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File No. 800195

June 19, 2013

By Email to pgmc@toronto.ca

Ms. Uli Watkiss, City Clerk
City of Toronto
Toronto City Hall, 10th Floor, West Tower
100 Queen Street West
Toronto, ON
M5H 2N2

**Attention: Frances Pritchard, Planning and Growth Management
Committee**

Dear Madam:

**Re: Proposed Amendments to Zoning By-law No. 569-2013
Magnum Opus Developments (Victoria Park) Corporation
1973 (1055-1991) Victoria Park Avenue, Toronto**

We are counsel to Magnum Opus Developments (Victoria Park) Corporation, the owner of lands municipally known as 1973 (1055-1991) Victoria Park Avenue in the City of Toronto (the "Property").

We write in respect of the proposed amendments to Zoning By-law No. 569-2013 ("By-law 569-2013"), scheduled for a public meeting to be held by the Planning and Growth Management Committee on June 20, 2013 (the "Proposed Amendments"). One of the purposes of the Proposed Amendments is to correct regulation references in some of the site specific exceptions to By-law 569-2013. We propose a further correction to ensure that the approved site specific by-law applicable to our client's lands is fully incorporated in By-law 569-2013. This site specific by-law is not currently referenced in the Proposed Amendments.

On August 27, 2010, the City enacted Toronto By-law No. 1077-2010, which amended various provisions of the former Maryvale Community Zoning By-law No. 9366 (the "Maryvale By-law") to permit the construction of residential development on the Property (the "Opus By-law"). However, the standards set out in the Opus By-law were not fully carried-forward in By-law 569-2013. The applicable exception to the Property, Article 900.6 RM 462, identifies some provisions of the Maryvale By-law, namely Schedule "C" Exemption 15, 16, and



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17, as a prevailing by-law, but it contains no reference to the Opus By-law and/or the site-specific polices applicable to the Property. On this basis, our client filed an appeal of By-law 569-2013.

Since the Opus By-law was enacted in 2010, there has been no planning study or other rationale to limit or change the development permissions for the Property or to suggest an intention by the City to repeal current permissions. Further, my client has made cash contributions pursuant to section 37 of the *Planning Act* in accordance with the terms of the Opus By-law. We, thus, expect that the failure to carry forward the Opus By-law in By-law 569-2013 is an inadvertent omission.

For these reasons, it is appropriate to include the Opus By-law as a prevailing by-law in Exception RM 462. We ask that this change be made as part of the Proposed Amendments which, if implemented, would likely resolve our client's appeal of By-law 569-2013.

For your reference, I have enclosed a copy of the Opus By-law, RM 462 exception, and my client's appeal of By-law 569-2013.

I would be pleased to provide you with any further information you require.

Yours sincerely,

DAVIES HOWE PARTNERS LLP

Susan Rosenthal
Professional Corporation

SR:AJS

copy Klaus Lehmann
Peter Swinton, PMG Planning Consultants
Client



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File No. 800195

June 4, 2013

By Email and Same Day Courier

Ms. Uli Watkiss, City Clerk
City of Toronto
Toronto City Hall, 10th Floor, West Tower
100 Queen Street West
Toronto, ON M5H 2N2

**Attention: Frances Pritchard, Planning and Growth Management
Committee**

Dear Madam:

**Re: Notice of Appeal of Zoning By-law No. 569-2013
Subsection 34(19) of the Planning Act
Magnum Opus Developments (Victoria Park) Corporation
1973 (1055-1991) Victoria Park Avenue, Toronto**

We are counsel to Magnum Opus Developments (Victoria Park) Corporation, the owner of lands municipally known as 1973 (1055-1991) Victoria Park Avenue in the City of Toronto (the "Property").

The Property is subject to site specific Official Plan and Zoning By-law Amendments permitting the construction of a residential development. The site specific zoning is found in Toronto By-law No. 1077-2010 (the "Opus By-law"), enacted by City Council on August 27, 2010. The Opus By-law amends various provisions of the Maryvale Community Zoning By-law No. 9366 (the "Maryvale By-law") which applies to the Property.

On May 9, 2013, City Council passed a new comprehensive Toronto Zoning By-law No. 569-2013 ("By-law 569"). Pursuant to By-law 569, the Property is zoned "RM – Residential Multiple" and is subject to exception RM 462. Although certain provisions of the Maryvale By-law, namely Schedule "C" Exemption 15, 16, and 17, have been included as a prevailing by-law in exception RM 462, the Opus By-law and many site specific provisions applicable to the Property have not similarly been included.



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On April 2, 2013, our client made written submissions to City Council expressing their concerns with the draft By-law 569 and its effect on the site specific zoning permissions that apply to the Property.

Our client continues to be concerned that sections of the Opus By-law which apply to the Property have not been carried forward in By-law 569 on a site specific basis. As a result, the failure to carry forward the abovementioned site specific provisions into By-law 569 serves to limit our client's existing zoning permissions which were approved by City Council.

For the above reasons and any further reasons that counsel may provide, our client, pursuant to Subsection 34(19) of the *Planning Act*, now appeals to the Ontario Municipal Board By-law 569 in its entirety as it applies to the Property.

Enclosed with this notice of appeal is our firm cheque in the amount of \$125.00 payable to the Minister of Finance, representing the prescribed filing fee for this appeal. Also enclosed is a completed O.M.B. Appellant Form (A1).

We trust that the above is satisfactory. Should you have any questions, please do not hesitate to contact us.

Yours sincerely,
DAVIES HOWE PARTNERS LLP

Susan Rosenthal
Professional Corporation

SR:AJS

copy Client

(462) Exception RM 462

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing Bylaws and Prevailing Sections.

Site Specific Provisions:

(A) The minimum **building setback** from a **lot line** that abuts Victoria Park Ave. is 27.0 metres, measured from the original centreline of the **street**;

(B) The minimum **building setback** from a **lot line** that abuts a **street** is 9.0 metres;

(C) The minimum **building setback** from a **side lot line** is a distance equal to half the height of the **building**;
and

(D) The maximum **lot coverage** is 33%.

Prevailing By-laws and Prevailing Sections:

(A) Schedule "C" Exception 15, 16, 17, of former City of Scarborough by-law 9366

Authority: Scarborough Community Council Item 37.32,
as adopted by City of Toronto Council on August 25, 26 and 27, 2010
Enacted by Council: August 27, 2010

CITY OF TORONTO

BY-LAW No. 1077-2010

**To amend former City of Scarborough Maryvale Community Zoning By-law No. 9366,
as amended, with respect to the lands municipally known as 1973 Victoria Park Avenue
(1955-1991 Victoria Park Avenue).**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set out in the by-law; and

WHEREAS Subsection 37(3) of the *Planning Act*, provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS the increases in the height or density permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 9366, as amended, are 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 owner of such lands and the City of Toronto (hereinafter referred to as the "City"); and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in 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*.

The Council of the City of Toronto HEREBY ENACTS as follows:

1. **Schedule "A"** of the Maryvale Community Zoning By-law No. 9366 is amended by deleting the current zoning and replacing it with the following zoning as shown on Schedule '1'.

A(H)- 106 - 107 - 108 - 109 - 110 - 111 - 112 - 113 - 114 - 115 - 116 - 117 - 118 -
119 - 120 - 121 - 122 - 123 - 124 - 125 - 126 - 127 - 128 - 129 130 - 131 - 132 - 133
- 134 - 135

15

16

17

2. **Schedule "B", PERFORMANCE STANDARDS CHART**, is amended by adding the following Performance Standards:

MISCELLANEOUS:

Intensity of Use:

106. **Gross Floor Area** for "Block 1", "Block 2" and "Block 3" as shown on Schedule '1' shall not exceed 57,725 square metres.
107. **Gross Floor Area** on lands identified as "Block 1" and "Block 2", as shown on Schedule '1', shall not exceed 49,060 square metres.
108. **Gross Floor Area** on lands identified as "Block 3", as shown on Schedule '1', shall not exceed 8,665 square metres.
109. **Maximum – 661 dwelling units** for "Block 1", "Block 2" and "Block 3" as follows:
- i) on lands identified as "Block 1" and "Block 2", as shown on Schedule '1', a maximum of 575 **dwelling units** are permitted; and
 - ii) on lands identified as "Block 3", as shown on Schedule '1', a maximum of 86 **dwelling units** are permitted.

Indoor Amenity Area:

110. **Minimum gross floor area** for common indoor amenity space per **dwelling unit**: 2.0 square metres on lands identified as "Block 1" and "Block 2" as shown on Schedule '1'.
111. **Minimum gross floor area** for common indoor amenity space per **dwelling unit**: 1.4 square metres on lands identified as "Block 3" as shown on Schedule '1'.

Landscaped Open Space:

112. Minimum 5,150 square metres of landscaped open space area shall be provided on lands identified as "Block 1" and "Block 2" as shown on Schedule '1'.
113. Minimum 4,500 square metres of landscaped open space area shall be provided on lands identified as "Block 3" as shown on Schedule '1' of which a minimum of 650 square metres shall be a combination of landscaped area, walkways and playground area, to be located in the area separating the row townhouse buildings fronting Victoria Park Avenue and the back-to-back townhouse buildings on "Block 3".

114. On "Block 1", "Block 2" and "Block 3" as shown on Schedule '1', a landscaped open space of not less than 3 metres in width, located between the east property line of the lot and a north/south driveway, running along the entire length of the east property line, shall be provided. For the purposes of this by-law, the landscaped buffer area attributable to each of "Block 1", "Block 2" and "Block 3" shall be considered as part of the landscaped open space requirements for "Block 1", "Block 2" and "Block 3" as set out in the above performance standards No. 112 and No. 113, respectively.

Vehicle Parking Spaces:

115. The following provisions of **CLAUSE VII – GENERAL PARKING REGULATIONS FOR ALL ZONES** are not applicable:

- 1.1 Table of Required Parking Rates
- 1.5.2 Yards
- 2.1.1 Street Yard Parking
- 2.2.1 Street Yard Exceptions

116. Vehicle Parking shall be provided on "Block 1", "Block 2" and "Block 3" as shown on Schedule '1' at the following rates:

Residential:

- i) One-bedroom **dwelling unit**: minimum 0.9 spaces/unit; and
- ii) Two-bedroom **dwelling unit**: minimum 1.0 spaces/unit; and
- iii) Three-bedroom **dwelling unit**: minimum 1.2 spaces/unit.

Visitor:

A minimum 0.2 parking spaces per **dwelling unit** shall be provided for visitors.

Bicycle Parking Spaces:

117. For an apartment building located on lands identified as "Block 1" and "Block 2" as shown on Schedule '1', bicycle parking spaces shall be provided at the rate of 0.38 bicycle spaces per **dwelling unit**, of which 80% is for resident use, and 20% is for visitor use.
118. For an apartment building located on lands identified as "Block 3" as shown on Schedule '1', bicycle parking spaces shall be provided at the rate of 0.35 bicycle spaces per **dwelling unit**, of which 80% is for resident use, and 20% is for visitor use.
119. On lands identified as "Block 1", "Block 2" and "Block 3" as shown on Schedule '1', bicycle parking spaces shall not be provided within a **dwelling unit** or on a balcony associated thereto, or in a storage locker and shall be provided as follows:

- i) resident bicycle parking spaces shall be located in a secured room or area; and
- ii) visitor bicycle parking spaces shall be located in a weather-protected, outside area or on the first (ground floor) level of the residential buildings and shall be identified as visitor bicycle parking on building plans submitted to the City.

Main Walls of Buildings:

120. Notwithstanding the definition of **Main Wall** in Clause V (f), **Main Wall** shall be defined as the following:

Main Wall shall mean the exterior front, side or rear wall of a building and all structural members essential to the support of a fully or partly enclosed space or roof. The following projections, to the maximum distances shown below, shall not be considered part of the main wall:

Chimneys, pilasters and projecting columns	500 mm
Roof overhang	1 m
Balconies, and unenclosed porches projecting into a front yard, rear yard or a side yard	1.8 m
Terrace upturn and railing	No Limit
Exterior steps, patios and integral planters	No Limit

Distance Between Main Walls of Buildings on "Block 1", "Block 2" and "Block 3":

121. The facing distance between the **main wall** of the building on "Block 1" to a **main wall** of building on "Block 2" as shown on Schedule '1', shall be as follows:
- i) minimum 18.0 metres from the 1st storey to the 3rd storey above grade;
 - ii) minimum 20.0 metres from the 4th storey to the 9th storey above grade, and shall include:
 - a minimum 2.0 metre step-back of the building **main wall** at the 4th storey to 9th storey above grade for a building located on "Block 2";
 - iii) minimum 22.0 metres at the 10th storey above grade, and shall include:
 - a minimum 2.0 metre step-back of the building **main wall** at the 10th storey of a building on "Block 1";

- iv) minimum 28.0 metres at the 11th storey above grade, and shall include:
 - a minimum 2.0 metre step-back of the building **main wall** at the 11th storey of a building on "Block 1"; and
 - a minimum 4.0 metre step-back of the building **main wall** at the 11th storey of a building on "Block 2", opposite **main wall** of a building on "Block 2".
122. There shall be two buildings connected by a maximum 3 storey link on "Block 2" as shown on Schedule '1'. The distance between the **main wall** of the two buildings opposite each other shall be as follows:
- i) a minimum 12.0 metres from the 4th to the 9th storey above grade;
 - ii) a minimum 16.0 metres at the 10th storey above grade, and shall include:
 - a minimum 2.0 metre step-back of the building **main wall** at the 10th storey for both walls of any two buildings opposite to each other located on "Block 2";
 - iii) a minimum 20.0 metres at the 11th storey above grade, and shall include:
 - a minimum 2.0 metre step-back of the building **main wall** at the 11th storey for both walls of any two buildings opposite to each other located on "Block 2"; and
 - iv) in addition to the above, balconies are not permitted to extend beyond the facing distances of the **main wall** of any two buildings directly opposite and facing each other within "Block 2" as shown on Schedule '1' from the 4th to 9th storey above grade.
123. The facing distance between the **main wall** of a building on the south portion of "Block 2" to a building **main wall** on the north portion of "Block 3", as shown on Schedule '1', shall be as follows:
- i) minimum 16.0 metres at the 1st storey above grade;
 - ii) minimum 18.0 metres from the 2nd storey to the 3rd storey above grade, and shall include:
 - a minimum 2.0 metre step-back of the building **main wall** at the 2nd storey above grade for a building located on "Block 3";
 - iii) minimum 20.0 metres from the 4th storey to the 8th storey above grade, and shall include:
 - a minimum 2.0 metre step-back of the building **main wall** at the

4th storey above grade for a building located on the south portion of "Block 2";

124. The facing distance between the **main wall** of a building on the north portion of "Block 3" more than 3 storeys above grade, to townhouse buildings on "Block 3", as shown on Schedule '1', shall be as follows:
- i) minimum 10.0 metres at the 1st storey above grade; and
 - ii) minimum 12.0 metres at the 2nd storey and any storeys above.
125. The facing distance between the **main wall** of any townhouse building (excluding side walls of any townhouse buildings) to another townhouse building on "Block 3", as shown on Schedule '1', shall not be less than 15 metres.

Building Setbacks from Streets:

126. **Main wall** building setbacks from the Victoria Park Avenue **street line** on "Block 1", "Block 2" and "Block 3" as shown on Schedule '1':
- i) minimum 3.0 metres from the Victoria Park Avenue **street line** at the 1st storey to the 3rd storey above grade;
 - ii) minimum 5.0 metres from the Victoria Park Avenue **street line** at the 4th storey to the 10th storey above grade; and
 - iii) minimum 7.0 metres from the Victoria Park Avenue **street line** at the 11th storey above grade.
127. **Main wall** building setbacks from the Greylawn Crescent **street line** on "Block 1", as shown on Schedule '1':
- i) minimum 3.0 metres from the Greylawn Crescent **street line** at the 1st storey to the 3rd storey above grade;
 - ii) minimum 5.0 metres from the Greylawn Crescent **street line** at the 4th storey to the 8th storey above grade;
 - iii) minimum 7.0 metres from the Greylawn Crescent **street line** at the 9th storey above grade;
 - iv) minimum 10.0 metres from the Greylawn Crescent **street line** at the 10th storey above grade; and
 - v) minimum 14.0 metres from the Greylawn Crescent **street line** at the 11th storey above grade.

128. **Main wall building setbacks** from the east lot line on "Block 1" and "Block 2" as shown on Schedule '1':
- i) minimum 19.0 at the 1st storey to the 3rd storey above grade;
 - ii) minimum 22.0 metres at the 4th storey to the 7th storey above grade;
 - iii) minimum 24.0 metres at the 8th storey above grade;
 - iv) minimum 34.5 metres at the 9th storey to the 10th storey above grade; and
 - v) minimum 37.0 metres at the 11th storey above grade;
129. **Main wall building setbacks** from the east lot line on "Block 3" as shown on Schedule '1' for any building more than 3 storeys above grade:
- i) minimum 19.0 at the 1st storey to the 2nd storey above grade;
 - ii) minimum 20.0 metres at the 3rd storey to the 7th storey above grade; and
 - iii) minimum 26.0 metres at the 8th storey above grade;
130. **Main wall building setbacks** from the east lot line on "Block 3" as shown on Schedule '1' for any townhouse building no more than 3 storeys above grade:
- i) minimum 16.0.
131. **Main wall building setbacks** from the south lot line that is not a **street line** on "Block 3" as shown on Schedule '1' for any townhouse building no more than 3 storeys above grade:
- i) minimum 3.0.

Height of Buildings:

132. Notwithstanding the definition of **Height** in Clause V (f), height shall be measured from a base geodetic grade of 170.5 metres.
133. Maximum height of any building on "Blocks 1" and "Block 2", as shown on Schedule '1'; shall not exceed 33.0 metres, excluding mechanical penthouse, chimneys, vents, skylights, antennae, elevator machine rooms, and parapet walls;
- Maximum height of any building on "Block 3", as shown on Schedule '1'; shall not exceed 24.0 metres, excluding mechanical penthouse, chimneys, vents, skylights, antennae, elevator machine rooms, and parapet walls; and

Maximum height of any townhouse building on "Block 3", as shown on Schedule '1'; shall not exceed 13.5 metres, excluding chimneys, vents, skylights, antennae, elevator machine rooms, and parapet walls.

Provisions to Apply Collectively:

134. The provisions of the By-law shall apply collectively to this land, notwithstanding its future division into two or more parcels of land.
135. Within the lands identified as "Block 1", "Block 2" and "Block 3" as shown on Schedule '1', no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- i) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - ii) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
3. **SCHEDULE "C", EXCEPTIONS LIST**, is amended by adding the following Exception No. 15 and Exception No. 16 as follows:
15. On those lands identified as Exception No. 15 on the accompanying Schedule "C" Map (Schedule '2' of this Zoning By-law), the following provisions shall apply:
1. Pursuant to Section 37 of the *Planning Act*, the **height** and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law including the provision by the owner of the lot of the facilities, services and matters set out below, to the City at the owner's sole expense and in accordance with and subject to the agreement referred to in Exception 15.2 of this By-law.
 2. Upon execution and registration of an agreement or agreements with the owner of the lot pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services or matters set out in below, the lot is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements.
 3. Pursuant to Section 37 of the *Planning Act* and subject to compliance with the provisions of this By-law, the increase in height and density of development on the lands is permitted in return for the provision by the owner of the following facilities, services and matters to the City at the owner's sole expense:
 - a) a cash contribution of \$400,000 (indexed annually in accordance

with the Statistics Canada Non-Residential Construction Price Index for Toronto from the date the Zoning by-law comes into full force and effect) payable to the City of Toronto, as follows

- i. \$300,000 for the relocation and/or expansion of the Maryvale Branch Library located in the Parkway Mall (85 Ellesmere Road) payable prior to the issuance of the first above-grade building permit for Phase One of the development; and
 - ii. \$100,000 for new lighting for the tennis facilities at Maryvale Park and/or other improvements to Maryvale Park such payment to be made prior to the passing of the by-law;
- b) a cash contribution of \$300,000 (indexed annually in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto from the date the Zoning by-law comes into full force and effect) payable to the City of Toronto prior to the issuance of the first above-grade building permit for Phase Two of the development as follows:
- i. \$100,000 for the relocation and/or expansion of, and/or improvements to the Maryvale Branch Library located in the Parkway Mall (85 Ellesmere Road); and
 - ii. \$200,000 for improvements to Maryvale Park and/or the Ellesmere Community Centre;
- c) a cash contribution of \$100,000 (indexed annually in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto from the date the Zoning by-law comes into full force and effect) payable to the City of Toronto prior to the issuance of the first above-grade building permit for Phase One of the development for capital improvements to and/or restoration of O'Connor Heritage House (60 Rowena Drive);
- d) the provision and maintenance on the site of not less than 86 new replacement rental dwelling units, comprising 26 three-bedroom dwelling units, 54 two-bedroom dwelling units and 6 one-bedroom dwelling units, of which at least 43 dwelling units shall have affordable rents and the remaining dwelling units shall have rents no higher than mid-range rents. The replacement rental dwelling units shall generally be of the same type and size as contained in the existing buildings on the subject site at the date of enactment of the zoning by-law amendment. The applicant shall provide tenant relocation assistance for tenants in the existing buildings in accordance with the detailed terms as set out below; and

- e) the owner of the lot shall provide two letters of credit, each for \$1 million, indexed quarterly in accordance with the Residential Construction Price Index from the date this by-law comes into force to the date the respective letter of credit is provided, and indexed from that point forward, with the first indexing of both to occur concurrently one year from the date of receipt of the second letter of credit and annually thereafter, to secure the provision of the 56 rental apartment units provided in a later phase of the development, as follows:
 - i) the first letter of credit shall be provided prior to the issuance of the demolition permit for the existing rental units remaining after the initial demolition of the existing rental units in the first phase; and
 - ii) the second letter of credit shall be provided prior to the occupancy of the second condominium apartment building constructed on the site, and prior to issuance of any shoring or foundation building permit for the third condominium building to be constructed on the site.
 - f) for the third condominium apartment building to be constructed, no above grade building permit shall be issued prior to the issuance of an above grade building permit for the 56-unit rental apartment building;
 - g) prior to the issuance of the first demolition permit on the lot, the owner of the lot shall provide a Construction Mitigation and Communication Plan to the satisfaction of the Director of Community Planning that shall address mitigation measures and a communication plan for tenants occupying rental buildings on the lot while the demolition or construction activities are underway;
4. the owner shall enter into one or more agreements with the City pursuant to Section 37 of the *Planning Act* which are registered on title to the lands to secure:
- i) matters provided for in Exception 15.3; and
 - ii) the provision and maintenance by the owner of not less than 86 new replacement rental dwelling units on the lot, comprising 43 affordable rental dwelling units and 43 rental dwelling units with mid-range rents which units shall generally be of the same type and size as in the buildings existing on the lot at the date of enactment of this by-law, to the satisfaction of the City's Chief Planner and Executive Director, City Planning Division, subject to the following:

- a) the replacement rental dwelling units shall comprise at least 26 three-bedroom units, 54 two-bedroom units and 6 one-bedroom units, with at least 30 of the two and three-bedroom units consisting of townhouse units with 12 row houses and 18 back-to back units;
- b) the rental replacement units shall be maintained as rental units for at least 20 years, beginning with the date that each unit is occupied and until the owner obtains approval for a zoning by-law amendment removing the requirement for the replacement rental units to be maintained as rental units;
- c) the 86 replacement rental dwelling units shall be ready and available for occupancy no later than:
 - i) for the 30 replacement rental townhouse units, the date by which not more than 60% of the other *dwelling units* in the first apartment building erected on the *lot* are available and ready for occupancy; and
 - ii) for the 56 replacement rental apartment units provided in a later phase of development, the date by which not more than 60% of the other dwelling units erected on the lot in that Phase are available and ready for occupancy;
- d) the owner shall provide and maintain affordable rents charged to the tenants who rent each of the 43 designated affordable replacement rental dwelling units during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount based on the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent for the City of Toronto by unit type, and, upon turn-over, the rent charged to any new tenant shall not exceed the greater of the most recently charged rent or the most recent Fall Update Rental Market Report average rent for the City of Toronto by unit type and over the course of the 10 year period, annual increases shall not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases;
- e) the owner shall provide and maintain rents no greater than mid-range rents charged to the tenants who rent the 43 designated replacement rental dwelling units with mid-range rents on the same basis as in (d) except that the

- maximum mid-range rent shall not exceed an amount that is 1.5 times average market rent by unit type;
- f) rents charged to tenants occupying an affordable replacement rental dwelling unit or a mid-range replacement rental dwelling unit at the end of the 10 year period set forth in (d) shall be subject only to annual increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, so long as they continue to occupy their dwelling unit or until the expiry of the rental tenure period set forth in (b) with a phase-in period of at least three years for rent increases;
 - g) rents charged to tenants newly occupying a replacement rental dwelling unit after the completion of the 10 year period set forth in (c) will not be subject to restrictions by the City of Toronto under the terms of the Section 37 Agreement that is required in Exception 15.3;
 - h) no occupancy of the third condominium apartment building to be constructed on the site shall occur prior to the 56-unit rental apartment building on the site being ready and available for occupancy;
 - i) the letters of credit provided in accordance with Exception 15.3 (e), may, at the discretion of the Chief Planner and Executive Director, City Planning, be drawn down if the 56-unit rental apartment building is not ready and available for occupancy within 5 years after the date of issuance of a demolition permit in the second phase for the existing rental units remaining after the initial demolition of existing rental units in the first phase;
 - j) the funds resulting from the drawing down of the letters of credit, pursuant to sub-clause (i), above, shall be deposited to the Capital Revolving Fund for Affordable Housing to be used for the provision of affordable rental housing in the City, and such drawing down of the letters of credit and the possible expenditure of the funds by the City does not negate any requirements of this by-law and the agreement pertaining to the provision and maintenance of the 86 replacement rental housing units;
 - k) the owner shall provide a Tenant Relocation and Assistance Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division, that requires the owner to provide for each eligible tenant of 1973 Victoria Park Avenue (1955 to 1991 Victoria Park Avenue) the right to

return to a replacement rental unit, assistance that includes at least a moving allowance and other financial assistance on a sliding scale geared to the length of occupancy of each tenant, with provisions for special needs tenants, provided that;

- i) there shall be additional assistance for any tenant who has chosen the option to return to a replacement rental unit in the rental apartment building, and who has been temporarily relocated not on the lot; and
- ii) the amount of the assistance and the timing of its payment shall be determined by the Chief Planner, acting reasonably, at the time the first letter of credit is issued, and shall take into account the estimated length of time before occupancy of the rental apartment building is available.

5. On lands identified as Exception 16 on Schedule "C", the following provisions shall apply, provided that all other provisions of this By-law, as amended, not inconsistent with this Exception, shall continue to apply:

Permitted Uses:

- **Multiple-Family Dwellings**

Prohibited Uses:

- **Day Nurseries** within **Multiple Family Dwellings** townhouses;
- **Day Nurseries** on the 2nd storey or any storey above, of any building
- Nursing Homes
- Senior Citizen Homes
- Group Homes

6. On the lands identified as "Block 1", "Block 2" and "Block 3" as shown on Schedule '1', a Holding Provision (H) applies such that, until its removal, restricts use of the lands to the uses permitted under the existing Multiple Residential (M) zone. The Holding Provision (H) shall be removed in whole or in part, if Council is satisfied:

- a. the applicant has completed and submitted for review and acceptance by Technical Services Division, a "Functional Servicing Report" which demonstrates that the development can be serviced; and which takes into consideration the findings of the City's basement flooding investigation for the area, and which determines, what, if any, municipal servicing improvements are

required to accommodate the proposed development, to the satisfaction of the Executive Director of the Technical Services Division; and

- b. any recommended improvements are implemented or financially secured along with any necessary agreements, at the cost of the applicant, and all to the satisfaction of the Executive Director of the Technical Services Division;

ENACTED AND PASSED this 27th day of August, A.D. 2010.

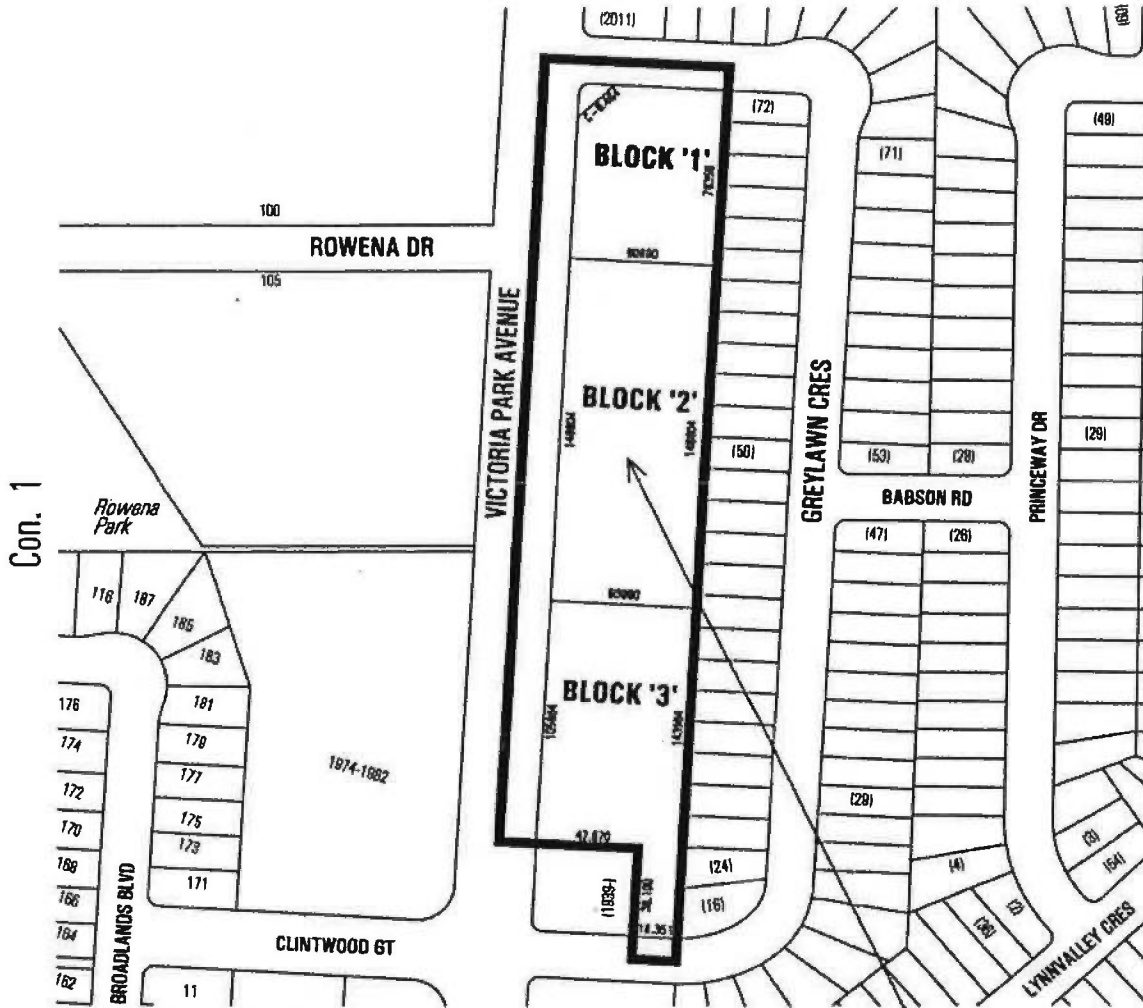
DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

Schedule '1'

Lot 35



A(H)-106-107-108-109-110-111-112-113-114-115-
 116-117-118-119-120-121-122-123-124-125-
 126-127-128-129-130-131-132-133-134-135



Zoning By-Law Amendment

1973 (1955-1991) Victoria Park Avenue

File # 09-190110 OZ



Area Affected By This By-Law

Maryvale Community Bylaw
 Not to Scale
 08/17/10



Schedule '2'

Lot 35



Con. 1

Exception No.15,16 and 17



City Planning Division
Zoning By-Law Amendment

1973 (1955-1991) Victoria Park Avenue

File # 09-190110 0Z

 Area Affected By This By-Law

Maryvale Community Bylaw
Not to Scale
08/17/10