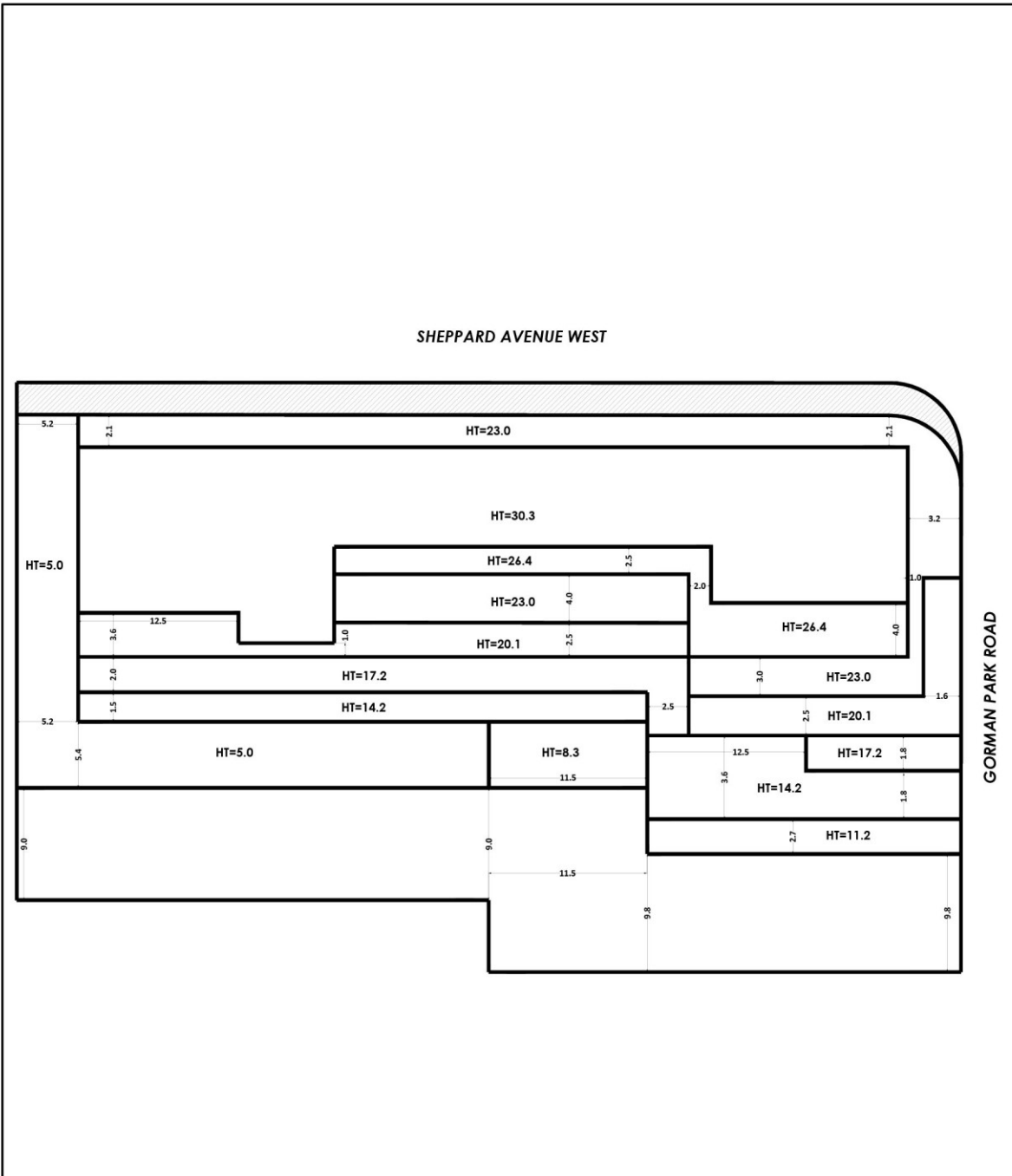


 **TORONTO**
Diagram 2

**128-132 Gorman Park Road &
795-799 Sheppard Avenue West**

File # 16 208768 NNY 10 02





128-132 Gorman Park Road &
795-799 Sheppard Avenue West
File # 16 208768 NNY 10 0Z

- Area Affected By This Bylaw
- Area To Be Conveyed

City of Toronto By-law 569-2013
Not to Scale
08/11/2022