



March 26, 2021

City of Toronto  
100 Queen Street West, 2<sup>nd</sup> Floor, West Tower  
Toronto, Ontario  
M5H 2N2

**Attention: Mr. Mark Piel, City Solicitor**

Dear Mayor and Members of Council:

**Re: WITHOUT PREJUDICE OFFER TO SETTLE the appeal of the application for a Zoning By-law Amendment and associated applications for Site Plan Approval and Draft Plan Approval in respect of the properties municipally known as 221-245 WILMINGTON AVENUE in the City of Toronto**

**City File Nos.: 06 111098 NNY 10 OZ, 06 111111 NNY 10 SA, and 11 142457 NNY 10 SB  
OMB Case No.: PL170585**

As you are aware, we are the solicitors for Kilbarry Holding Corp., the owner of the properties municipally known as 221-245 Wilmington Avenue (the "Site"), which Site is located in the area often referred to as "Bathurst Manor", a few blocks east of Dufferin Street and south of Finch Avenue West and more specifically located at the north-east corner of Wilmington Avenue and Overbrook Place.

As you are also aware, following a 12-year process that involved numerous meetings with City staff as well as public consultation meetings, both prior to and following the submission of the above noted applications, our client filed an appeal of the previous mid-rise proposal on May 20, 2017. However, with the local community being vehemently opposed to the mid-rise proposal and our client's longstanding commitment to achieve a plan that would be seen as a positive legacy for the area, our client undertook on a without prejudice basis in the summer of 2017 settlement offer on June 16, 2017, which offer was reflective of a townhome scheme that substantially reduced the built form and density.

Since that time, our client has met with the local councillor and community to present the townhouse proposal on both February 28, 2017 and May 6<sup>th</sup>, 2019, at William Lyon Mackenzie Collegiate Institute, and virtually on July 23<sup>rd</sup>, 2020. Our client used these opportunities to solicit feedback on the proposal, which feedback is reflected in the final revised plans enclosed herewith.

Our client and its consultants also met with City Staff on a without prejudice basis to discuss the townhouse proposal and subsequently have implemented a number of requested alterations to the development scheme, which revisions we are confident represent a cooperative response to the input of the local community, City Staff and the local Councillor.

The revisions agreed to by our client are as follows:

- Agreed to Proceed with the Townhouse Proposal;
- Increased the Density from 1.0x the area of the lot to 1.12x the area of the lot;
- Increased the Gross Floor Area from 22,981.1 m<sup>2</sup> to 25,853.3 m<sup>2</sup>;
- Reduced the unit count from 166 to 164;
- The setback between the lot line to the retaining wall/porch has been increased to a minimum of 3 m along both the west and south frontages;
- Provision of 2.1m sidewalks throughout the Site;
- Provision of a centralized outdoor amenity area located along the future public right-of-way;
- New pedestrian access has been added between Blocks 1 and 2;
- All blocks have flat roofs with sloped roofs having been removed;
- Limiting distances between blocks have been adjusted to 12m to accommodate wider setbacks and 18.5m right-of-way width;
- Increased the future public right-of-way from 16.5m to 18.5m in width;
- The parking spaces along the private right-of-way extending northward from the future public right-of-way have been revised to be “parallel parking spaces”;
- Blocks 6 and 7 will provide 10 live/work units,
- Additional garbage rooms have been incorporated throughout the site;
- The garage entrances have been recessed so that they are not visible from the public realm;
- Our client has committed to animating the garage entrances with attractive windows, garage doors, lighting features and facade improvements so as to improve upon the visual aesthetic of the garage entrances;
- Where possible, the number of risers leading up to units have been reduced;
- Reduced the number of parking spaces from 249 below grade resident spaces and 50 at-grade visitor spaces to 216 below grade resident spaces and 32 visitor parking spaces (of which 10 are located underground, 8 are located at grade, and 14 are located at grade along the public road);
- A Type G loading space has been provided; and
- The retaining wall condition along the west property line has been softened through the introduction of a heightened amount of landscaping.

Further to the revisions discussed above, our client has authorized our office to put forward the following “without prejudice” offer to settle the appeal of the applications for a Zoning By-law Amendment, Site Plan Approval, and Application for Approval of a Plan of Subdivision, which

settlement would be based upon the following materials that have been updated to reflect the revised townhouse proposal:

- 1) Architectural Drawings prepared by Guthrie Muscovitch Architects Inc. dated February 8th, 2021;
- 2) The FSR and SWM Reports prepared by Odan Detech dated October 8<sup>th</sup> 2020 and December 21<sup>th</sup> 2020 and landscape and tree planting plans prepared by Studio TLA dated February 8 and March 19<sup>th</sup>, 2021;
- 3) The Engineering Drawings (including the Functional Servicing Plan and Functional Grading Plan) prepared by Odan Detech dated February 8<sup>th</sup>, 2021;
- 4) The Draft Plan of Subdivision prepared by Land Survey Group dated November 11<sup>th</sup>, 2019; and
- 5) The Revised Draft Zoning By-law Amendments, Draft Notice of Approval Conditions, and Draft Subdivision Conditions as agreed to between the applicant and the City attached hereto as Schedule "1";

Further, while the enclosed plans currently show townhouse blocks containing live/work and residential units in the southwest corner of the Site, our client, in response to the request from the community to allow for the potential of a retail component in the event that such retail component is viable, has included permissions in the site-specific amendment to provide permission for up to 25,000 sq. ft. of retail uses in this location.

In addition, our client, on the condition that this "without prejudice" offer is endorsed by City Council prior to the meeting on April 7<sup>th</sup>, 2021, has agreed to contribute a Section 37 contribution in the amount of \$900,000.00 to be subject to upwards indexing and payable upon the issuance of the first above-grade building permit, which contribution is intended to be allocated towards Irv W. Chapley Park and/or improvements to other parks and/or recreational facilities in Ward 6.

Should City Council accept this without prejudice settlement offer, please be advised that our client would make joint submissions to the Tribunal requesting the proposal be approved in principle and that the Tribunal withhold the issuance of its final order for the zoning by-law amendment, the draft plan of subdivision application and the application for site plan approval pending the applicant and the City reaching a final resolution on the form of the implementing documentation.

We anticipate that once such documentation is agreed to as between the parties, the owner will be in a position to advise the Tribunal that the approval of the draft plan of subdivision and site plan appeals can be delegated back to the City for final approval.

We would respectfully request that this without prejudice offer to settle be placed before Council for their consideration. Should you have any questions, please do not hesitate to contact the writer or Graham Frank, planner in our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Adam J. Brown', with a stylized, cursive script.

Adam J. Brown

Cc: Councillor James Pasternak, Ward 6 Councillor  
Mr. Giulio Cescato, City of Toronto  
Ms. Victoria Fusz, City of Toronto  
Mr. Arnie Lash, Kilbarry Holding Corp.  
Mr. Chris Burke, Kilbarry Holding Corp.

## SCHEDULE 1

**Re: Conditions of Approval**  
**Site Plan Control Application No. 06 111111 NNY 10 SA**  
 221-245 Wilmington Avenue  
 PLAN 5011 LOTS 5 AND 6 PT LOTS 10 TO 14 BLK A PT BLKS B C AND D  
 Ward 6 - York Centre

The Local Planning Appeal Tribunal ("LPAT") has heard evidence on the site plan referral (Case No. PL170585) comprised of the following plans and drawings:

<b>Plan No:</b>	<b>Plan Title:</b>	<b>Prepared By:</b>	<b>Revision Date:</b>
CS	Cover Page	Guthrie Muscovitch Architects	February 8, 2021
SP-1	Site Plan	Guthrie Muscovitch Architects	February 19, 2021
G-1	Garage Plan	Guthrie Muscovitch Architects	February 8, 2021
CS	Cover Page	Guthrie Muscovitch Architects	February 8, 2021
SS-1	Site Sections A-A	Guthrie Muscovitch Architects	February 8, 2021
SS-2	Site Sections B-B	Guthrie Muscovitch Architects	February 8, 2021
SS-3	Site Sections C-C	Guthrie Muscovitch Architects	February 8, 2021
SS-4	Site Sections D-D	Guthrie Muscovitch Architects	February 8, 2021
SS-5	Site Sections E-E	Guthrie Muscovitch Architects	February 8, 2021
BP-1	Roof Level Block Plan	Guthrie Muscovitch Architects	February 8, 2021
BP-2	Roof Level Block Plan	Guthrie Muscovitch Architects	February 8, 2021
BP-3	Roof Level Block Plan	Guthrie Muscovitch Architects	February 8, 2021
BP-4	Roof Level Block Plan	Guthrie Muscovitch Architects	February 8, 2021
BP-5	Roof Level Block Plan	Guthrie Muscovitch Architects	February 8, 2021
BP-6	Roof Level Block Plan	Guthrie Muscovitch Architects	February 8, 2021
BP-7	Roof Level Block Plan	Guthrie Muscovitch Architects	February 8, 2021
BP-8	Roof Level Block Plan	Guthrie Muscovitch Architects	February 8, 2021
BP-9	Roof Level Block Plan	Guthrie Muscovitch Architects	February 8, 2021
BP-10	Roof Level Block Plan	Guthrie Muscovitch Architects	February 8, 2021
BE-2	Block 2 Elevations	Guthrie Muscovitch Architects	February 8, 2021
BE-3	Block 3 Elevations	Guthrie Muscovitch Architects	February 8, 2021
BE-4	Block 4 Elevations	Guthrie Muscovitch Architects	February 8, 2021
BE-5	Block 5 Elevations	Guthrie Muscovitch Architects	February 8, 2021
BE-6	Block 6 Elevations	Guthrie Muscovitch Architects	February 8, 2021
BE-7	Block 7 Elevations	Guthrie Muscovitch Architects	February 8, 2021
BE-8	Block 8 Elevations	Guthrie Muscovitch Architects	February 8, 2021
BE-9	Block 9 Elevations	Guthrie Muscovitch Architects	February 8, 2021
BE-10	Block 10 Elevations	Guthrie Muscovitch Architects	February 8, 2021
BE-11	Block 11 Elevations	Guthrie Muscovitch Architects	February 8, 2021
BE-12	Block 12 Elevations	Guthrie Muscovitch Architects	February 8, 2021

<b>Plan No:</b>	<b>Plan Title:</b>	<b>Prepared By:</b>	<b>Revision Date:</b>
LS-100	Overall Plan	Terraplan Landscape Architects	February 19, 2021
LS-101	Landscape Plan	Terraplan Landscape Architects	February 19, 2021
LS-102	Landscape Plan	Terraplan Landscape Architects	February 8, 2021
LP-100	Street Tree Planting Plan	Terraplan Landscape Architects	February 19, 2021
LD-100	Landscape Details	Terraplan Landscape Architects	February 8, 2021
LD-101	Landscape Details	Terraplan Landscape Architects	February 8, 2021
LD-102	Landscape Details	Terraplan Landscape Architects	February 8, 2021

The LPAT will withhold its final Order approving the above plans and drawings pending receipt of confirmation from the City Solicitor that the Owner has satisfied all the pre-approval conditions in this Conditions of Approval document.

All references to named officials are with respect to the officials of the City of Toronto.

## **A. PRE-APPROVAL CONDITIONS**

### **LEGAL SERVICES – Stephanie Morrow (416) 397-5379**

1. Prior to the issuance of the LPAT's final Order approving the above plans and drawings, the Owner shall enter into the City's standard site plan agreement to and including registration of the site plan agreement on title to the subject lands by the City at the Owner's expense.

### **CITY PLANNING – Victoria Fusz (416) 395-7172**

2. Prior to the issuance of the LPAT's final Order approving the above plans and drawings, the Owner shall submit to the Chief Financial Officer and Treasurer as a deposit a letter of credit or certified cheque in the amount of \$849,000.00 to guarantee the provision of on-site landscaping, including for example (but not limited to) any planting, fencing, seating, decorative paving, retaining walls, terraces, and/or other landscaped features.

The letter of credit shall be in a form satisfactory to the Treasurer in accordance with its standard format for letters of credits as of the date of submission of the letter of credit to the City, and which shall provide for automatic renewal rights at the end of term, to complete all outstanding work required by these conditions. The deposit shall be returned to the Owner at such time as the Director, Community Planning, North York District is satisfied that the property has been developed in accordance with the approved drawings and the conditions of approval.

### **ENGINEERING & CONSTRUCTION SERVICES – John-Paul Cautillo (416) 395-6181**

#### **Facilities for the Landscaping of the Lands or the Protection of Adjoining Lands**

3. Prior to the issuance of the LPAT's final Order approving the above plans and drawings, the Owner shall submit engineering design drawings of proposed retaining walls, prepared by a Professional Engineer (P. Eng) to the Chief Engineer and Executive Director, Engineering & Construction Services, for review and acceptance.

#### **Groundwater Discharge**

4. Prior to the issuance of the LPAT's final Order approving the above plans and drawings, the Owner must submit an application to Toronto Water, Environmental Monitoring and Protection, for any short-term and/or any permanent dewatering system that is required for the buildings, and enter into an agreement and/or permit to discharge groundwater as required by the General Manager, Toronto Water.

#### **Encroach on the City's Right of Way**

5. Prior to the issuance of the LPAT's final Order approving the above plans and drawings, the Owner acknowledges and agrees to make an application to the City for permission for the following eaves, steps, canopy, etc. to encroach on the City's right-of-way.

## **Easements Conveyed to the City of Toronto**

6. Prior to the issuance of the LPAT's final Order approving the above plans and drawings, the Owner is to prepare all documents and convey to the City, for nominal consideration, a 6.0m wide easement for the proposed 600 mm diameter storm sewer, such lands to be free and clear of all physical and title encumbrances, all to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services and the City Solicitor.
7. Prior to the issuance of the LPAT's final Order approving the above plans and drawings, the Owner is to submit a draft Reference Plan of Survey, showing the lands to be conveyed to the City, to the Chief Engineer and Executive Director, Engineering & Construction Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:
  - (a) be in metric units and integrated to the 1983 North American Datum (Canadian Spatial Reference System and the 3 degree Modified Transverse Mercator Projection);
  - (b) delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant Rights-of-Way and easements; and
  - (c) show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan.
8. Prior to the issuance of the LPAT's final Order approving the above plans and drawings, the Owner is to submit, to the satisfaction of the City's Peer Reviewer, all Environmental Site Assessment reports prepared in accordance with the Record of Site Condition Regulation (O. Reg. 153/04) describing the current conditions of the easement lands and the proposed Remedial Action Plan based on the site condition standards approach, to the Chief Engineer and Executive Director, Engineering & Construction Services, for peer review and concurrence.
9. Prior to the issuance of the LPAT's final Order approving the above plans and drawings, the Owner is to pay all costs associated with the City retaining a third-party Peer Reviewer including all administrative costs to the City (7%), and submit an initial deposit of \$ 8,000.00 towards the cost of the Peer Review in the form of a certified cheque, made payable to the Treasurer, City of Toronto, to the Chief Engineer and Executive Director, Engineering & Construction Services. The Owner is to submit further deposits when requested to cover all costs of retaining a third-party Peer Reviewer and associated administrative costs to the City. Unused funds will be refunded to the applicant by the City.

## **Other**

10. Prior to the issuance of the LPAT's final Order approving the above plans and drawings, the Owner shall register the final Plan of Subdivision (City File No.: Application 11 142457 NNY 10 SB) pertaining to the properties known municipally as 221-245 Wilmington Avenue.



## **URBAN FORESTRY – Quinn Dunn (416) 338-6925**

11. Prior to the issuance of the LPAT's final Order approving the above plans and drawings, the Owner is to submit an application to Injure or Destroy Trees on City Property and an application fee in the amount of \$4,804.93 for Trees A, B, 1-9, 13, and 14.
12. Prior to the issuance of the LPAT's final Order approving the above plans and drawings, the Owner is to submit an application to Injure or Destroy Trees on Private Property and an application fee in the amount of \$8,881.08 for Trees 12, C, D, E, M, Q, AA, AB, AC, AG, and AJ.
13. Prior to the issuance of the LPAT's final Order approving the above plans and drawings, the Owner is to submit a complete Agreement for Arborists Retained by Private Property Owners to Undertake Work on City Trees and Certificate of Insurance for the removal of trees A, B, 1-9, 13, and 14.
14. Prior to the issuance of the LPAT's final Order approving the above plans and drawings, the Owner is to submit a non-refundable payment in the amount of \$24,801.00 for the appraised tree value of trees A, B, 1-9, 13, 14.
15. Prior to the issuance of the LPAT's final Order approving the above plans and drawings, the Owner is to submit a refundable payment in the amount of \$43,142.00 (\$583 per tree) for the tree planting deposit of 74 trees on City-owned road allowance.
16. Prior to the issuance of the LPAT's final Order approving the above plans and drawings, the Owner is to obtain all permits prior to site plan approval.

All security deposits and payments must be submitted to the attention of David Bostock, Acting Supervisor of Urban Forestry, Tree Protection & Plan Review. Please note that Urban Forestry only accepts the noted fee, payment and deposit in separate amounts, in the form of irrevocable letter of credit, certified cheque, or money order, payable to the Treasurer, City of Toronto.

## **TORONTO DISTRICT SCHOOL BOARD – Daniel Castaldo (416) 338-4471**

17. Prior to the issuance of the LPAT's final Order approving the above plans and drawings, the Owner is to enter into an agreement to erect and maintain signs, to the Board's specifications, at points of egress and ingress of the development site, advising that:

"The Toronto District School Board makes every effort to accommodate students at local schools. However, due to residential growth, sufficient accommodation may not be available for all students. Students may be accommodated in schools outside this area until space in local schools becomes available. For information regarding designated school(s), please call (416) 394-7526."

## **B. POST APPROVAL CONDITIONS**

In addition to the above pre-approval conditions, the following post approval conditions are to be fulfilled by the Owner following site plan approval and will be incorporated into a site plan agreement:

The proposed development shall be carried out and maintained in accordance with the plans and drawings referred to herein, to the satisfaction of the City of Toronto.

### **CITY PLANNING (see above for contact)**

1. The Owner is to provide and maintain the landscaping for the lands in accordance with the approved landscape plans to the satisfaction of the Director, Community Planning North York District.
2. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of PG32.3 of the Planning and Growth Committee and amended by City Council at its meeting held on July 16, 2013.

### **ENGINEERING & CONSTRUCTION SERVICES (see above for contact)**

#### **Facilities to Provide Access to and from the Land**

3. The Owner is to provide and maintain traffic operations measures/facilities as recommended in the accepted Traffic Operations Assessment, entitled Traffic Impact Study, prepared by MMM Group, dated May 2017, to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services.
4. The Owner is to remove all existing accesses, curb cuts, traffic control sign(s), etc. along the development site frontage that are no longer required and reinstate the curb, gutter, and boulevard within the City's right-of-way, in accordance with City standards and to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services.

#### **Off-Street Vehicular Loading and Parking Facilities and Access/Driveways**

5. The Owner is to provide and maintain off-street vehicular loading and parking facilities and access driveways in accordance with the approved plans and drawings, to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services.
6. The Owner must install and maintain appropriate signage and pavement markings on-site directing such as, but not limited to: vehicle stopping and circulation, designated accessible parking, loading, and pedestrian walkways to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services.

7. The Owner acknowledges and affirms that the concrete unit pavers shown on the site plan, which are installed in the boulevard along Wilmington Avenue and Overbook Place, are the Owner's responsibility to maintain in a state of good repair and at the Owner's sole expense.

### **Facilities for the Storage of Garbage and Other Waste Material**

8. The Owner is to construct and maintain all facilities necessary to permit bulk lift uncompacted garbage, recycling, and organic services for the multi-unit residential component only, City collection of solid waste and recyclable materials in accordance with Chapter 844, Solid Waste of the City of Toronto Municipal Code, Waste Collection for Residential Properties.
9. For the commercial component, including the work portion of live/work units, the Owner is to advise all tenants/future purchasers of the units that refuse and recyclable materials generated by this building must be collected by a private refuse collection firm at no cost to the City.
10. The Owner is to submit a letter certified by a Professional Engineer (P. Eng) that in all cases where a collection vehicle is required to drive onto or over a supported structure, such as an underground parking garage, the structure has been constructed to safely support a fully loaded collection vehicle (35,000 kg) and conforms to the following:
  - (a) Design Code - Ontario Building Code;
  - (b) Design Load - City bulk lift vehicle in addition Building Code requirements; and
  - (c) Impact Factor - 5% for maximum vehicular speeds to 15 km/h and 30% for higher speeds.
11. The Owner is to provide certification to the Chief Engineer and Executive Director, Engineering & Construction Services, by the "qualified professional" who designed and supervised the construction, that all solid waste management facilities, including vertical and horizontal clearances, have been constructed in accordance with the accepted Site Plan and Waste Management Report.

### **Stormwater Management, Grading, and Site Servicing**

12. The Owner is to construct and maintain stormwater management measures/facilities and site grading as recommended in the accepted Stormwater Management Reports:
  - (i) Stormwater Management Report Block 1, by The Odan/Detech Group Inc., dated December 21, 2020;
  - (ii) Stormwater Management Report Block 2, by The Odan/Detech Group Inc., dated December 21, 2020; and
  - (iii) Stormwater Management Report Block 4, by The Odan/Detech Group Inc., dated December 21, 2020,

and Site Grading Plans:

- (i) Block 1, drawing 2 of 4, Grading Plan, by Odan Detech Consulting Engineers, dated March 17, 2021;
- (ii) Block 2, drawing 2 of 4, Grading Plan, by Odan Detech Consulting Engineers, dated February 22, 2021; and
- (iii) Block 4, drawing 2 of 4, Grading Plan, by Odan Detech Consulting Engineers, dated February 22, 2021.

13. The Owner is to construct and maintain site servicing as indicated on the accepted Site Servicing Plans:

- (i) Block 1, drawing 1 of 4, Servicing Plan, by Odan Detech Consulting Engineers, dated March 17, 2021;
- (ii) Block 2, drawing 1 of 4, Servicing Plan, by Odan Detech Consulting Engineers, dated February 22, 2021; and
- (iii) Block 4, drawing 1 of 4, Servicing Plan, by Odan Detech Consulting Engineers, dated February 22, 2021.

14. The Owner is to provide certification to the Chief Engineer and Executive Director, Engineering & Construction Services from the Professional Engineer (P. Eng.) who designed and supervised the construction confirming that the stormwater management facilities and site grading have been constructed in accordance with the accepted Stormwater Management Report and the accepted Grading Plans.

15. The Owner is to provide certification to the Chief Engineer and Executive Director, Engineering & Construction Services from the Professional Engineer (P. Eng.) who designed and supervised the construction, that the site servicing facilities have been constructed in accordance with the accepted drawings.

16. Existing drainage patterns on adjacent properties shall not be altered and Stormwater runoff from the subject development shall not be directed to drain onto adjacent properties.

### **Groundwater Discharge**

17. The Owner is to submit an application to Toronto Water, Environmental Monitoring and Protection, for any short-term and/or permanent dewatering system that is required for the building, and enter into an agreement and/or permit to discharge groundwater as required by the General Manager, Toronto Water.

18. The Owner is to submit a copy of the relevant section(s) of the proposed Condominium Declaration that disclose(s) the obligations of the Owner in respect of the discharge of groundwater (“Private Water”) to a City sewer pursuant to Toronto Municipal Code,

Chapter 681, to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services.

**Other**

19. The Owner acknowledges and agrees that staff have reviewed this application on the understanding it will comprise of one common element condominium corporation upon completion that will comprise the entire development. The Owner further acknowledges and agrees that if any party, including the Owner or any subsequent Owner, submits an application for condominium approval for this development not in accordance with this information, different servicing connections, including all associated stormwater management facilities, and any necessary revised plans and studies, may be required by the City at the sole cost to the condominium applicant.

**URBAN FORESTRY (see above for contact)**

20. The Owner must submit to the Urban Forestry Supervisor, at [tpprnorth@toronto.ca](mailto:tpprnorth@toronto.ca), a letter/email with photos documenting that the installed tree protection hoarding and signage has been installed for the City and privately owned trees as prescribed in the approved Arborist Report and Tree Protection Plan and in accordance with the City of Toronto's Tree Protection Policy and Specifications for Construction Near Trees, and to the satisfaction of Urban Forestry on behalf of the General Manager of Parks, Forestry & Recreation. This letter should be submitted prior to construction beginning.
21. The Owner agrees to strictly adhere to the Tree Protection Specifications contained in the approved Arborist Report and Tree Preservation Plan and as per the City of Toronto's Tree Protection Policy and Specifications for Construction near Trees.
22. The Owner agrees to notify all builders, contractors, and agents of all tree protection requirements where any part of the development will be carried out by them on behalf of the Owner to the satisfaction of Urban Forestry on behalf of the General Manager of Parks, Forestry & Recreation.
23. The Owner agrees to ensure that all tree protection barriers are maintained in good condition, and are not to be moved, altered or removed until all construction activities have been completed and removal of the barriers has been approved by Urban Forestry on behalf of the General Manager of Parks, Forestry & Recreation. Provided the approved tree protection is maintained as specified in the approved Arborist Report and Tree Protection Plan and in accordance with the City of Toronto's Tree Protection Policy and Specifications for Construction near Trees, the Tree Security Deposit may be released at the completion of construction. If it is discovered that there is unauthorized encroachment within a tree protection zone, or a tree was not protected in accordance with the above noted documents, the deposit will be retained for an extended period. Should the tree's condition decline as a result of construction and/or encroachment the deposit may not be refundable.
24. Upon completion of construction activities, the Owner shall notify Urban Forestry, at [tpprnorth@toronto.ca](mailto:tpprnorth@toronto.ca), prior to the removal of the protection hoarding the trees to be

preserved according to the approved Tree Protection Plan, to arrange for an inspection of the site.

25. The Owner shall have a qualified company implement and maintain tree planting on the subject land in accordance with the approved plans to the satisfaction of Urban Forestry, on behalf of the General Manager of Parks, Forestry and Recreation. The trees must be planted at the correct depth to ensure survival and they are to be planted after sod has been laid and construction activities have been completed. Upon the planting of the new trees on the subject land, the Owner shall assume the full responsibility for the maintenance and health of the private trees and shall take no action or permit any action that will injure, damage, destroy, or prevent the trees from maturing to the point that the trunk of the tree measures 30 cm in diameter or more, measured at 1.4 m above ground level.
26. The Owner shall maintain all new tree plantings within the City road allowance in good condition. If necessary, the Tree Planting Security Deposit will be drawn upon to cover all costs incurred by the City of Toronto in enforcing and ensuring that the trees are planted and kept in a healthy and vigorous state during the two-year guarantee period. The Owner must notify Urban Forestry, at [tppnorth@toronto.ca](mailto:tppnorth@toronto.ca), within two weeks of the trees being planted to start the two year guarantee period. Trees will be inspected during and prior to the end of the renewable guarantee period. At the end of the period, while the trees are in leaf, the Owner must notify Urban Forestry, at [tppnorth@toronto.ca](mailto:tppnorth@toronto.ca), to allow for us to confirm if the trees are in good condition. If the trees are in good condition at the end of the period, the City will assume maintenance and Ownership of the trees and the deposit will be returned.
27. The Owner shall be responsible for the maintenance or replacement of all new tree plantings within the City road allowance if during or at the end of the renewable guarantee period the trees are not in good condition, require maintenance or require replacement. The Owner will be responsible for rectifying the problem as determined by and to the satisfaction of Urban Forestry, on behalf of the General Manager of Parks, Forestry & Recreation. At this time, the Owner shall maintain all newly replanted trees within the City road allowance in good condition and shall provide an additional two-year renewable guarantee.
28. Following the planting of street trees, the Owner shall provide a Certificate of Completion of Work and an as-installed plant list in the form of a spreadsheet identifying street trees, as shown on the approved planting plan, by street addresses. The as-installed plant list shall also include tree species, calliper, condition and specific location of the trees by identifying two points of references (i.e., distances in meters from the curb, sidewalk, driveway, utility pole or pedestal).
29. Any proposed revisions/alterations to the approved plans or permits that affect trees must be approved by Urban Forestry on behalf of the General Manager of Parks, Forestry & Recreation.

**TORONTO DISTRICT SCHOOL BOARD (see above for contact)**

30. The Owner agrees in the Servicing and/or Development agreement, or in a separate agreement between the school board and the Owner, to include the following warning clauses in all offers of purchase and sale of residential units, prior to registration of the plan and for a period of ten years following registration, that:

"Despite the best efforts of the Toronto District School Board, sufficient accommodation may not be locally available for all students anticipated from the development area and that students may be accommodated in facilities outside the area, and further, that students may later be transferred.

Purchasers agree for the purpose of transportation to school, if bussing is provided by the Toronto District School Board in accordance with the Board's policy, that students will not be bussed home to school, but will meet the bus at designated locations in or outside of the area."

**ADVISORY COMMENTS and STANDARD LC FORMS**

Attached are standard Toronto advisory comments to assist with the application.

Attached is a copy of the standard form letter of credit required by the City of Toronto. The letter(s) of credit are to follow the format and content of the sample letter.

## APPENDIX: 1

### SITE PLAN ADVISORY COMMENTS

#### **Green Roof By-law**

1. The Owner is advised that the Green Roof By-law (By-law No. 583-2009) (Chapter 492 of the City of Toronto Municipal Code) including Article IV the Toronto Green Roof Construction Standard, may be applicable to the proposed development. For further information, please contact Nathan Wood, Toronto Building at (416) 392-7575.

#### **Road Allowance Permits**

2. The Owner must obtain the necessary authorizations and permits from the City's Permits and Enforcement Section before excavating within or encroaching into the municipal road allowance. The Owner is advised to contact our Permits and Enforcement Section at (416) 395-7112 regarding site-specific permit and licensing requirements.

We advise the Owner that they cannot use the municipal right-of-way for construction-related purposes without first receiving written authorization from the Permits and Enforcement Section, including payment of the necessary fees.

Prior to issuance of any permit from Permits and Enforcement, the Owner must submit a financial guarantee and an engineering review fee in form of a letter of credit (amount to be determined by Engineering and Construction Services) to Permits and Enforcement Section, Transportation Services, for all works required in the City boulevard.

In conjunction with the right-of-way permits, the Owner shall provide an adequate financial guarantee to ensure the satisfactory completion of all required work in the City's rights-of-way, excluding service connections, pay engineering and inspection fees (5% of the estimated construction cost of the work), and provide public liability insurance. The Owner shall construct all work within the City's rights-of-way at no cost to the City in accordance with the accepted drawings.

The Owner is required to contact the City inspector (Khurshed Alam, 416-931-7003) prior to commencing any work within the City's right-of-way.

**Gavin Mendes** (416) 395-743, **Wards 6, 17, 18**, is responsible for access permits and municipal road damage guarantee deposits for:

- All residential single family detached applications on all roads
- Commercial/industrial applications for additions/alternations on all roads with no work being done on City property

**George Jung** (416) 395-6221, **Wards 6, 17, 18**, is responsible for access permits and Municipal Road Damage Guarantee deposits and all other permits associated with construction activities (piling/shoring, landscaping, hoarding, temporary street occupation, tower crane, etc.) for:



- All new multiple-unit residential developments
- Commercial/industrial developments where there is work being done within the road right-of-way.

In order to obtain approval for work in the City's right-of-way, the Owner will be required to provide up-to-date stake out information for most construction-related work. For further information, please contact Ontario One at 1-800-400-2255 to arrange for an appointment.

### **Construction Management Plans**

3. The Owner must submit to the City a Construction Management Plan for each stage of the construction process, provided to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services. The Owner is not allowed to use the rights-of-way for storing construction equipment/materials or for parking purposes. For further information, please contact the Permits and Enforcement Section, North York District, at (416) 395-7112. The applicant is advised to contact the Development Engineering Unit John-Paul Cautillo at (416) 395-6181, regarding detailed requirements.

We advise the Owner that any construction activity that affects the adjacent public rights-of-way including, among other things, the location of construction staging areas and covered public walkways within public roads, which may necessitate the temporary closure of one or more traffic lanes for an extended period of time, will require the submission of an acceptable Construction Management Plan in conjunction with the permit approval process, in order to minimize construction related impacts on public rights-of-way.

In addition, we advise the Owner that they cannot use the municipal right-of-way for construction-related purposes without first receiving written authorization from Transportation Services, Permits and Enforcement Section, including payment of the necessary fees.

### **Encroachments**

4. The Owner is advised that any physical or landscaping features that they propose to install within public right(s)-of-way are subject to encroachment agreements. The Owner is responsible for the costs of installing and maintaining these encroachments. For further information regarding encroachment agreements, please contact Transportation Services, Permits and Enforcement Section at (416) 395-7112.

The Owner is advised that all streetscape designs proposed within the abutting public rights-of-way must comply with the requirements of the Transportation Services Division and those materials other than municipal sidewalks, street trees, and sod are considered encroachments that the property Owner must recognize in either a site plan or encroachment agreement that is registered on-title to the property. The Owner is responsible for the costs of installing and maintaining these encroachments. For further information, please contact Transportation Services, Permits and Enforcement Section at (416) 395-7112.

Any encroachments within municipal road allowances will not be permitted unless they are explicitly approved by Transportation Services, Permits and Enforcement Section. The Owner is required to contact the section through the permit approval process to obtain the exact

particulars of these requirements. For further information, please contact Transportation Services, Permits and Enforcement Section at (416) 395-7112.

### **Toronto Hydro Approval**

5. The Owner shall obtain approval from Toronto Hydro Street Lighting Incorporated, THSLI, for removing and/or relocating any utility with attached municipal street lighting and for any upgrades. The applicant is advised to contact THSLI (416) 542-3195 or <https://www.torontohydro.com/sites/electricsystem/Pages/foryourhome.aspx> for comment and cost estimates for required fieldwork.

### **Utilities**

6. The Owner is financially responsible for all costs associated with the excavation improvement, removal and/or relocation of any above or below-grade public or private utility resulting from the development of this property.

### **Site Servicing Connections**

7. The Owner will be required to make an application to Toronto Water Division, North York Civic Centre, 5100 Yonge Street, 2<sup>nd</sup> Floor, for the installation of any proposed services within the City's right-of-way after acceptance of the stormwater management report and site servicing plan. For further information, please contact Toronto Water at (416) 395-6082.

### **Municipal Numbering**

8. The Owner is advised to contact Ana Michalek, Property Records Supervisor, Survey and Utility Mapping Services at (416) 392-8338 to obtain or verify new municipal addresses prior to submitting a building permit application. It should be noted that all addressed parcels and structures must have the correct municipal addresses posted. For details, please see: <https://www.toronto.ca/city-government/planning-development/municipal-numbering-of-a-property/>.

The municipal addresses will be required for the purpose of setting up the water account with the City of Toronto when application is made for the proposed sewer and/or water service connection, as applicable.

### **Street Naming Requirements**

9. The Owner is advised to contact Ana Michalek, Property Records Supervisor, at 416-392-8338 to initiate the street naming process. The Owner will be required to follow the City of Toronto's Street Naming Policy which can be found at <https://www.toronto.ca/city-government/planning-development/street-naming/>. It should be noted that all public streets, private access roads, and private walkways should be named in order to facilitate access to the units fronting these streets, roads, and walkways.

## **Wet Tap Procedure**

10. The Owner is advised that pursuant to an order issued by the Ontario Ministry of the Environment and Climate Change, all wet taps performed on City watermains must be performed by, or under the supervision of, a Certified Operator in accordance with Ontario Regulation 128/04. The City of Toronto Protocol respecting the performance of and verification of wet taps can be found at [https://www.toronto.ca/wp-content/uploads/2017/11/8759-ecs-specs-pipespecs-Wet\\_Tap\\_Procedure\\_Notice\\_Jun2017.pdf](https://www.toronto.ca/wp-content/uploads/2017/11/8759-ecs-specs-pipespecs-Wet_Tap_Procedure_Notice_Jun2017.pdf).

## **Implementation of Superpave Asphalt Specifications**

11. The City of Toronto is implementing Superpave asphalt mixes commencing in the 2018 construction season for all public road infrastructure projects. Superpave asphalt mixes will be mandatory for all new projects approved in 2018 and onward in the City of Toronto.

## **Toronto Green Standard**

12. The following Toronto Green Standards (TGS) Tier 1 Performance Measures have been met where applicable:
  - a) AQ 1.1 – Low Emitting Vehicle Spaces (not applicable)
  - b) AQ 3.2 – Sidewalk Space (satisfied)
  - c) SW 1.1 – Waste Collection and Storage (satisfied)
  - d) SW 1.2 – Waste Storage Space (satisfied)
  - e) SW 1.3 – Bulky Waste (satisfied)
  - f) WQ 1.1 – Erosion & Sediment Control (satisfied)
  - g) WQ 2.1 – Stormwater Balance (satisfied)
  - h) WQ 2.2 – Stormwater Retention & Reuse (satisfied)
  - i) WQ 3.1 – Total Suspended Solids (TSS) (satisfied)
  - j) WQ 3.2 – E. Coli Reduction (not applicable)

## **Street Furniture**

13. The Owner is advised that approval for all work that will be carried out within the abutting public rights-of-way, which may include but not be limited to financial responsibility for removal or relocation of existing street furniture (transit shelters, benches, litter bins, bicycle locking rings, etc.). The Owner must contact Street Furniture Management to co-ordinate the removal or relocation of Astral street furniture or bicycle locking rings. There are Third Party costs associated with the removal and relocation of Astral street furniture and costs to remove the City of Toronto bicycle locking ring(s). The City will not undertake any work associated with removing, reinstalling or relocating existing street furniture until it receives payment. If clarification is required on how the above standards will apply to this site, the applicant can contact the Street Furniture Management Unit, at [streetfurniture@toronto.ca](mailto:streetfurniture@toronto.ca).

## **Fire Services**

14. As established by Toronto By-Law, Chapter 880, it is required that an approved fire access route be provided. Application shall be submitted to Toronto Fire Services prior to occupancy.

## **Construction Dewatering & Private Water Drainage System**

15. Discharge of Private Water, including but not limited to groundwater, construction wastewater, etc., directly or indirectly into the City's sewage works is prohibited under Toronto Municipal Code (MCC) Chapter 681 – Sewers, unless the subject property has obtained discharge approval in the form of a Discharge Agreement under MCC 681-6 from Toronto Water, Environmental Monitoring and Protection Unit.

If the Owner wishes to discharge groundwater to the City's sewers, the Owner shall apply and obtain short-term discharge approval from Toronto Water, Environmental Monitoring & Protection.

In the absence of a short-term discharge approval, the Owner shall ensure any private water, including but not limited to groundwater, construction wastewater, etc., collected from the subject property is hauled away using a Ministry of the Environment, Conservation and Parks (MECP) approved hauler to ensure that no private water is discharged directly or indirectly into the City's sewage works and thereby comply with Municipal Code Chapter 681 – Sewers.

Prior to any approval to discharge Private Water to a City sewer works and the issuance of any agreement or permit respecting same by the General Manager, Toronto Water, the Owner will be required to:

- a) Obtain an Environmental Compliance Approval from the Ministry of the Environment, Conservation and Parks, for the proposed Private Water Treatment System (the "Treatment System");
- b) Install and operate the Treatment System; and
- c) Notify Toronto Water, Environmental Monitoring and Protection immediately once the Treatment System has been installed so that the City can collect samples of the treated water over a minimum period of 6 months to determine the effectiveness of the Treatment System.

Any approval to discharge Private Water to a City sewer will not be granted if the Treatment System fails to effectively treat the Private Water to meet the applicable quality limits as set out in the Sewers By-Law.

## **Streetscaping**

16. The Owner is required to make an application to Transportation Services, Right-of-Way Management, at (416) 395-6303 or [tprown@toronto.ca](mailto:tprown@toronto.ca), after site plan approval for a streetscaping permit. The Owner shall be responsible for the cost of the streetscaping

including depositing the estimated cost of the streetscaping work and a 5% streetscaping engineering review fee to the City. A streetscape permit for the Wilmington Avenue and Overbrook Place boulevard treatment can be issued only upon review of the detailed landscape plan submitted by the Owner.

## **Enbridge**

17. The Owner shall contact Enbridge Gas Distribution's Customer Connections department by emailing SalesArea10@enbridge.com for service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.

If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phase construction, all costs are the responsibility of the Owner.

18. Easement(s) are required to service this development and any future adjacent developments. The Owner will provide all easement(s) to Enbridge Gas Distribution at no cost.
19. The Owner will contact Enbridge Gas Distribution's Customer Connections department by emailing SalesArea10@enbridge.com prior to any site construction activities to determine if existing piping facilities need to be relocated or abandoned.
20. In the event a pressure reducing regulator station is required, the Owner is to provide a 3 metre by 3 metre exclusive use location that cannot project into the municipal road allowance. The final size and location of the regulator station will be confirmed by Enbridge Gas Distribution's Customer Connections department. For more details contact SalesArea10@enbridge.com.
21. The Owner will grade all road allowances to as close to final elevation as possible, provide necessary field survey information and all approved municipal road cross sections, identifying all utility locations prior to the installation of the gas piping.

APPENDIX: 2

(PRINTED ON BANK LETTERHEAD)

**IRREVOCABLE STANDBY LETTER OF CREDIT**

Beneficiary: City of Toronto	Issue Date:
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Letter of Credit Number:	Credit Amount (Canadian Funds):	Initial Expiry Date: <b><u>(12 months following issue date)</u></b>
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We hereby authorize you, the City of Toronto, to draw on **(Bank name, address and branch)** (the "Bank") for the account of **(customer name and address)**, (the "Customer") up to an aggregate amount of \$ \_\_\_\_\_ Canadian Dollars (the "Credit Amount") available on demand up to \_\_\_\_\_ **(date)** (the "Initial Expiry Date") or a subsequent anniversary date, and is hereby given to you pursuant to an agreement between the City of Toronto, and **(name of customer)**, made in connection with approval of Site Plan Application [list application number] (the "Agreement").

Pursuant to the request of the Customer, the Bank hereby establishes in your favour and gives to you an Irrevocable Standby Letter of Credit in the Credit Amount on which you may draw in whole or in part at any time and from time to time, subject to the terms herein.

A drawing under this Letter of Credit shall be made by you presenting to the Bank, at the address noted below, a demand in writing authorized by the City Treasurer or delegate.

Partial drawings are permitted.

**Upon receipt of said demand, the Bank shall pay to you the amount stated in the demand, to be payable to you without inquiring whether you have a right as between yourself and the Customer to make such demand, and without recognizing any claim of the Customer or objection by the Customer to payment by the Bank.**

This Letter of Credit will continue up to the Initial Expiry Date but shall be subject to the condition that it shall be deemed to be automatically extended without amendment for one year from the present or any future expiration date hereof, unless 60 days prior to any such expiration date the Bank notifies you by notice in writing delivered to the City of Toronto at the address noted below by registered mail that it shall not renew this Letter of Credit for any such additional period. Upon receipt by you of such notice, you may draw hereunder, for the available balance of this Letter of Credit by presenting a written demand together with confirmation that the amounts drawn will be retained and used by you to meet obligations incurred or to be incurred in connection with the Agreement. The demand must be authorized by the City Treasurer or delegate.

Bank Name: \_\_\_\_\_

Countersigned: \_\_\_\_\_

Address: \_\_\_\_\_

Countersigned: \_\_\_\_\_

**ADDRESS FOR NOTICE**

1. NOTICE TO BANK

(bank to insert full address and contact information)

2. NOTICE TO CITY OF TORONTO

City of Toronto  
Corporate Finance Division, Capital Markets  
City Hall, 7<sup>th</sup> Floor, East Tower  
100 Queen Street West  
Toronto, Ontario, M5H 2N2

Re: **Conditions of Draft Approval**  
Draft Plan of Subdivision  
Subdivision Approval 11 142457 NNY 10 SB  
221-245 Wilmington Avenue  
PLAN 5011 LOTS 5 AND 6 PT LOTS 10 TO 14 BLK A PT BLKS B C AND D  
Ward 6 - York Centre

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The Local Planning Appeal Tribunal ("LPAT") has heard evidence on the Draft Plan of Subdivision referral (Case No. PL170585).

The LPAT will withhold its final Order approving the plan of subdivision pending receipt of confirmation from the City Solicitor that all conditions in this Conditions of Approval document have been satisfied or secured



## **CONDITIONS OF DRAFT APPROVAL**

### **Standard Conditions**

1. The Owner shall enter into the City's standard Subdivision agreement and satisfy all of the pre-registration conditions contained therein.
2. The Owner shall provide to the Acting Director of Community Planning, North York District, confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department, City of Toronto (statement of account or Tax Clearance Certificate) and that there are no outstanding City initiated assessment or tax appeals made pursuant to Section 40 of the Assessment Act or the provisions of the City of Toronto Act, 2006. In the event that there is an outstanding City initiated assessment or tax appeal, the Owner shall enter into a financially secured agreement with the City satisfactory to the City Solicitor to secure payment of property taxes in the event the City is successful with the appeal.
3. If the subdivision is not registered within 5 years of the date of draft plan approval, then this approval shall be null and void and the plans and drawings must be resubmitted to the City of Toronto for approval.

### **Engineering & Construction Services**

4. The Owner shall pay to the City (\$40.00) per lot/block towards the cost of geodetic and aerial survey.
5. The Owner shall dedicate all roads, as required by the City, and corner roundings, shown on the plan.
6. The Owner shall convey to the City all 0.3 metre (one foot) reserves shown on the plan prior to the registration of the Plan of Subdivision.
7. Upon registration of the Plan of Subdivision, the Owner shall convey all necessary easements to the City, including but not limited to, the new 6 m wide easement for the proposed storm sewer shown as Block 5 on the Draft Plan of Subdivision.
8. The Owner shall prepare all documents to convey lands in fee simple and easement interests to the City for nominal consideration, such lands to be free and clear of all physical and title encumbrances to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services in consultation with the City Solicitor.
9. The Owner shall submit a draft Reference Plan of Survey in respect of all conveyances to the City to the Chief Engineer & Executive Director, Engineering & Construction Services, for review and approval, prior to depositing it to the Land Registry Office. The plan should:
  - (a) be in metric units and integrated to the 1983 North American Datum (Canadian Spatial Reference System) and the 3 degree Modified Transverse Mercator Projection);
  - (b) delineate by separate PARTS the lands to be conveyed to the City, including but not limited to the proposed new public road, the 0.40m road widening on Wilmington Avenue, corner roundings the remainder of the site and any appurtenant rights-of-way and easements; and

- (c) show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan.

The Owner shall pay all costs for preparation and registration of reference plan(s).

The Owner agrees to retain the services of a Qualified Person to conduct an environmental site assessment for the lands to be conveyed to the City, in accordance with the terms and conditions of the standard subdivision agreement, including providing payment for a peer reviewer and the submission of a Record of Site Condition (RSC).

- 10. The Owner shall pay engineering and inspection fees in accordance with the terms and conditions of the standard subdivision agreement.

The Owner shall submit financial security in accordance with the terms of the standard subdivision agreement and the prevailing City of Toronto policy, in addition to the works required on the existing Wilmington Avenue and Overbrook Place right-of-ways.

- 11. The Owner shall apply the stormwater management techniques in the development of this subdivision as recommended in the accepted Stormwater Management Report Block 1, prepared by Odan Detech Consulting Engineers, and dated December 21, 2020, Stormwater Management Report Block 2, prepared by Odan Detech Consulting Engineers, and dated December 21, 2020, and Stormwater Management Report Block 4, prepared by Odan Detech Consulting Engineers, and dated December 21, 2020.

- 12. Prior to registration of the Plan of subdivision, the Owner shall make satisfactory arrangements with the City to construct all public streets within this subdivision lands to a minimum base curb and base asphalt condition, as fully serviced roads to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services.

- 13. The Owner shall update the accepted Functional Servicing Report, including the stormwater management strategy, if directed by the Chief Engineer and Executive Director, Engineering & Construction Services in the event that the Chief Engineer and Executive Director, Engineering & Construction Services determines that field conditions are not suitable for implementation of the servicing and storm water strategy recommended in the Functional Servicing Report.

- 14. Prior to the earlier of the registration of the Plan of Subdivision or the Release for Construction of Services, submit to the Chief Engineer & Executive Director, Engineering & Construction Services for review and acceptance, a plan or plans, showing:

- a) cross-sections of all roads within the plan of subdivision incorporating the approved pavement widths and other infrastructure elements, and including the proposed connections with, and any improvements to, the existing streets within and surrounding site;
- b) the proposed pavement markings and signage for all new roads;
- c) modifications required to the pavement markings and signs on the existing Roads; and

d) minimum pedestrian clearway of 2.1 metres on all Roads and at intersection of all roads.

15. Prior to earlier of the registration of the Plan of Subdivision or the Release for Construction of Services submit to the Chief Engineer & Executive Director, Engineering & Construction Services:

Regarding Toronto Hydro-Electric System Limited (distribution group):

- a) copy of "offer to connect" (OTC);
- b) written confirmation that financial securities have been posted; and
- c) written confirmation that satisfactory arrangements have been made.

Regarding Toronto Hydro Energy (streetlight group):

- d) cost estimate of the construction/installation of streetlights, and the hydro inspection fee;
- e) financial security in amount of 130.0% of the streetlight cost estimate and inspection fee; and
- f) copy of written confirmation from Toronto Hydro Energy that satisfactory arrangements have been made.

#### **Transportation Services**

16. The Owner must submit a payment in the form of a certified cheque in the amount of \$13,555.98 for the pavement marking and signage as required to the City of Toronto for the proposed new public road prior to the earlier of the release for construction of services and registration of the plan of subdivision.

17. The Owner must submit a financial guarantee in the form of a certified cheque (amount to be determined) for the construction of the proposed new public roads, as required by the City of Toronto.

18. The Owner must submit a financial guarantee in the form of a certified cheque (amount to be determined) for the new 2.1m wide sidewalks on Wilmington Avenue, Overbrook Place, and the proposed new public roads, as required by the City of Toronto.

19. The Owner shall submit the plan of subdivision to the Chief Engineer and Executive Director, Engineering & Construction Services, for review and acceptance, prior to the registration in the appropriate Land Registry Office, showing on the face of the plan the lands to be dedicated to the City as part of the proposed new public road, 0.4m road widening on Wilmington Avenue, corner roundings, the remainder of the site, and any appurtenant rights-of-way.

#### **Urban Forestry**

20. The Owner agrees to submit a letter of credit as a tree protection guarantee for existing trees. If tree protection is maintained as specified in the Arborist Report and in accordance with the

City of Toronto's Tree Protection Policy and Specifications for Construction Near Trees, monies will be released at the completion of construction. If it is discovered that there was encroachment within a tree protection zone, or a tree was not protected in accordance with the arborist report and the City of Toronto's Tree Protection Policy and Specifications for Construction Near Trees, monies will be held for a period of up to five years after construction is completed.

21. The Owner agrees that post holes for fences within tree protection zones must be hand dug, or excavated using the hydrovac method of excavation, and that roots larger than 2.5 cm in diameter will not be cut. If necessary, post holes should be relocated to ensure significant roots are not cut.
22. Prior the acceptance of engineering drawings by Engineering & Construction Services, the Owner agrees to submit composite utility plans, indicating the location of all existing and proposed underground and aboveground utilities in relation to proposed tree planting locations, at a minimum scale of 1:250, to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services and the General Manager, Parks Forestry & Recreation.
23. The Owner agrees that trees will be planted by a qualified arborist or nursery person. They must determine how much settlement, if any, may occur, to ensure trees are not planted too high, or settle too deeply. Trees are to be planted after final grading, and once the sod has been laid.
24. Prior to tree planting, the Owner agrees to submit to Urban Forestry, a watering schedule for newly planted trees during the guarantee period.
25. The Owner agrees to contact Urban Forestry one week prior to tree planting, and once the trees have been planted, in order to establish the anniversary dates.
26. Upon written request from the Owner, Parks, Forestry & Recreation agrees to inspect the newly planted trees and will advise the Owner if the trees are satisfactory. The Owner acknowledges and agrees to maintain the trees for a period of two years after being advised in writing that Parks, Forestry & Recreation is satisfied with the newly planted trees. The Owner acknowledges that, should any newly planted tree require replacement during this guarantee period, the tree shall be replaced immediately and shall have an additional two year maintenance period placed on this new planting. At the end of that period, upon acceptance, the City shall accept maintenance responsibilities and return the letter of credit.
27. The Owner shall ensure that there shall be no wording in any Agreement of Purchase and Sale and/or Rental Agreement for any lands within the plan of subdivision that states or creates an expectation that there will be a tree in front of each residential lot.
28. Prior to final registration of the plan of subdivision, the Owner agrees to provide its Solicitor's confirmation to the City advising that the clauses set out above have been included in applicable Offers of Purchase and Sale and/or Rental Agreements to ensure that future occupants are aware of that they may not receive a street tree in front of their property.

29. The Owner is to enter into an agreement to erect and maintain signs, to the Board's specifications, at points of egress and ingress of the development site, advising that:

"The Toronto District School Board makes every effort to accommodate students at local schools. However, due to residential growth, sufficient accommodation may not be available for all students. Students may be accommodated in schools outside this area until space in local schools becomes available. For information regarding designated school(s), please call (416) 394-7526."

30. The Owner agrees in the Servicing and/or Development agreement, or in a separate agreement between the school board and the Owner, to include the following warning clauses in all offers of purchase and sale of residential units, prior to registration of the plan and for a period of ten years following registration, that:

"Despite the best efforts of the Toronto District School Board, sufficient accommodation may not be locally available for all students anticipated from the development area and that students may be accommodated in facilities outside the area, and further, that students may later be transferred.

Purchasers agree for the purpose of transportation to school, if bussing is provided by the Toronto District School Board in accordance with the Board's policy, that students will not be bussed home to school, but will meet the bus at designated locations in or outside of the area."

Authority: Local Planning Appeal Tribunal  
 Approved by LPAT: ~, 2021

**CITY OF TORONTO  
 BY-LAW No. ~-2021**

**To amend City of Toronto Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known as 221-245 Wilmington Avenue in the year 2021**

WHEREAS the Local Planning Appeal Tribunal, pursuant to its Decision issued on ~, 2021 and Order issued ~, 2021 in LPAT Case PL170585 upon hearing the appeal of the owner, under Section 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, deems it advisable to amend the Zoning By-law for the City of Toronto; being By-law 569-2013, as amended with respect to the lands municipally known as 221-245 Wilmington Avenue; 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 Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted 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 and matters in return for an increase in the 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 and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out;

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto; and

Whereas pursuant to Section 39 of the *Planning Act*, the Local Planning Appeal Tribunal may, in a by-law passed under Section 34 of the *Planning Act*, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law.

The Local Planning Appeal Tribunal Orders:

1. The lands subject to this By-law are outlined by heavy lines on Diagram '1' attached to By-law XXXX-2021 (LPAT); and
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions; and
3. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: RM(f21.0; a780)(x95) as shown on Diagram 2 attached to By-law XXXX-2021 (LPAT); and
4. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1 as shown on Diagram 3 attached to this Bylaw; and

5. Zoning By-law No. 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following height label to these lands of HT 11.5, as shown on Diagram 4 attached to this Bylaw; and
6. Zoning By-law No. 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map in Section 995.30.1, and applying the following lot coverage label of 0.35 to these lands, as shown on Diagram 5 attached to this By-law; and
7. Zoning By-law No. 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Section 995.40.1, as shown on Diagram 6 attached to this By-law; and
8. Zoning By-law No. 569-2013, as amended, is further amended by adding the following subsection to 900.6.10, as follows:

**(95) Exception RM 95**

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

**Site Specific Provisions:**

On the lands known as 221-245 Wilmington Avenue, if the requirements of Section 10 and Schedule A are complied with, **buildings, structures, additions** and/or **enlargements** may be erected and used if in compliance with regulations (A) to (AA) below:

- A. Despite regulation 10.80.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the lot is 26,250 square metres, of which:
  - (i) The permitted maximum **gross floor area** for residential uses is 26,250 square metres;
  - (ii) The permitted maximum **gross floor area** for non-residential uses is 2,322.5 square metres.
- B. In addition to the exclusions permitted in Regulation 10.5.40.40(3) the **gross floor area** of a **residential building** other than an **apartment building** shall also be reduced by the area in the **building** used for:
  - (i) Parking spaces, parking garage access stairs, drive aisles, loading, bicycle parking, storage rooms, electrical rooms, utility rooms, refuse and recycle rooms, mechanical rooms, and mechanical penthouses;
- C. Despite regulation 10.80.20.40(1), a **dwelling unit** is permitted in a **townhouse**, in addition to other specified **residential building** types;
- D. Despite clauses 10.80.20.10 and 10.80.20.20, the commercial uses permitted in

regulations 30.20.20.10 and 30.20.20.20, are permitted on the **lot** in addition to the other specified permitted uses;

- E. Despite clause 10.80.20.20 a **home occupation** located within the 10 units fronting Wilmington Avenue and Overbrook Place located within “Block 6” or “Block 7” as shown on Diagram 7 attached to this by-law is not subject to regulations 150.5.20(1)(A) and (B), (2), (4), (6), 150.5.40.1(1), and 150.5.40.40(1). A **home occupation**, subject to the conditions set out in regulation 10.80.20.100(7), shall be permitted for all other **dwelling units** on the subject site;
- F. Despite regulation 10.80.30.40, the permitted **lot coverage** is 50% of the **lot area**;
- G. Regulations 10.5.40.50(3) and (4) with respect to the location of platforms shall not apply;
- H. A minimum of 400 square metres of outdoor **amenity space** must be provided on the **lot**, generally in the location shown as “Outdoor Amenity Area” on Diagram 7 attached to this by-law;
- I. Despite clauses 10.5.40.70, 10.80.40.70 and 10.80.40.80, the required minimum **building setbacks** and the required minimum separation distances between **main walls of buildings** or **structures** are as shown on Diagram 7 of By-law **XXXX-2021 (LPAT)**,
- J. Despite (I) above, clause 10.5.40.70, regulations 10.5.40.60(1),(2),(3)(A),(5),(6), 10.5.40.50(2) and regulation 5.10.40.70(1), the following are permitted to encroach into the required minimum **building setbacks** or **landscaping**:
  - (i) Architectural features, eaves, bay windows, chimneys, chimney breasts, pilasters, and box bay bump-outs to a maximum of 1.5 metres;
  - (ii) Balconies to a maximum of 3.5 metres;
  - (iii) Porches, platforms, porch columns raised patios, and canopies to a maximum of 4.3 metres;
  - (iv) Electrical and mechanical service rooms and, refuse service rooms to a maximum of 6 metres; and
  - (v) Landscape steps, exterior stairs and their enclosures.
- K. Despite regulation 10.5.40.70 and 10.80.40.70 the minimum yard setback for parking **structures** and **structures** associated thereto shall be 0.0 metres from any lot line.
- L. For the purposes of this exception, **established grade** for each block as shown on Diagram 7 of By-law **XXXX-2021 (LPAT)**, is the Canadian Geodetic Datum elevation in metres as set out below:
  - (i) Block 1: 191.6
  - (ii) Block 2: 192.30
  - (iii) Block 3: 191.55



- (iv) Block 4: 192.35
  - (v) Block 5: 192.00
  - (vi) Block 6: 192.05
  - (vii) Block 7: 190.80
  - (viii) Block 8: 192.05
  - (ix) Block 9: 192.05
  - (x) Block 10: 191.55
  - (xi) Block 11: 191.55
  - (xii) Block 12: 190.60
- M. Despite regulation 10.5.40.10(1), height is measured from **established grade** for the subject block and the highest point of the **building** or **structure** on that block;
- N. Despite clause 10.80.40.10, for any **buildings** or **structures** on the **lot**, the permitted maximum height, is the height in metres specified by the number following the HT symbol as shown on Diagram 7 of By-law **XXXX-2021 (LPAT)**;
- O. Despite (N) above and despite regulations 10.5.40.10 (2), (3), and (4) the following are permitted to project above the permitted maximum **building** height:
- (i) Mechanical penthouses and equipment for the functional operation of the **building**, enclosed stairwells, roof access stairs, structures that screen or enclose the elements used for the functional operation of the **building**, trellises, and antennas, to a maximum of 5.0m;
  - (ii) Screens, and planter boxes, fences, and guardrails, to a maximum of 3.0m; and
  - (iii) Parapets to a maximum of 1.5 metres.
- P. Despite regulation 10.5.40.10(4) horizontal limits on elements for the functional operation of a building shall not exceed 50% for each **building**;
- Q. Despite clause 10.5.50.10, a minimum of 8,600 square metres of the area of the **lot** will be provided as **landscaping**;
- R. Despite clause 200.5.10.1 and table 200.5.10.1, **parking spaces** must be provided and maintained on the **lot** in accordance with the following minimum requirements:
- (i) A minimum of 1.0 per **dwelling unit**; and
  - (ii) A minimum of 18 **parking spaces** for visitors of the **dwelling units**.
- S. Despite regulations 200.15.10(1) and 200.15.15.4(3) a minimum of 2 accessible **parking spaces** must be provided and maintained on the **lot**;
- T. Despite regulation 230.5.10.1(5), a total of 16 “short-term” **bicycle parking spaces** must be provided and maintained on the **lot**;
- U. Regulation 200.10.1(1) with respect to marking **drive aisles** accessing visitor **parking spaces**, does not apply;

- V. Regulation 200.15.1(4) with respect to location of accessible **parking spaces**, does not apply;
- W. Regulations 10.5.80.10(1), (3) and (6) with respect to the location of **parking spaces**, do not apply;
- X. Regulation 10.5.100.1(7) with respect to the maximum **street** width accessing a hammerhead turn around does not apply;
- Y. Regulation 10.5.100.1(3) with respect to the maximum width of a **driveway** does not apply;
- Z. Despite Regulation 220.5.10.1(2), 1 Type G loading space shall be required.
- AA. Despite any existing or future consent, severance, partition or division of the lot, the provisions of By-law **XXXX-2021 (LPAT)** shall apply to the **lot**, as identified on Diagram 1, as if no consent, dedication, severance, partition or division occurred;

Prevailing By-laws and Prevailing Sections: None Apply

- 9. A temporary sales office is permitted for a period of three years from the date of enactment of this By-law as follows:
  - (A) For the purpose of By-law **XXXX- 2021 (LPAT)**, a "temporary sales office" means a temporary building, structure, facility or trailer on the lands used exclusively for the purpose of marketing or sale of **dwelling units** to be erected on the lands;
- 10. Section 37 Provisions:
  - a. Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 attached to this By-law, in return for the provision by the owner, at the owner's expense of the services, and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands to the satisfaction of the City Solicitor;
  - b. Where Schedule A of this By-law requires the owner to provide certain facilities, services, or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
  - c. The owner must not use, or permit the use of a building or structure erected with an increase in height and density pursuant to this By-law unless the provisions of Schedule A of this By-law are satisfied.

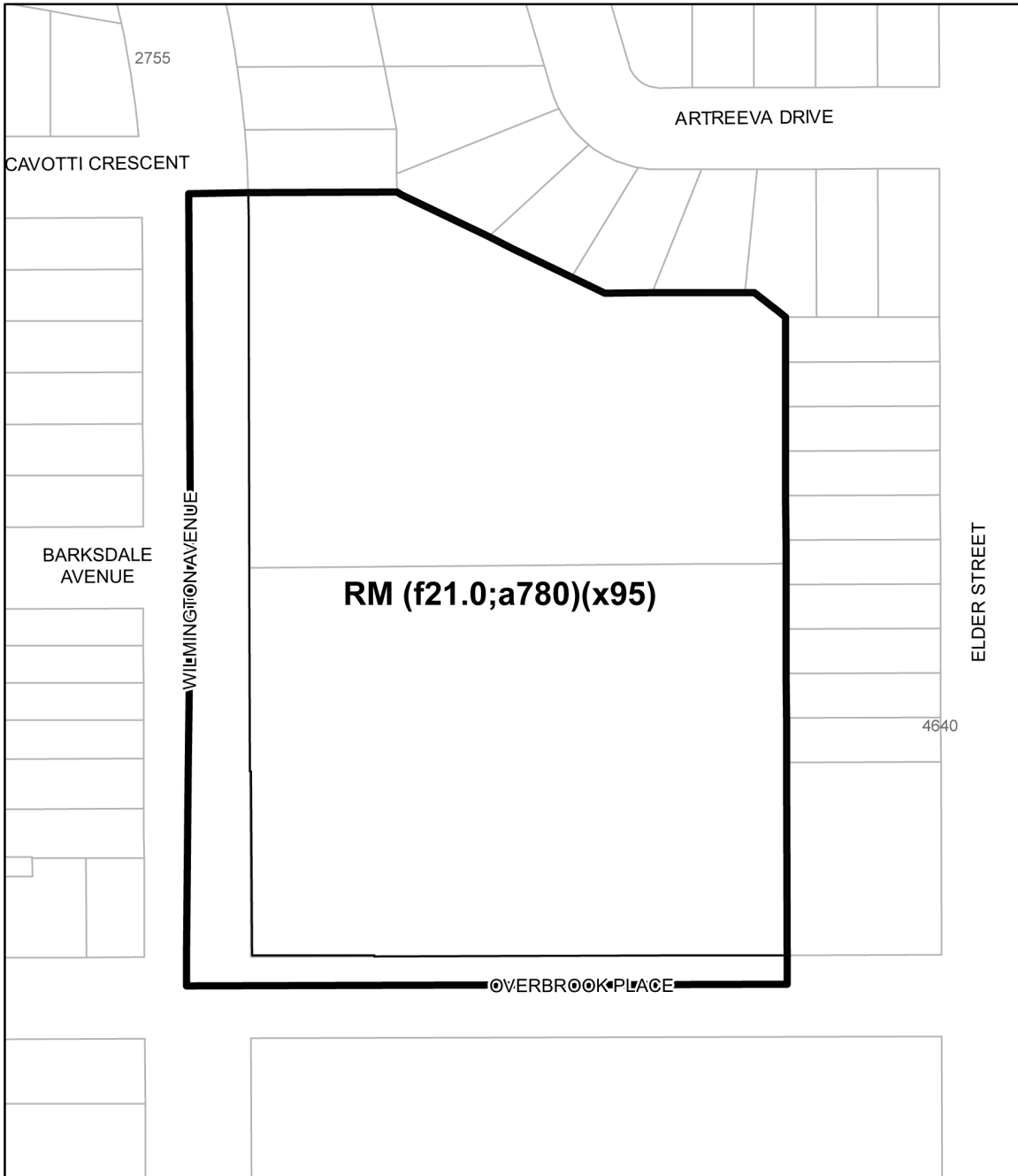


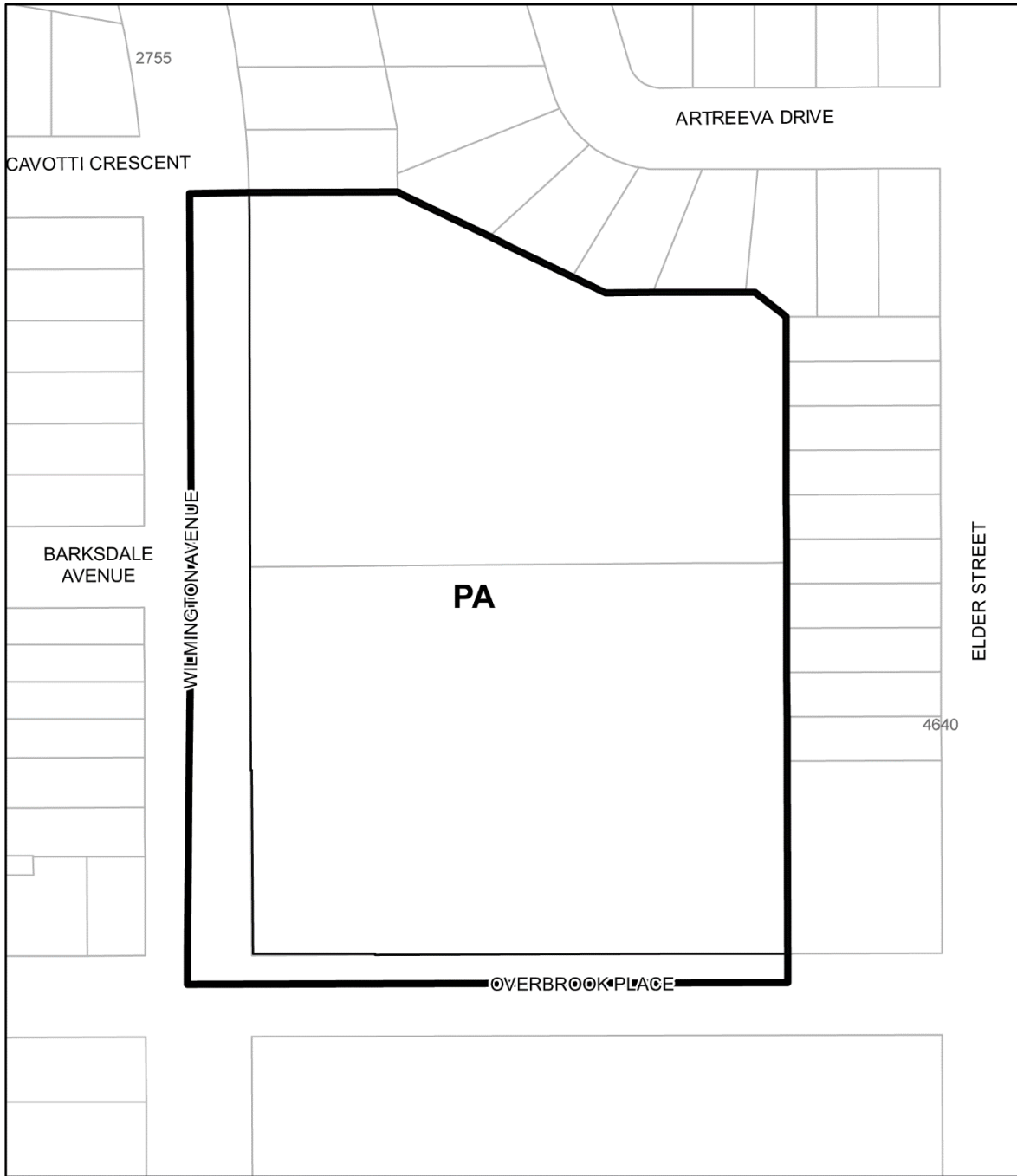
**SCHEDULE A****Section 37 Provisions**

Upon execution and registration in priority of an agreement or agreements with the owner, pursuant to Section 37 of the Planning Act, with conditions providing for without limitation, indexing escalation of letters of credit, development charges, indemnity, insurance, and registration in priority, satisfactory to the City Solicitor, securing the provision of the facilities, services and matters set out herein, the lot is subject to the provisions of this By-law, provided that in the event this Schedule A 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:

1. Prior to the issuance of the first above grade building permit for the lands, the owner shall pay to the City a cash contribution of \$900,000 to be allocated towards Irv W. Chapley Park and/or improvements to other parks and/or recreational facilities in Ward 6, to the satisfaction of the Chief Planner & Executive Director, City Planning Division in consultation with the Ward Councillor and the General Manager, Parks, Forestry & Recreation.
2. The sum required in paragraph 1 of this Schedule A shall be indexed upwardly in accordance with the Statistics Canada Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in the Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of the Section 37 Agreement to the date of payment to the City.
3. In the event that the cash contribution has not been used for the intended purposes within three (3) years after the date the amending By-law comes into full force and effect, the cash contribution may be redirected for another purpose or purposes, at the discretion of the Chief Planner in consultation with the Ward Councillor, provided that the purpose or purposes are identified in the Official Plan and will benefit the community in the vicinity of the Site.
4. The owner must provide space within the development for installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Section 681-10 of Municipal Code Chapter 681, Sewers.
5. Prior to the issuance of the first building permit for any part of the lot outlined in a heavy black line on the attached Diagram 1, the owner shall complete the following municipal services:
  - i. Public Street 'A' as shown on Diagram 7 attached hereto, has been constructed to a minimum base curb and base asphalt condition and is connected to existing public highways abutting the lands, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
  - ii. All watermains, sanitary sewers, storm sewers, and storm drains, with appropriate appurtenances, have been installed within Public Street 'A' and the Storm Sewer Easement as shown on Diagram 7, and are operational, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.
7. The owner shall provide the municipal services referred to in paragraph 5 above pursuant to the registration of a plan of subdivision in respect of Application No.: 11 142457 NNY 10 SB prior to the issuance of the first building permit for any part of the lot outlined in heavy black line on the attached Diagram 1.



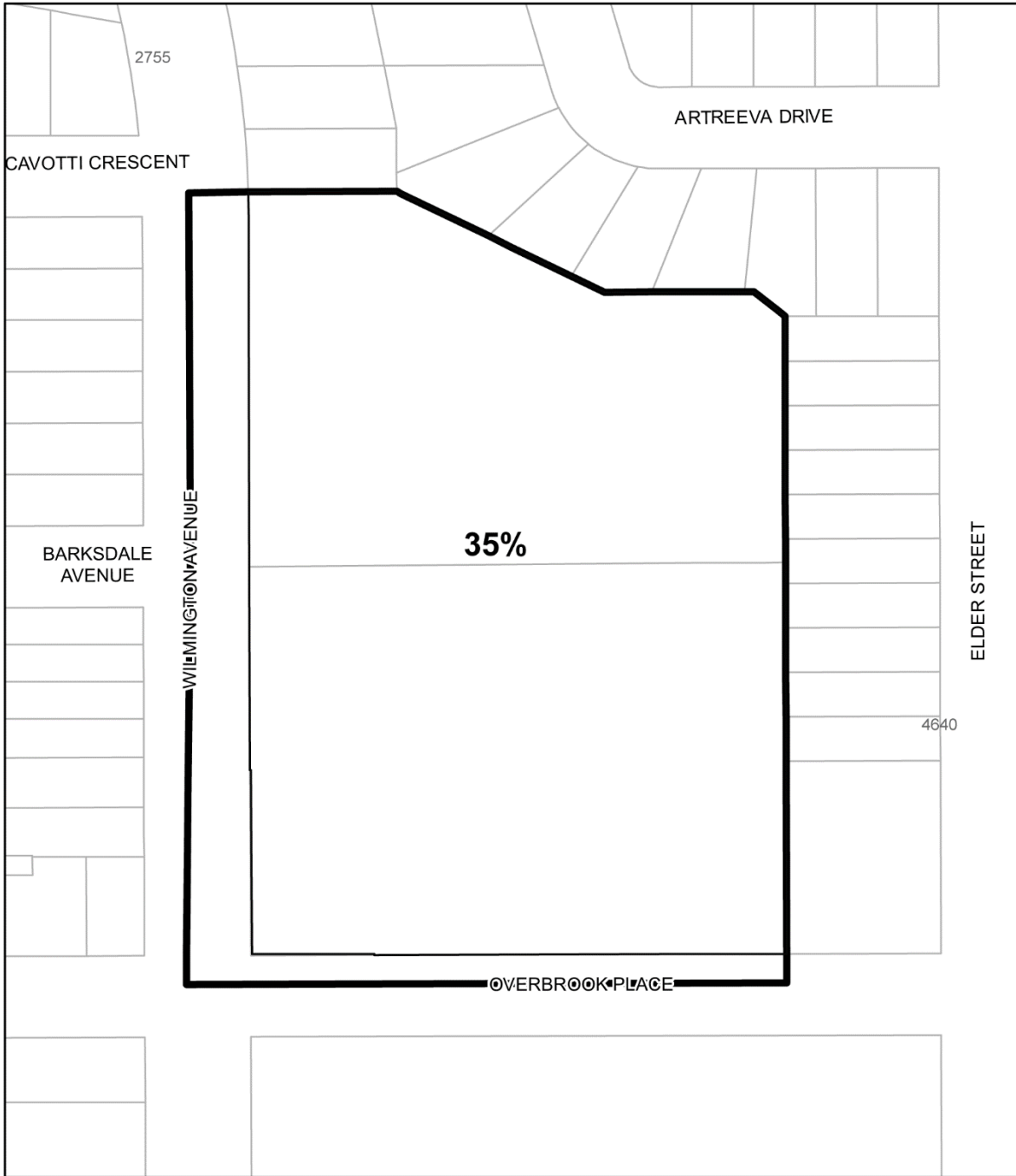




 **TORONTO**  
Diagram 3

221 - 245 Wilmington Avenue

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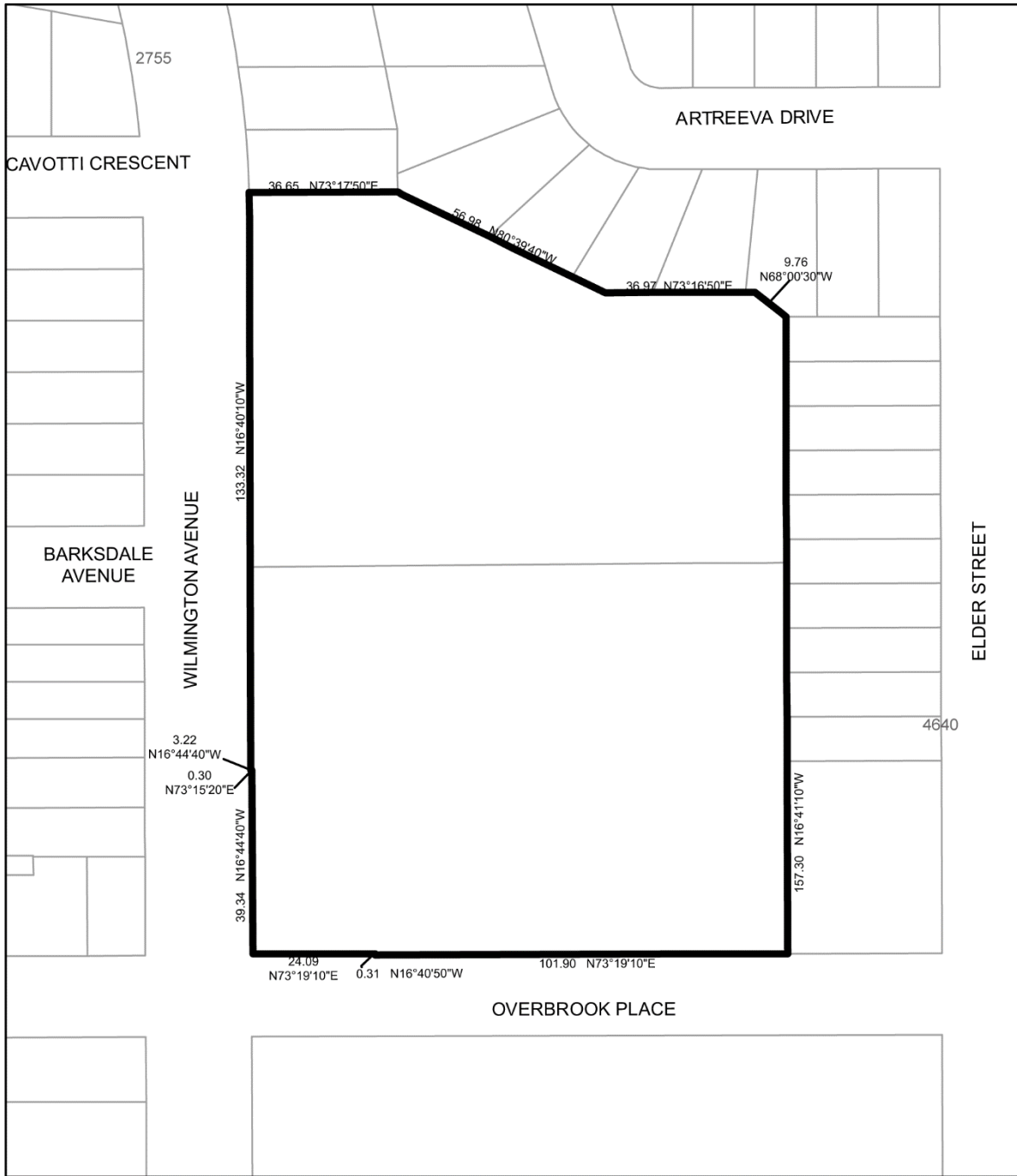


 **TORONTO**  
Diagram 5

221 - 245 Wilmington Avenue

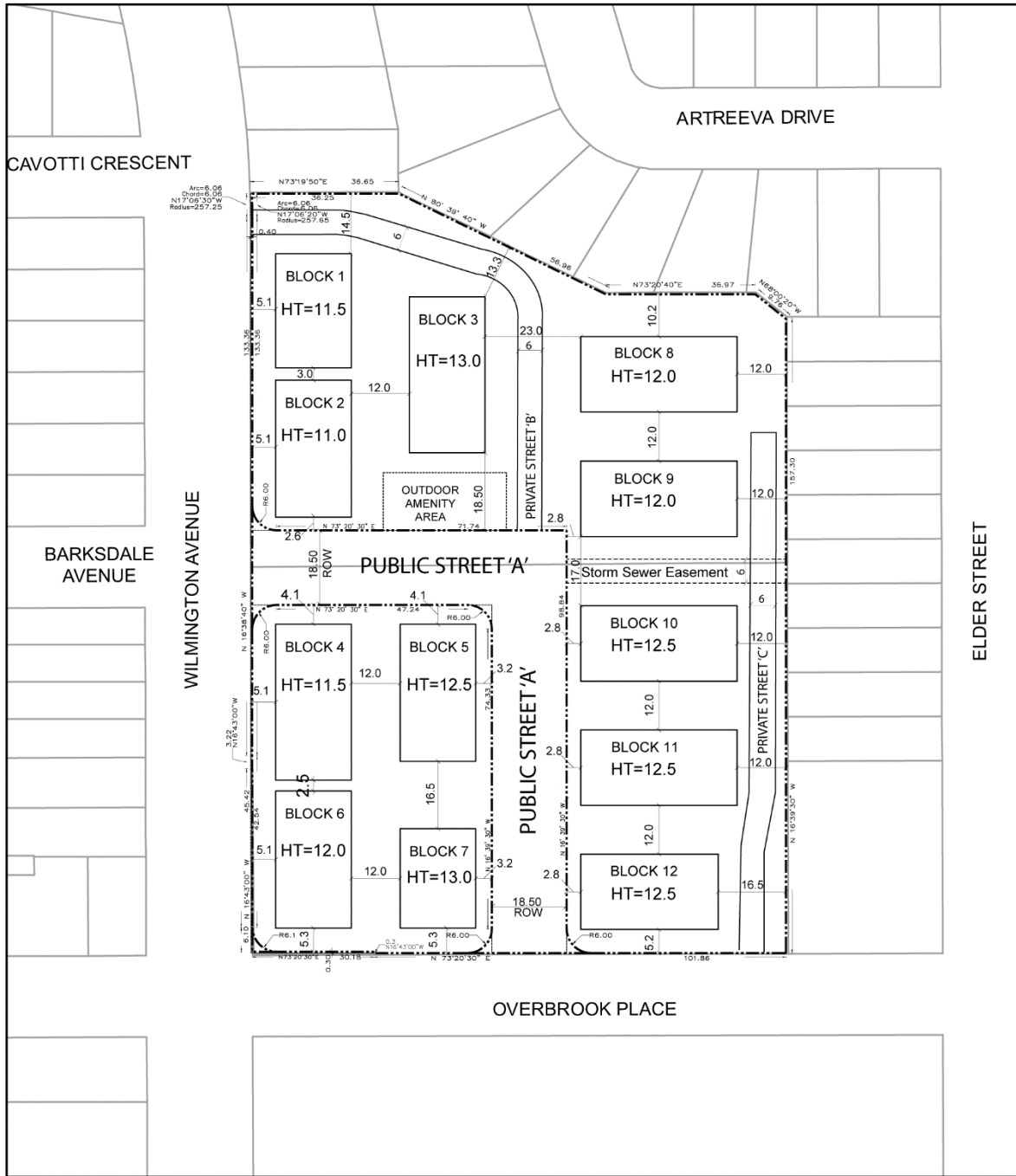
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221 - 245 Wilmington Avenue

File #: 06 111098 NNY 10 0Z



**TORONTO**  
Diagram 7

221 - 245 Wilmington Avenue

File #: 06 111098 NNY 10 0Z



City of Toronto By-law 569-2013  
Not to Scale  
03/11/2021

Authority: Local Planning Appeal Tribunal  
Approved by LPAT: ~, 2021

**CITY OF TORONTO**

**BY-LAW No. XXXX-2021(LPAT)**

**To amend former City of North Zoning By-law 7625, as amended,  
with respect to the lands municipally known as,  
221-245 Wilmington Avenue**

Whereas the Local Planning Appeal Tribunal, by its decision issued on ~, 2021 in Case PL170585, approved amendments to By-law 7625 of the former City of North York, as amended, with respect to the lands; and

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in the height or density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, R.S.O 1990, c.P.13, as amended, the council of a Municipality, and the Local Planning Appeal Tribunal on appeal, may, in a by-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond that otherwise permitted by the by-law, that will be permitted 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 lands 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 such facilities, services or matters; and

Whereas the owner has elected to provide the facilities, services and matters as are hereinafter set forth; and

Whereas the increase in the height and density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by former City of North York By-law No. 7625 is 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 and the City of Toronto (hereinafter referred to as the "City");

Therefore, pursuant to the order of the Local Planning Appeal Tribunal in Case PL170585 issued on ~, 2021, By-law 7625 of the former City of North York, as amended, is further amended as follows:

1. Pursuant to Section 37 of the Planning Act and subject to compliance with this By-law, the increase in height and density of development on the lot contemplated herein is permitted in return for the provision by the owner, at the owner's expense, of the facilities, services and matters set out in Appendix 1 hereof which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lot, to the satisfaction of the City Solicitor.
2. Schedules "B" and "C" of By-law 7625 of the former City of North York are amended in accordance with Schedules "1" and "RM1(124)" attached to this By-law.
3. Section 64.16 of By-law 7625 of the former City of North York is amended by adding the following subsection:

**"64.16 (124) RM1(124)**

**DEFINITIONS**

- (a) For the purpose of this exception the following definitions shall apply:
  - i. "Height" shall mean the vertical distance between the Established Grade for each block as shown on Schedule "1" and the highest point of the building or structure, exclusive of all accessory

components such as, but not limited to, mechanical penthouse and equipment, tower structures, cupolas, steeples, antennae, parapets, landscape open structures and ornamental structures.

- ii. “Gross Floor Area” shall mean the total area of all of the floors in a building above or below grade measured from the outside of the exterior walls but excluding the following:
  - a) The floor area of the basement;
  - b) The area of a void in a floor if there is a vertical clearance of more than 4.5 metres between the top of the floor below the void and the ceiling directly above it, to a maximum of 10% of the permitted maximum gross floor area for the building;
  - c) The area of required parking spaces in the building; and
  - d) Parking garage access stairs, drive aisles, loading, bicycle parking, storage rooms, electrical rooms, utility rooms, refuse and recycle rooms, mechanical rooms, and mechanical penthouses;
- iii. “Live-work dwelling” shall mean a dwelling unit that includes living space and working space accessible from the living area, reserved for and regularly used by one or more residents of the dwelling unit. Working space may be used for personal services, medical/dental/optical counseling or like services, studio space for artists/dancers/designers/musicians/ photographers, including production from finished materials, offices, and schools.
- iv. “Established Grade” for Block 1 shall mean 191.6 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (pre-1978 Southern Ontario Adjustment).
- v. “Established Grade” for Block 2 shall mean 192.3 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (pre-1978 Southern Ontario Adjustment).
- vi. “Established Grade” for Blocks 3, 10 and 11 shall mean 191.55 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (pre-1978 Southern Ontario Adjustment).
- vii. “Established Grade” for Block 4 shall mean 192.35 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (pre-1978 Southern Ontario Adjustment).
- viii. “Established Grade” for Block 5 shall mean 192.00 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (pre-1978 Southern Ontario Adjustment).
- ix. “Established Grade” for Blocks 6, 8 and 9 shall mean 192.05 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (pre-1978 Southern Ontario Adjustment).
- x. “Established Grade” for Block 7 shall mean 190.80 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (pre-1978 Southern Ontario Adjustment).
- xi. “Established Grade” for Block 12 shall mean 190.6 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (pre-1978 Southern Ontario Adjustment).
- xii. “Site” shall mean the lands zoned “RM1(124)” for the purpose of this exception.
- xiii. “Visitor Parking” shall include street parking spaces on the new public right-of-way and shall count towards the visitor parking standards.
- xiv. “Bicycle parking” means an area used for parking or storing a bicycle.

- xv. "Short Term Bicycle Parking Space" means a bicycle parking space for use by visitors to a building.
- xvi. "Amenity Space" means an area that is communal and available to all occupants of a building or a group of buildings within a zone for social and recreational purposes

#### **PERMITTED USES**

- (b) The following residential uses shall be permitted:
  - i. Multiple Attached Dwelling;
  - ii. Live-work Dwellings; and
  - iii. Commercial uses in accordance with the General Commercial Zone C1 (23.1.3).

#### **EXCEPTION REGULATIONS**

##### **LOT AREA**

- (c) The minimum lot area shall be 23,130 square metres.

##### **LOT COVERAGE**

- (d) The maximum lot coverage shall be 50%.

##### **YARD SETBACKS AND DISTANCE BETWEEN BUILDINGS**

- (e) The minimum yard setbacks for buildings and minimum separation between buildings shall be as shown on Schedule "RM1(124)" attached to this by-law.
- (f) Notwithstanding (e) above, one-storey projections, including mechanical rooms, electrical rooms, sprinkler rooms, refuse storage rooms, vehicle back-up areas, and vehicle entry areas shall be permitted within the minimum yard setbacks as shown on Schedule "RM1(124)" attached to this by-law.
- (g) Notwithstanding (e) above, the following projections shall be permitted:
  - i. Architectural features, eaves, bay windows, chimneys, chimney breasts, pilasters, and box bay bump-outs to a maximum of 1.5 metres;
  - ii. Balconies to a maximum of 3.5 metres;
  - iii. Porches, platforms, porch columns raised patios, and canopies to a maximum of 4.3 metres;
  - iv. Electrical and mechanical service rooms and, refuse service rooms to a maximum of 6 metres; and
  - v. Landscape steps, exterior stairs and their enclosures; and
  - vi. The minimum yard setback for parking structures and structures associated thereto shall be 0 metres from any lot line.

##### **LANDSCAPING**

- (h) The minimum landscaped area for the site shall be 8,600 square metres.

##### **GROSS FLOOR AREA**

- (i) A maximum gross floor area of 26,250 square metres shall be permitted for residential uses.

- (j) Notwithstanding clause (i) above, the maximum gross floor area for non-residential uses shall be 2,322.5 square metres.

### **BUILDING HEIGHT**

- (k) For any building on the lot, the permitted maximum height, is the height in metres specified by the number following the HT symbol on Schedule “RM1(124)”. The measurement of height excludes:
- i. Mechanical penthouses and equipment for the functional operation of the building, enclosed stairwells, roof access stairs, structures that screen or enclose the elements used for the functional operation of the building, trellises, and antennas, to a maximum of 5.0m;
  - ii. Screens, and planter boxes, fences, and guardrails, to a maximum of 3.0m; and
  - iii. Parapets to a maximum of 1.5 metres.

### **AMENITY SPACE**

- (l) A minimum of 400 square metres of outdoor amenity space shall be provided on the lot, generally in the location shown as “Outdoor Amenity Area” on Schedule “RM1(124)” attached to this by-law.

### **PARKING REQUIREMENTS**

- (m) Parking spaces with minimum dimensions of 5.6 metres in length, 2.6 metres in width, and a vertical clearance of 2.0 metres for residential uses, inclusive of live-work dwelling units within the site shall be provided in accordance with the following:
- i. A minimum of 1.0 parking space per multiple attached dwelling unit; and
  - ii. A minimum of 18 parking spaces for visitors of the dwelling units;

### **BICYCLE PARKING**

- (n) A total of 16 “short-term” bicycle parking spaces shall be provided and maintained on the lot.
- (o) A bicycle parking space shall have a minimum vertical clearance of 1.9 metres, minimum horizontal dimensions of 0.6 metres in width, and 1.8 metres in length.

### **OTHER PROVISIONS**

- (p) One loading space shall be required with minimum width of 4.0 metres, a minimum length of 13.0 metres, and a minimum vertical clearance of 6.1 metres.
- (q) The main entrance to each building or unit shall, if the entrance faces a public right-of-way, be at an elevation no greater than 3.5 metres above or below the grade of the public right-of way at the property line.
- (r) A temporary sales office is permitted for a period of three years from the date of enactment of this by-law.

### **INCREASED DENSITY**

- (s) Matters that are to be provided pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, in order to permit the increased maximums in gross floor area authorized under subsection (i) of this exception are set out in Schedule “A” to this by-law.

### **APPLICABILITY**

- (t) The provisions of By-law No. 7625 Sections 6(9) Permitted Projections into Minimum Yard Setbacks, 6(22) Outdoor Cafes, 6(23) Requirements for Accessory Buildings, 6(24) Unexcavated Porches and Decks in R

and RM Zones, 6(A) Parking and Loading, 15 General Provisions for Multiple-Family Dwelling Zones (RM), and 16 Multiple-Family Dwellings First Density Zone (RM1), as amended shall not apply to the lands shown on Schedule "RM1(124)".

- (u) Notwithstanding any severance, partition or division of the site, the regulations of this exception shall continue to apply to the whole of the said lands as if no dedication, severance, partition or division had occurred.

4. Section 64.16 of By-law No. 7625 of the former City of North York is amended by adding Schedule "RM1(124)" attached to this by-law.

PURSUANT TO DECISION/ORDER OF THE LOCAL PLANNING APPEAL TRIBUNAL ISSUED ~, 2021 IN TRIBUNAL CASE PL170585.

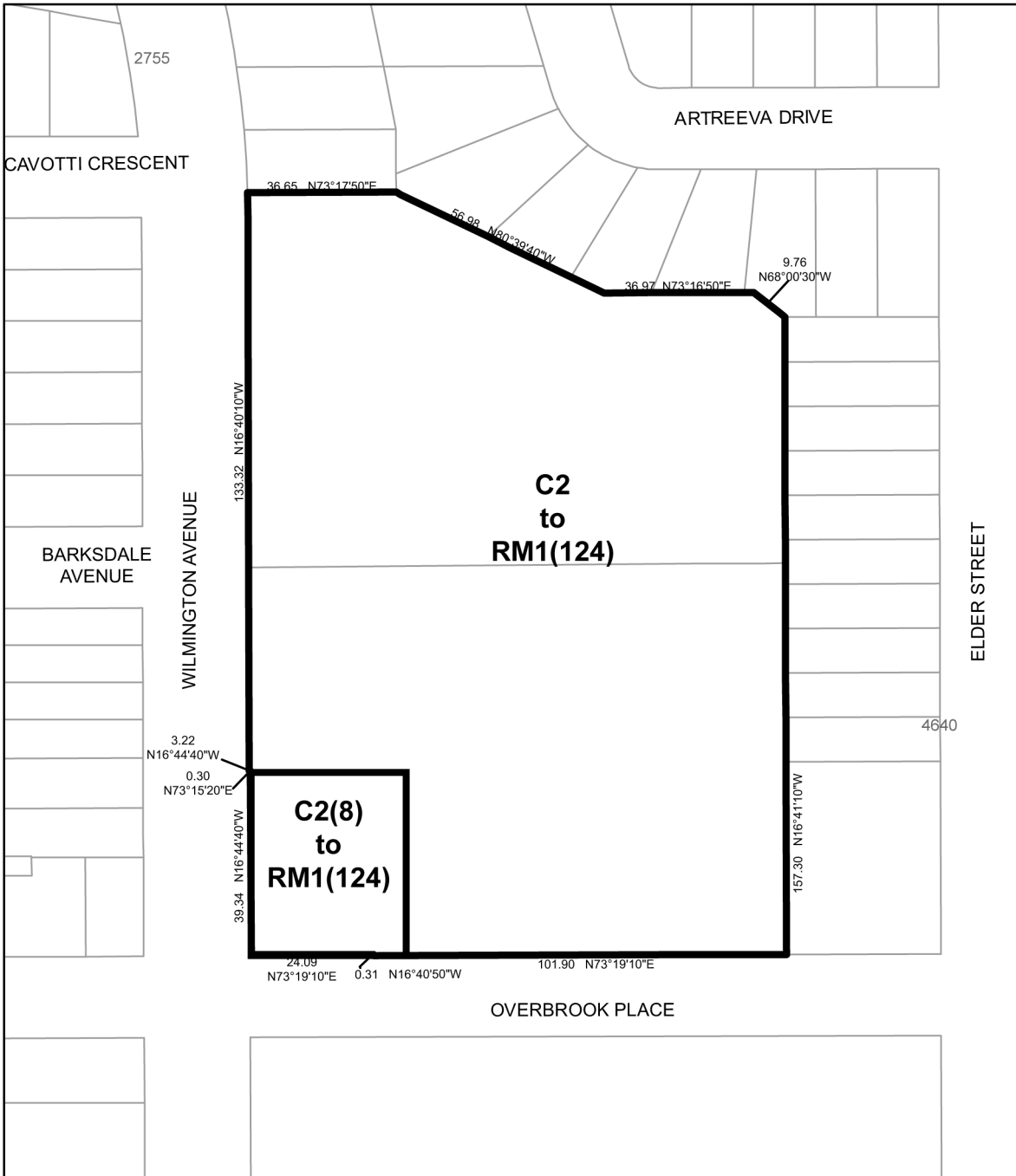
## Appendix 1

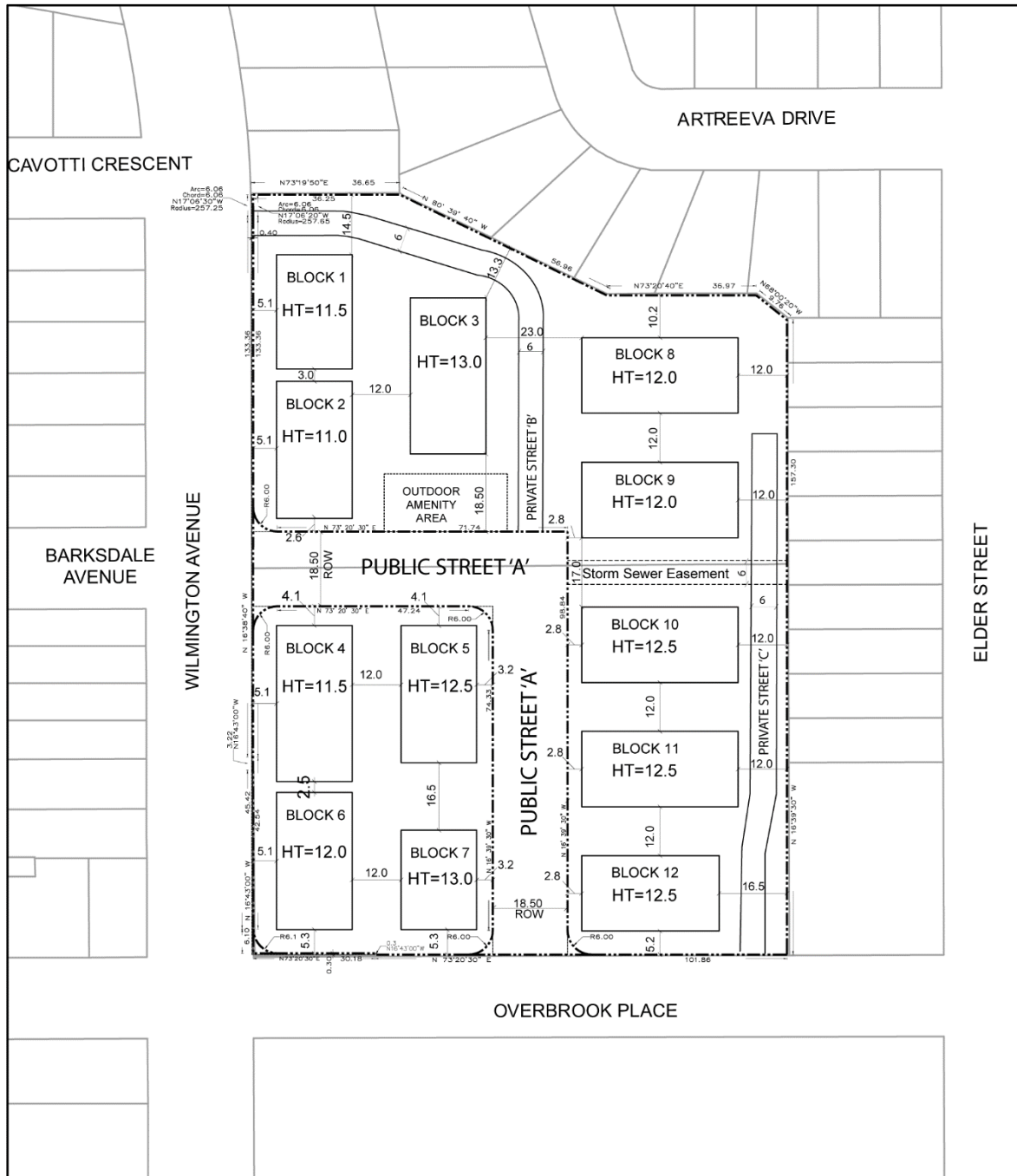
### Section 37 Provisions

Upon execution and registration in priority of an agreement or agreements with the owner, pursuant to Section 37 of the Planning Act, with conditions providing for without limitation, indexing escalation of letters of credit, development charges, indemnity, insurance, and registration in priority, satisfactory to the City Solicitor, securing the provision of the facilities, services and matters set out herein, the lot is subject to the provisions of this By-law, provided that in the event this Appendix 1 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:

1. Prior to the issuance of the first above grade building permit for the lands, the owner shall pay to the City a cash contribution of \$900,000 to be allocated towards Irv W. Chapley Park and/or improvements to other parks and/or recreational facilities in Ward 6, to the satisfaction of the Chief Planner & Executive Director, City Planning Division in consultation with the Ward Councillor and the General Manager, Parks, Forestry & Recreation.
2. The cash contributions referred to in paragraph 1 of this Appendix 1 shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Agreement to the date of payment.
3. In the event the cash contribution referred to in paragraph 1 of this Appendix 1 has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the Ward Councillor, provided that the purpose(s) is/are identified in the City's Official Plan and will benefit the community in the vicinity of the lands.
4. The owner must provide space within the development for installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Section 681-10 of Municipal Code Chapter 681, Sewers.
5. Prior to the issuance of the first building permit for any part of the lot outlined in a heavy black line on the attached Schedule 1 (being the whole of areas labelled C2 to RM1(124) and C2(8) to RM1(124)), the owner shall complete the following municipal services:
  - i. Public Street 'A' as shown on Schedule RM1(124) attached hereto, has been constructed to a minimum base curb and base asphalt condition and is connected to existing public highways abutting the lands, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
  - ii. All watermains, sanitary sewers, storm sewers, and storm drains, with appropriate appurtenances, have been installed within Public Street 'A' and the Storm Sewer Easement as shown on Schedule RM1(124) attached hereto, and are operational, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.
6. The owner shall provide the municipal services referred to in paragraph 5 above pursuant to the registration of a plan of subdivision in respect of Application No.: 11 142457 NNY 10 SB prior to the issuance of the first building permit for any part of the lot outlined in heavy black line on the attached Schedule 1 (being the whole of areas labelled C2 to RM1(124) and C2(8) to RM1(124)).








 **Toronto**  
Schedule RM1(124)

221 - 245 Wilmington Avenue

File #: 06 111098 NNY 10 0Z

  
City of Toronto By-law 569-2013  
Not to Scale  
03/11/2021