

Authority: Toronto and East York Community Council  
Item TE8.1, as adopted by City of Toronto Council on  
November 8 and 9, 2023  
City Council voted in favour of this by-law on  
November 9, 2023  
Written approval of this by-law was given by Mayoral  
Decision 23-2023 dated November 9, 2023

## **CITY OF TORONTO**

### **BY-LAW 1144-2023**

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 64 Prince Arthur Avenue.**

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas a zoning by-law may include Holding (H) symbol pursuant to Section 36 of the Planning Act, R.S.O. 1990, c. P.13, as amended; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of Holding (H) symbol with conditions in the zoning by-law; 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; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to and forming part of this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, as amended, 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 990.1 respecting the lands outlined by the heavy lines from a zone label of R (d2.0) (x110) to (H) R (d2.0) (x110), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by amending and replacing Article 900.2.10 Exception Number 110 so that it reads:

**(110) Exception R 110**

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 lands municipally known as 64 Prince Arthur Avenue, if the requirements of By-law 1144-2023 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (P) below;
- (B) For the purpose of this exception, the **lot** comprises the lands outlined by heavy lines on Diagram 1 of By-law 1144-2023;
- (C) Despite Regulation 10.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 116.00 metres and the elevation of the highest point of the **building** or **structure**;
- (D) In addition to the uses permitted in Regulation 10.10.20.20(1), the following uses are permitted in a **building** or **structure**, provided they comply with (E) below:
  - (i) **Art Gallery**;
  - (ii) **Community Centre**;
  - (iii) **Eating Establishment**;
  - (iv) **Education Use**;
  - (v) **Financial Institution**;
  - (vi) **Library**;
  - (vii) **Medical Office**;
  - (viii) **Office**;
  - (ix) **Performing Arts Studio**;
  - (x) **Personal Service Shop**;
  - (xi) **Pet Services**;
  - (xii) **Retail Service**;
  - (xiii) **Retail Store**; and
  - (xiv) **Take-out Eating Establishment**;

- (E) Each use permitted above in (D) above must comply with the following:
- (i) may not be located above the first **storey** of an **building** or **structure**;
  - (ii) may be accessed from the **street** or from within the **building** or **structure**;  
and
  - (iii) must comply with non-residential **gross floor area** requirements in (I) below;
- (F) The provision of **dwelling units** is subject to the following:
- (i) a minimum of 15 percent of the total number of **dwelling units** must have two or more bedrooms;
  - (ii) a minimum of 10 percent of the total number of **dwelling units** must have three or more bedrooms;
  - (iii) an additional minimum of 15 percent of the total number of **dwelling units** will be any combination of two bedroom and three bedroom **dwelling units**, or **dwelling units** that can be converted into any combination of two and three bedroom **dwelling units**;
  - (iv) any **dwelling units** with two bedrooms provided to satisfy (i) above are not included in the provision required by (iii) above;
  - (v) any **dwelling units** with three or more bedrooms provided to satisfy (ii) above are not included in provision required by (i) or (iii) above;
  - (vi) convertible **dwelling units**, as described in (iii) above, may be converted using accessible or adaptable design measures such as knock-out panels;  
and
  - (vii) if the calculation of the number of required **dwelling units** in (i), (ii), and (iii) above results in a number with a fraction, the number must be rounded down to the nearest whole number;
- (G) Despite Regulation 10.10.40.10(1), the permitted maximum height of a **building** or **structure** is the number, in metres, following the letters "HT" as shown on Diagram 3 of By-law 1144-2023;
- (H) Despite Regulation 10.5.40.10(3) and (G) above, the following elements of a **building** or **structure** are permitted to project above the permitted maximum **building** heights shown on Diagram 3 of By-law 1144-2023:
- (i) Parapets, awnings, guard rails, railing and dividers, **structures** for outdoor **amenity space** or open air recreation, balustrades, eaves, screens, roof drainage, window sills, chimneys, vents, terraces, lightning rods, light

- fixtures, architectural features and screens, elements of a **green roof** and insulation and roof surface materials, planters, **structures** used for safety or wind protection purposes, to a maximum of 3.0 metres;
- (ii) Heating, cooling and ventilating equipment and **structures**, and indoor washrooms, to a maximum of 5.0 metres;
  - (iii) Elevator overrun, to a maximum height of 6.3 metres; and
  - (iv) Window washing equipment, to a maximum of 3.0 metres;
- (I) Despite Regulation 10.5.40.40(4), the permitted maximum **gross floor area** of all **buildings** and **structures** on the lands is 7,000 square metres, provided that:
- (i) the required minimum **gross floor area** for non-residential uses is 30 square metres; and
  - (ii) the permitted maximum **gross floor area** for non-residential uses is 150 square metres;
- (J) In addition to the areas in a **building** identified in Regulation 10.5.40.40(4), the **gross floor area** of a **building** or **structure** is reduced by washrooms not located in a **dwelling unit**;
- (K) Despite Regulations 10.10.40.50(1)(A) and (B), a **building** or **structure** with 20 or more **dwelling units** must provide **amenity space** at a minimum rate of 4.0 square metres for each **dwelling unit**, which may provide for:
- (i) no minimum rate for indoor **amenity space** per **dwelling unit**; and
  - (ii) outdoor **amenity space** to be in a location that is not adjoining or not directly accessible to the indoor **amenity space**;
- (L) For the purpose of this exception, in addition to the definition provided in Regulation 800.50(15), "**amenity space**" includes pet friendly amenities, and wash and repair stations for bicycles and strollers;
- (M) Despite Clause 10.5.40.70, and Article 600.10.10, and Regulations 10.10.40.70(1) and 10.10.40.70(3), the required minimum **building setbacks** and the required minimum separation distances between **main walls** of **buildings** or **structures** above finished ground are as shown, in metres, on Diagram 3 and Diagram 4 of By-law 1144-2023;
- (N) Despite Clause 10.5.40.60 and (M) above, the following elements of a **building** or **structure** are permitted to encroach into the required minimum **building setbacks** and separation distance between **main walls** of **buildings** as shown, in metres, on Diagram 3 of By-law 1144-2023:

- (i) balconies and related **structures** and elements such as balcony dividers, guardrails, railings and soffit cladding may encroach to a maximum of 1.8 metres within the areas identified as "Balcony Zones" on Diagram 5 of By-law 1144-2023;
- (O) Despite (M) and (N) above, no part of any **building** or **structure** may be located between the Canadian Geodetic Elevation of 116.0 and 120.60 metres in the shaded area as shown on Diagram 4 of By-law 1144-2023, except for pillars, decorative elements, architectural features or associated cladding;
- (P) Despite Regulations 200.5.10(1) and 200.15.10.10(1) and (2), and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
  - (i) the required minimum number of residential visitor **parking spaces** is 2;
  - (ii) the required minimum number of accessible **parking spaces** is 0; and
  - (iii) the maximum permitted number of residential occupant **parking spaces** for a **dwelling unit** in a **building** or **structure** is:
    - (a) 0.3 for each bachelor **dwelling unit** up to 45 square metres and 1.0 for each bachelor **dwelling unit** greater than 45 square metres;
    - (b) 0.5 for each one bedroom **dwelling unit**;
    - (c) 0.8 for each two bedroom **dwelling unit**; and
    - (d) 1.0 for each three bedroom **dwelling unit**;

Prevailing By-laws and Sections: (None Apply)

- 5. Despite any future severance, partition or division of the lands subject to this By-law, the provisions of this By-law will apply as if no severance, partition or division occurred.
- 6. Temporary Uses
  - (A) Pursuant to Section 39(1) of the Planning Act, none of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a **retail store** on the lands in a **building, structure** or trailer for the purpose of selling, renting or leasing of **dwelling units** on the lands in the R Zone to which this By-law applies, provided that any such **building** or **structure** does not exceed a maximum height of 9 metres. Section 6 of this By-law shall expire on November 9, 2026.
- 7. Holding Symbol Provisions:
  - (A) The lands zoned with the holding symbol "(H)" delineated by heavy lines on Diagram 1 attached to this By-law must not be used for any purpose other than

those uses and buildings existing as of the date of the passing of this By-law, until the holding symbol "(H)" has been removed.

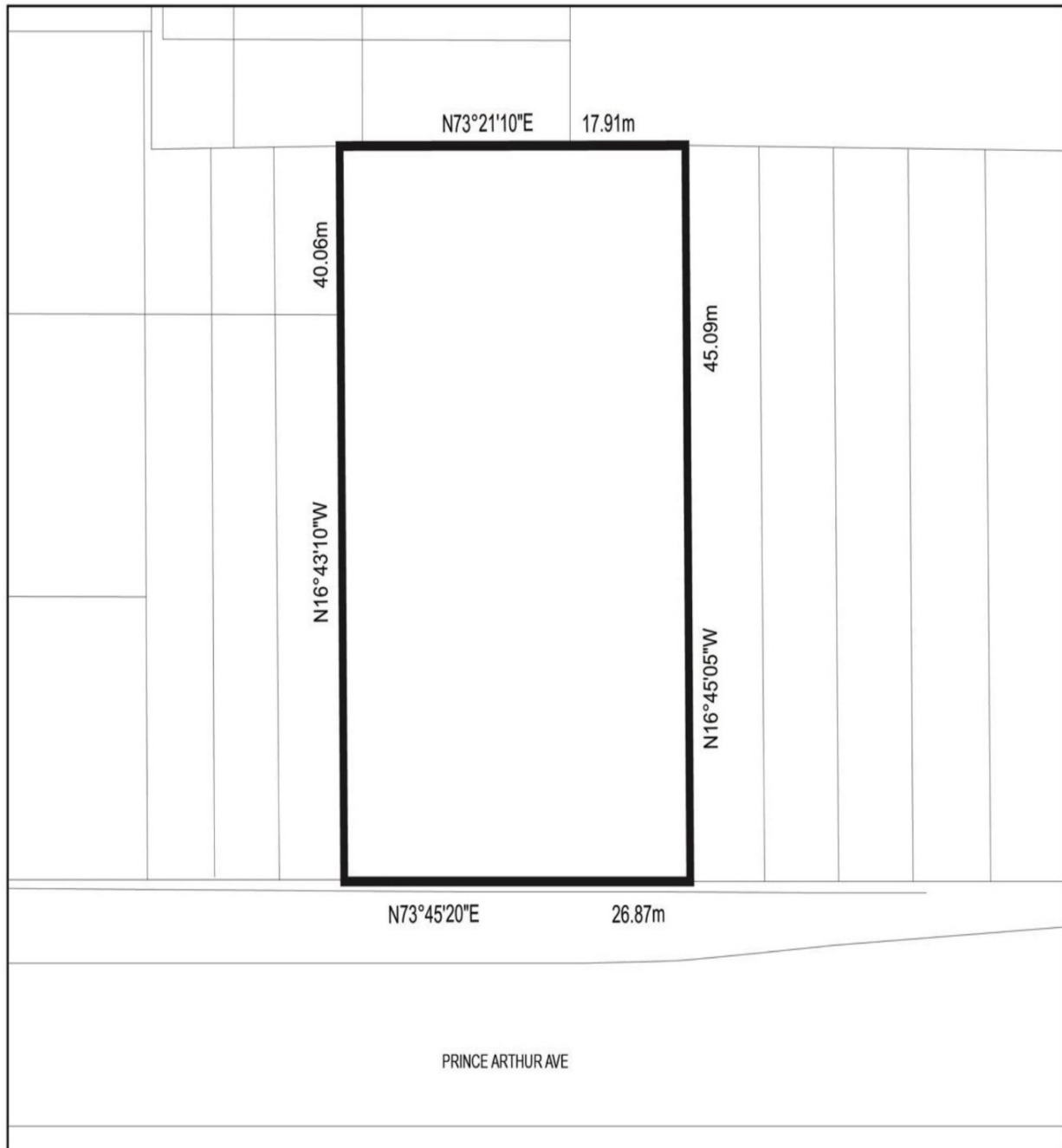
- (B) An amending by-law to remove the holding symbol "(H)" referred to in (A) above may be enacted when the following are fulfilled:
- (i) the owner or applicant, at their sole cost and expense has submitted a Functional Servicing Report, Stormwater Management Report, and Hydrogeological Review, including the Foundation Drainage Report or addendums ("Engineering Reports"), to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water; and
  - (ii) if the Engineering Reports accepted and satisfactory from (i) above require any new municipal infrastructure or upgrades to existing municipal infrastructure to support the development, then either:
    - (a) the owner or applicant has secured the design, construction and provision of financial securities for any new municipal infrastructure, or any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Engineering Reports, to support the development, in a financial secured agreement, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water; or
    - (b) the required new municipal infrastructure or upgrades to existing municipal infrastructure to support the development in the accepted and satisfactory Engineering Reports in (a) above are constructed and operational, all to the satisfaction to the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water; and
    - (c) all necessary approvals arising from (B)(ii)(a) or (B)(ii)(b) above are obtained, where required, all to the satisfaction to the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water.

Enacted and passed on November 9, 2023.

Frances Nunziata,  
Speaker

John D. Elvidge,  
City Clerk

(Seal of the City)

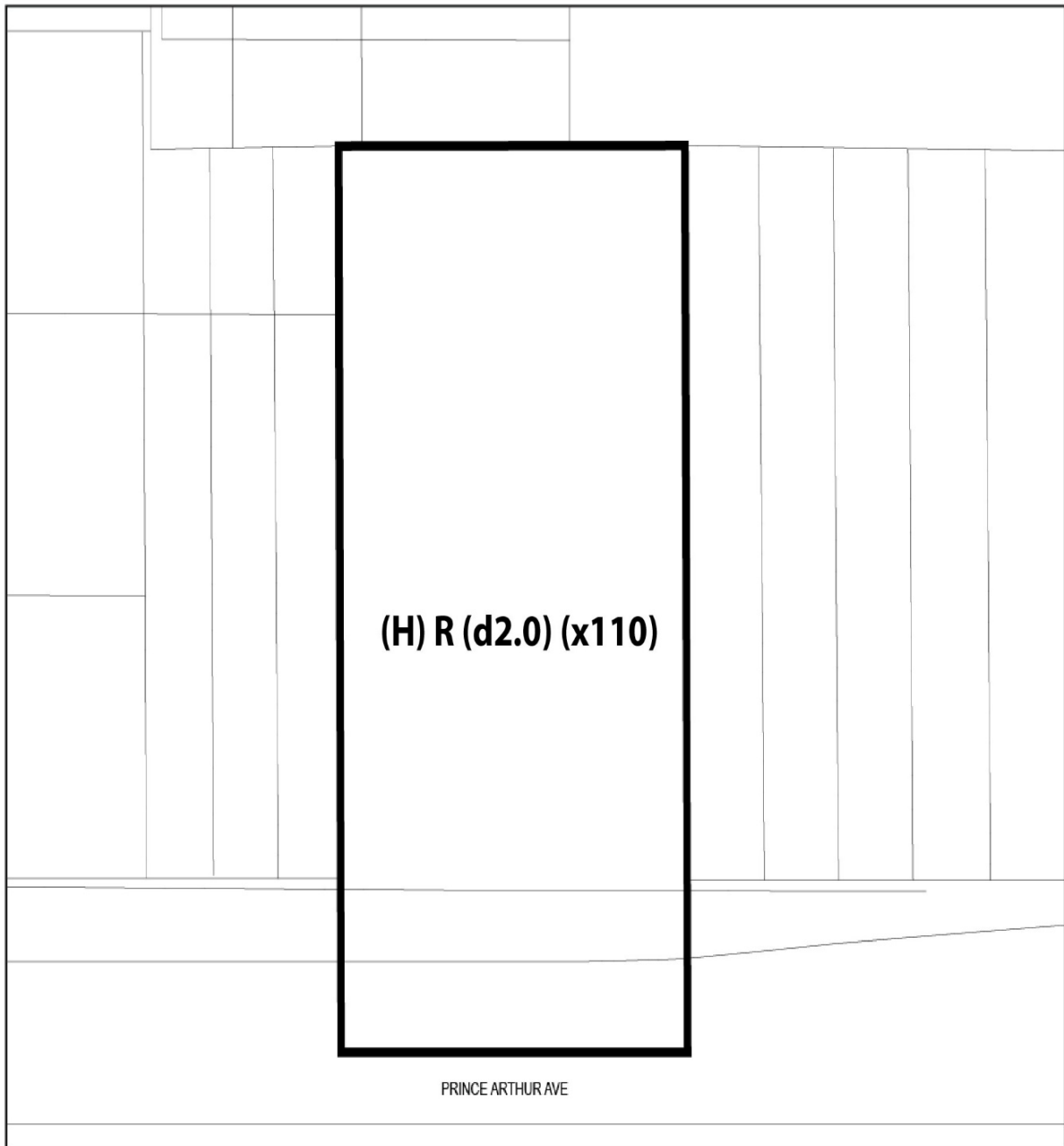


 **TORONTO**  
Diagram 1

64 Prince Arthur Avenue

File # 23 175768 STE 11 OZ

  
City of Toronto By-law 569-2013  
Not to Scale  
09/26/2023

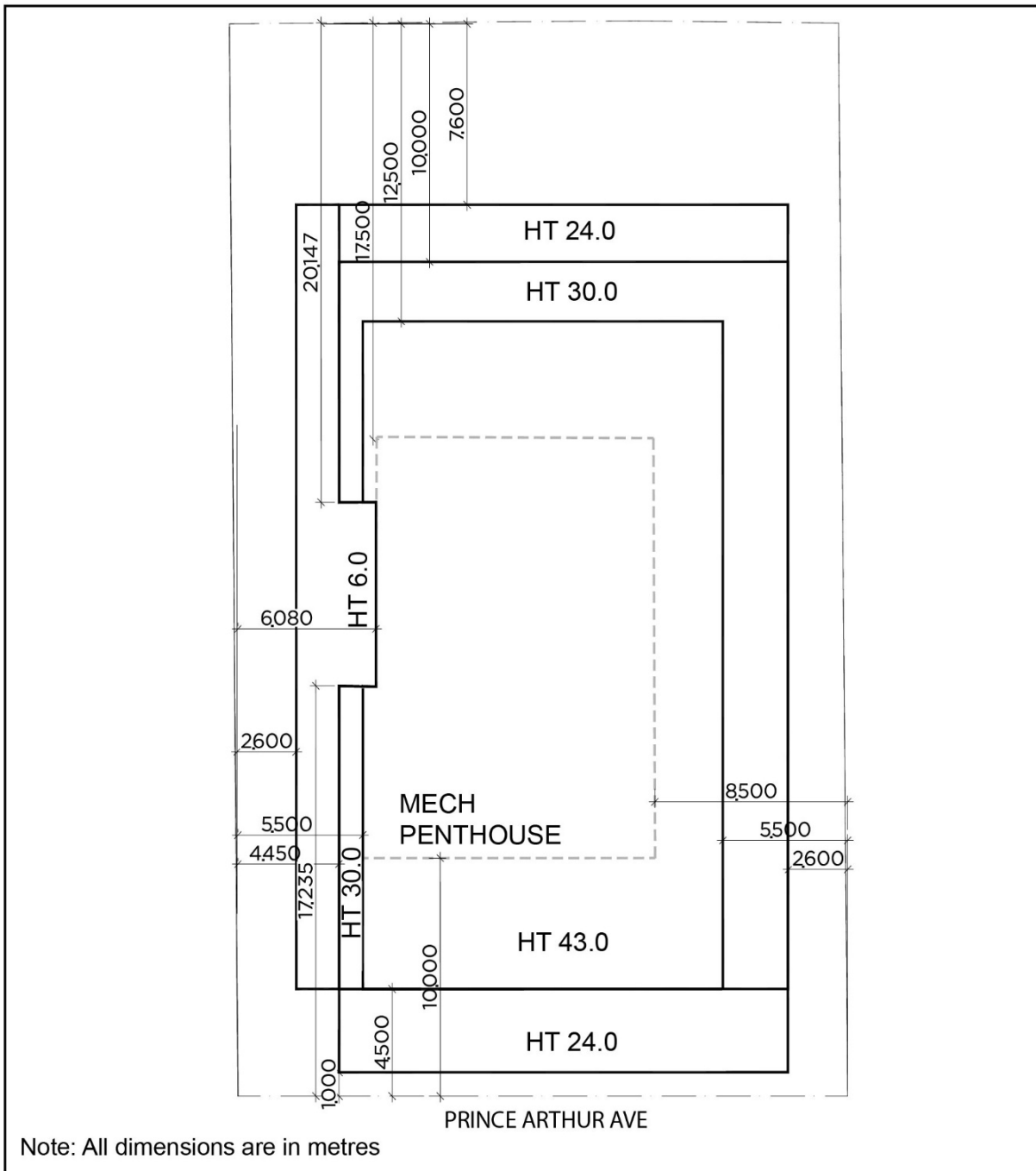


 **TORONTO**  
Diagram 2

**64 Prince Arthur Avenue**

File # 23 175768 STE 11 OZ

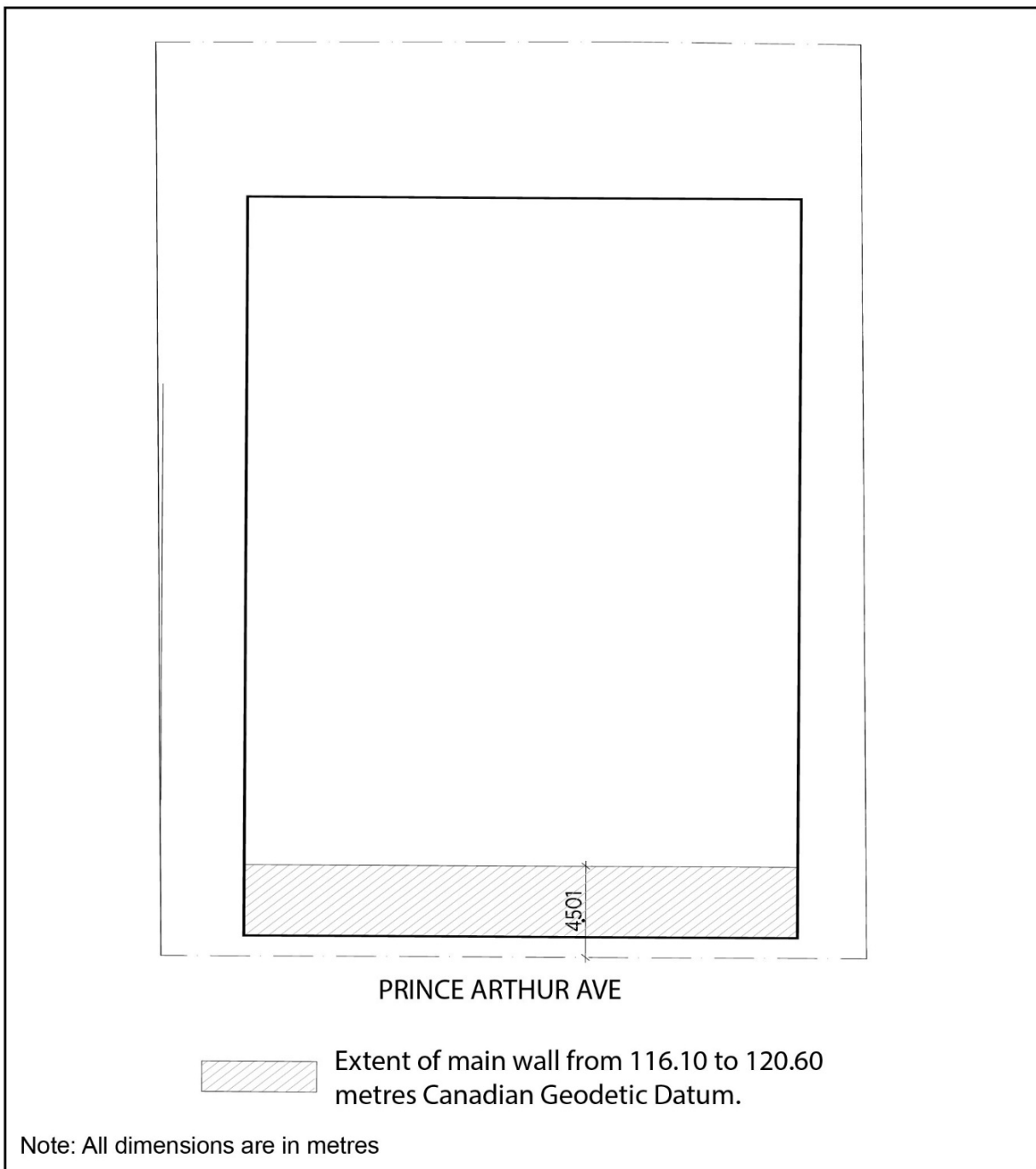




**Toronto**  
Diagram 3

**64 Prince Arthur Avenue**

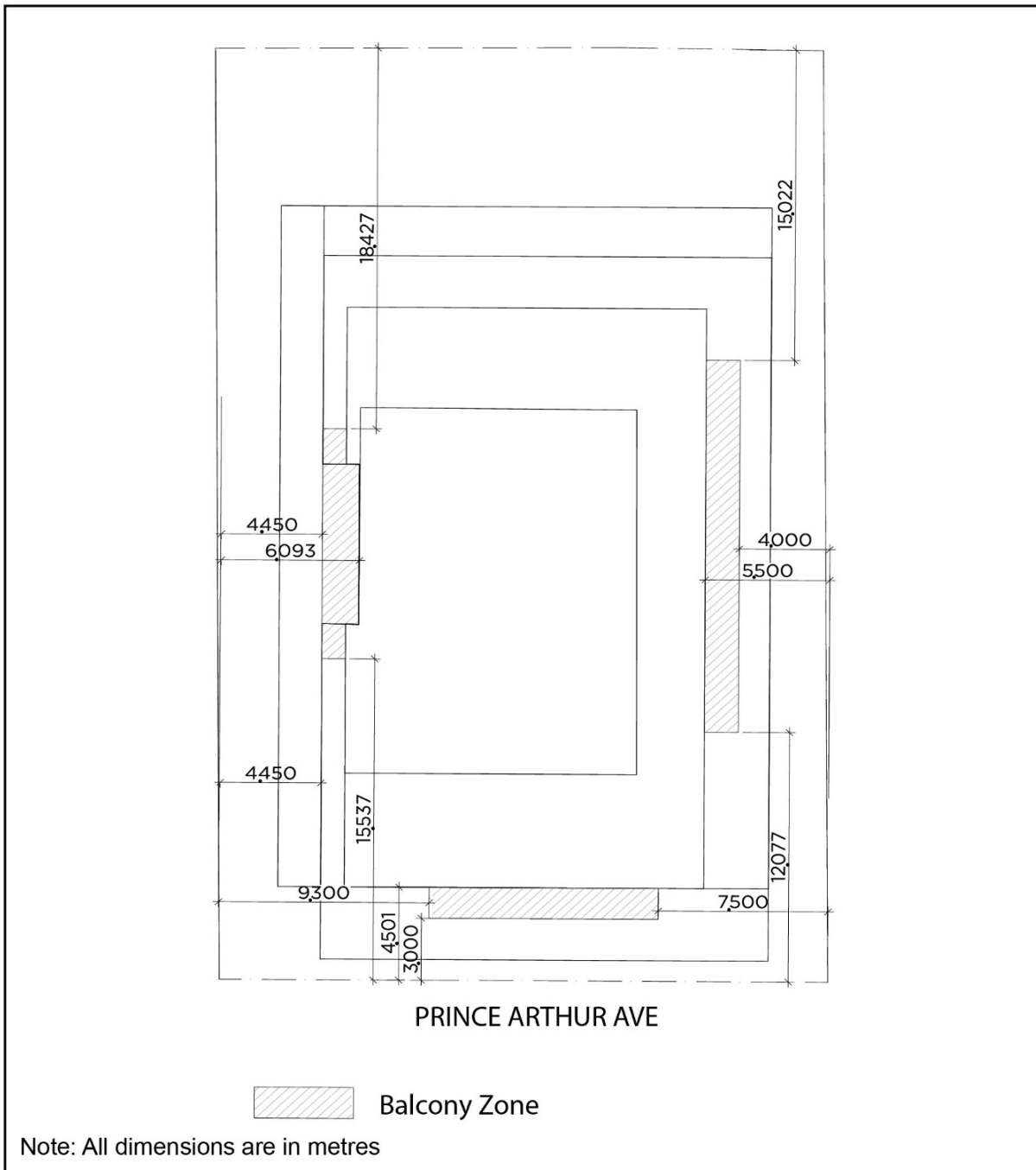
File # 23 175768 STE 11 OZ



 **Toronto**  
Diagram 4

**64 Prince Arthur Avenue**

File # 23 175768 STE 11 OZ



**TORONTO**  
Diagram 5

64 Prince Arthur Avenue

File # 23 175768 STE 11 OZ