

Authority: Ontario Land Tribunal Decision issued on August 15, 2022 and Ontario Land Tribunal Order issued on May 10, 2023 in Tribunal File OLT-21-001689

**CITY OF TORONTO**  
**BY-LAW 538-2023(OLT)**

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 4155 Yonge Street.**

Whereas the Ontario Land Tribunal, in its Decision issued on August 15, 2022 and its Order issued on May 10, 2023, in file OLT-21-001689, 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 2023 as 4155 Yonge Street; and

Whereas pursuant to Section 39 of the Planning Act, as amended, a by-law passed under Section 34 of the Planning Act, may authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the by-law;

The Ontario Land Tribunal, by Order, amends Zoning 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 adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: RA (d1.5) (x224) and ON as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Article 995.10.1 and applying no value.
5. Zoning By-law 569 -2013, as amended, is further amended by adding the lands to the Height Overlay Map in Article 995.20.1, and applying the following height and storey label to these lands: HT 10.5, ST 3, and no value as shown on Diagram 3 attached to this By-law.
6. Zoning By-law 569 -2013, as amended, is further amended by adding the lands to the Lot Coverage Overlay Map in Article 995.30.1, and applying the following lot coverage label to these lands: 33 as shown on Diagram 4 attached to this By-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands to the Rooming House Overlay Map in Article 995.40.1, and applying no value.

8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.7.10 Exception Number 224 so that it reads:

(224) Exception RA 224

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 4155 Yonge Street, if the requirements of By-law 538-2023(OLT) are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (N) below;
- (B) Despite Regulations 15.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 143.96 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite Clause 15.10.30.40, the permitted maximum **lot coverage** is 68 percent;
- (D) Despite Regulation 15.10.40.10(1)(A), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 5 of By-law 538-2023(OLT);
- (E) Despite Regulation 15.10.40.10(2), the permitted maximum number of **storeys** in a **building** is the number following the letters "ST", as shown on Diagram 5 of By-law 538-2023(OLT):
- (i) for the purpose of this exception, a mechanical penthouse, stair enclosures, and elevator overruns do not constitute a **storey**;
- (F) Despite Regulations 15.5.40.10(2)(A)(i), (3) and (4), and (D) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 5 of By-law 538-2023(OLT):
- (i) awnings and canopies to a maximum of 5.0 metres;
  - (ii) **structures** or parts of the **building** used for the functional operation of the **building**, such as enclosed stairwells, roof access, maintenance equipment storage, chimneys, vents, and water supply facilities, and any **structures** that enclose, screen, or cover these elements, to a maximum of 5.0 metres;
  - (iii) elevator shafts and any **structures** that enclose, screen, or cover the elevator shaft, to a maximum of 8.0 metres;
  - (iv) wheel chair ramps to a maximum of 1.0 metre;
  - (v) parapets and cornices to a maximum of 1.8 metres;

- (vi) guardrails, railings, and planters to a maximum of 2.0 metres;
  - (vii) retaining walls and bollards to a maximum of 1.5 metres;
  - (viii) landscape and public art features, fences, lighting fixtures, screens, and wind protection screens to a maximum of 3.0 metres;
  - (ix) trellises to a maximum of 4.5 metres;
  - (x) elevator overruns and eaves to a maximum of 8.0 metres;
  - (xi) architectural features and ornamental elements to a maximum of 5.7 metres; and
  - (xii) a mechanical penthouse may cover more than 30 percent of the area of the roof, and must be located in the area labelled "Mechanical Penthouse" shown on Diagram 5 of By-law 538-2023(OLT).
- (G) Despite Regulation 15.10.40.40(1) and 5.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 7,200 square metres;
- (H) The permitted maximum number of **dwelling units** is 30;
- (I) Despite Regulation 15.10.40.50(1)(B), at least 26.0 square metres of the required outdoor **amenity space** provided must be in a location adjoining or directly accessible to the indoor **amenity space**;
- (J) Despite Clause 15.10.40.70, the required minimum **building setbacks** are as shown in metres on Diagram 5 of By-law 538-2023(OLT). No minimum setbacks are required for below-grade portions of the building;
- (K) Despite Clause 15.10.40.60 and (J) above, the following elements may encroach into the required minimum **building setbacks** as follows:
- (i) window washing equipment;
  - (ii) bollards, chimneys, stacks, exhaust, cornices, fences, guardrails, lighting fixtures, pipes, planters, railings, screens, stacks, vents, wheel chair ramps, wind protection, window sills by a maximum of 0.5 metres;
  - (iii) eaves, by a maximum of 1.0 metres;
  - (iv) balconies by a maximum of 2 metres;
  - (v) awnings, canopies, stairs, stair enclosures and stair landings to a maximum by a maximum of 3 metres;

- (vi) platforms, terraces, terrace guards and parapets to the extent of the floor below; and
  - (vii) architectural elements/features, decorative features and ornamental elements to a maximum of 3.1 metres.
- (L) Despite Regulation 15.5.50.10(1)(A) and (B), a minimum of 405 square metres of **landscaping**, of which a minimum of 90 square metres of the required **landscaping** must be comprised of **soft landscaping**, must be provided and maintained on the **lot**;
- (M) Despite (K) above, the required minimum distance between the **building**, including all below and above ground **structures**, to any **transportation use buildings** or **structures** is 3.0 metres;
- (N) Despite (K) above, the required minimum distance between the **building**, including all below and above ground **structures**, to any **lot line** in the Open Space Natural (ON) Zone is 3.0 metres.

Prevailing By-laws and Prevailing Sections: None Apply

**9.** 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.

**10.** Temporary use(s):

- (A) None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of temporary sales office on the **lot** for a period of not more than 3 years from the date this By-law comes into full force and effect, provided:
  - (i) The **building** is a maximum of one **storey**.

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Diagram 1

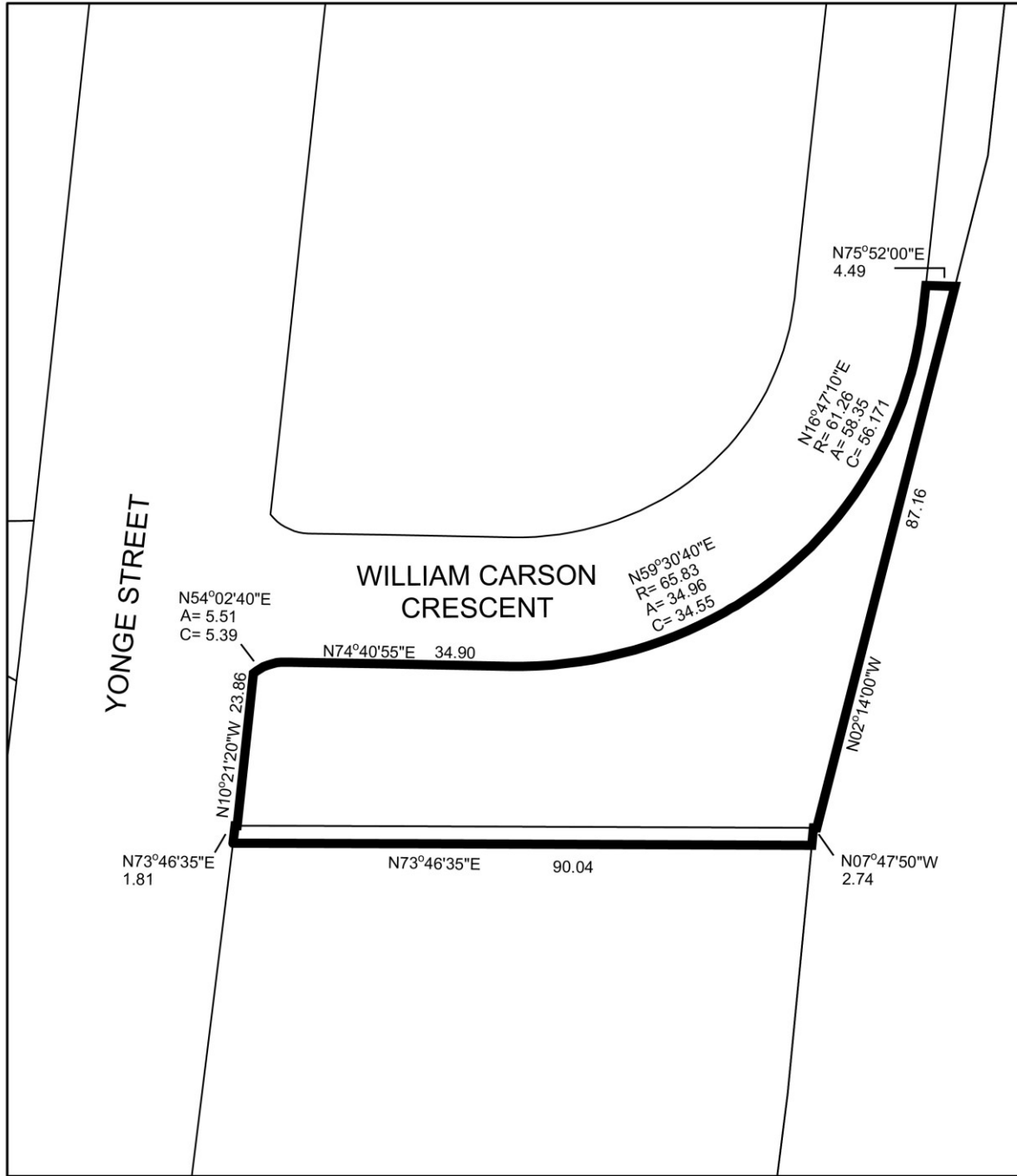
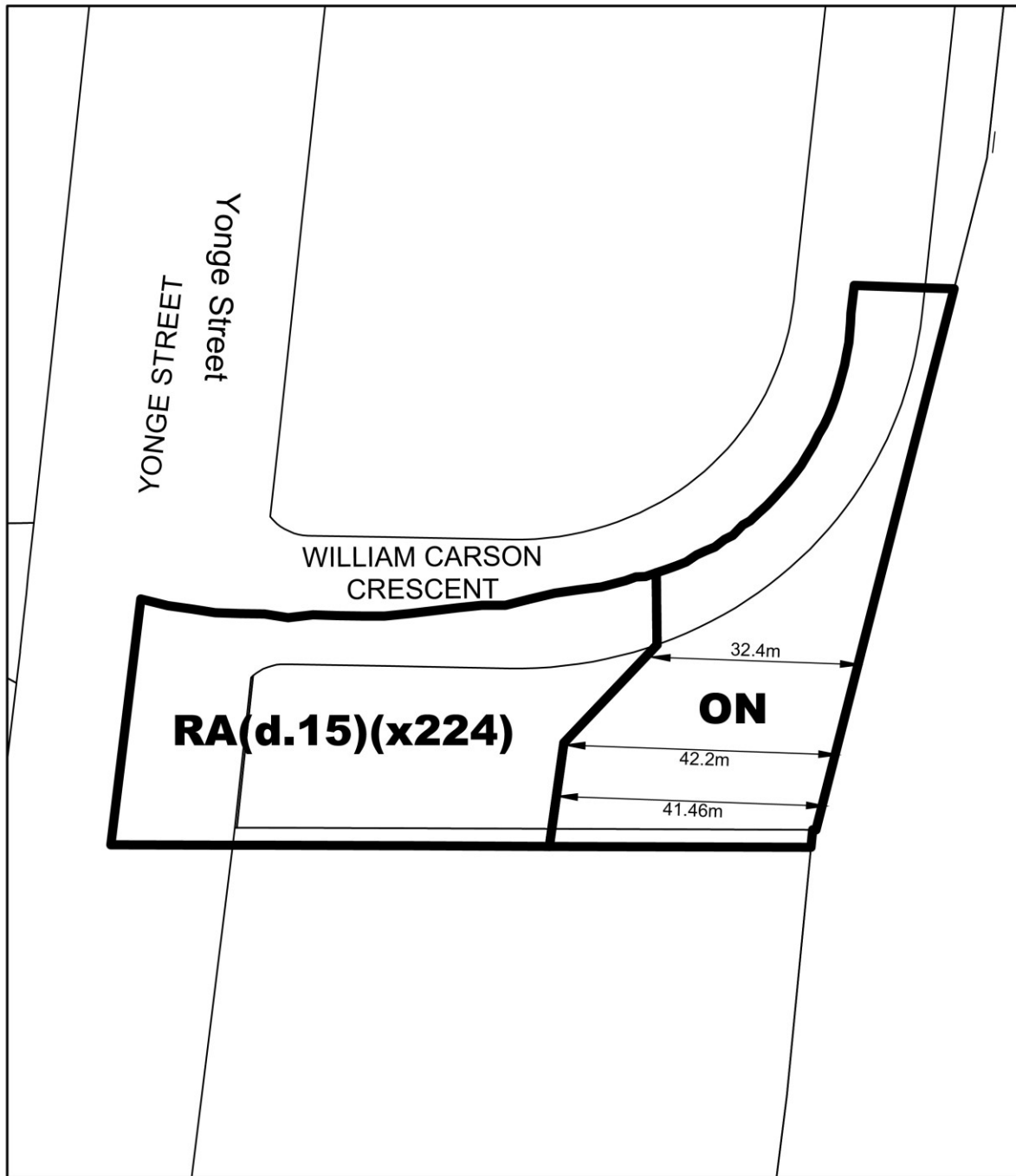


Diagram 2



**Diagram 3**

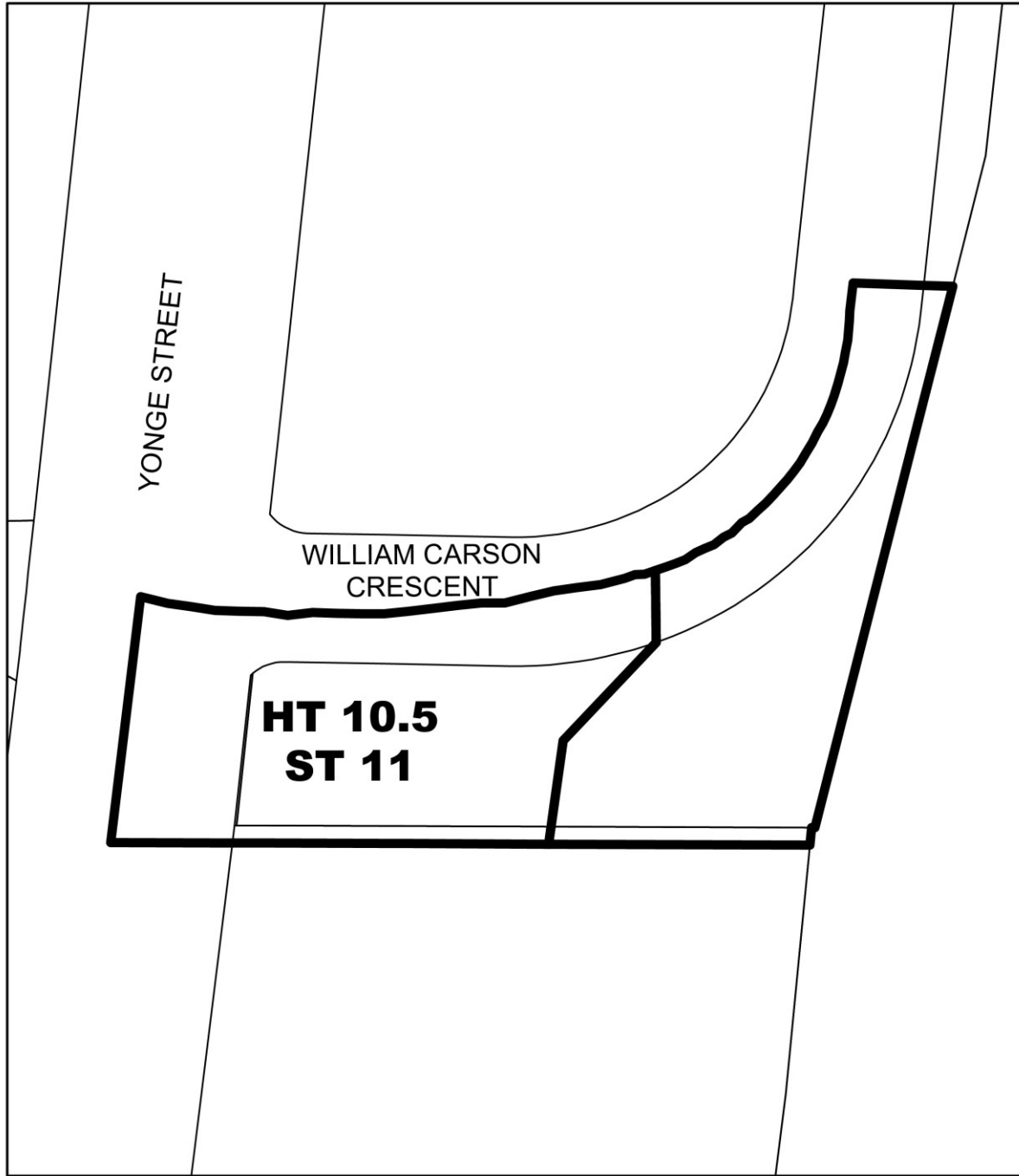


Diagram 4

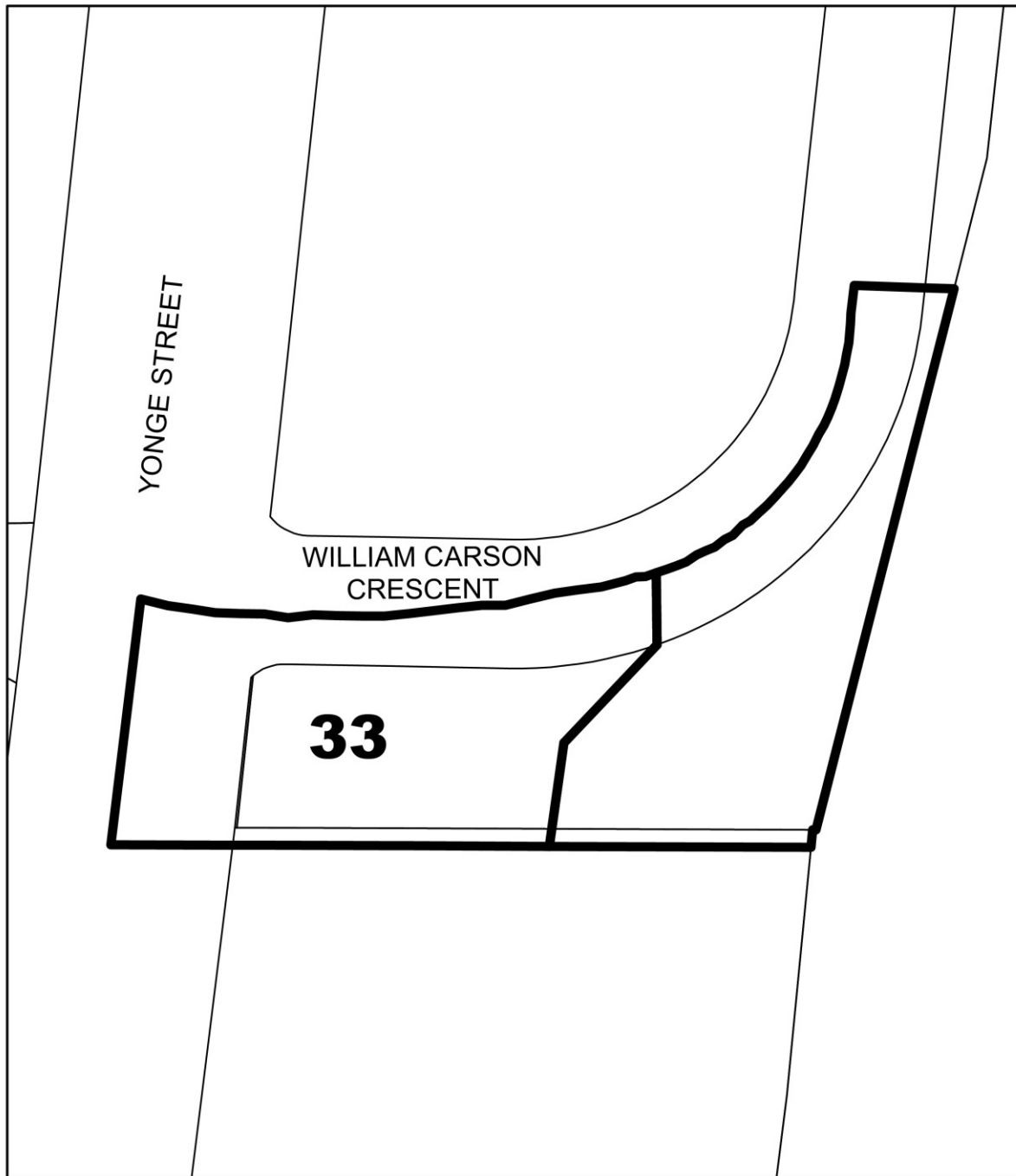


Diagram 5

