

Authority: Ontario Land Tribunal Decision issued on November 22, 2021 and the Tribunal Decision and Order issued on November 18, 2022 in Tribunal File OLT 22-003698 (PL200164)

CITY OF TORONTO

BY-LAW 886-2023(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 25 Mabelle Avenue.

Whereas the Ontario Land Tribunal, pursuant to a decision issued on November 22, 2021 and a decision and order issued on November 18, 2022 in Tribunal Case OLT 22-003698 (PL200164), following an appeal pursuant to Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, determined to amend the Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022, as 25 Mabelle Avenue;

The Ontario Land Tribunal orders:

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: CR 3.5 (c0.1; r3.5) SS2 (x826) 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 the following Policy Area label to these lands: PA-2, as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Article 995.20.1, and applying the following height label to the lands: HT 90.0 as shown on Diagram 4 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 5 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 900.11.10 Exception Number 826 so that it reads:

(826) Exception CR 826

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 25 Mabelle Avenue, as shown on Diagram 1 of By-law 886-2023(OLT), if the requirements of By-law 886-2023(OLT) are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Sections (B) to (Y) below;
- (B) For the purpose of this exception, the **lot** is as shown on Diagram 1 attached to By-law 886-2023(OLT);
- (C) The **buildings, structures** and uses existing on June 1, 2022 on "Parcel A" as shown on Diagram 6 of By-law 886-2023(OLT) are deemed to comply with By-law 569-2013 except that the existing **apartment building** must comply with (P), (Q) and (U) below;
- (D) For the area identified as "Parcel B" on Diagram 6 of By-law 886-2023(OLT), 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 123.75 metres and elevation of the highest point of the **building** or **structure**;
- (E) For the area identified as "Parcel B" on Diagram 6 of By-law 886-2023(OLT), 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 7 of By-law 886-2023(OLT);
- (F) For the area identified as "Parcel B" on Diagram 6 of By-law 886-2023(OLT), despite Regulations 40.5.40.10(3) to (8) and (E) above, the following equipment and **structures** may project beyond the permitted maximum height of a **building** specified on Diagram 7 of By-law 886-2023(OLT):
 - (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents may project above the height limits to a maximum of 5.0 metres;
 - (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) above, inclusive of a mechanical penthouse, may project above the height limits to a maximum of 5.0 metres;
 - (iii) architectural features, parapets, and elements and structures associated with a **green roof** may project above the height limits to a maximum of 2.1 metres;

- (iv) **building** maintenance units and window washing equipment may project above the height limits to a maximum of 5.0 metres;
 - (v) planters, **landscaping** features, retaining walls, guard rails, underground garage and its associated structures and divider screens on a balcony and/or terrace may project above the height limits to a maximum of 2.1 metres;
 - (vi) trellises, pergolas, and unenclosed **structures** providing safety for wind protection to rooftop **amenity space** may project above the height limits to a maximum of 5.0 metres; and
 - (vii) rail safety crash walls.
- (G) For the area identified as "Parcel B" on Diagram 6 of By-law 886-2023(OLT), despite Regulation 40.10.40.10(5), the required minimum height of the first **storey**, as measured between the floor of the first **storey** and the ceiling of the first **storey**, is 2.9 metres;
- (H) For the area identified as "Parcel B" on Diagram 6 of By-law 886-2023(OLT), despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** is 40,000 square metres of which:
- (i) the permitted maximum **gross floor area** for residential uses is 39,900 square metres;
 - (ii) the required minimum **gross floor area** for non-residential uses is 79 square metres;
- (I) For the area identified as "Parcel B" on Diagram 6 of By-law 886-2023(OLT), for the purpose of this exception, "tower floorplate area" means the gross horizontal floor area of a single floor measured from the exterior walls of a **building** or **structure** above the fifth **storey**;
- (J) For the area identified as "Parcel B" on Diagram 6 of By-law 886-2023(OLT), the permitted maximum "tower floorplate area" for the portion of a **building** located between the sixth and nineteenth **storey** is 825 square metres;
- (K) For the area identified as "Parcel B" on Diagram 6 of By-law 886-2023(OLT), the permitted maximum "tower floorplate area" for the portion of a **building** located on the twentieth or greater **storey** is 780 square metres;
- (L) For the area identified as "Parcel B" on Diagram 6 of By-law 886-2023(OLT), despite Regulation 40.10.40.50(1), **amenity space** must be provided at the following rate:
- (i) A minimum of 1.5 square metres of indoor **amenity space** per **dwelling unit**; and

- (ii) A minimum of 2.0 square metres of outdoor **amenity space** per **dwelling unit** of which 40 square metres of the outdoor **amenity space** must be in a location adjoining or directly connected to the required indoor **amenity space**;
- (M) For the area identified as "Parcel B" on Diagram 6 of By-law 886-2023(OLT), despite Regulation 40.10.40.70(2), the required minimum **building setbacks** are as shown in metres on Diagram 7 of By-law 886-2023(OLT);
- (N) For the area identified as "Parcel B" on Diagram 6 of By-law 886-2023(OLT), despite Regulation 40.10.40.80(2), the required separation of **main walls** are as shown in metres on Diagram 7 of By-law 886-2023(OLT);
- (O) For the area identified as "Parcel B" on Diagram 6 of By-law 886-2023(OLT), despite Clause 40.10.40.60 and (M) and (N) above, the following elements may encroach into the required minimum **building setbacks** and separation distances specified on Diagram 7 of By-law 886-2023(OLT) as follows:
 - (i) porches and balconies to a maximum extent of 2.0 metres;
 - (ii) canopies and awnings, to a maximum extent of 2.0 metres;
 - (iii) exterior stairs, access ramps and elevating devices, to a maximum extent of 1.7 metres;
 - (iv) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, to a maximum extent of 0.5 metre;
 - (v) window projections, including bay windows and box windows, to a maximum extent of 1.5 metres;
 - (vi) eaves, to a maximum extent of 1.5 metres;
 - (vii) air conditioners, satellite dishes, antennae, vents, and pipes to a maximum extent of 2.0 metres;
 - (viii) outdoor residential **amenity space** roof deck, fences, skylights, railings, terrace guards and dividers, light fixtures, trellises, landscape elements, elements of a **green roof**, wind mitigation features, privacy screens, planters, balustrades, open air recreation, safety and wind protection features, window washing equipment, enclosed heating, ventilation or cooling equipment such as chimneys, stacks, flues and air intakes to a maximum extent of 2.0 metres; and
 - (ix) rail safety crash walls.
- (P) For the area identified as "Parcel A" on Diagram 6 of By-law 886-2023(OLT), 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 0.6 residential occupant **parking spaces** for each **dwelling unit**; and
 - (ii) a minimum of 0.1 residential visitor **parking spaces** for each **dwelling unit**;
- (Q) For the area identified as "Parcel A" on Diagram 6 of By-law 886-2023(OLT), despite Regulation 200.5.10.1(1) and (P) above, "car-share parking spaces" may replace **parking spaces** otherwise required for residential occupants, subject to the following:
- (i) a reduction of four resident occupant **parking spaces** will be permitted for each "car-share parking space" provided up to a maximum of 7 cumulative "car-share parking spaces" on either or both of "Parcel A" and "Parcel B";
 - (ii) 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
 - (iii) for the purpose of this exception, "car-share parking space" means a **parking space** exclusively reserved and signed for a **vehicle** used only for "car-share" purposes;
- (R) For the area identified as "Parcel B" on Diagram 6 of By-law 886-2023(OLT), 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 0.6 residential occupant **parking spaces** for each **dwelling unit**;
 - (ii) a minimum of 0.1 residential visitor **parking spaces** for each **dwelling unit**; and
 - (iii) no parking spaces are required for non-residential uses.
- (S) For the area identified as "Parcel B" on Diagram 6 of By-law 886-2023(OLT), despite Regulation 200.5.10.1(1) and (R) above, "car-share parking spaces" may replace **parking spaces** otherwise required for residential occupants, subject to the following:
- (i) a reduction of four resident occupant **parking spaces** will be permitted for each "car-share parking space" provided up to a maximum of 7 cumulative "car-share parking spaces" on either or both of "Parcel A" and "Parcel B";
 - (ii) 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

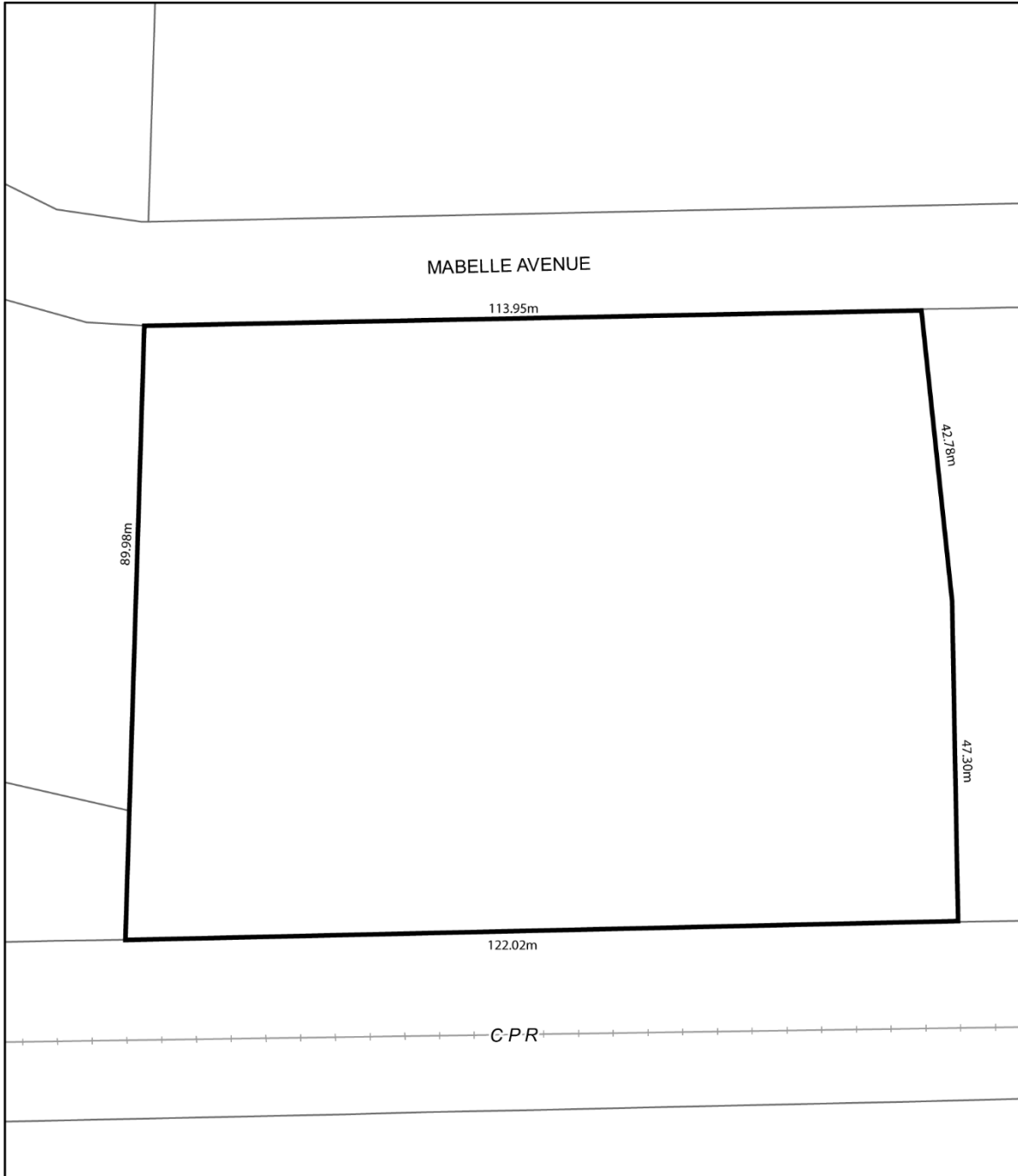
- (iii) for the purpose of this exception, "car-share parking space" means a **parking space** exclusively reserved and signed for a **vehicle** use only for "car-share" purposes;
- (T) For the area identified as "Parcel B" on Diagram 6 of By-law 886-2023(OLT), despite Regulation 200.5.1.10(2), a maximum of 10 percent of **parking spaces** may have the following minimum dimensions, with or without obstructions:
 - (i) Length of 5.0 metres;
 - (ii) Width of 2.6 metres; and
 - (iii) Vertical clearance of 1.8 metres.
- (U) For the area identified as "Parcel A" on Diagram 6 of By-law 886-2023(OLT), despite Clause 220.5.10.1, one Type "B" **loading space** is required be provided.
- (V) For the area identified as "Parcel B" on Diagram 6 of By-law 886-2023(OLT), despite Regulations 230.5.10.1(1)(3) and (5) and Table 230.5.10.1(1), **bicycle parking spaces** must be provided in accordance with the following minimum rates:
 - (i) 0.68 "long-term" **bicycle parking spaces** for each **dwelling unit**;
 - (ii) 0.07 "short-term **bicycle parking spaces** for each **dwelling unit**;
- (W) For the area identified as "Parcel B" on Diagram 6 of By-law 886-2023(OLT), despite Regulation 230.5.1.10 (4) and (5);
 - (i) The minimum dimensions of a **bicycle parking space** if placed in a vertical position on a mechanical device are:
 - (a) Minimum length or vertical clearance of 1.9 metres;
 - (b) Minimum width of 0.45 metre;
 - (c) Minimum horizontal clearance from the wall of 1.2 metres;
 - (ii) The minimum dimensions of a **stacked bicycle parking space** are:
 - (a) Minimum vertical clearance of 2.4 metres;
 - (b) Minimum width of 0.24 metre;
 - (c) Minimum horizontal clearance of 1.8 metres;
- (X) For the area identified as "Parcel B" as shown on Diagram 6 of By-law 886-2023(OLT), despite Regulations 230.5.1.10(9) and 230.40.1.20(1) "long-term" **bicycle parking spaces** may be located on any level of the building below-ground;

- (Y) For the area identified as "Parcel B" on Diagram 6 of By-law 886-2023(OLT), despite Clause 220.5.10.1, **loading spaces** must be provided in accordance with the following minimum rates:
- (i) 1 Type "C" **loading space**; and
 - (ii) 1 Type "G" **loading space**.

Prevailing By-laws and Prevailing Sections:

- (A) Etobicoke Zoning Code for the **apartment building** existing on June 1, 2022 on "Parcel A" as shown on Diagram 6 of By-law 886-2023(OLT), with the exception of required **parking spaces** and **loading spaces**.
9. For the area identified as "Parcel B" on Diagram 6 of this By-law 886-2023(OLT), 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. Despite any severance, partition or division of the lands, the **lot area** and **lot frontage** each shown on "Parcel A" and "Parcel B" on Diagram 6 of By-law 886-2023(OLT) are deemed to comply with the requirements of the Etobicoke Zoning Code and By-law 569-2013.

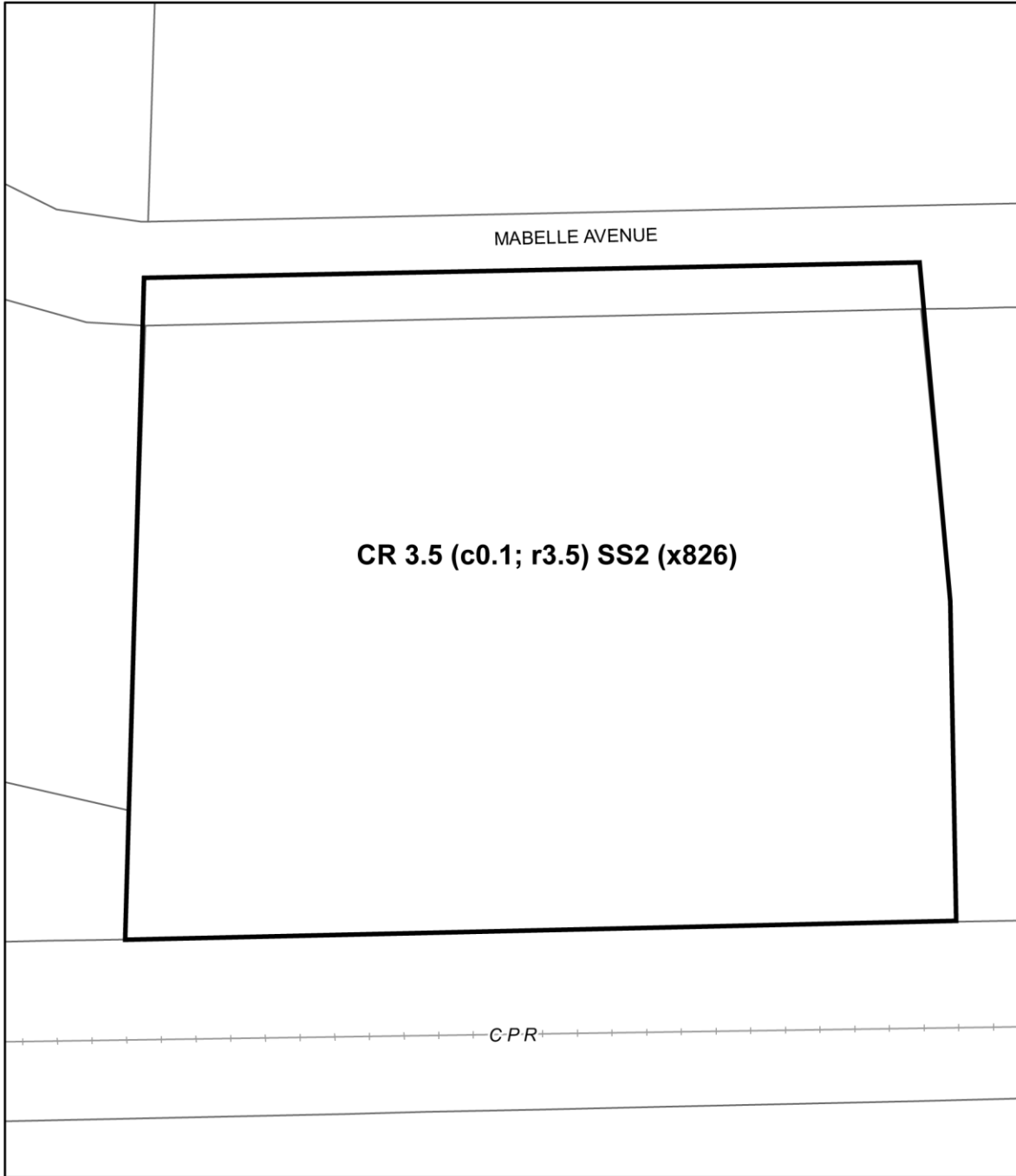
Ontario Land Tribunal Decision issued on November 22, 2021 and the Tribunal Decision and Order issued on November 18, 2022 in Tribunal File OLT 22-003698 (PL200164).



 **TORONTO**
Diagram 1

25 Mabelle Avenue

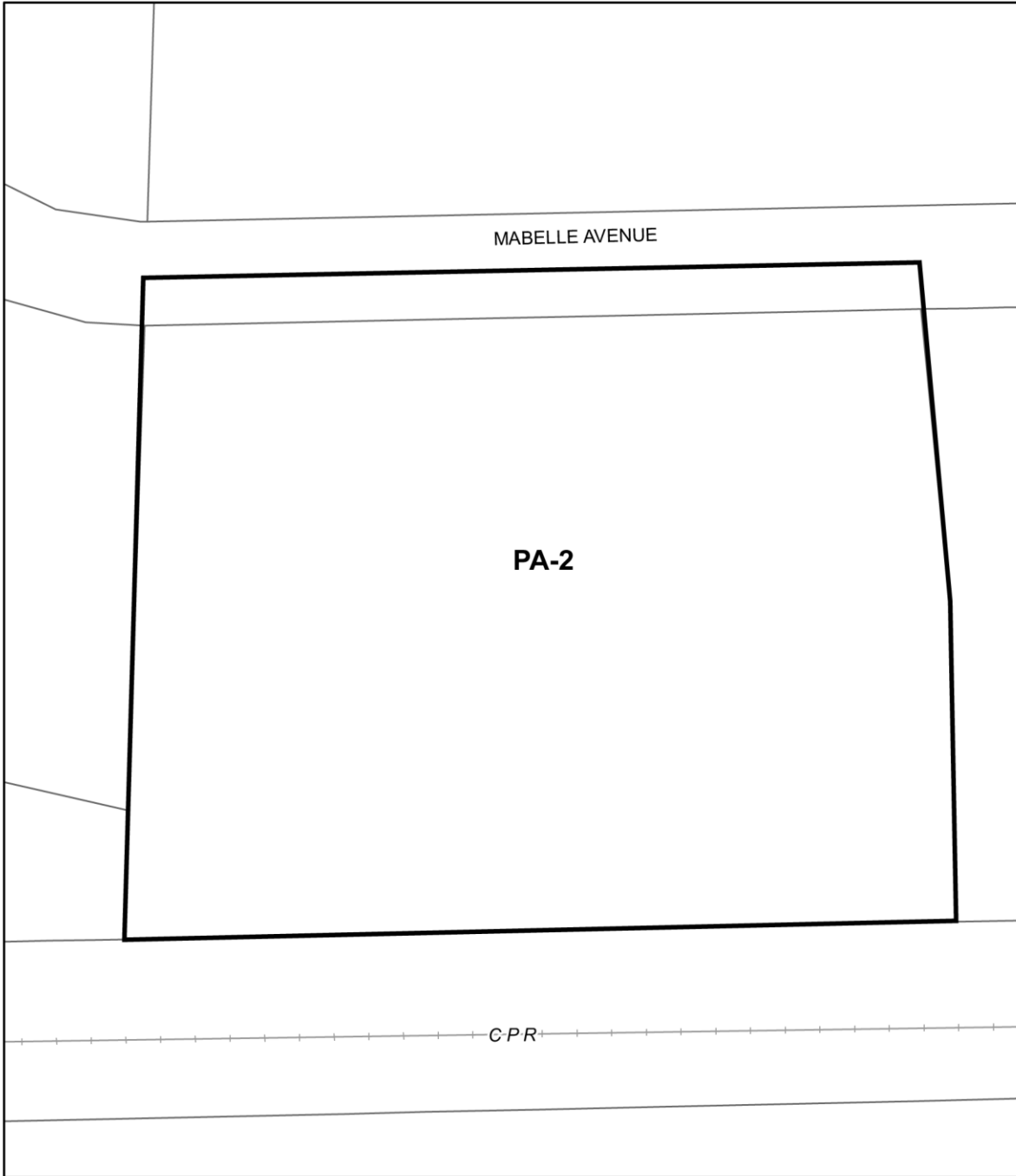
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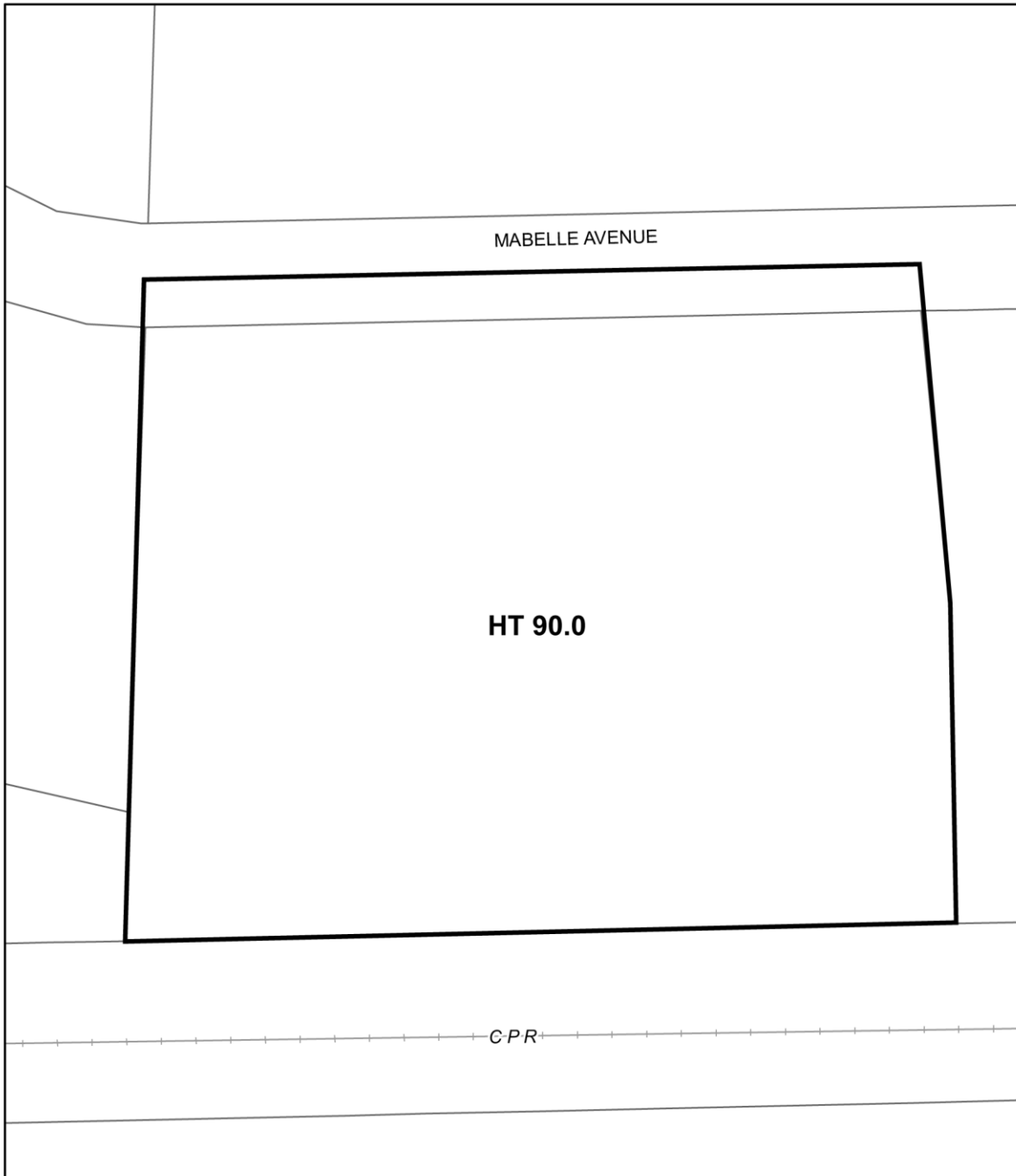


 **TORONTO**
Diagram 2

25 Mabelle Avenue

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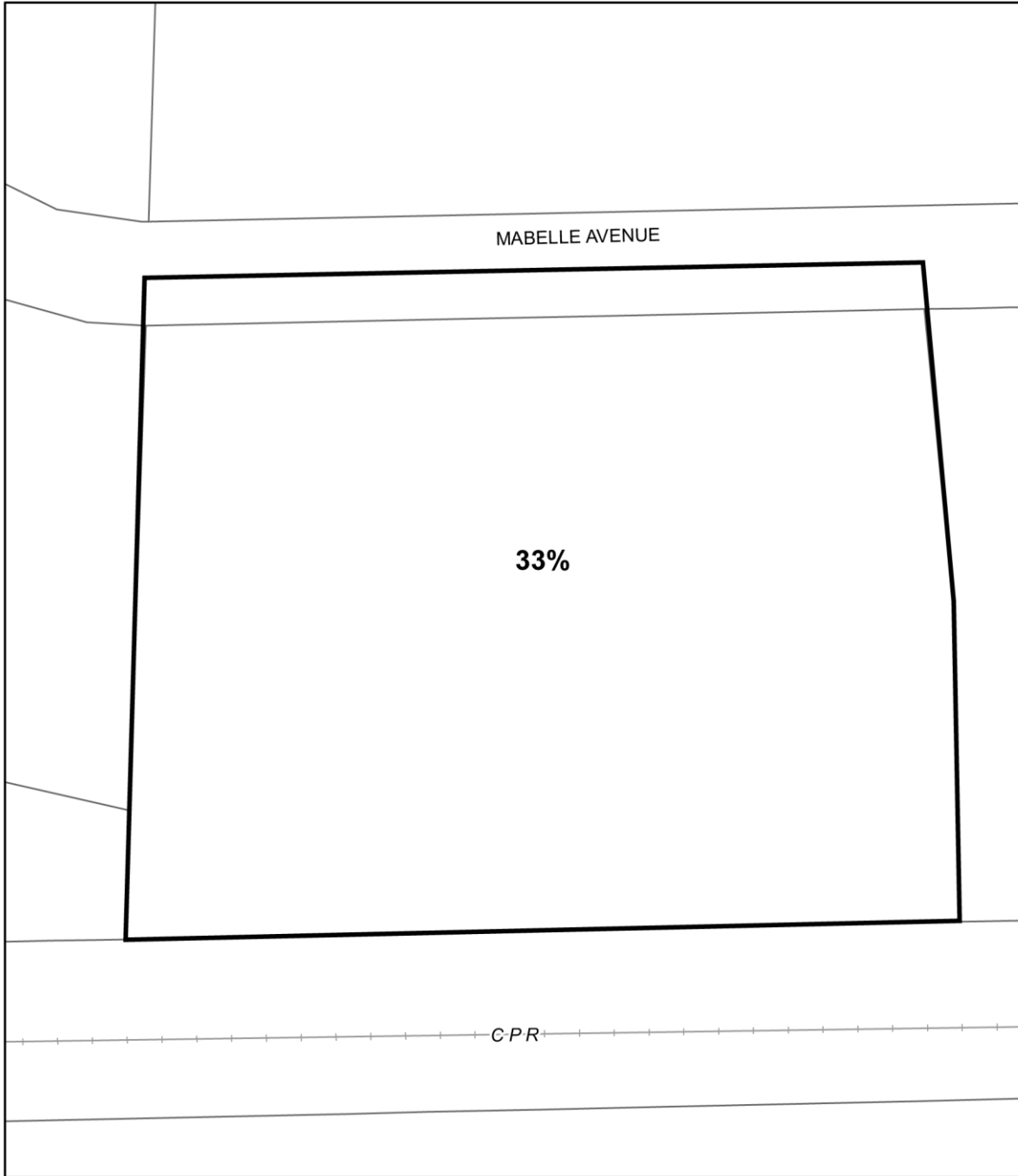




 **TORONTO**
Diagram 4

25 Mabelle Avenue

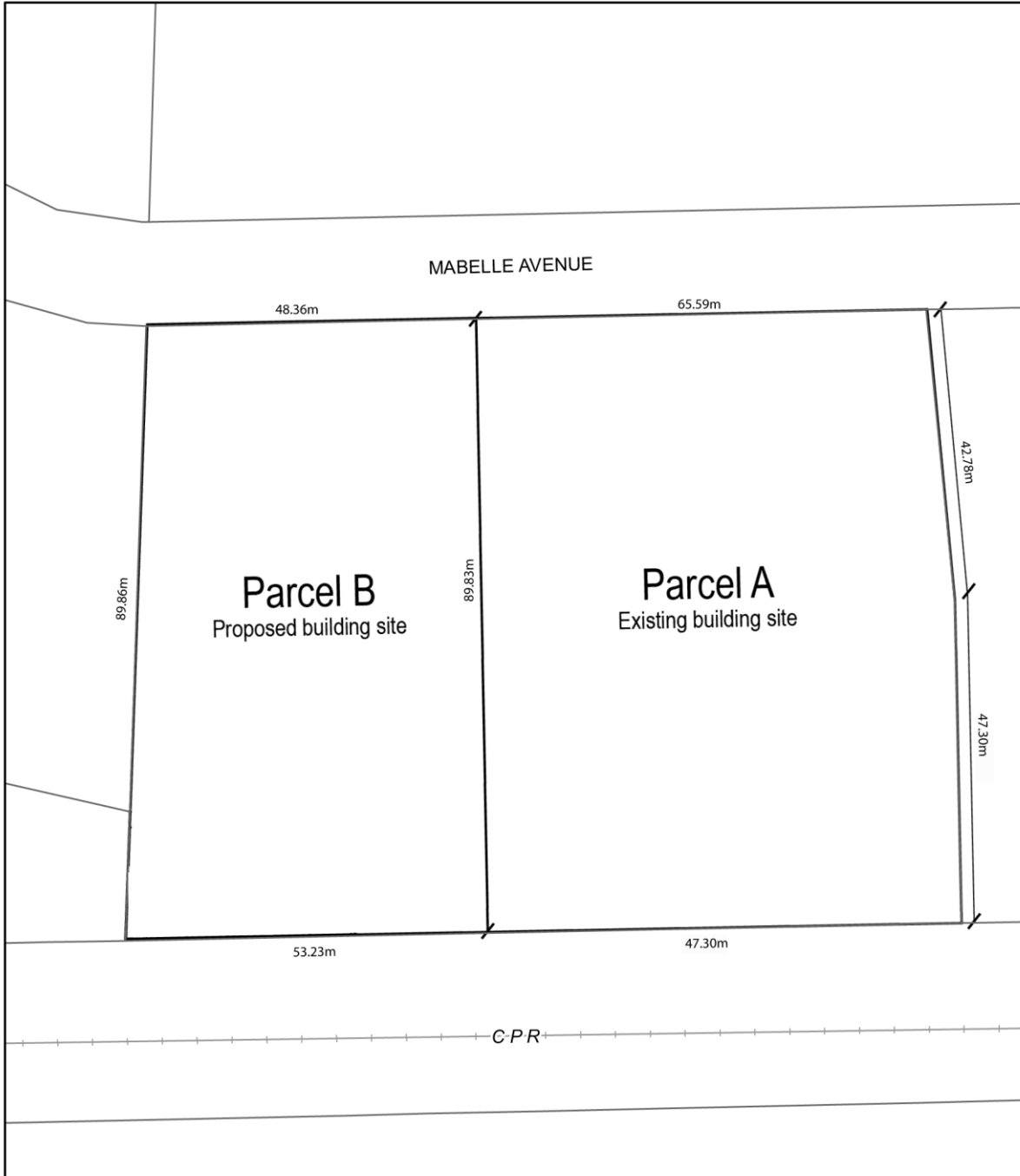
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 **TORONTO**
Diagram 5

25 Mabelle Avenue

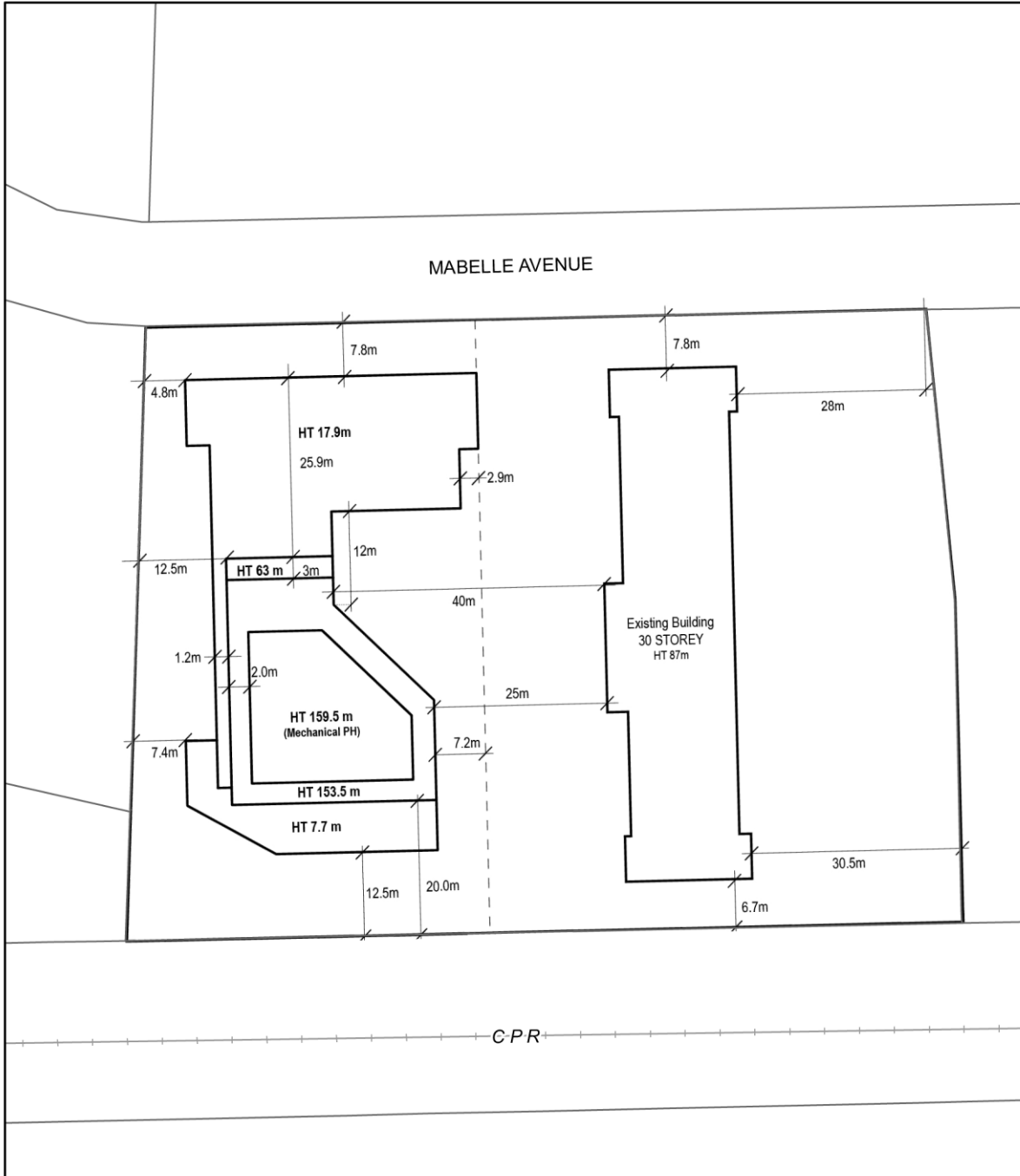
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 **TORONTO**
Diagram 6

25 Mabelle Avenue

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 **TORONTO**
Diagram 7

25 Mabelle Avenue

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