

CITY OF TORONTO

BY-LAW 1167-2023(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 4926 Bathurst Street.

Whereas the Ontario Land Tribunal, in its Decision and Order issued on May 16, 2023 and June 7, 2023 in file OLT-21-001815, 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 2022 as 4926 Bathurst Street;

The Ontario Land Tribunal, by Order, amends Zoning By-law 569-2013, as amended, 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: CR 2.0 (c2.0; r2.0) SS2 (x851) 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: PA4, 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 to the Lot Coverage Overlay Map in Article 995.30.1 and applying the following lot coverage label to these lands: 35, 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 Height Overlay Map in Article 995.20.1 and applying the following height label to these lands: HT 9.2 ST 3, as shown on Diagram 5 attached to this By-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number CR 851 so that it reads:

(851) Exception CR 851

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 4926 Bathurst Street, if the requirements of By-law 1167-2023(OLT) are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (R) below;
- (B) 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 192.15 metres and elevation of the highest point of the **building** or **structure**;
- (C) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** is the number following the HT symbol in metres as shown on Diagram 6 of By-law 1167-2023(OLT);
- (D) Despite Regulation 40.10.40.10(7), the permitted maximum height of a **building** in storeys is the number following the ST symbol in **storeys** as shown on Diagram 6 of By-law 1167-2023(OLT);
- (E) Despite Regulations 40.5.40.10(3) to (8) and (C) above, the following equipment and **structures** may project beyond the permitted maximum height of a **building**:
 - (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, roof access, maintenance equipment storage, chimneys, roof assemblies and vents and **building** maintenance units and window washing equipment, to a maximum of 6.0 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, enclosed stairwells and elevator shafts, to a maximum of 6.0 metres;
 - (iii) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, to a maximum of 1.8 metres;
- (F) For the purposes of calculating the number of **storeys** permitted by regulation (C) above, the number of **storeys** does not include a mezzanine level located between the first **storey** and the second full **storey** of a building if the **gross floor area** of the mezzanine level does not exceed 40 percent of the **gross floor area** of the first **storey** in the **building**;
- (G) Regulation 40.10.30.40(1) with respect to permitted maximum **lot coverage** does not apply;
- (H) Despite Regulation 40.10.40.1(1), residential use portions of the **building**, other than a **dwelling unit**, are permitted to be located on the same level as non-residential use portions of the **building**;

- (I) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** is 20,500 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 19,600 square metres; and
 - (ii) the permitted minimum **gross floor area** for non-residential uses is 700 square metres;
- (J) Despite Regulation 40.10.40.70(2), the required minimum **building setbacks** are as shown in metres, on Diagram 6 of By-law 1167-2023(OLT);
- (K) Despite Regulation 40.10.40.60(5), (6), (7) and (J) above, the following elements may encroach into the required minimum **building setbacks** and separation distances as follows:
- (i) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, window projections, including bay windows and box windows and eaves to a maximum of 1.0 metre;
- (L) Despite Regulation 40.10.50.10(3), no **soft landscaping** is required along the **lot** line abutting the Residential Apartment Zone category;
- (M) Despite Regulation 40.10.80.20(2), a **parking space** may be set back 6.5 metres from a **lot** in the Residential Apartment Zone category;
- (N) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **vehicle parking spaces** must be provided on the **lot** in compliance with the following minimum rates:
- (i) 0.40 **parking spaces** per **dwelling unit** for residents;
 - (ii) 0.10 **parking spaces** per **dwelling unit** for visitors, which may be used for non-residential uses;
 - (iii) no **parking spaces** are required for non-residential uses; and
 - (iv) visitor **parking spaces** may be provided on a non-exclusive basis and may be located in a **public parking** area;
- (O) Despite Regulation 200.5.1.10(2), up to 5 percent of the parking spaces may have:
- (i) a minimum length of 5.3 metres; and
 - (ii) a minimum width of 2.6 metres if they are obstructed on one or both sides;
- (P) Despite Regulation 200.15.1(4), accessible **parking spaces** may be located within 25 metres of a barrier free passenger elevator that provides access to the first **storey** of the **building**;

- (Q) Despite Clause 220.5.10.1, a minimum of one Type "G" **loading space** must be provided on the **lot**; and
- (R) Despite Regulation 230.5.1.10(9)(B), a required "long-term" **bicycle parking space** for a **dwelling unit** may also be located on the mezzanine level of the **building**.

Prevailing By-laws and Prevailing Sections: None Apply

- 8.** 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.

Ontario Land Tribunal Decision and Order issued on May 16, 2023 and June 7, 2023, in File OLT-21-001815.

Diagram 1

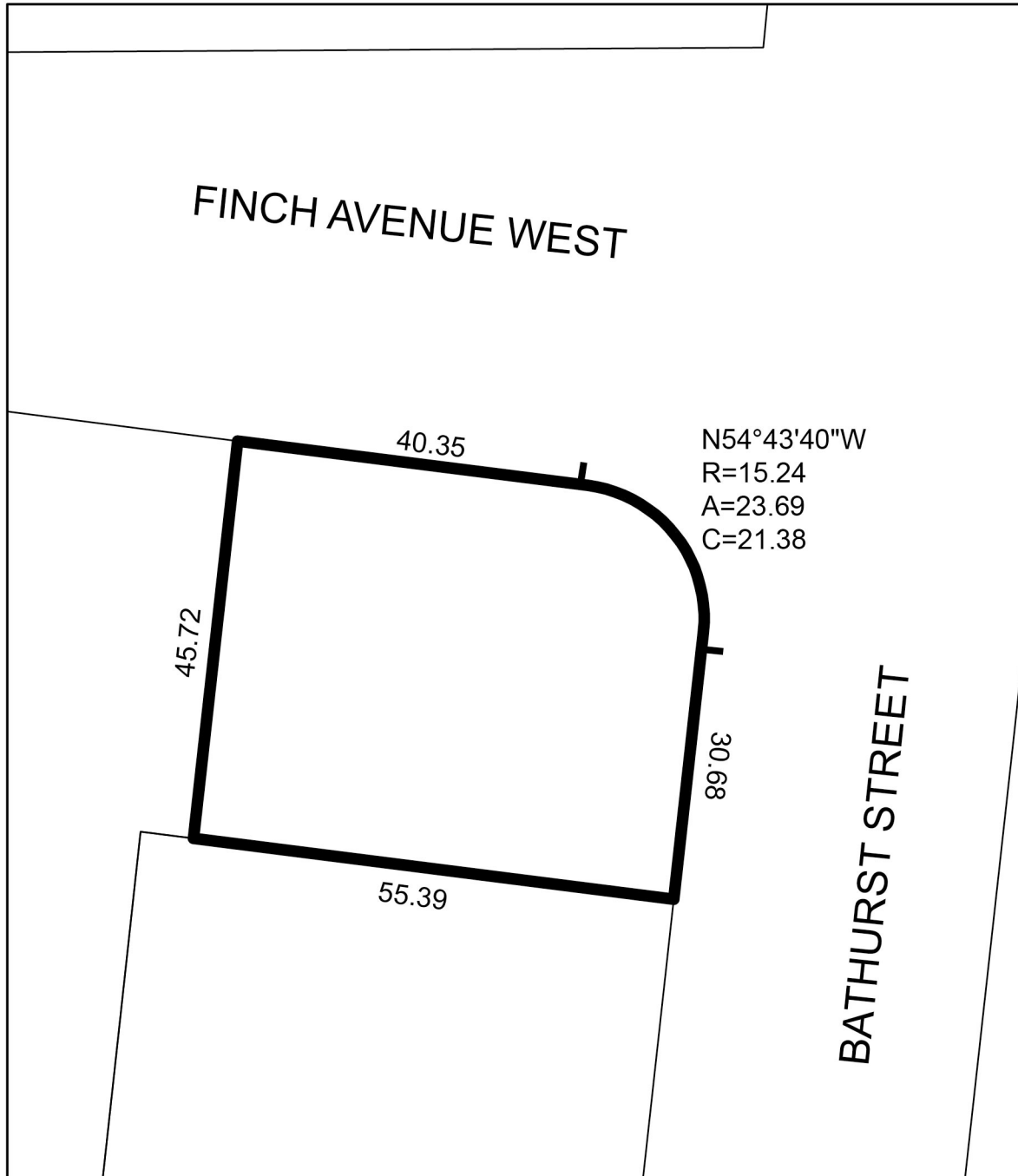


Diagram 2

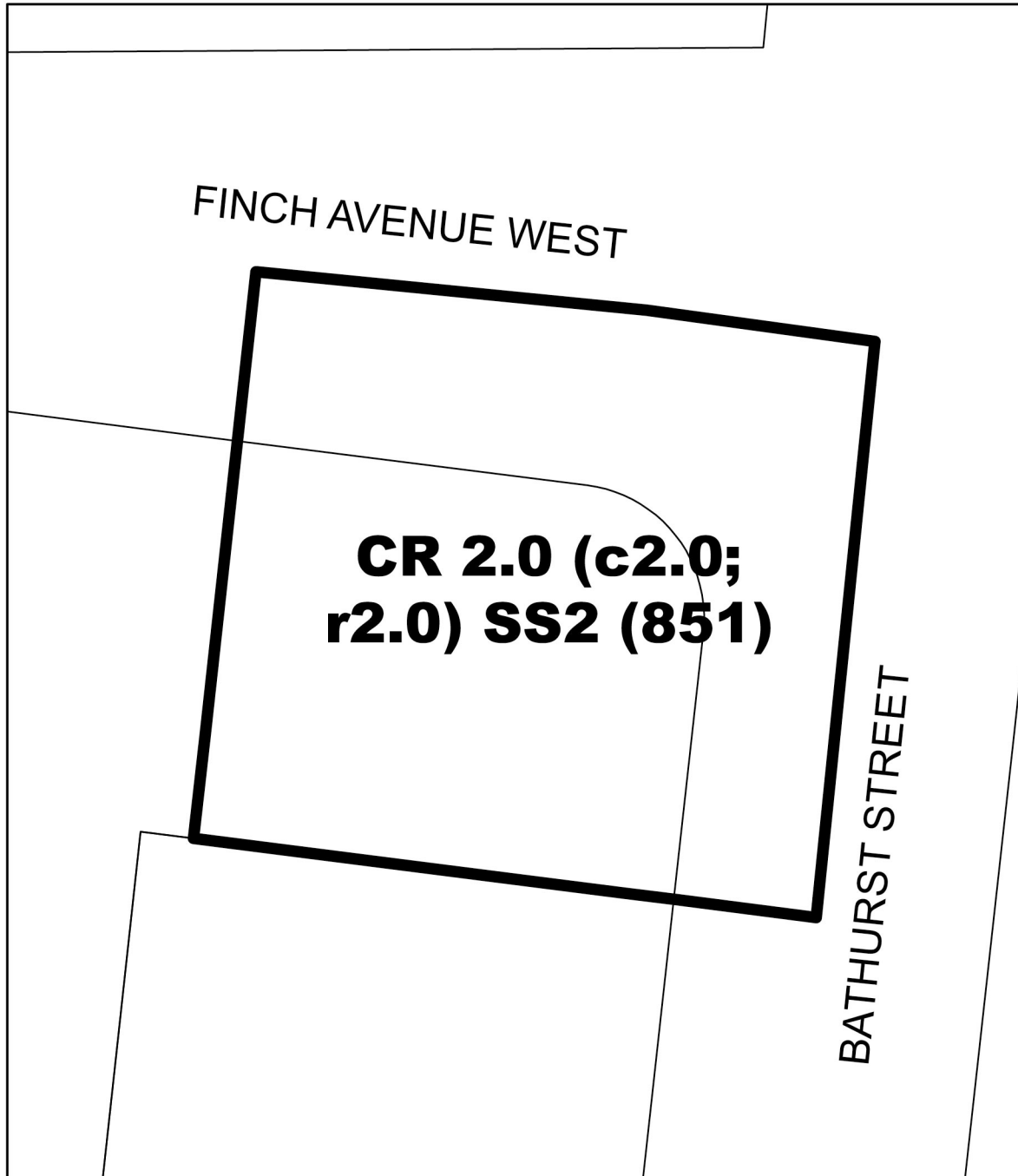
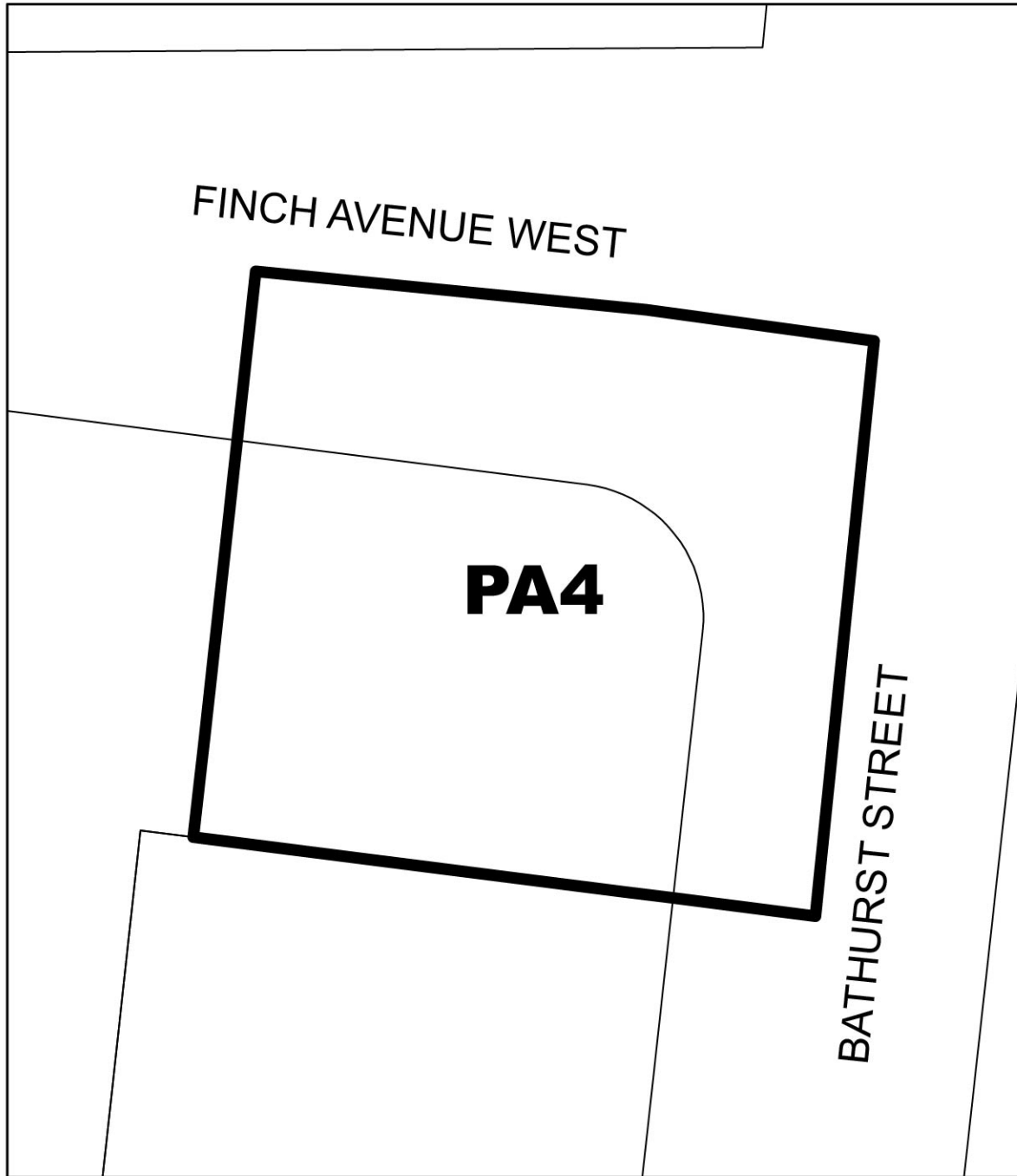


Diagram 3

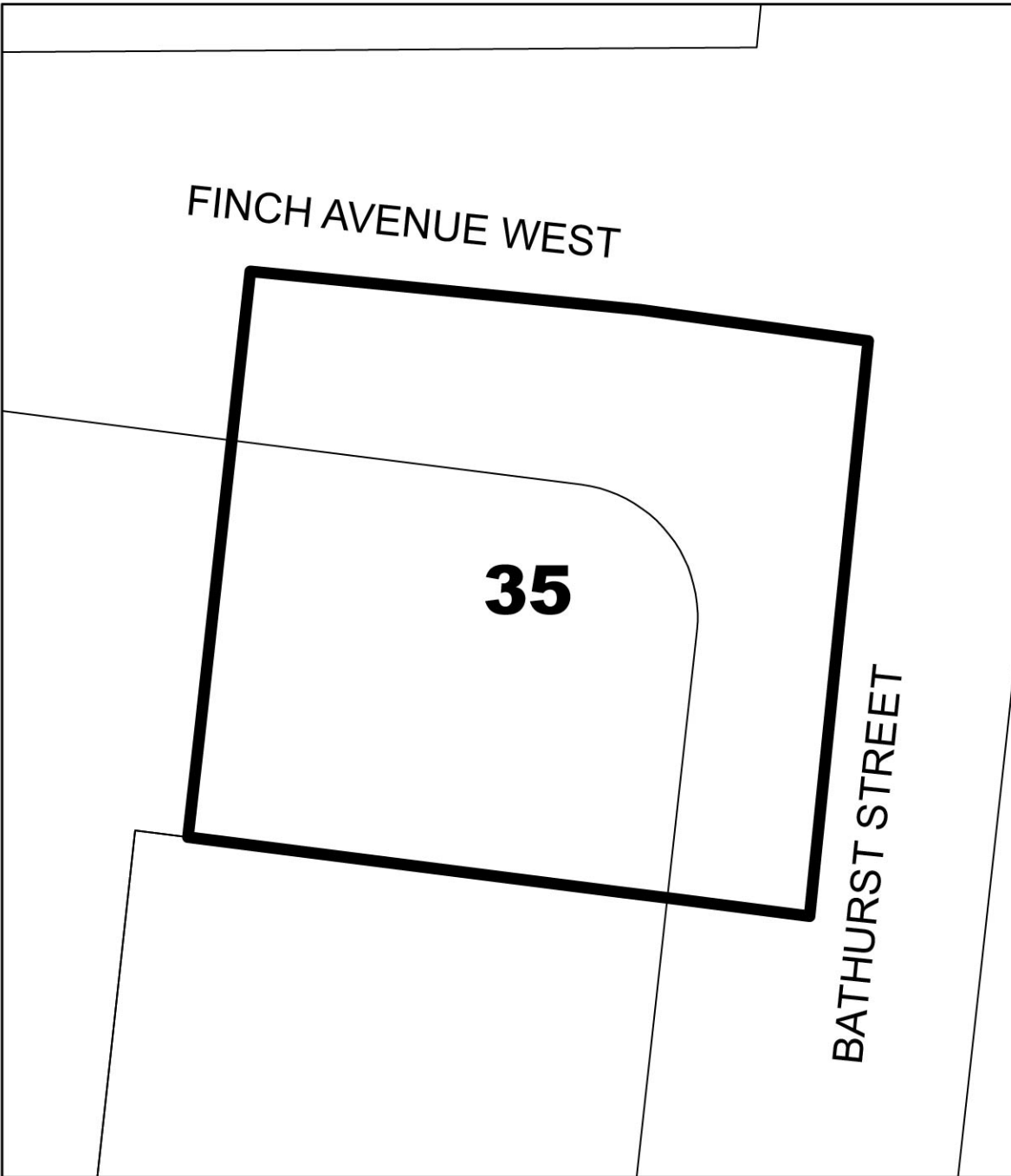


 **TORONTO**
Diagram 3

4926 Bathurst Street

File # 20 219407 NNY 06 0Z

Diagram 4



 **TORONTO**
Diagram 4

4926 Bathurst Street

File # 20 219407 NNY 06 0Z

Diagram 5

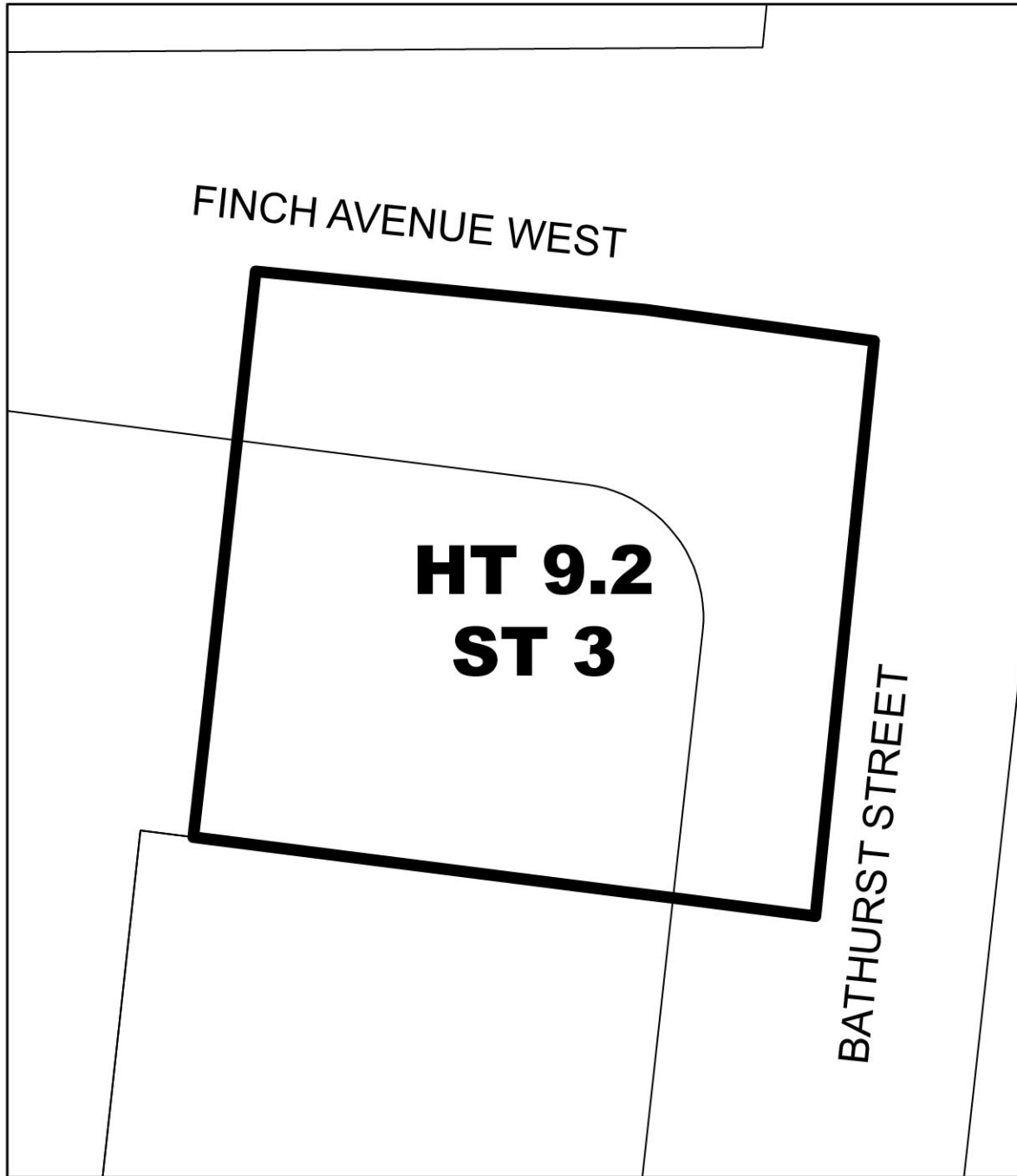


Diagram 6

