Authority: Toronto and East York Community Council Item TE34.50, adopted as amended by City of Toronto Council on July 29 and 30, 2026
City Council voted in favour of this by-law on July 30, 2026
Written approval of this by-law was given by Mayoral Decision 13-2026 dated July 30, 2026

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John D. Elvidge, City Clerk

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2026-09-02

CITY OF TORONTO

BY-LAW 1247-2026

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2025 as 34 to 50 Southport Street.

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 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, as amended; 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 subsection 37.1(3), subsections 37(1) to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020 c. 18 came into force, continue to apply where a municipality passes a by-law described in the repealed subsection 37(1) prior to the date that a community benefits charge by-law is passed under subsection 37(2), provided the by-law is not amended to remove the requirement to provide facilities, services or matters included therein or repealed; and

Whereas on August 15, 2022, City Council passed By-law 1139-2022 being the City of Toronto's Community Benefits Charge By-law pursuant to subsection 37(2) of the Planning Act; and

Whereas Council at its meeting on October 30, 31 and November 1, 2012, City Council amended former City of Toronto By-law 438-86, by enacting By-law 264-2013, which is a by-law described in the repealed subsection 37(1) of the Planning Act, and this By-law does not amend or remove the requirement to provide facilities, services and matters, and therefore subsections 37(1) to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020 c. 18 came into force, continue to apply; and

Whereas subsection 37(3) of the Planning Act, as it read 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 or matters in return for an increase in the density and/or height 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

Whereas the owner has elected to provide certain facilities, services and matters in return for certain increases in density and height as set out in this By-law; and

Whereas the increases in the density and heights permitted hereunder, beyond that otherwise permitted on the land by former City of Toronto By-law 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of such land and the City of Toronto; and

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

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of holding symbol "(H)";

The Council of the City of Toronto enacts:

1. For the purpose of this By-law, the lands subject to this By-law are outlined by heavy black lines on Map 3 attached to this By-law.

2. Section 2 of By-law 264-2013 is amended to include the following:

Prior to the issuance of the first above-grade *Building Permit* for development of the lands identified on Map 3 in accordance with section 12 of this By-Law, the *owner* shall have entered into an amending agreement pursuant to Section 37 of the Planning Act 1990 which secures the matters set out in clause 2B of Appendix 1, as amended.

3. By-law 264-2013 is amended by adding the following:

12. None of the provisions of Section 2(1) with respect to the definition of "*bicycle parking space – occupant*", "*bicycle parking space – visitor*", "*grade*", "*height*", "*landscaping*", "*lot*", and "*residential gross floor area*" and Sections 4(2)(a), 4(4)(b), 4(4)(c), 4(4)(d), 4(6)(c) 4(12), 4(13), 4(16), 4(17), 8(3) Part I 1, 8(3) Part I 2, 8(3) Part I 3(a), 8(3) Part II, 8(3) Part III, 8(3) Part IV 1, 8(3) Part V and 8(3) Part XI 2 of Zoning Bylaw 438-86, as amended, Section(s) **4, 5, 6(b)** and **10** of By-Law 264-2013, and Section 4 of this By-Law, shall apply to prevent the erection and use of the portion of the lands known as 34 to 50 Southport Street (hereinafter referred to as the "*lands*"), identified on Map 3 attached to and forming part of this By-law, for a *residential building* with *dwelling units*, provided that:

(A) The *lands* are delineated by heavy lines on Map 3 attached to and forming part of this By-law;

(B) The total *residential gross floor area* on the *lands* shall not exceed a maximum of 26,550 square metres;

(C) No portion of any building or structures erected on the *lands* or used above grade may exceed those heights in metres as indicated by the numbers following the symbol H on Map 4 except for the following building elements, which are permitted to exceed the maximum heights:

(i) equipment used for the functional operation of a building, including electrical, utility, mechanical and ventilation equipment, as well as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 7.0 metres;

(ii) structures that enclose, screen, or cover the equipment, structures and parts of a building listed in (i) above, including a mechanical penthouse, by a maximum of 7.0 metres;

(iii) architectural features, parapets, elements and structures associated with a green roof may further exceed the permitted maximum height projection in (i) and (ii) above, by an additional maximum of 3.0 metres;

(iv) building maintenance units and window washing equipment, by a maximum of 5.0 metres;

(v) planters, landscaping features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 4.0 metres;

(vi) antennae, flagpoles and satellite dishes, by a maximum of 4.0 metres; and

(vii) trellises, pergolas, and unenclosed structures providing safety or wind protection to rooftop residential amenity space, by a maximum of 4.0 metres;

(D) No portion of the building or structures erected or used on the *lands* above *grade* is located otherwise than wholly within the areas delineated by heavy lines on Map 4 attached to and forming part of this by-law, save and except for:

(i) decks, porches, eaves, dormers and patios, by a maximum of 4.0 metres;

(ii) balconies, which may extend to a maximum horizontal projection perpendicular from an exterior building wall of 1.8 metres beyond the heavy lines shown on Map 4, provided that such a balcony does not project beyond the dashed line on Map 4 indicating the boundary of the *lands*;

(iii) canopies and awnings, by a maximum of 2.5 metres;

(iv) exterior stairs, stair enclosures, access ramps and elevating devices, by a maximum of 7.0 metres;

(v) cladding added to the exterior surface of the main wall of a building, by a maximum of 0.5 metres;

(vi) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, roof overhangs**,** or chimney breast, by a maximum of 2.0 metres;

(vii) fences, guard rails, chimneys, venting, landscape and green roof elements, privacy screens to the extent of the main wall of the storey below; and

(viii) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 2.0 metres;

(E) At least 1588 square metres of *residential amenity space* must be provided in accordance with the following:

(i) At least 2.0 square metres for each *dwelling unit* is indoor *residential amenity space*;

(ii) At least 40.0 square metres is outdoor *residential amenity space* in a location adjoining or directly accessible to the indoor *residential amenity space*; and

(iii) No more than 25 percent of the outdoor component may be part of a green roof;

(F) The *height* of any building or structures, or portion thereof, does not exceed those *heights* in metres as indicated by the numbers following the symbol H on Map 4 except those items listed in Section 12(C)(i)(ii)(iii)(iv) of this By-law;

(G) The provision of *dwelling units* is subject to the following:

(i) A minimum of 24 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; and

(iii) Any *dwelling units* with three or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above;

(H) *Parking spaces* for the *residential building* will be satisfied by the provision of parking in accordance with the requirements of By-law 438-86, as amended by By-law 264-2013, and subject to any authorized Section 45 Planning Act minor variances;

(I) *Bicycle parking spaces* shall be provided and maintained on the *lands* in accordance with the following:

(i) a minimum of 0.9 *bicycle parking spaces – occupant* per *dwelling unit*; and

(ii) a minimum of 0.2 *bicycle parking spaces – visitor* per *dwelling unit*;

(J) The number of *bicycle parking spaces – occupant* and *bicycle spaces – visitor* may be reduced, subject to the following:

(i) The number of *bicycle parking spaces – visitor* reduced is not more than half the amount required by (I) above, rounded down to the nearest whole number;

(ii) The number of *bicycle parking spaces – occupant* reduced is not more than half the amount required by (I) above, rounded down to the nearest whole number;

(iii) For each *bicycle parking space* required by (I) that is to be reduced, the owner or occupant must provide a payment-in-lieu to the City of Toronto; and

(iv) The owner or occupant must enter into an agreement with the City of Toronto pursuant to Section 40 of the Planning Act;

(K) *Bicycle parking spaces – occupant* and *bicycle parking spaces – visitor* may be located indoors or outdoors in a secured or unsecured room or enclosure;

(L) *Bicycle parking spaces – occupant* and *bicycle parking spaces – visitor* may be located in a stacked bicycle parking space;

(M) *Bicycle parking spaces – occupant* and *bicycle parking spaces – visitor* may be located in a secured room, in a locker, or area on any floor of the building above, at or below ground level without being subject to any level increment requirement and may be located more than 30 metres from the pedestrian entrance to the building; and

(N) At least one *loading space-type C* shall be provided and maintained on the *lands*.

4. By-law 264-2013 is amended by adding the following:

13. For the purposes only of Section 12 of this By-law, all italicized words and expressions have the same meaning as defined in By-law 438-86, as amended, with the exception of the following:

(A) *"Lands"* comprise the parcel of land outlined by heavy lines on Map 3;

(B) *"Grade"* means 79.60 metres Canadian Geodetic Datum;

(C) "*Height*" means the vertical distance between grade and the highest point of the roof of any building on the *lands*, except for those elements prescribed by this By-law;

(D) "*Residential gross floor area*" means the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the main wall of each floor level; The gross floor area is reduced by the area in the building used for:

(i) Parking, loading and bicycle parking below grade and on the first storey;

(ii) Loading spaces at the ground level and *bicycle parking spaces* at or above grade;

(iii) Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below grade;

(iv) Mechanical and electrical areas on the first storey;

(v) *Shower - change facilities* required by this By-law for required *bicycle parking spaces*;

(vi) *Residential amenity space* required by this By-law;

(vii) Elevator shafts;

(viii) Garbage shafts;

(ix) Mechanical penthouse; and

(x) Exit stairwells in the building.

5. By-law 264-2013 is further amended by adding Maps 3 and 4 attached to this By-Law.

6. By-law 264-2013 is further amended by adding the following as paragraph 2B of Appendix 1:

The owner shall provide an additional public art contribution in the amount of $475,000, such cash amount to be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment of the sum by the owner to the City of Toronto.

7. Despite any other By-laws that apply to the *lands*, the provisions of this By-law shall prevail.

8. Except as provided herein, the provisions of former City of Toronto By-law 438-86, as amended, shall continue to apply to the *lands*.

9. Holding Symbol Provision:

(A) The City has commissioned and completed a pumping station servicing capacity, including an Environmental Assessment, as may be permitted and/or required by the Environmental Assessment Act, to identify the type, scope, and timing of the required sanitary servicing improvements and/or upgrades to the existing municipal infrastructure in the Swansea Pumping Station catchment area to provide adequate sanitary sewer and pumping station capacity to accommodate the development of the lands, to the satisfaction of the General Manager, Toronto Water.

(B) The improvements and/or upgrades identified by (i) above have been constructed and are operational that provide adequate sanitary sewer and pumping station capacity to accommodate the development of the lands, all to the satisfaction of the Director, Engineering Review and the General Manager, Toronto Water.

(C) The Pedestrian Cross-over Review and Traffic Calming Investigation has been completed by Transportation Services, and any necessary and/or required updates to the Transportation Impact Study have been completed (including securing any further transportation infrastructure upgrades), to the satisfaction of the General Manager, Transportation Services.

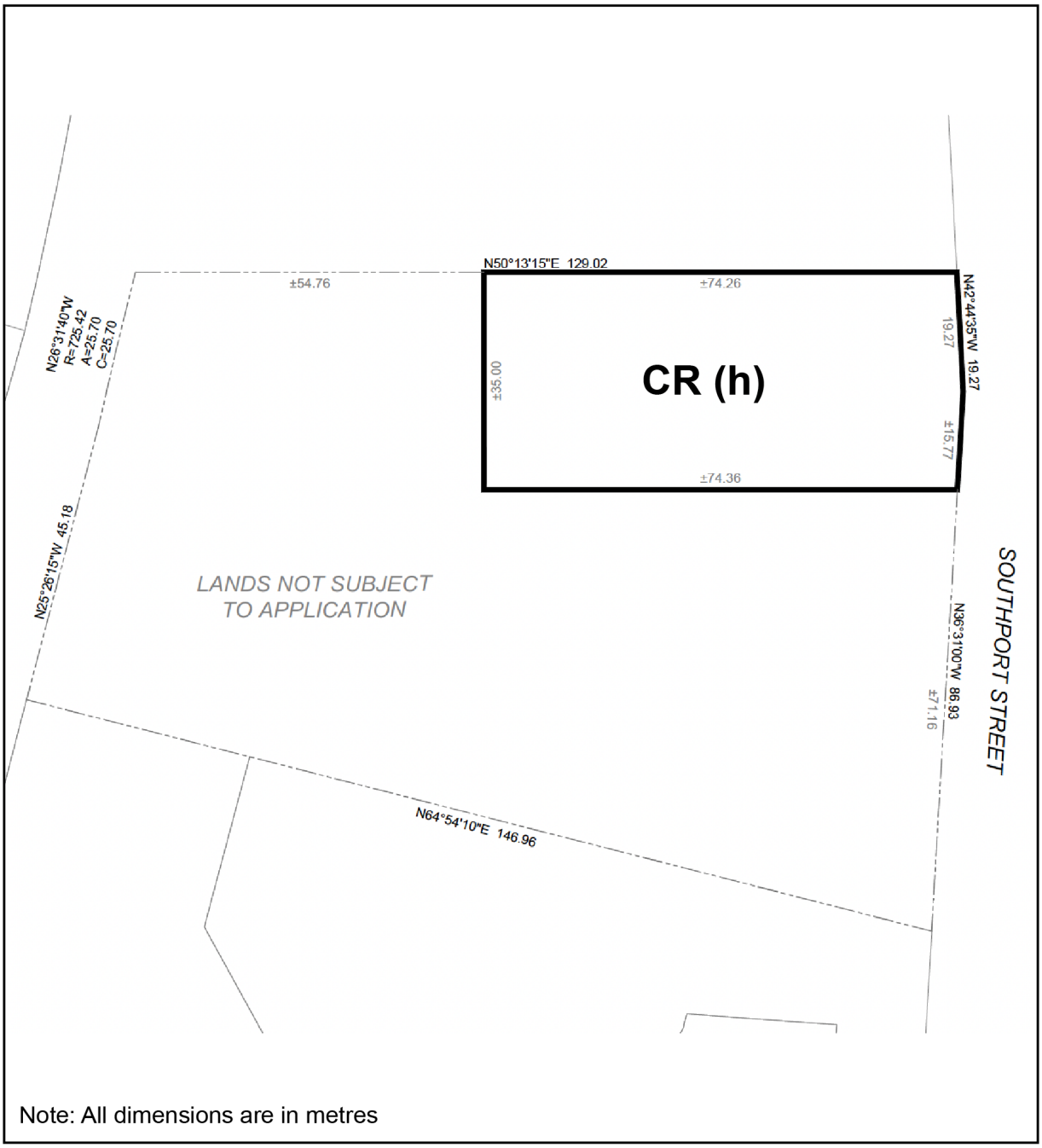
Enacted and passed on July 30, 2026.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

Map 3



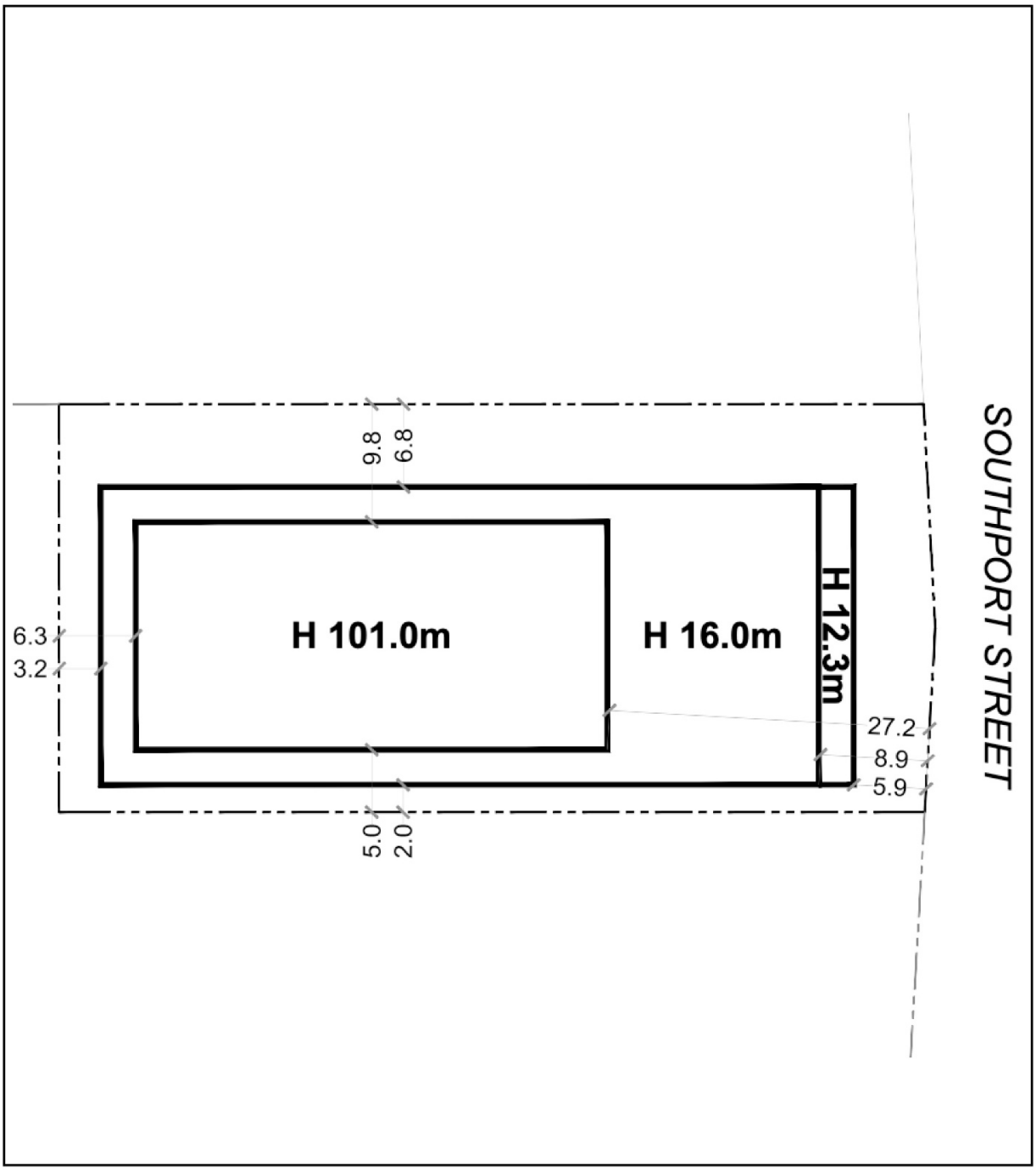
TORONTO
Map 3

34-50 Southport Street

File # 25 269670 STE 04 OZ

Former City of Toronto By-law 438-86
Not to Scale
06/23/2026

Map 4



TORONTO
Map 4

34-50 Southport Street

File # 25 269670 STE 04 OZ

Former City of Toronto By-law 438-86
Not to Scale
07/03/2026