

Reply Attention of *Mary Flynn-Guglietti*
Direct Line *416.865.7256*
Internet Address *mary.flynn@mcmillan.ca*
Our File No. *96866*
Date *October 11, 2012*

VIA FAX (416-392-1879) AND E-MAIL (pgmc@toronto.ca)

City Clerk
Toronto City Hall
100 Queen Street West
10th Floor, West Tower
Toronto, ON
M5H 2N2
Attention: Merle MacDonald,
Administrator, Planning and Growth Management Committee

Dear Chair and Members:

**Re: Submissions on behalf of Torgan Management Inc.
regarding Draft Harmonized City of Toronto By-law
Public Meeting – October 12, 2012**

We are the solicitors retained to act on behalf of Torgan Management Inc. (“**Torgan**”), the owners of the properties listed below, in connection with its review of the draft harmonized City of Toronto Zoning By-law (the “**Draft By-law**”) as it relates to certain of Torgan’s properties within the boundaries of the City of Toronto. We have had an opportunity to review the Draft By-law as endorsed by the Planning and Growth Management Committee on June 18th, 2012 and have concerns as follows:

1. 5 Christie Street:

The current city of Toronto Zoning By-law No. 438-86 (the “**Current Toronto By-law**”) zones this site R4 Z1.0. The uses permitted as-of-right are myriad with additional uses subject to conditions. The Draft By-law proposes to zone the site R (d1.0) (x7).

We are concerned with the inclusion of this property in the Draft By-law for several reasons.

Firstly, the Draft By-law appears to significantly reduce the number of uses that are permitted as-of-right. Many uses previously permitted as-of-right now appear to be conditional. As well, some uses appear to no longer be permitted at all. For example, no parking uses appear to be permitted in an R zone under the Draft By-law and the current site is used exclusively for parking.

Next, we are concerned that the Draft By-law imposes frontage requirements that are more onerous than the existing zoning. We are also concerned that “height” is no longer a defined term under the Draft By-law. As a result, it is unclear how height should be measured under the Draft By-law and whether this will be more or less restrictive than the existing zoning.

Accordingly, to ensure that this property does not become legal non-conforming and to ensure that the owner is not prejudiced by the adoption of the Draft By-law, we respectfully submit that this property be excluded from the Draft By-law or that a site-specific exception be adopted which resolves our concerns as outlined above.

2. 4800 Leslie Street:

The current North York Zoning By-law 7625 (the “**Current North York By-law**”) zones this site C1 (31). The uses permitted as-of-right are myriad with additional uses subject to conditions. The Draft By-law proposes to zone the site CR 0.6 (c0.6; r.0.0) SS3 (x159).

We are concerned with the inclusion of this property in the Draft By-law for several reasons.

Firstly, we are concerned that the Draft By-law imposes setback and frontage requirements that are more onerous than before. We are also concerned that “height” is no longer a defined term under the Draft By-law. As a result, it is unclear how height should be measured under the Draft By-law and whether this will be more or less restrictive than the Current North York By-law. As well, the proposed parking requirements seem slightly more onerous than before for some uses.

Accordingly, to ensure that this property does not become legal non-conforming and to ensure that the owner is not prejudiced by the adoption of the Draft By-law, we respectfully submit that this property be excluded from the Draft By-law or that a site-specific exception be adopted which resolves our concerns as outlined above.

3. 3292 Bayview Avenue:

The Current North York By-law zones this site C1. The uses permitted as-of-right are myriad with additional uses subject to conditions. The Draft By-law proposes to zone the site CL 1.1 (x15).

We are concerned with the inclusion of this property in the Draft By-law for several reasons.

Firstly, we are concerned as it appears that the Draft By-law imposes minimum separation of building walls and frontage requirements that are more onerous than before. We are also concerned that “height” is no longer a defined term under the Draft By-law. As a result, it is unclear how height should be measured under the Draft By-law and whether this will be more or less restrictive than the Current North York By-law. As well, the proposed parking requirements seem slightly more onerous than before for some uses.

Accordingly, to ensure that this property does not become legal non-conforming and to ensure that the owner is not prejudiced by the adoption of the Draft By-law, we respectfully submit that this property be excluded from the Draft By-law or that a site-specific exception be adopted which resolves our concerns as outlined above.

4. 716 and 726 Bloor Street West:

The Current Toronto By-law zones these sites MCR T3.0 C3.0 R2.5. The uses permitted as-of-right are myriad with additional uses subject to conditions. The Draft By-law proposes to zone the sites CR 3.0 (c3.0; r2.5) SS2 (x1991).

We are concerned with the inclusion of these properties in the Draft By-law for several reasons.

Firstly, the Draft By-law appears to significantly reduce the number of uses that are permitted as-of-right. Many uses previously permitted as-of-right now appear to be conditional. Similarly, the conditions attributed to the conditional uses seem more onerous than before – for instance on outdoor patios. As well, some uses seem to no longer be permitted at all.

Next, we are concerned that the Draft By-law imposes setback, 45° angular plane and frontage requirements that are more onerous. We are also concerned that “height” is no longer a defined term under the Draft By-law. As a result, it is unclear how height should be measured under the Draft By-law and whether this will be more or less restrictive than the Current Toronto By-law. As well, the proposed parking requirements seem slightly more onerous than before for some uses.

Accordingly, to ensure that these properties do not become legal non-conforming and to ensure that the owner is not prejudiced by the adoption of the Draft By-law, we respectfully submit that they be excluded from the Draft By-law or that a site-specific exceptions be adopted which resolve our concerns as outlined above.

5. 275 Dundas Street West:

The Current Toronto By-law zones this site MCR T2.5 C2.0 R2.0. The uses permitted as-of-right are myriad with additional uses subject to conditions. The Draft By-law proposes to zone the site CR 2.5 (c2.0; r2.0) SS2 (x2484).

We are concerned with the inclusion of this property in the Draft By-law for several reasons.

Firstly, the Draft By-law appears to significantly reduce the number of uses that are permitted as-of-right. Many uses previously permitted as-of-right now appear to be conditional. As well, some uses seem to no longer be permitted at all. For example, fewer residential uses appear to be permitted under the Draft By-law.

In addition, we are concerned as it appears that the Draft By-law imposes setback, 45° angular plane and frontage requirements that are more onerous. We are also concerned that “height” is no longer a defined term under the Draft By-law. As a result, it is unclear how height should be measured under the Draft By-law and whether this will be more or less restrictive than the Current North York By-law.

Accordingly, to ensure that this property does not become legal non-conforming and to ensure that the owner is not prejudiced by the adoption of the Draft By-law, we respectfully submit that this property be excluded from the Draft By-law or that a site-specific exception be adopted which resolves our concerns as outlined above.

6. 109 McCaul Street:

The Current Toronto By-law zones this site MCR T2.5 C2.0 R2.0. The uses permitted as-of-right are myriad with additional uses subject to conditions. The Draft By-law proposes to zone the site CR 2.5 (c2.0; r2.0) SS2 (x2485).

We are concerned with the inclusion of this property in the Draft By-law for several reasons.

Firstly, and most significantly, the property is identified on the wrong lot on the Draft By-law’s zoning map. This is likely because the property is also wrongly identified on Property Data Map 50H-12. The zoning of land is different at the property’s actual location as opposed to where it is identified on these maps. Therefore, confirmation as to which zoning designation applies to 109 McCaul Street is required. Attached as Schedules “A” through “D” are copies of the zoning map from the Draft By-law, Property Data Map 50H-12, Plan 66R-18686, and an image of the property from Terraview.

Secondly, Section 12(2)259 is listed as a Prevailing Section under the Draft By-law, however, the Consolidated Unofficial Index of Exceptions under the Current Toronto By-law does not include Section 12(2)259 as an exception applicable to the property. Furthermore, Section 12(2)259 does not appear to apply to the property since the property is not on a lot that adjoins Dundas Street or Queen Street and these are the only streets near to the property that are marked as priority retail streets on Map 1 under Section 12(2)259. A copy of Section 12(2)259, including Map 1 is attached for your reference as Schedule “E”.

Further, the Draft By-law appears to significantly reduce the number of uses that are permitted as-of-right. Many uses previously permitted as-of-right now appear to be conditional. Similarly, the conditions attributed to the conditional uses seem more onerous than before – for instance on outdoor patios. As well, some uses seem to no longer be permitted at all. For example, fewer residential uses appear to be permitted under the Draft By-law.

Finally, we are concerned as it appears that the Draft By-law imposes setback, 45° angular plane and frontage requirements that are more onerous than before. We are also concerned that “height” is no longer a defined term under the Draft By-law. As a result, it is unclear how height should be measured under the Draft By-law and whether this will be more or

less restrictive than the Current Toronto York By-law. As well, the proposed parking requirements seem slightly more onerous than before for some uses.

Accordingly, to ensure that this property does not become legal non-conforming and to ensure that the owner is not prejudiced by the adoption of the Draft By-law, we respectfully submit that this property be excluded from the Draft By-law or that a site-specific exception be adopted which resolves our concerns as outlined above.

7. 2401 Yonge Street:

The Current Toronto By-law zones this site MCR T3.0 C2.0 R2.5. The uses permitted as-of-right are myriad with additional uses subject to conditions. The Draft By-law proposes to zone the site CR 3.0 (c2.0; r2.5) SS2 (x2522).

We are concerned with the inclusion of this property in the Draft By-law for several reasons.

Firstly, there appear to be several errors under Exception CR 2522. Specifically, Section 12(2) 260 is not included in the Consolidated Unofficial Index of Exceptions for the property under the Current Toronto By-law. Review of Section 12(2) 260 indicates that this section does not apply to the property since the property is not on the maps provided under Section 12(2) 260. Therefore, it is very likely that Section 12(2) 260 is not intended to prevail, however, this needs to be confirmed. A copy of the Section 12(2)260 is attached for your reference as Schedule "F". Furthermore, By-law 212-84 is listed in the Consolidated Unofficial Index of Exceptions for the property under the Current Toronto By-law while By-law 21-84 is not. Review of By-law 21-84 shows that this is not a zoning by-law while By-law 212-84 amends the former City of Toronto By-law 139-82 which is a prevailing by-law under the Draft By-law. Therefore, it is very likely that By-law 212-84 is intended to prevail as opposed to By-law 21-84, however, this needs to be confirmed. Copies of By-law 21-84 and By-law 212-84 are attached for your reference as Schedules "G" and "H", respectively.

Similarly, former City of Toronto By-law 139-82 (and former City of Toronto By-law By-law 212-84) operates to (conditionally) permit use of the property for a sales or hire garage while Section 12(2)118 of the Current Toronto By-law prohibits such a use. Both former City of Toronto By-law 139-82 and Section 12(2)118 of the Current Toronto By-law prevail under the Draft By-law. As a result, clarification is required as to which exception prevails over the other.

Next, the Draft By-law appears to significantly reduce the number of uses that are permitted as-of-right. Many uses previously permitted as-of-right now appear to be conditional. Similarly, the conditions attributed to the conditional uses seem more onerous than before – for instance on outdoor patios. As well, some uses seem to no longer be permitted at all. For example, fewer residential uses appear to be permitted under the Draft By-law.

Also, we are concerned as it appears that the Draft By-law imposes setback, 45° angular plane and frontage requirements that are more onerous than before. We are also concerned that "height" is no longer a defined term under the Draft By-law. As a result, it is

unclear how height should be measured under the Draft By-law and whether this will be more or less restrictive than the Current Toronto York By-law. As well, the proposed parking requirements seem slightly more onerous than before for some uses.

Finally, and most importantly, the property is currently subject to several site-specific By-laws, namely By-law 139-82, By-law 212-84 and By-law 41-91. Currently under the Draft By-law only By-law 139-82 prevails. As discussed above, site-specific By-law 212-84 should be included under the Draft By-law instead of By-law 21-84. By-law 41-91, however, should also prevail and is not currently included under the Draft By-law. We would seek to ensure that all three of these by-laws are brought forward into the Draft By-law as is required for their proper interpretation. A copy of By-laws 139-82 and By-law 41-91 are attached for your reference as Schedules "I" and "J", respectively. By-law 212-84 may be found in Schedule "H".

Accordingly, to ensure that this property does not become legal non-conforming and to ensure that the owner is not prejudiced by the adoption of the Draft By-law, we respectfully submit that this property be excluded from the Draft By-law or that a site-specific exception be adopted which resolves our concerns as outlined above.

8. 27 Roncesvalles Avenue:

The Current Toronto By-law zones this site MCR T2.5 C1.0 R2.0. The uses permitted as-of-right are myriad with additional uses subject to conditions. The Draft By-law proposes to zone the site CR 2.5 (c1.0; r2.0) SS2 (x1766).

We are concerned with the inclusion of this property in the Draft By-law for several reasons.

Firstly, the Draft By-law appears to significantly reduce the number of uses that are permitted as-of-right. Many uses previously permitted as-of-right now appear to be conditional. Similarly, the conditions attributed to the conditional uses seem more onerous than before – for instance on outdoor patios. As well, some uses seem to no longer be permitted at all.

Next, we are concerned as it appears that the Draft By-law imposes setback, 45° angular plane and frontage requirements that are more onerous than before. We are also concerned that "height" is no longer a defined term under the Draft By-law. As a result, it is unclear how height should be measured under the Draft By-law and whether this will be more or less restrictive than the Current Toronto By-law. As well, the proposed parking requirements seem slightly more onerous than before for some uses.

Accordingly, to ensure that this property does not become legal non-conforming and to ensure that the owner is not prejudiced by the adoption of the Draft By-law, we respectfully submit that this property be excluded from the Draft By-law or that a site-specific exception be adopted which resolves our concerns as outlined above.

9. 844 Bathurst Street:

The Current Toronto By-law zones this site MCR T2.5 C1.0 R2.5. The uses permitted as-of-right are myriad with additional uses subject to conditions. The Draft By-law proposes to zone the site CR 2.5 (c1.0; r2.5) SS2 (x1571).

We are concerned with the inclusion of this property in the Draft By-law for several reasons.

Firstly, there appear to be several errors under Exception CR 1571. Specifically, Section 12(2)68 is not included in the Consolidated Unofficial Index of Exceptions for the property under the Current Toronto By-law. Review of Section 12(2)68 indicates that this section does not apply to the property since it relates to lands abutting Dovercourt Road in between Bloor Street and College Street while the property is north of Bloor Street. Therefore, it is very likely that Section 12(2)68 is not intended to prevail, however, this needs to be confirmed. A copy of Section 12(2)68 is attached for your reference as Schedule "K".

Next, the Draft By-law appears to significantly reduce the number of uses that are permitted as-of-right. Many uses previously permitted as-of-right now appear to be conditional. Similarly, the conditions attributed to the conditional uses seem more onerous than before – for instance on outdoor patios. As well, some uses seem to no longer be permitted at all. For example, use of a residential building as a converted house, a rooming house or a converted dwelling and rooming house is no longer permitted under the Draft By-law because Section 12(1)61 of the Current Toronto By-law does not prevail under the Draft By-law. A copy of Section 12(1)61 is attached for your reference as Schedule "L".

Finally, we are concerned as it appears that the Draft By-law imposes setback, 45° angular plane and frontage requirements that are more onerous than before. We are also concerned that "height" is no longer a defined term under the Draft By-law. As a result, it is unclear how height should be measured under the Draft By-law and whether this will be more or less restrictive than the Current Toronto By-law. As well, the proposed parking requirements seem slightly more onerous than before for some uses.

Accordingly, to ensure that this property does not become legal non-conforming and to ensure that the owner is not prejudiced by the adoption of the Draft By-law, we respectfully submit that this property be excluded from the Draft By-law or that a site-specific exception be adopted which resolves our concerns as outlined above.

We wish to inform you that my client and I have been, and continue to be, prepared to meet with City staff to discuss the concerns set out above.

We understand that the City will be holding a statutory public meeting at 10am on October 12, 2012 to consider the Draft By-law and the public's concerns related thereto. We trust that Committee members will take the opportunity to consider our written submissions.

Yours truly,



Mary Flynn-Guglietti

/af
Encl.

c.c.: Torgan Management Inc.
Attention: Mr. Eli Swirsky

Joe D'Abramo

SCHEDULE A



Draft Zoning By-law Interactive Map

[Contact Us](#)

109 McCaul Street

Legend

Search Results

1 result(s) for '109 McCaul Street':

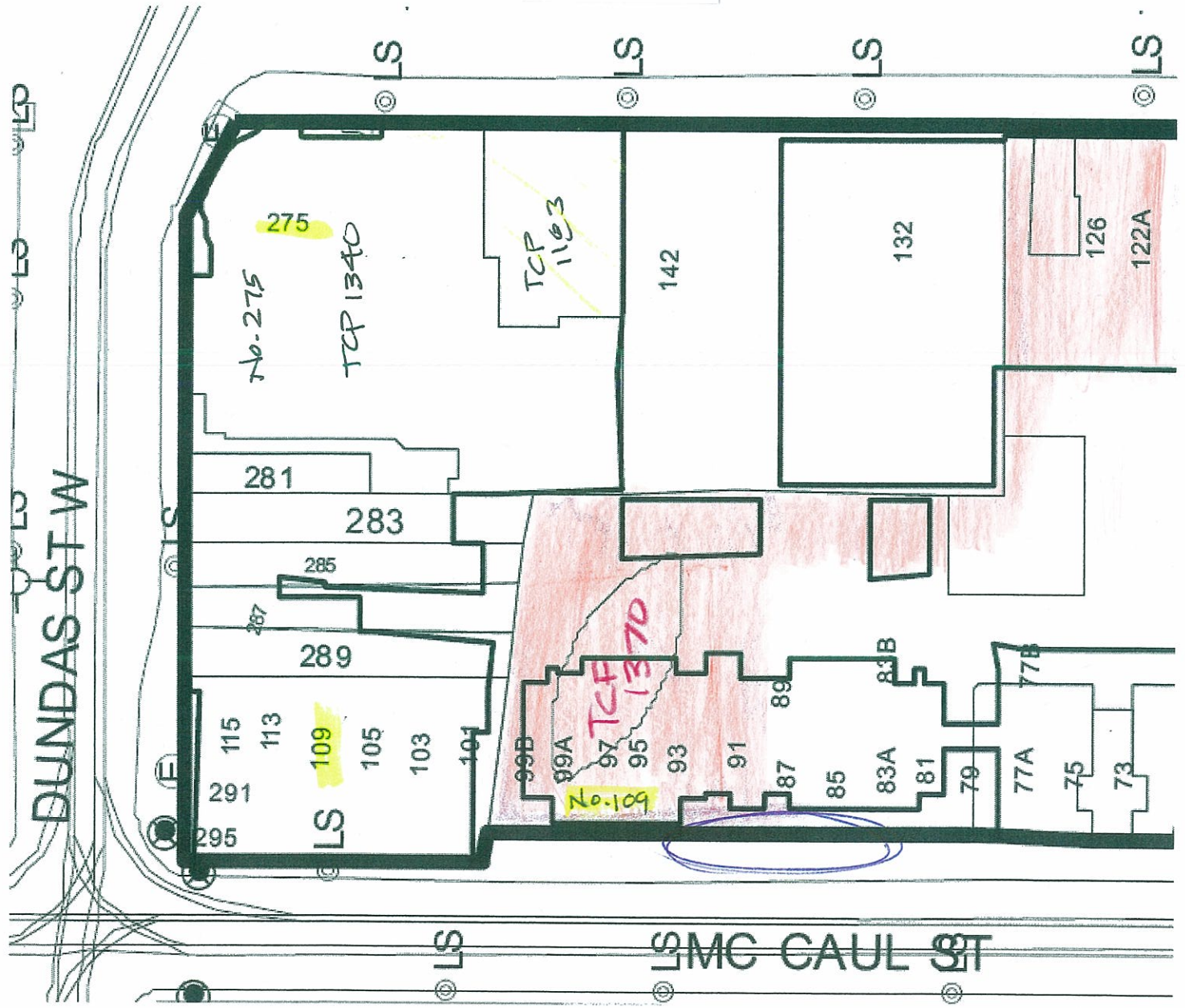
109 McCaul St
M5T 3K5 Ward: Trinity-Spadina (20), former Toronto

Streets

Aerial

Measure

SCHEDULE B



Property Data Map 50H-12

Existing location of property municipally known as 109 McCaul Street is highlighted in RED.

SCHEDULE C

Registered Condominium Plan 66R-18686

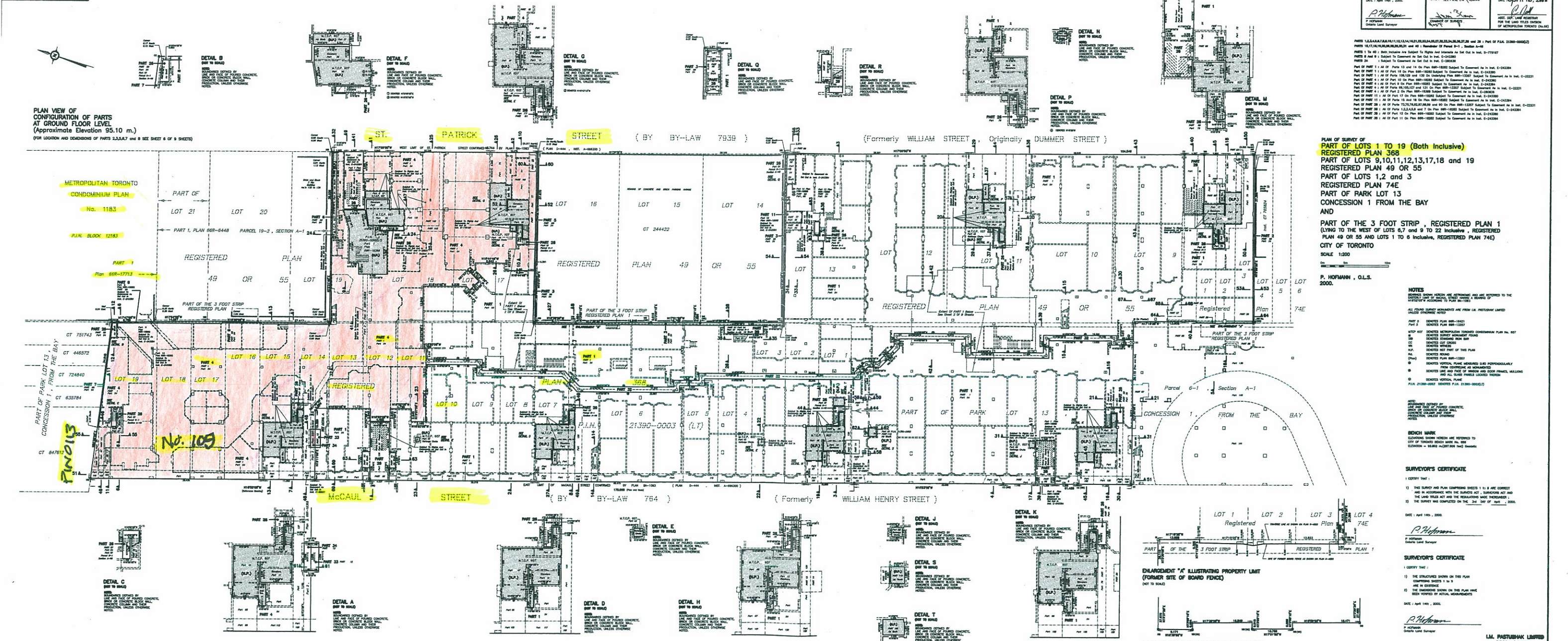
Property municipally known as 109 McCaul Street is highlighted in RED.

METRIC 1: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

NOTE 1: FOR "PART LOCATION AND SECTION SCHEDULE" SEE SHEET 8 OF 9 SHEETS

PE 3416-S SHEET 1 OF 9 SHEETS (STRATA)

REGISTERED CONDOMINIUM PLAN 66R-18686
 DATE: April 10, 2001
 P. HOFMANN, O.L.S.
 SURVEYOR



PLAN OF SURVEY OF
PART OF LOTS 1 TO 19 (Both Inclusive)
REGISTERED PLAN 368
 PART OF LOTS 9, 10, 11, 12, 13, 17, 18 and 19
 REGISTERED PLAN 49 OR 55
 PART OF LOTS 1, 2 and 3
 REGISTERED PLAN 74E
 PART OF PARK LOT 13
 CONCESSION 1 FROM THE BAY
 AND
 PART OF THE 3 FOOT STRIP, REGISTERED PLAN 1
 (LYING TO THE WEST OF LOTS 6, 7 and 9 TO 22 Inclusive, REGISTERED PLAN 49 OR 55 AND LOTS 1 TO 6 Inclusive, REGISTERED PLAN 74E)
 CITY OF TORONTO
 SCALE 1:200
 P. HOFMANN, O.L.S.
 2000.

NOTES

- THIS SURVEY AND PLAN COMPRESS SHEETS 1 TO 9 ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER.
- THE SURVEY WAS COMPLETED ON THE 10th DAY OF APRIL, 2001.
- DATE: APRIL 10, 2001.
- P. HOFMANN, O.L.S.

SURVEYOR'S CERTIFICATE

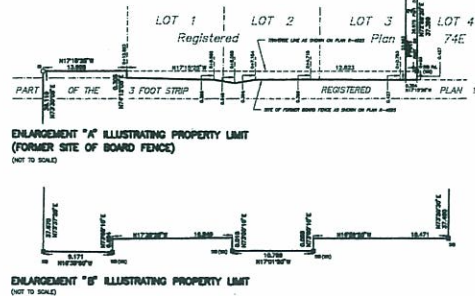
I CERTIFY THAT:

- THIS SURVEY AND PLAN COMPRESS SHEETS 1 TO 9 ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER.
- THE SURVEY WAS COMPLETED ON THE 10th DAY OF APRIL, 2001.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THE STRUCTURES SHOWN ON THIS PLAN COMPRESS SHEETS 1 TO 9 ARE IN EXISTENCE.
- THE DIMENSIONS SHOWN ON THIS PLAN HAVE BEEN MEASURED BY ACTUAL MEASUREMENTS.



L.M. PASTUSIAK LIMITED
 CIVIL AND LAND SURVEYORS
 100 - 4800 SHEPPARD STREET
 TORONTO, ONTARIO
 M1S 1S2
 TEL: (416) 291-1100

SCHEDULE D



Property municipally known as 109 McCaul Street is highlighted in RED.



Oct 5, 2012

Protected by Copyright. May not be reproduced without permission. This map was compiled using plans and documents recorded in the land registration system and is prepared for property indexing purposes only. This is not a Plan of survey. For actual dimensions of property boundaries, see recorded plans and documents.

Teranet Customer Service Centre: 1-800-208-5263 (Toronto: 416-360-1190)

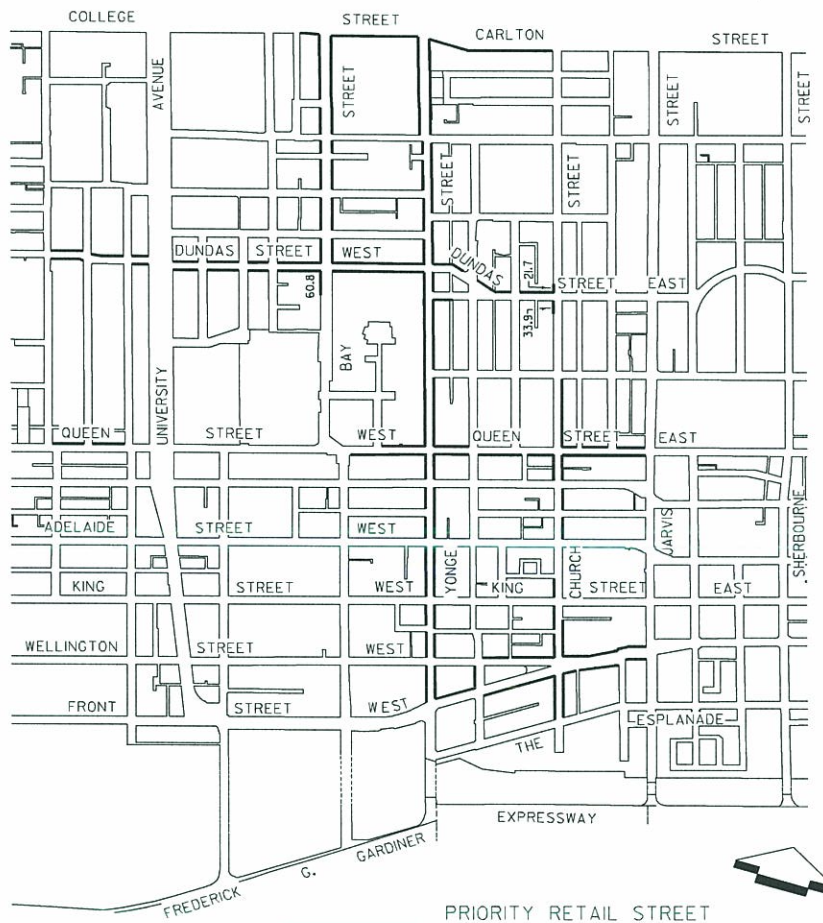
SCHEDULE E

259. No person shall, on a lot adjoining a street designated as a priority retail street on the following maps, erect or use a building or structure for any purpose unless:

- (i) street-related retail and service uses are provided; and (1997-0422)
- (ii) at least 60 percent of the aggregate length of the portion of the frontage of the lot abutting the priority retail street on the following maps is used for that purpose. (581-93) (1997-0422)

(425-93)

MAP 1 of 2



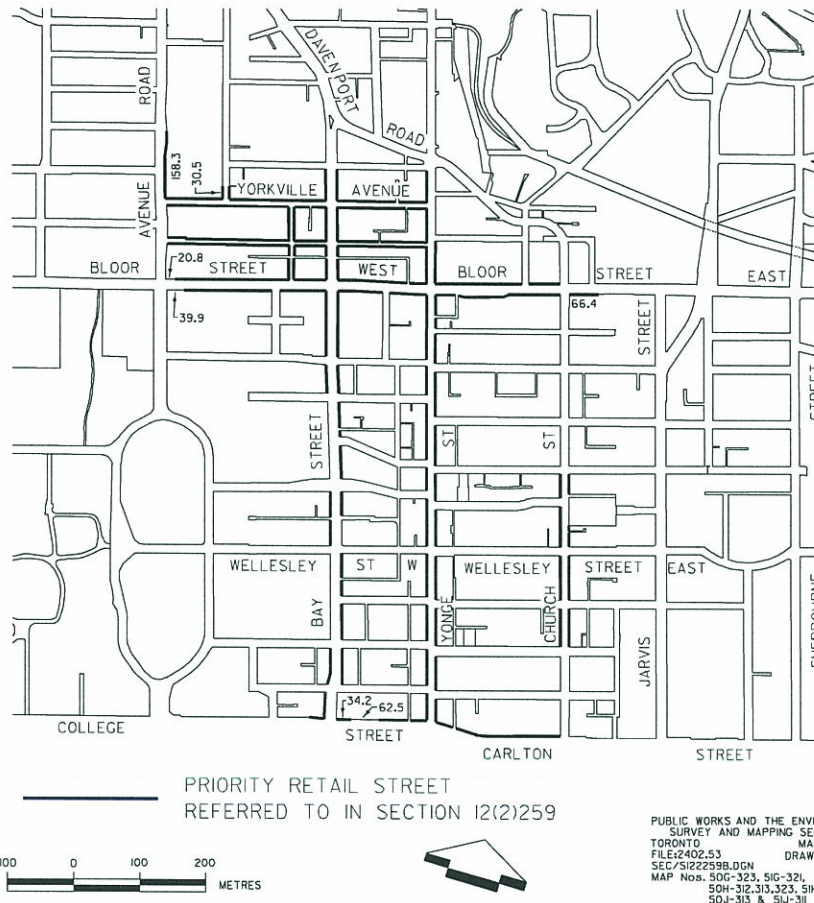
PRIORITY RETAIL STREET
REFERRED TO IN SECTION 12(2)259



PUBLIC WORKS AND THE ENVIRONMENT
SURVEY AND MAPPING SECTION
TORONTO MARCH, 1995
FILE:2402.53 DRAWN: M.G.R.
SEC/S122259A.DGN
MAP Nos. 50G-323, 51G-321,
50H-312, 313, 323, 51H-311, 321,
50J-313 & 51J-311

(1995-0259)

MAP 2 of 2



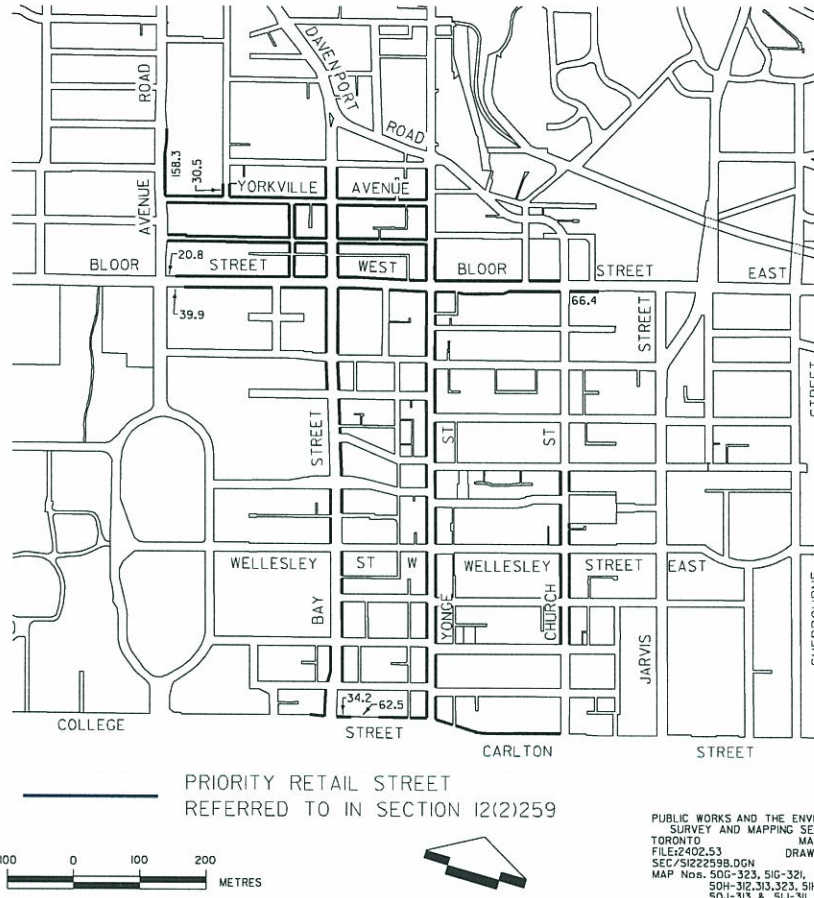
260.¹ No person shall, on a lot abutting a street identified with a number symbol on the maps appended to this exception and as shown in Column A below, erect or use a building or structure that: (1997-0422)

- (i) exceeds the corresponding height at the lot line as set out in Column B below;
- (ii) penetrates the corresponding angular plane indicated in Column C below, measured horizontally over the lot at the height determined in subparagraph (i), as shown on the diagram following the Chart; and
- (iii) exceeds the height shown on the Height and Minimum Lot Frontage Map for the height district in which the lot is located.

¹ Referred to the Ontario Municipal Board as it applies to 7 and 25 Queens Quay East.

SCHEDULE F

MAP 2 of 2



260.¹ No person shall, on a lot abutting a street identified with a number symbol on the maps appended to this exception and as shown in Column A below, erect or use a building or structure that: (1997-0422)

- (i) exceeds the corresponding height at the lot line as set out in Column B below;
- (ii) penetrates the corresponding angular plane indicated in Column C below, measured horizontally over the lot at the height determined in subparagraph (i), as shown on the diagram following the Chart; and
- (iii) exceeds the height shown on the Height and Minimum Lot Frontage Map for the height district in which the lot is located.

¹ Referred to the Ontario Municipal Board as it applies to 7 and 25 Queens Quay East.

CHART

<u>COLUMN A</u>	<u>COLUMN B</u>	<u>COLUMN C</u>
MAP SYMBOL (at the end of this exception)	BASE HEIGHT AT LOT LINE AND POINT AT WHICH ANGULAR PLANE IS MEASURED (in metres)	ANGLE (degrees)
1	14	40
2	16	44
3	20	44
4	24	44
5	28	60
6	34	60
7	18	30
8	22	44
9	29	44
10	13	44
11	30	60

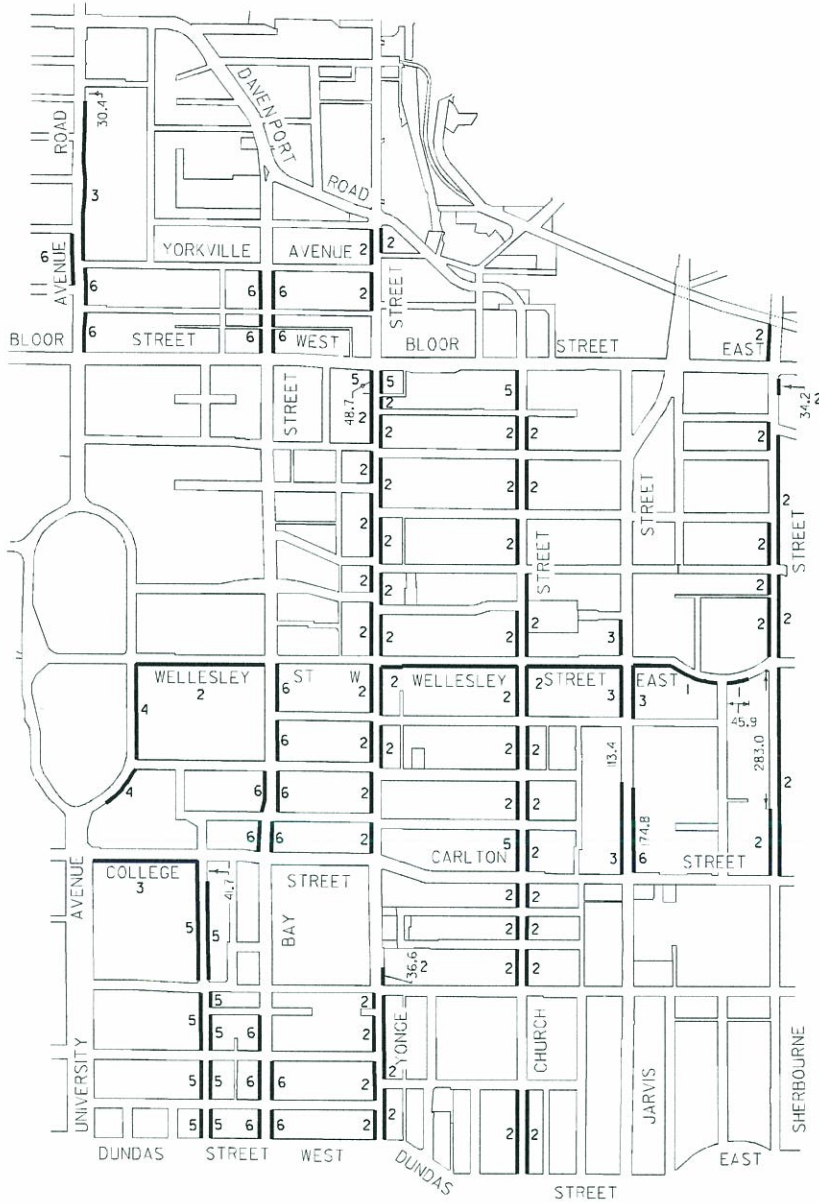
(1996-0238) (309-2000)

For the purpose of this exception *grade* is defined as: (1997-0422)

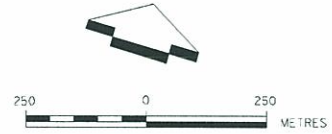
- (i) the average elevation of the sidewalk; or
- (ii) where there is no sidewalk, of the roadway in front of the *lot*; and
- (iii) in both cases only the portion of the *lot* facing a *street* to which this exception applies, shall be used in determining *grade*. (1997-0422)

(425-93)

MAP 1



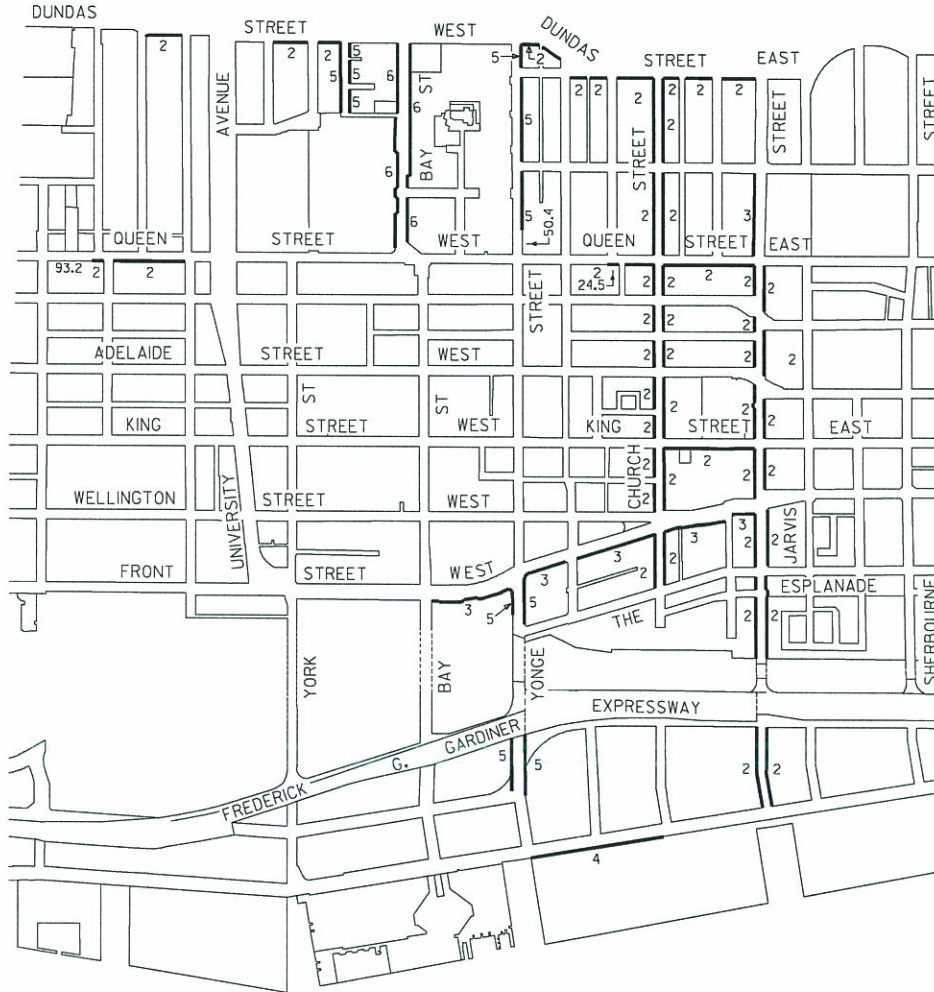
STREETS REFERRED TO
 IN SECTION 12(2)260



CITY WORKS SERVICES
 ENGINEERING AND SURVEYS SECTION
 TORONTO SEPTEMBER, 1996
 SEC/S122260A.DGN
 FILE: 2402.53 DRAWN: PG
 MAP Nos. 50H-312, 313, 322, 323,
 514-311, 312, 321, 322,
 50J-313 & 51J-311

(1994-0653) (1996-0238) (309-2000)

MAP 2



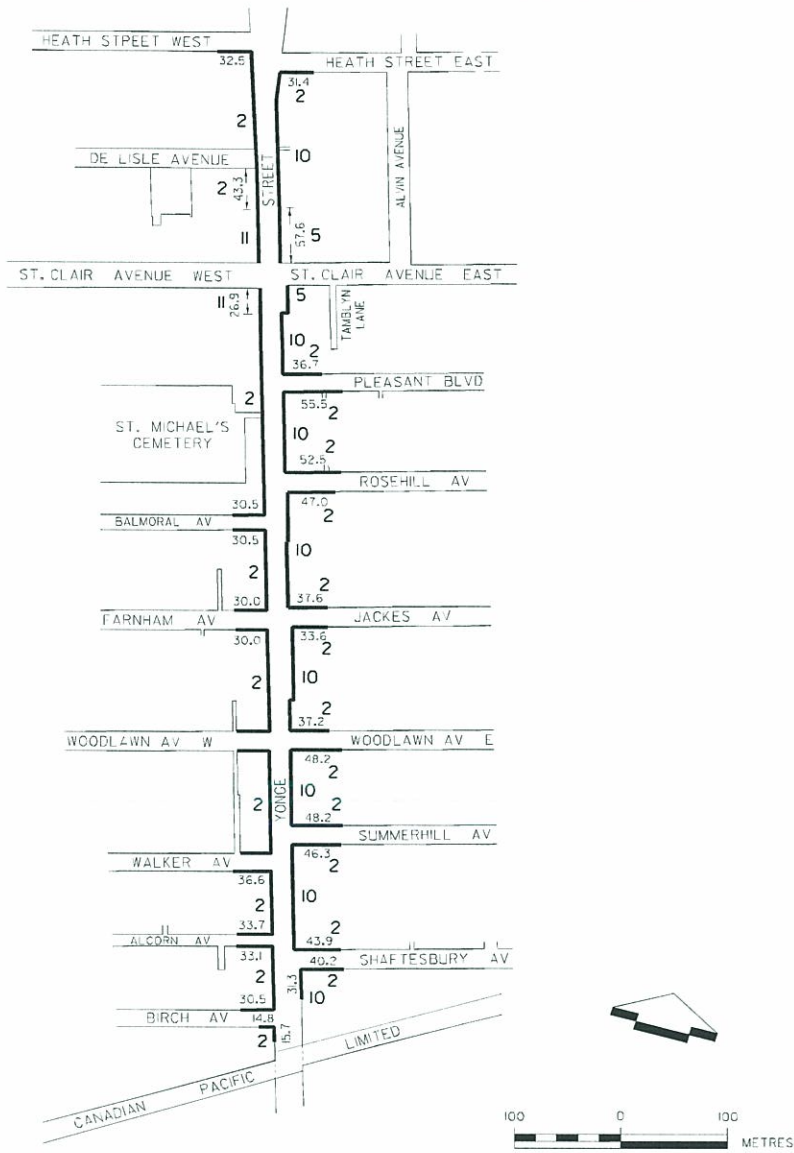
STREETS REFERRED TO IN SECTION 12(2)260



CITY WORKS SERVICES
ENGINEERING AND SURVEYS SECTION
TORONTO AUGUST, 1996
SEC/S122260B.DGN
FILE: 2402-53 DRAWN: M.G.R.
MAP Nos.: 500-322, 323, 510-311,
510-312, 321, 322, 50H-312, 313,
51H-311 & 312

(1994-0653) (1996-0238) (309-2000)

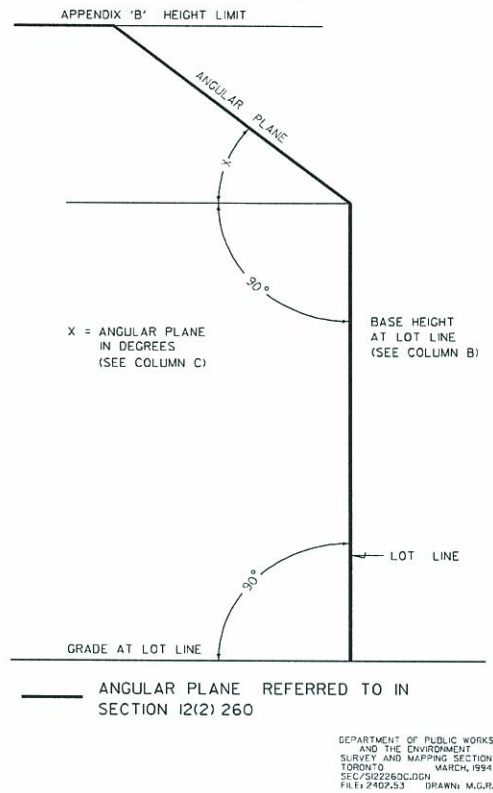
MAP 5



— STREETS REFERRED TO
IN SECTION 12(2)260

WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO NOVEMBER, 1999
SECTION 12(2)260.DGN
FILE: 2402.B3 DRAWN: PC
MAPS Nos. 50J-323, 51J-321,
50K-313, 51K-311

(309-2000)



261. No person shall in any I2 district on Mulock Avenue or Hirons Avenue in the *Old Stockyards District* use a lot or erect or use a building or structure for any of the following purposes: an *automobile service and repair shop*, a *motor vehicle repair shop, class A*. (425-93) (1997-0422)
262. No person shall, in the *Yonge - St. Clair Area*, erect or use a building or structure that does not comply with the following.

PERMITTED USES

- (a) (I) The provisions of section 8(1)(f)(b) permitting certain non-residential uses do not apply. (1997-0422)
- (II) Where a lot is located in one of the areas shown on the map appended to this paragraph, then the only non-residential uses permitted on a lot or within a building or portion of a building are those non-residential one or more of the uses permitted by the following chart when the letter "P" or the letter "q" followed by a number, is set in the line opposite the designation of the use, but only in the area designated at the top of the column intersecting the line where the letter "P" or the letter "q" is set which corresponds to the areas labelled on the map appended to this paragraph. (1994-0532) (1997-0422)

Where the letter "q" followed by a number appears opposite a particular use, the use is subject to the qualification as outlined in this paragraph.

SCHEDULE G

Bill No. 20
83exec 31-11

No. 21-84. A BY-LAW

To authorize the entering into and execution of an agreement with the Province of Ontario under the Ontario Municipal Action '85 Program.

(Passed December 12, 1983.)

The Council of the Corporation of the City of Toronto enacts as follows:

1. The entering into and execution of an agreement with the Province of Ontario under the Ontario Municipal Action '85 Program in accordance with the terms and conditions and for the purpose set out in Clause 11 of City of Toronto Executive Committee Report No. 31, adopted in Council on the 11th day of July, 1983, is hereby authorized.
2. All documents in respect thereto required to be signed on behalf of the Corporation shall be signed by the Mayor or by any other member of the Executive Committee and by the City Treasurer or the Deputy City Treasurer and the City Treasurer or the Deputy City Treasurer is hereby authorized and directed to affix the seal of the Corporation to all such documents.

ARTHUR C. EGGLETON,
Mayor.

A.R.N. WOADDEN
Deputy City Clerk.

Council Chamber,
Toronto, December 12, 1983.
(L.S.)

SCHEDULE H

Bill No. 237
84luc 7-15

No. 212-84. A BY-LAW

To amend By-law No. 20623 to prohibit the selling, hiring and servicing of motorcycles and motor assisted bicycles in respect of certain properties in the Yonge-Eglinton area.

(Passed April 2, 1984.)

The Council of The Corporation of the City of Toronto enacts as follows:

1. Sub-paragraph (i) of paragraph (184) of Section 16(1) of By-law No. 20623, being "A By-law To regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of land and the erection and use of certain buildings and structures in various areas of the City of Toronto", as enacted by By-law No. 139-82, is amended by deleting the semi-colon at the end of such sub-paragraph and adding the following:

"provided that no person shall erect or use a building or structure on, or use any of the aforesaid lots for the purpose of a sales or hire garage or a motor vehicle repair shop Class A, where there is carried on therein, the selling, servicing or hiring of motorcycles or motor assisted bicycles;"

ARTHUR C. EGGLETON,
Mayor.

ROY V. HENDERSON
City Clerk.

Council Chamber,
Toronto, April 2, 1984.
(L.S.)

SCHEDULE I

(:xBILL No. 91
luc 3-2

No. 139-82. A BY-LAW

To amend By-law No. 20623 respecting the area known as Yonge-Eglinton.

(Passed February 11, 1982.)

The Council of the Corporation of the City of Toronto enacts as follows:

1. By-law No. 20623, being "A By-law To regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", is amended by deleting subparagraph (i) of Section 16(1)(184), as enacted by By-law No. 391-81, being "A By-law To amend By-law No. 20623 respecting the area known as Yonge-Eglinton", as amended, and substituting therefor the following, namely:

"(i) 2400, 2401 and 2665 Yonge Street, and 626-632 and 730 Mount Pleasant Road and 1826 and 1828 Bayview Avenue - a sales or hire garage including a motor vehicle repair shop Class A accessory thereto;"

ARTHUR C. EGGLETON,
Mayor.

ROY V. HENDERSON
City Clerk.

Council Chamber,
Toronto, February 11, 1982.
(L.S.)

SCHEDULE J

No. 41-91. A BY-LAW

To amend By-law No. 438-86 with respect to lands known as 2401 Yonge Street and 4, 6 and 8 Broadway Avenue.

(Passed December 4, 1990.)

WHEREAS Council, at its meeting held on the 3rd and 4th days of December, 1990, adopted Clause 25 of Land Use Committee Report No. 15 as amended;

AND WHEREAS pursuant to Section 36 of the *Planning Act, 1983* the Council of a Municipality may in a By-law passed under Section 34 of the *Planning Act, 1983* authorize increases in the height and density of development beyond that otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services and matters as are set out in the By-laws;

AND WHEREAS subsection 36(3) of the *Planning Act, 1983* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height and density 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 owners of the lands hereinafter referred to have elected to provide the facilities, services and matters as hereinafter set forth;

AND WHEREAS the increase in height and density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86 as amended is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owners of such lands and the *Corporation*, hereinafter referred to as the "City";

AND WHEREAS the City has required the owners of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increase in the height and density in connection with the aforesaid lands as permitted by this By-law;

THEREFORE the Council of The Corporation of the City of Toronto enacts as follows:

1. None of the provisions of section 4(2)(a), section 8(3) Part I 2(a), section 12(2)118(iv), section 12(2)119(ii) and section 12(2)119(iv) of By-law No. 438-86, being "A By-law To regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", shall apply to prevent the erection or use on the *lot* hereinafter referred to of a *mixed-use* building or structure containing in the aggregate not more than 14,462 square metres of *residential gross floor area* for *residential* purposes and *non-residential gross floor area* for commercial purposes, provided

- (1) the *lot* on which such building is erected or used comprises at least the lands outlined by heavy lines as shown on Map 1 attached to and forming part of this by-law;
- (2) no part of such building above *grade* except porches, cornices, balconies, eaves or bay windows is located otherwise than wholly within the areas delineated by heavy lines and shown on Map 2 attached to and forming part of this by-law;
- (3) no part of such building is erected or used within the areas delineated by heavy lines shown on the attached Map 2, above the height in metres above *grade* specified by the numbers following the symbol "H" within the areas shown on the attached Map 3;

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- (4) the *non-residential gross floor area* of such building does not exceed 2,229 square metres and such *non-residential gross floor area* is located wholly within Parcel A shown on the attached Map 2;
 - (5) not more than 1,229 square metres of *non-residential gross floor area* is used for purposes other than *street related retail and service uses*;
 - (6) the *residential gross floor area* of such building does not exceed 12,233 square metres;
 - (7) not more than 175 *dwelling units* are provided and maintained on the *lot*;
 - (8) not less than 131 *parking spaces* are provided and maintained in respect of the *dwelling units* and visitors to such *dwelling units*;
 - (9) not less than 76 *parking spaces* are provided and maintained in respect of the *non-residential gross floor area* and the visitors to the occupants of the *non-residential gross floor area*;
 - (10) not less than 1 *loading space - type C* and 1 *loading space - type G* are provided and maintained on the *lot*;
 - (11) pursuant to section 36 of the *Planning Act, 1983*, the owners of the *lot* at their expense and in accordance with and subject to the agreements referred to in section 1(11)(b) herein provide the following facilities, services and matters:
 - (a) convey to the City one or more sites to be used for *social housing* purposes, provided
 - (1) each site to be conveyed to the City for *social housing* purposes is acceptable to the City;
 - (2) in lieu of the conveyance of a site or sites and provided it is satisfied that such a conveyance cannot be achieved, Council may accept funds sufficient to acquire the same amount of land, for the same number of conventional *social housing* units, in the same general area as the *lot*, at market value, to be used for *social housing* purposes.
 - (b) enter into one or more agreements satisfactory to the *Corporation* pursuant to Section 36 of the *Planning Act, 1983* to secure the facilities, services and matters required to be provided pursuant to section 1(11)(a) of this by-law and such agreement is registered against the title to the *lot*.

2. For the purposes of this by-law, the terms

- (1) "*residential*" means only those facilities appropriate for dwelling accommodation and does not include an *hotel* or a 'tourist establishment' as defined in the *Tourism Act, R.S.O. 1980 c.507* as amended, or as may be further amended from time to time;
- (2) "*social housing*" means housing accommodation which the owner of the *lot* and the operator of the housing accommodation on the *lot* if different from the owner, agrees with The Corporation of the City of Toronto pursuant to section 2 of the *City of Toronto Act, 1988 (No. 2)* to provide and maintain for the purpose of a *social housing program*;
- (3) "*social housing program*" has the same meaning as the said term has for the purposes of *City of Toronto Act, 1988 (No. 2)*; and

- (4) "*street related retail and service uses*" has the same meaning as the said term has for the purposes of the aforesaid By-law No. 438-86 as modified by the deletion of the phrase "*,* for the purposes of section 8(3) Part I 12 and 16(a)."

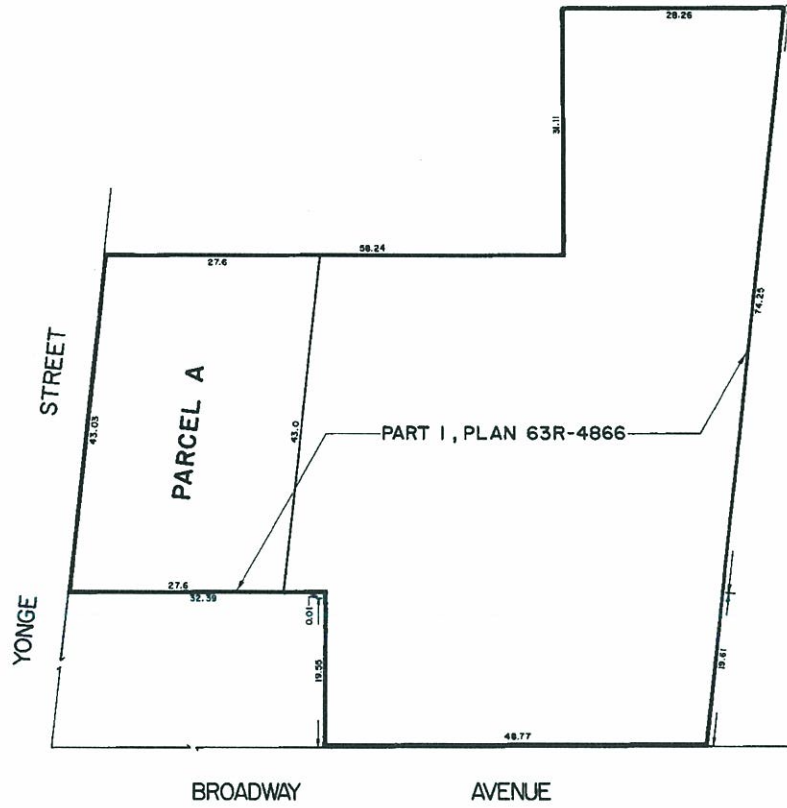
3. For the purposes of this by-law, the definition of the words and expressions "*Corporation*", "*dwelling unit*", "*grade*", "*hotel*", "*loading space - type C*", "*loading space - type G*", "*lot*", "*mixed-use*", "*non-residential gross floor area*", "*parking space*", and "*residential gross floor area*" contained in the aforesaid By-law No. 438-86 shall respectively apply to such words and expressions where used in this by-law.


ARTHUR C. EGGLETON,
Mayor.

BARBARA G. CAPLAN
City Clerk.

Council Chamber,
Toronto, December 4, 1990.
(L.S.)

OFFICIAL PLAN-CITY OF TORONTO
AMENDMENT Nº 538
YONGE - EGLINTON
OFFICIAL PLAN PART II

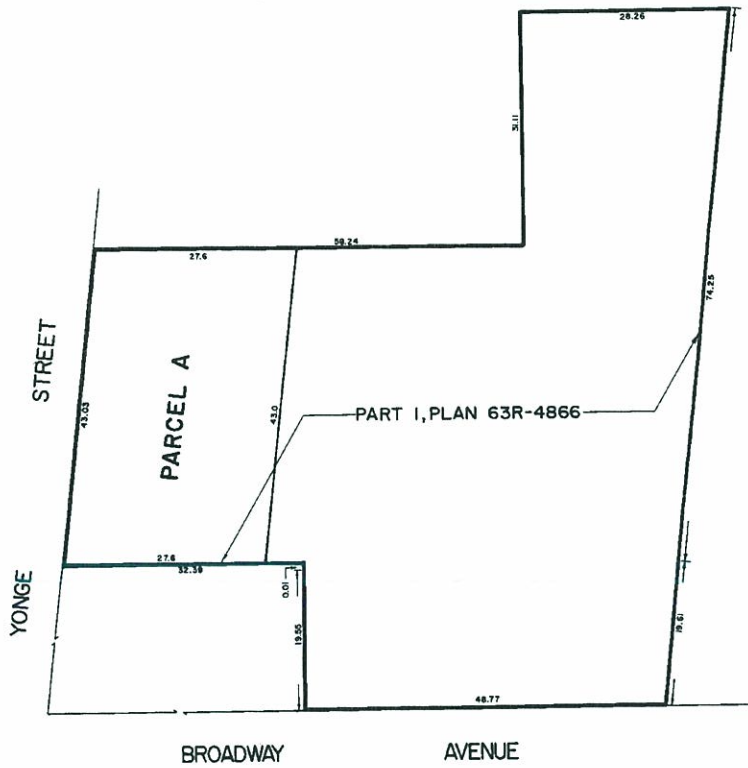


 LANDS INCLUDED IN THIS AMENDMENT AND REFERRED TO IN SECTION 12.12



DEPARTMENT OF PUBLIC WORKS
AND THE ENVIRONMENT
SURVEY AND MAPPING SECTION
TORONTO — DECEMBER, 1990
FILE: Y1-2133
MAP Nº: 5L-38 DRAWN: O.B.

MAP 1

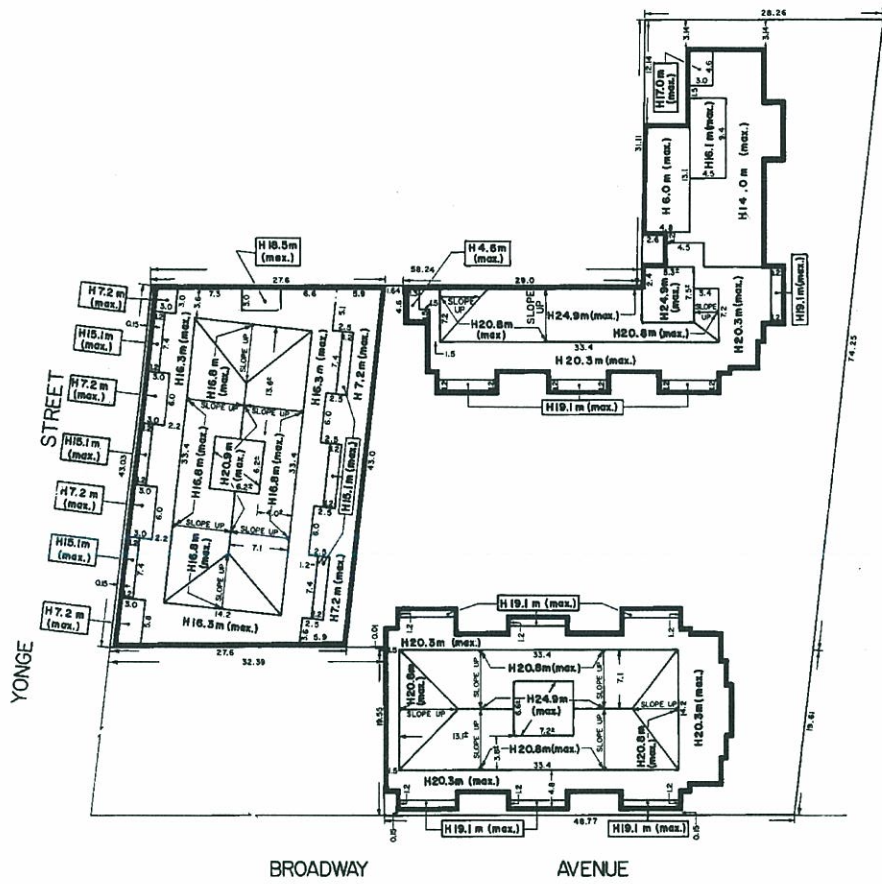


☐ LANDS REFERRED TO AS THE "LOT"



DEPARTMENT OF PUBLIC WORKS
AND THE ENVIRONMENT
SURVEY AND MAPPING SECTION
TORONTO, ONTARIO, DECEMBER, 1990
FILE: 11-2133
MAP NO: 51L-311 DRAWN: O.B.

MAP 3



H DENOTES HEIGHT IN METRES ABOVE GRADE



DEPARTMENT OF PUBLIC WORKS
AND THE ENVIRONMENT
SURVEY AND MAPPING SECTION
TORONTO — DECEMBER, 1990
FILE: Y1-2133
MAP NO: 5L-311 DRAWN: O.B.

SCHEDULE K

68. No person shall erect or use a building or structure for the purpose of a *rooming house* on land abutting Dovercourt Road between Bloor Street West and College Street. (909-88)
69. Deleted by By-law 62-88.
70. No person shall, within the area bounded on the north by Queen Street West, on the east by Dufferin Street, on the south by Lake Shore Boulevard West and on the west by Roncesvalles Avenue:
- (i) alter or convert a *residential building* for the purpose of a *converted dwelling and rooming house* unless the total number of *dwelling units* and *dwelling rooms* is not more than six and the average of the floor area of all the *dwelling units* is at least 65 square metres;
 - (ii) use a building for the purpose of a *converted house* unless the average of the floor area of all the *dwelling units* is at least 65 square metres;
 - (iii) erect or use a building for the purpose of a *rooming house* except where the *residential building* was legally used as a *rooming house* on January 30, 1978; and
 - (iv) alter or convert a *residential building* where the *lot* exists within an R4 district in the area to which this exception applies and the *residential building* was legally used as a *rooming house* on January 30, 1978, so as to contain more than six *dwelling rooms*.
- (425-93)
71. No person shall erect or use a building or structure within the area municipally known in the year 1988 as 90 Gerrard Street West and 201 Elizabeth Street, and as more particularly described as bounded on the north by a line drawn easterly at right angles from the easterly limit of Elizabeth Street to the westerly limit of La Plante Avenue from a point in the easterly limit of Elizabeth Street distant 66.4 metres measured northerly thereon from the southerly limit of Lot 65 according to registered Plan 154, on the south by the north limit of Gerrard Street West as dedicated by By-law 219-67, on the west by the east limit of Elizabeth Street and on the east by the west limit of LaPlante Avenue as widened in part by By-law 219-67, for any of the following uses: (909-88)
- a private hospital, a *commercial school* (except a trade school); a *restaurant*, a *caterer's shop* or refreshment room or stand, an office, a *private art gallery*, an *artist's or photographer's studio*; (109-88) (425-93)
- having a *non-residential gross floor area* exceeding 0.3 times the area of the *lot* upon which the building or structure is erected. (425-93)
72. Repealed by By-law 607-87.
73. Repealed by By-law 607-87.
74. Deleted by By-law 425-93.
75. Deleted by By-law 425-93.

SCHEDULE L

60. to prevent the use of the lands hereinafter described for the erection or use of a building or structure on those lands without complying with section 6(3) PART II 3 and 5, provided the building or structure complies with section 4(4)(d) and (e) of By-law 20623, as amended to June 30, 1973. (909-88)

The following are the lands:

- (i) Land known in 1973 as 453 Broadview Avenue and described as Part of Lot 1, Registered Plan 679, Toronto. (527-1998)
 - (ii) Land known in 1973 as 221 Seaton Street and described in Instrument CT 6978 registered in the Land Registry Office for the Registry Division of Toronto (No. 63).
61. to prevent the use of a *residential building* as a *converted house*, a *rooming house* or a *converted dwelling and rooming house* operated by an agency of government or by a *charitable institution* or a non-profit group incorporated as such under any Act and using N.H.A. funds in an R2, R3, R4 or R4A district that does not comply with sections 4(4)(b), 4(5)(b), 6(2)1 and 6(2)5. (909-88) (293-89)
62. to prevent the use of 37 square metres of the ground floor of the north tower of the premises known in 1974 as the "Town Inn" at 620 Church Street as a tuck shop and dry-cleaning depot provided: (445-88)
- (i) the entrance to the tuck shop and dry cleaning depot is internal to the building;
 - (ii) no exterior window or wall of the building is used or exterior sign erected for the purposes of displaying foods or advertising the tuck shop and dry cleaning depot; and
 - (iii) the dry cleaning depot is restricted to the receipt of articles or goods of fabric to be subjected to the process of dry-cleaning, dry-dyeing or cleaning all or any of which including pressing is to be performed at a location other than at the building.
63. to prevent the erection and use of a building or structure at 176 Logan Avenue, as outlined by heavy lines on the map at the end of this exception, that contains a ramp the slope of which is in excess of 12 per cent provided all other provisions of this by-law are complied with. (425-93) (1997-0422)

