



REPORT FOR ACTION

202 Jarvis Street and 160-166 Dundas Street East – Official Plan Amendment and Zoning Amendment Applications – Supplementary Report

Date: April 26, 2021

To: City Council

From: Chief Planner and Executive Director, City Planning

Ward 13 - Toronto Centre

SUMMARY

As described in the Report from the Director, Community Planning, Toronto and East York District, dated November 16, 2020, this application proposes to amend the Zoning By-law and Official Plan to permit a 44-storey institutional building (Ryerson University). The development would include 36,784 square metres of institutional space (predominantly classrooms and ancillary laboratories), a student residence including 589 units (dorms), 181 square metres of retail space and a Public Square (described as a POPS in the November 16, 2020 report) formerly labeled as a POPS with a total gross floor area of 57,525 square metres at 202 Jarvis and 160-166 Dundas Street East. The proposed building would have a height of 173.7 metres including the mechanical penthouse. The proposal includes one below grade level for loading, bicycle parking and mechanical rooms.

On December 2, 2020, Toronto and East York Community Council forwarded the matter to City Council without recommendations. The proposal remains as described in the Final Report from the Director, Community Planning, Toronto and East York dated November 16, 2020 with modifications to the terms and conditions for the proposed POPS which has been relabeled as a Public Square with the final configuration to be determined through the Site Plan Application process.

The proposed development continues to be consistent with the Provincial Policy Statement (2020) and conforms with the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) and conforms to the City's Official Plan.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning recommends that:

1. City Council amend the Official Plan, for the lands at 202 Jarvis Street and 160-166 Dundas Street East substantially in accordance with the draft Official Plan Amendment attached as Attachment 1 to this report. Before introducing the necessary Bills to Council for enactment, the draft Official Plan Amendment shall be in a form satisfactory to the Chief Planner and Executive Director, City Planning, the City Solicitor and the Chief Building Official and Executive Director, Toronto Buildings.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 202 Jarvis Street and 160-166 Dundas Street East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 2 to this report. Before introducing the necessary Bills to Council for enactment, the draft Zoning By-law shall be in a form satisfactory to Chief Planner and Executive Director, City Planning, the City Solicitor and the Chief Building Official and Executive Director, Toronto Building.
3. Before introducing the necessary Bills to Council for enactment, City Council direct that the owner be required to enter into an Agreement pursuant to Section 37 of the *Planning Act*, and any other necessary agreements, satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor, with such Agreement to be registered on title to the lands at 202 Jarvis Street and 160-166 Dundas Street East in a manner satisfactory to the City Solicitor.
4. The following matters are to be secured in the Section 37 Agreement as a legal convenience to support the development of the site:
 - i. Prior to the issuance of the first building permit on the site, the owner shall provide confirmation to the satisfaction of the Chief Building Official and Executive Director, Toronto Building that any temporary (including construction cranes or related construction machinery) and permanent structures are below or outside the protected Hospital for Sick Children helicopter flight path
 - ii. Provide a revised Functional Servicing and Stormwater Management Report to demonstrate whether the existing municipal infrastructure is adequate to service the proposed development and

to determine whether any upgrades may be required to the existing infrastructure to support the proposed development, to the

satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

iii. Secure the design and provision of financial securities for any improvements to the municipal infrastructure identified in the accepted Functional Servicing and Stormwater Management Report, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements to such infrastructure are required to support this development;

iv. The owner shall construct and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, an area of not less than 225 square metres at grade for use by the general public as a Public Square in the southwest corner of the site in a location generally as shown in the Official Plan Amendment, with the configuration, use and design of the Public Square to be determined in the context of site plan approval to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and secured in a site plan agreement with the City;

v. Prior to the earlier of any non-residential or residential use or occupancy on the site, the owner shall have completed construction of the Public Square referred to in iv. above and shall prepare all documents and convey to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor free and clear of encumbrances and for nominal consideration, a public access easement in perpetuity in favour of the City over the Public Square, including rights of support as applicable, on such terms and conditions as are set out in the Section 37 Agreement, including provision for insurance and indemnification associated with public access easements; and

vi. That the owner construct and maintain the development of the Site in accordance with Tier 1 of the Toronto Green Standard, and the owner will be encouraged to achieve Tier 2 Toronto Green Standard, or higher, where appropriate consistent with the performance standards of the Toronto Green Standards applicable at the time of the site plan application for each building on the site.

5. Prior to the commencement of any excavation and shoring work, the owner shall submit a Construction Management Plan to the satisfaction of the General Manager of Transportation Services, the Chief Building Official, in consultation with the Ward Councillor and the local community, and thereafter shall implement the plan during the course of construction. The Construction Management Plan must include, but is not limited to, the following construction-related details:

noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, parking and laneway uses and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning, and the General Manager, Transportation Services, in consultation with the Ward Councillor.

FINANCIAL IMPACT

City Planning confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

DECISION HISTORY

The Final Report from the Director, Community Planning, Toronto and East York District (November 16, 2020) considered by Toronto and East York Community Council and forwarded without Recommendations to City Council may be found here:

<https://www.toronto.ca/legdocs/mmis/2020/te/bgrd/backgroundfile-158519.pdf>

COMMENTS

Provincial Policy Statement and Provincial Plans

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on August 28, 2020. This new plan amends and replaces the previous Growth Plan for the Greater Golden Horseshoe, 2019. Since the Growth Plan (2020) has come into effect on August 28, 2020, all planning decisions are required to conform with it, if a decision is made on or after that date.

Planning staff have reviewed the proposed development as described in the Final Report from the Director, Community Planning, Toronto and East York District (November 16, 2020) and can advise that this proposal is consistent with the PPS (2020) and conforms to the Growth Plan (2020).

Public Square

The report dated November 16, 2020 refers to the provision of a 425 m² POPS in the southwest corner of the site. Subsequent to the submission of that report and after further discussions with Ryerson University, it has been agreed that it is more appropriate to label the POPS as a Public Square. This would be consistent with Official Plan Amendment 82 which identifies a 225 m² Public Square to be located on the site. The Public Square is identified in the draft Official Plan amendment provided as attachment 1 to this report.

The proposed Public Square is delineated as having a 225 m² size as distinct from 425 m² identified in the November 16, 2020 report. The physical area of the open space remains the same (building setbacks have not changed). However, in order to give Ryerson more flexibility around the buildings edges and for general circulation access and egress, the areas immediately adjacent to the Ryerson buildings have not been included as part of the Public Square with the result that the identified area of the Public Square has been reduced. It is noted that the 225 m² size is the same size as what is required by Official Plan Amendment 82.

In addition to a revised configuration for the Public Square, staff have agreed with Ryerson University that:

The Square may be entirely closed to the public by Ryerson for restricted access purposes subject to a duration that is no longer than three consecutive days and a maximum of 14 days per year. Any extension to the number of days shall be subject to approval by the Chief Planner, City Planning, or his/her designate. A day shall include any closure within a 24 hour period and include set up/take down activities.

The Square may also be occupied for Ryerson related activities, but open to the public, up to a maximum of 14 days per year. Any extension to the number of days shall be subject to approval by the Chief Planner, City Planning, or his/her designate. A day shall include any closure within a 24 hour period and include set up/take down activities.

Appropriate provisions providing for these conditions would be secured through the Section 37 Agreement and a subsequent Site Plan Agreement.

Section 37 Conditions as a Legal Convenience

The report dated November 16, 2020 includes a recommendation that requires a sign off by the Hospital for Sick Children prior to the issuance of the first building permit on the site in order to protect the helicopter flight path. This condition has been modified to ensure that the sign off is only required by the Chief Building Official and Executive Director, Toronto Building who has that authority.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020) and the Toronto Official Plan. Staff continue to be of the opinion that the proposal is consistent with the PPS (2020) and conforms with the Growth Plan (2020) and conforms to the City's Official Plan, as described in the Final Report from the Director, Community Planning, Toronto and East York District (November 16, 2020).

Staff continue to recommend that City Council support approval of the Official Plan and Zoning by-law amendment application.

CONTACT

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SIGNATURE

Gregg Lintern MCIP, RPP
Chief Planner and Executive Director
City Planning

ATTACHMENTS

Attachment 1: Draft Official Plan Amendment
Attachment 2: Draft 569-2013 Zoning By-law Amendment

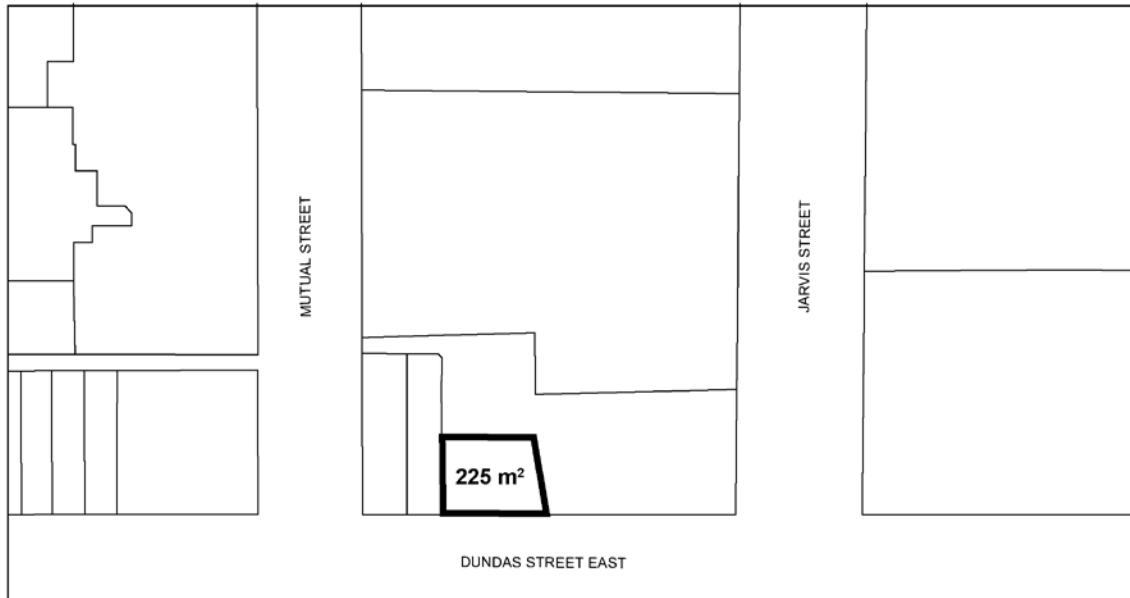
Attachment 1: Draft Official Plan Amendment
AMENDMENT ~~ TO THE OFFICIAL PLAN

LANDS MUNICIPALLY KNOWN IN THE YEAR 2021 AS
202 Jarvis Street and 166 Dundas Street East

The Official Plan for the City of Toronto is amended as follows:

Chapter 7, Site and Area Specific Policies, Policy 461. “Garden District Site and Area Specific Policy, located generally bounded by Jarvis Street, Carlton Street, Sherbourne Street and Queen Street East” is amended by deleting the text of Section 4 Table 4.2 Character Area Performance Standards, Hazel Burn Character Area, Block 3, i and ii, and replacing it with the following:

- I. On Block 3, a building containing primarily institutional uses having a base building height of up to approximately 75 meters, with a minimum 6 m setback from the north property line, and a single tower with a height of up to approximately 174 metres, including a mechanical penthouse, is permitted.
- ii. A Public Square with a minimum area of 225 square metres will be provided on the site, as shown on the attached Schedule 1.
- iii. Through the site plan process, a variety of design techniques will be explored to improve privacy, lighting and wind conditions between the new building and adjacent properties.



Toronto
Schedule 1

202 Jarvis Street & 166 Dundas Street East

File # 18 271373 STE 13 OZ

City of Toronto By-law 569-2013
Not to Scale
10/23/2020

Attachment 2: Draft 569-2013 Zoning By-law Amendment

Authority: Toronto and East York Community Council Item #, as adopted by City of Toronto Council on ●, 2021

CITY OF TORONTO

Bill No. ●

BY-LAW No. XXXX-2021

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 202 Jarvis Street and 166 Dundas Street East

Whereas Council of the City of Toronto has the authority to pursuant to section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

Whereas the City of Toronto Zoning By-law 569-2013, as amended, provides, that where it applies, it supersedes By-law 438-86 as amended (being the Zoning By-law for the former City of Toronto), and any predecessor zoning by-laws as are applicable; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of section 37 of the *Planning Act*; and

Whereas the owner has agreed to certain matters hereinafter set out which are to be secured by one or more agreements between the owner and the City of Toronto;

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

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10, respecting the lands outlined in heavy line to CR4.0 (c2.0; r4.0)SS1 (x307) as shown on Diagram 2 of this By-law; and
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 307 so that it reads:

Exception CR 307

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

Site Specific Provisions:

- (A) On the lands municipally known as 202 Jarvis Street and 166 Dundas Street East, in the year 2021, if the requirements of Section 6. and Schedule A of By-law ##### 2021 [**Clerk to provide by-law #####**] are complied with, a **building or structure** containing a **post-secondary school, student residence** and non-residential uses, including uses **ancillary** to the foregoing uses, may be erected and used on the lot if in compliance with Regulations (B) to (DD);
- (B) The lands to which this Exception applies comprise all the lands shown on Diagram 1 of By-law #####-2021; [**Clerk to provide by-law #####**]
- (C) Despite Regulation 40.10.40.40, the maximum permitted **gross floor area** on the **lot** is 58,000.0 square metres, of which a maximum of 19,500 square metres may be used for the purposes of a **student residence**;
- (D) In addition to the provisions of Regulation 40.5.40.40(3) the **gross floor area** of a **mixed-use building** is also reduced by the area of a **building** used for the purpose of a greenhouse;
- (E) The combined number of **bed-sitting rooms** and **dwelling units** must not exceed 625.
- (F) Despite Regulations 40.5.40.10(1) and (2), the height of a **building or structure** is the distance between the Canadian Geodetic Datum elevation of 90.0 metres (GVCD 1928 - Pre 1978) and the highest point of the **building or structure**;
- (G) Despite Regulations 40.5.40.10 (3), (4), (5), (6), (7) and (8) and 40.10.40.10(1), for those portions of the **building** above the finished ground surface, the permitted maximum height of each portion of a **building or structure**, is the height in metres as specified by the numbers following the HT symbol as shown on Diagram 3 of By-law #####; [**Clerk to provide by-law #####**], with the exception of the following projections:
 - i. The **structures** and elements listed in (J) below;
 - ii. Parapets, structures for a green roof and sky lights to a maximum of 3.0 metres above the maximum permitted **building** height;

- iii. Window washing equipment and structures for safety noise or wind attenuation purposes to a maximum of 3.5 metres above the maximum permitted **building** height;
 - iv. Lightning rods, antennae, aircraft warning lights, chimneys, ducts, vents, stacks and flues, mechanical screens and architectural screens to a maximum of 7.0 metres above the maximum permitted **building** height;
 - v. Despite iii. above, chimneys, vents, stacks, flues and air craft warning lights on the roof of that portion of the **building** subject to a height limit of 173.7 shown on Diagram 3 of By-law #####-2021 [Clerk to provide by-law #####] to a maximum of 9.5 metres above the maximum permitted **building** height;
 - vi. Structures on a portion of the **building** subject to permitted **building** height of 74.9 metres or less, used for outdoor **amenity space**, open air recreation and greenhouse purposes, to a maximum of 5.5 metres above the maximum permitted **building** height; and
- (H) For the purpose of this Exception the term **established grade** is the Canadian Geodetic Datum elevation of 90.0 metres (GVCD 1928 - Pre 1978);
- (I) Despite Regulation 40.10.40.70 the minimum required **building setbacks** for the portion of a **building or structure** above the finished ground surface are shown on Diagram 3 of By-law ###-2021; [Clerk to provide by-law #####]
- (J) Despite Regulations 5.10.40.70(1), 40.5.40.60 and 40.10.40.60 and (I) above, the following elements of a **building** may encroach within a required **building setback**:
- i. lighting fixtures, cornices, sills, eaves to a maximum projection of 0.5 metres into a required **building setback**;
 - ii. elements located at or below a height of 8.0 metres above **established grade**:
 - (1) Canopies and awnings to a maximum projection of 4.5 metres into a required **building setback**;
 - (2) planters, bollards, stairs, railings, safety railings, guards and guardrails, retaining walls, walls, bicycle parking facilities, light standards, lighting fixtures, wheel chair ramps, landscape features and art installations; and

- iii. **Structures**, and elements permitted by (G) above;
- (K) The permitted maximum number of **storeys** in a **building** is the numerical value following the letters "ST" on Diagram 3 of By-law #####2021 and the portion of a **building** used for the purpose of a greenhouse is not a storey; [**Clerk to provide by-law #####**]
- (L) The permitted maximum **gross floor area** of a **storey** located more than 76.0 metres above **established grade** is 750.0 square metres;
- (M) Despite Clause 40.10.40.50, **amenity space** is only required as follows:
 - i. a minimum of 2.0 square metres of indoor **amenity space** per **bed-sitting room** and per **dwelling unit** must be provided on the **lot**;
- (N) Despite Clause 200.5.10.1, Table 200.5.10.1 and Section 200.15 a minimum of 3 **parking spaces** must be provided on the **lot** and must comply with the following requirements for an accessible **parking space**:
 - i. An accessible **parking space** must have the following minimum dimensions:
 - (1) length of 5.6 metres;
 - (2) width of 3.4 metres; and
 - (3) vertical clearance of 2.1 metres; and
 - ii. The entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path as shown on Diagram 1 and Diagram 2 of By-law 579-2017;
- (O) Despite Clause 220.5.10.1 a minimum of 3 Type "B" **loading spaces** and a minimum of 3 Type "C" **loading spaces** must be provided on the **lot**;
- (P) Despite Regulation 220.5.1.10, **loading spaces** required by this Exception may be used by **post-secondary school** or **student residence** uses, including uses **ancillary** thereto, which may or may not be located on the **lot**;
- (Q) Despite Regulation 230.5.10.1(1) and Table 230.5.10.1(1) **bicycle parking spaces** for a **post-secondary school** and a **student residence**, including uses **ancillary** thereto, must be provided as follows:
 - i. For a **post-secondary school**:
 - (4) the minimum number of short-term **bicycle parking spaces** is 3.0 plus 0.3 **bicycle parking spaces** for each 100 square

metres of **interior floor area** used for **post-secondary school** offices and classrooms; and

- (5) the minimum number of long-term **bicycle parking spaces** is 1.0 for each 100 square metres of **interior floor area** used for **post-secondary school** offices and classrooms; and

ii. for a **student residence**:

- (6) the minimum number of short-term **bicycle parking spaces** is 0.01 per **dwelling unit**;
- (7) the minimum number of short-term **bicycle parking spaces** is 0.01 per **bed sitting-room**;
- (8) the minimum number of long-term **bicycle parking spaces** is 0.1 per per **dwelling unit**; and
- (9) the minimum number of long-term **bicycle parking spaces** is 0.1 per **bed-sitting room**;

- (R) Despite Regulation 230.5.1.10(9) a required “long-term” **bicycle parking space** may be located below-ground;
- (S) Despite Regulation 230.5.1.10(10), a “long-term” **bicycle parking space** and a “short-term” **bicycle parking space** may be located in a **stacked bicycle parking space**;
- (T) Regulation 40.10.40.1(1) does not apply with respect to the location of residential use portions of the **building**;
- (U) Regulation 40.10.40.1(2) does not apply with respect to the floor level of the first **storey**;
- (V) Regulations 40.10.90.40(1) and (3) do not apply with respect to access to a **loading space**;
- (W) Regulation 40.10.100.10(1) does not apply with respect to **vehicle** access;
- (X) Regulation 200.5.1.10(12)(C) does not apply with respect to a **vehicle** entrance from the **lot line**;
- (Y) Regulation 230.40.1.20 (2) does not apply with respect to the location of “short-term” **bicycle parking spaces**;
- (Z) Section 600.10 with respect to Building Setback Overlay District Map does not apply;

- (AA) Section 600.20 with respect to Priority Retail Streets Overlay Map does not apply;
- (BB) A **mixed-use building** also includes a **building** with a **student residence** and a non-residential use;
- (CC) The provisions of this Exception respecting the height of any **building** or **structure**, including permitted exceptions, are subject to any further limitations as may be set out in a by-law passed under an agreement pursuant to Section 5.81 of the Aeronautics Act, R.S.C. 1985, c. A-2.
- (DD) Despite any existing or future severance, partition or division of the lands shown on Diagram 1 of By-law ### -2021 [**Clerk to provide by-law #####**], the provisions of this Exception and By-law 569-2013, as amended, apply to the lands as one **lot**, as if no severance, partition or division occurred.

Prevailing By-laws and Prevailing Sections

- (A) Section 12(2) 132 of the former City of Toronto By-law 438-86; and
- (B) Section 12(2) 256 of the former City of Toronto By-law 438-86.

5. Section 37 Provisions

- (A) Pursuant to section 37 of the Planning Act, as it read on September 17, 2020, and subject to compliance with this By law, the development is permitted on the lands shown on Diagram 1 of this By law, in return for the provision by the owner of the facilities, services and matters set out in Schedule A secured by one or more agreements that are in a form and registered on title to the lands to the satisfaction of the City Solicitor.
- (B) Any building or structure erected pursuant to this By-law may not be used unless the provisions of Schedule A of such By law are satisfied.

Enacted and passed on ●, 2021

Name,
Speaker

John D. Elvidge
City Clerk

(Seal of City)

Schedule A

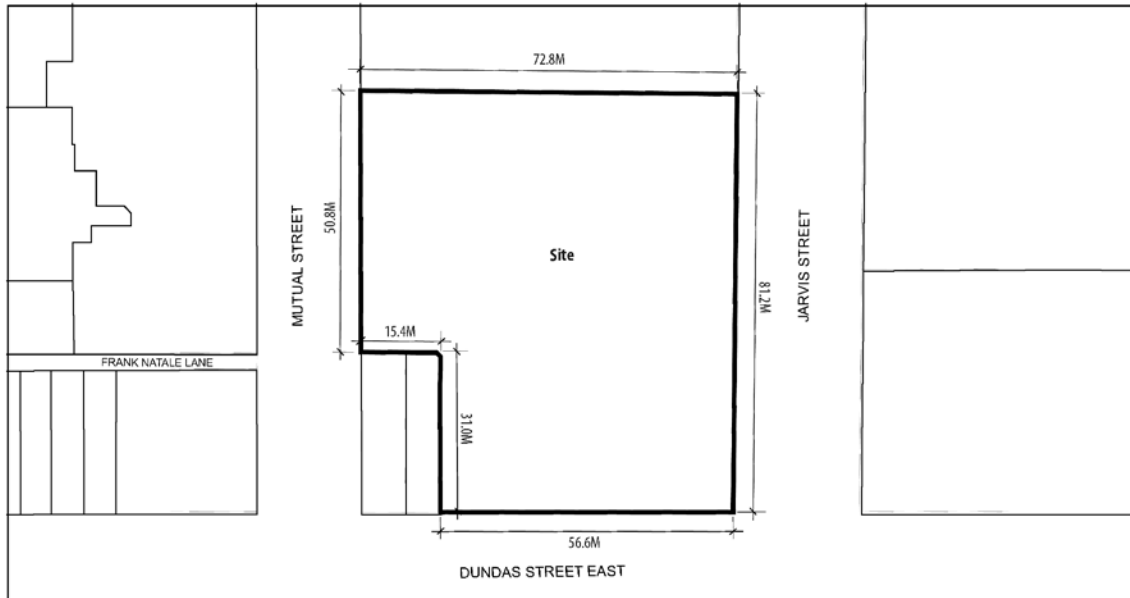
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense the proposed development on the lands as shown on Diagram 1 of this By-law, subject to and as secured in a registered agreement or agreements under subsection 37(3) as it read on September 17, 2020 of the Planning Act, whereby the owner agrees as follows:

1. The owner shall enter into one or more agreements with the City of Toronto, which agreements must be registered against the title of the lands to which this By-law applies, in the manner and extent specified in the agreements, to secure the following matters:
 - (A) Prior to the issuance of the first building permit on the site, the owner shall provide confirmation to the satisfaction of the Chief Building Official and Executive Director, Toronto Building that any temporary (including construction cranes or related construction machinery) and permanent structures are below or outside the protected Hospital for Sick Children helicopter flight path;
 - (B) Provide a revised Functional Servicing and Stormwater Management Report to demonstrate whether the existing municipal infrastructure is adequate to service the proposed development and to determine whether any upgrades may be required to the existing infrastructure to support the proposed development, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
 - (C) Secure the design and provision of financial securities for any improvements to the municipal infrastructure identified in the accepted Functional Servicing and Stormwater Management Report, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements to such infrastructure are required to support this development;
 - (D) The owner shall construct and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, an area of not less than 225 square metres at grade for use by the general public as a Public Square in the southwest corner of the site in a location generally as shown in the Official Plan Amendment, with the location, configuration, use and design of the Public Square to be determined in the context of site plan approval to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and secured in a site plan agreement with the City;

E) Prior to the earlier of any non-residential or residential use or occupancy on the site, the owner shall have completed construction of the Public Square referred to in D above and shall prepare all documents and convey to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor free and clear of encumbrances and for nominal consideration, a public access easement in perpetuity in favour of the City over the privately owned publicly accessible space (Public Square), including rights of support as applicable, on such terms and conditions as are set out in the Section 37 Agreement, including provision for insurance and indemnification associated with public access easements, and

(F) That the owner construct and maintain the development of the Site in accordance with Tier 1 Toronto Green Standard, and the owner will be encouraged to achieve Tier 2 Toronto Green Standard, or higher, where appropriate consistent with the performance standards of the Toronto Green Standards applicable at the time of the site plan application for each building on the site.



Toronto
Diagram 1

202 Jarvis Street & 166 Dundas Street East

File # 18 271373 STE 13 OZ

City of Toronto By-law 569/2013
Not to Scale
10/26/2020

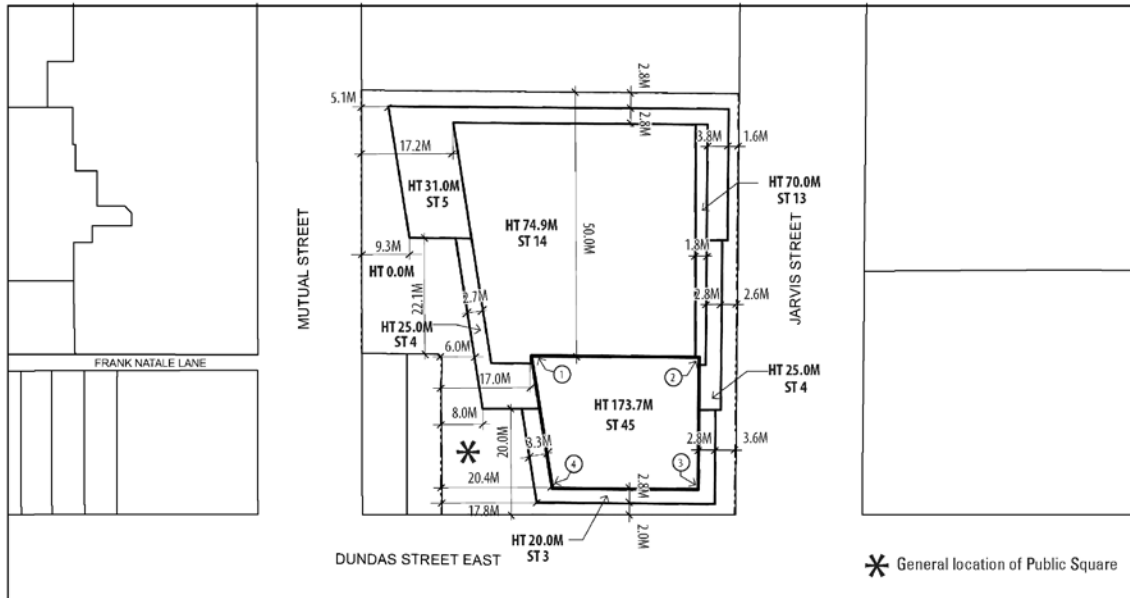


Toronto
Diagram 2

202 Jarvis Street & 166 Dundas Street East

File # 18 271373 STE 13 OZ

City of Toronto By-law 569-2013
Not to Scale
10/26/2020



Toronto
Diagram 3

202 Jarvis Street & 166 Dundas Street East

File # 18 271373 STE 13 OZ

City of Toronto By-law 569-2013
Not to Scale
10/26/2020