

**CITY OF TORONTO**  
**BY-LAW XXX-2022**

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally  
known in the year 2022 as 109 Erskine Avenue**

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

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

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 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;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1, attached to and forming part of this By-law;
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.

3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.1 respecting the lands outlined by heavy black lines from R (d2.0) (x912) to R (d2.0) (x121), as shown on Diagram 2, attached to and forming part of this By-law;
4. Zoning By-law 569-2013, as amended, is further amended by adding Exception Number (121) to Article 900.2.10 so that it reads:

### **Exception R 121**

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 109 Erskine Avenue, if the requirements of By-law [Clerks to insert By-law ##] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to X) below:
- (B) For the purposes of this exception, the **lot** comprises the lands outlined by heavy black lines on Diagram 1 attached to By-law [Clerks to supply By-law no.];
- (C) For the purposes of this Exception, **established grade** is the Canadian Geodetic Datum elevation of 158.52 metres;
- (D) Regulation 10.10.40.30(1)(B), respecting **building depth** for an **apartment building**, does not apply;
- (E) Despite Regulation 10.5.40.10(1) the height of the **building** or **structure** is the distance between Canadian Geodetic Datum elevation of 158.52 metres and the elevation of the highest point of the **building** or **structure**.
- (F) Despite Regulations 10.10.40.10(1), the permitted maximum height of a **building** or **structure** is the number following the HT symbol in metres as shown on Diagram 3 of By-law XXX-2022 [Clerk's to supply By-law no.].
  - (i) roof drainage materials, thermal insulation, roof assemblies including decking and pavers or roof ballast, parapets, terraces, patios, balustrades, bollards, and accessory structures, may project above the height limits by no more than 1.5 metres;
  - (ii) structures used for pool or spa maintenance or operational equipment and swimming pools (elevated or otherwise) to a maximum of 1.7 metres;
  - (iii) elements on the roof of the building or structure used for green roof technology and related roofing material may project above the height

limits by no more than 2.0 metres;

- (iv) parapets, garbage chutes, aircraft warning lights, lightning rods, safety railings, guard rails, ornamental or architectural elements and features, balcony and terrace partitions and dividers, telecommunications equipment and antennae, planters, retaining walls, wheelchair ramps, and lightning rods to a maximum of 2.3 metres;
  - (v) equipment used for the functional operation of the building, such as electrical, utility, air handling, emergency generators, mechanical, exhaust flues, vents, ventilation equipment, and associated screening to a maximum of 3.0 metres;
  - (vi) stairs, elevator shafts and enclosed stairwells, window washing equipment to a maximum of 3.0 metres;
  - (vii) structures on the roof of any part of the building used for outside or open air recreation, acoustical barriers, wind mitigation features, amenity space features, enclosed stairwells, elevator overruns, window washing equipment, amenity space screens, trellises, gazebos, landscape elements and features, fencing, canopies, enclosed stairs, unenclosed stairs, elevator shafts, to a maximum of 4.0 metres;
  - (viii) mechanical equipment, mechanical penthouse projections, chillers, coolers, wind mitigation elements, elevator shafts, and elevator overruns, and associated screening structures, to a maximum of 6.0 metres;
- (G) Despite Regulation 10.10.40.40(1) the residential **gross floor area** of a **building** or **structure** must not exceed 14,250 square metres
- (H) Despite Regulation 10.10.40.50 (1), an **apartment building** with 20 or more **dwelling units** must provide a minimum 562 square metres of **amenity space**, of which:
- (i) A minimum of 288 square metres must be provided as indoor **amenity space**;
  - (ii) A minimum of 273 square metres must be provided as outdoor **amenity space**;
- (I) Despite Regulations, 10.5.40.70 (1), and (2), and 10.10.40.70 (1), (2), (3), and (4) the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law XXX-2022 [Clerks to supply By-law no.].
- (J) Despite Regulation 10.5.40.50(2) and (3), 10.5.40.60 (1), (2), (3), (4), (5), (6), (7), (8) and (I) above, the following elements may encroach into the required minimum **building setbacks** and separation distances as follows:

- (i) An entrance canopy, awning, or similar **structure** at the **first floor**, with or without structural support, or a roof over a platform permitted in (ii) and (iii) below to a maximum extent of 3.0 metres may encroach into the required **front yard setback** and **rear yard setback**;
  - (ii) Platforms, decks, porches, balconies, terraces or a similar **structure** located above **established grade**, to a maximum extent of 2.2 metres;
  - (iii) Platforms, decks, porches, balconies, terraces or similar **structure** located above the first floor may encroach into the minimum east **side yard setbacks** to a maximum extent of 1.5 metres;
  - (iv) Platforms, decks, porches, balconies, terraces or a similar **structure** located below **established grade** or at the **first floor**, may encroach to a maximum extent of 4.1 metres into the required east **side yard setback**;
  - (v) Vents, pipes, utility equipment, and siamese connections may encroach into the required **front yard setback** and **rear yard setback** to a maximum extent of 1.0 metres ;
  - (vi) Roof and parapet elements to a maximum extent of 1.0 metres may encroach into the required **front yard setback** and **rear yard setback**;
  - (vii) Exterior stairs, wheelchair access ramps, pedestrian access ramps, and elevating devices to a maximum extent of 3.0 metres, may encroach into the required **front yard setback** and **rear yard setback**; and
  - (viii) Wall mounted lighting to a maximum extent of 0.6 metres may encroach into the required **front yard setback** and **rear yard setback**;
- (K) Despite (J)(ii) and (iii) above, platforms, decks, porches, balconies or a similar **structure** located above **established grade**, must not encroach into the minimum **front yard setback**;
- (L) Despite Regulations 10.5.50.10 (4), and (6), a minimum of 25% of the area of the **lot** must be used for **landscaping**, of which a minimum of 30% of the area of the **lot** must be used for **soft landscaping**;
- (M) Despite Regulation 10.5.50.10 (5), a 1.5 metre wide strip of **soft landscaping** is not required along any part of a **lot line** abutting another **lot** in the Residential zone category, save and except for the east **lot line**, where a minimum 1.2 metre wide strip of **soft landscaping** is required between the **main wall** and east **lot line**;

- (N) Regulation 10.5.100.1(5) respecting driveway access to apartment buildings does not apply.
- (O) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided on the **lot** in accordance with the following:
- (i) a minimum of 0.187 residential occupant **parking spaces** per **dwelling unit** must be provided for the use of residents of the **building**;
  - (ii) a minimum of 0.045 residential occupant **parking spaces** per **dwelling unit** are required for the use of residential visitors to the **building**;
- If the calculation of the number of required parking spaces results in a number with a fraction, the number is rounded down to the nearest whole number;
- (P) Despite Regulation 200.15.1(1), accessible **parking spaces** must comply with the following minimum dimensions:
- (i) length of 5.6 metres;
  - (ii) width of 3.4 metres; and
  - (iii) vertical clearance of 2.1 metres.
- (Q) Despite Regulation 200.15.1(4) accessible **parking spaces** may be located below grade at the same level as a pedestrian entrance to an elevator lobby.
- (R) Despite Clause 220.5.10.1 **loading spaces** must be provided as follows:
- (i) One (1) Type “G”.
- (S) Despite Regulation 230.5.1.10 (9), any amount of the required “long-term” and “short term” **bicycle parking spaces** may be located below-ground;
- (T) In addition to Regulation 230.5.10(5), **bicycle parking spaces** must comply with the following:
- (i) Five (5) of the required “short-term” **bicycle parking spaces** must be maintained near the entrance of the **building**;
- (U) Despite Regulation 230.5.1.10(4), the minimum dimensions of a **bicycle parking space**, including the minimum dimensions for stacked or vertical **bicycle parking** is:
- (i) 0.45 metres in width
  - (ii) 1.0 metres in vertical clearance

(iii) 1.8 metres in length

Prevailing By-laws and Prevailing Sections: (None Apply)

6. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.

Enacted and passed on XXX XXX, 2022.

Frances Nunziata,  
Speaker  
(Seal of the City)

John D. Elvidge,  
City Clerk

**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, and registration satisfactory to the City Solicitor, securing the provision of the facilities, services and matters set out herein, the facilities, services and matters set out below are required to be provided to the City by the Owner of the lands at the Owner's expense in accordance with the By-law, and that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the Owner may not erect or use such building until the Owner has satisfied the following:

(1) The owner shall provide the following to support the development of the lands prior to the issuance of the first Above-Grade Building Permit:

- i. A cash contribution of \$2,800,00.00 dollars to be allocated towards community services and facilities, local parkland acquisition and improvements, and/or public realm improvements within the vicinity of the subject property, with the design of any streetscape improvements to comply with the Streetscape Manual, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- ii. The cash contributions referred to above 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;
- iii. In the event the cash contributions referred to above have not been used for the determined purpose within three years of the amending Zoning 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, City Planning, in consultation with the Ward Councillor, provided the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands;

(2) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

- a. Transportation Demand Management measures:
  - i. Prior to the issuance of an above grade building permit, the Owner shall provide a monetary contribution of \$50,000.00 (Fifty Thousand Dollars) towards additional area bike share facilities and area parks improvements be provided, to the satisfaction of the Chief Planner and Executive Director, City Planning, which cash contribution shall be indexed upwardly in accordance with the Statistics

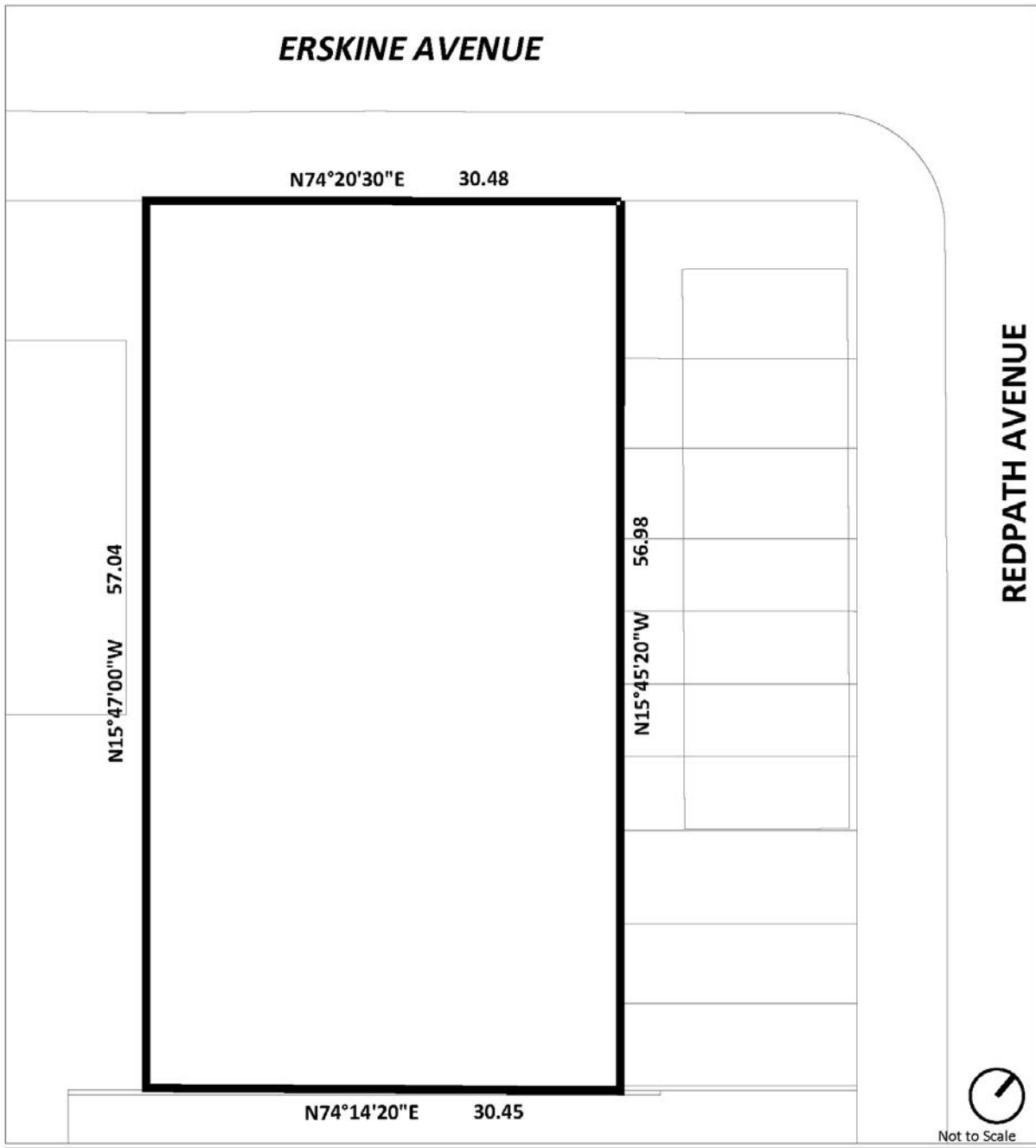
Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01 or its successor, calculated from the date of the Agreement to the date of payment;

- ii. The Owner shall provide preloaded Presto Cards with a value of \$156 shall be provided to each unit;
- b. The owner shall enter into a financially secured agreement for the construction of any improvements to the existing municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development;
- c. The owner shall 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 Toronto Green Standards applicable at the time of the site plan application for each building on the site.

(3) City Council authorize the appropriate City officials to take such actions as are necessary to implement City Council's decision, including execution of the Section 111 agreement and other related agreements.

(4) City Council direct the General Manager, Parks Forestry and Recreation to accept a payment in lieu of the on-site parkland dedication in satisfaction of the applicant's required parkland contribution pursuant to Section 42 of the Planning Act.





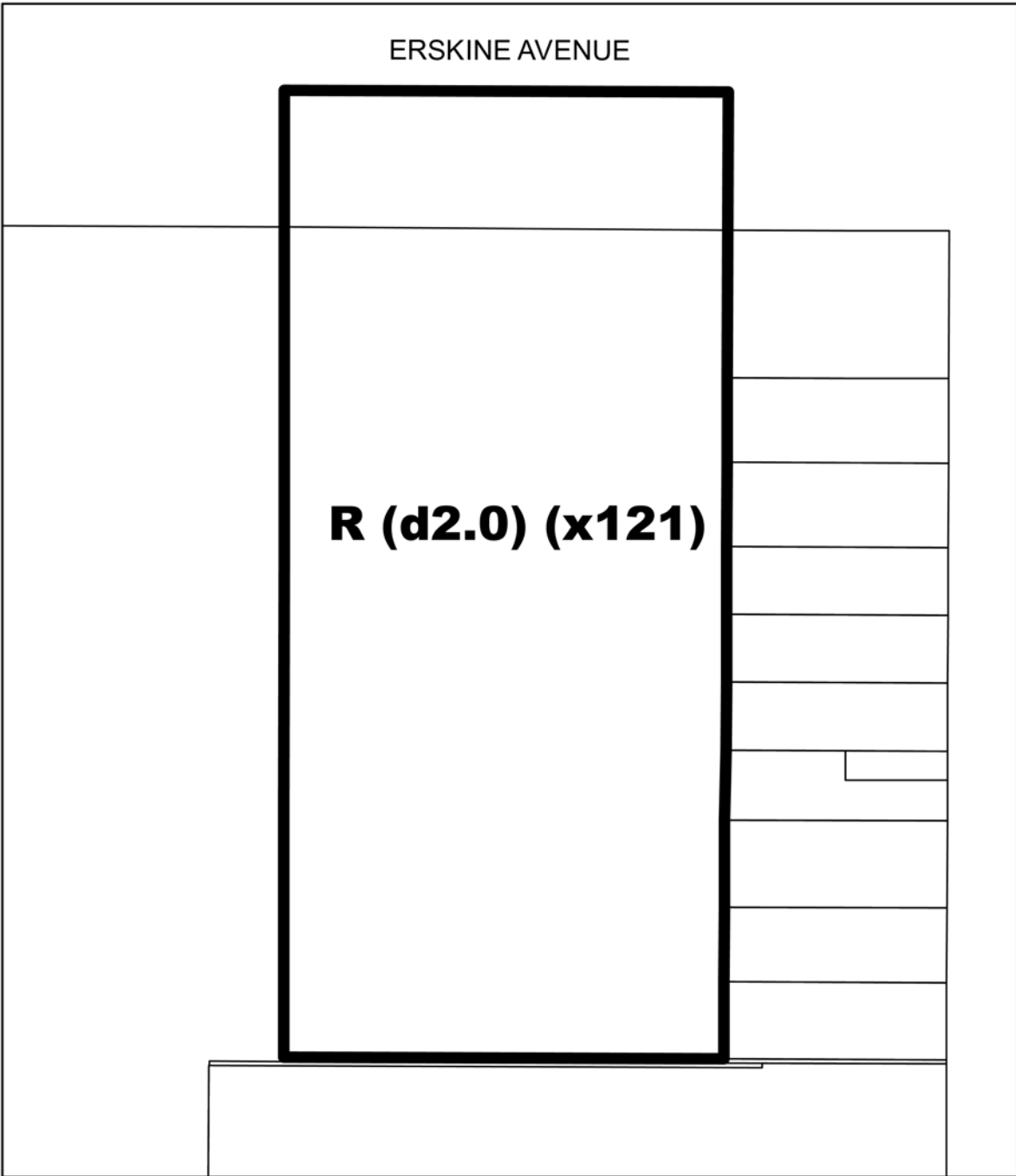
# Diagram 1

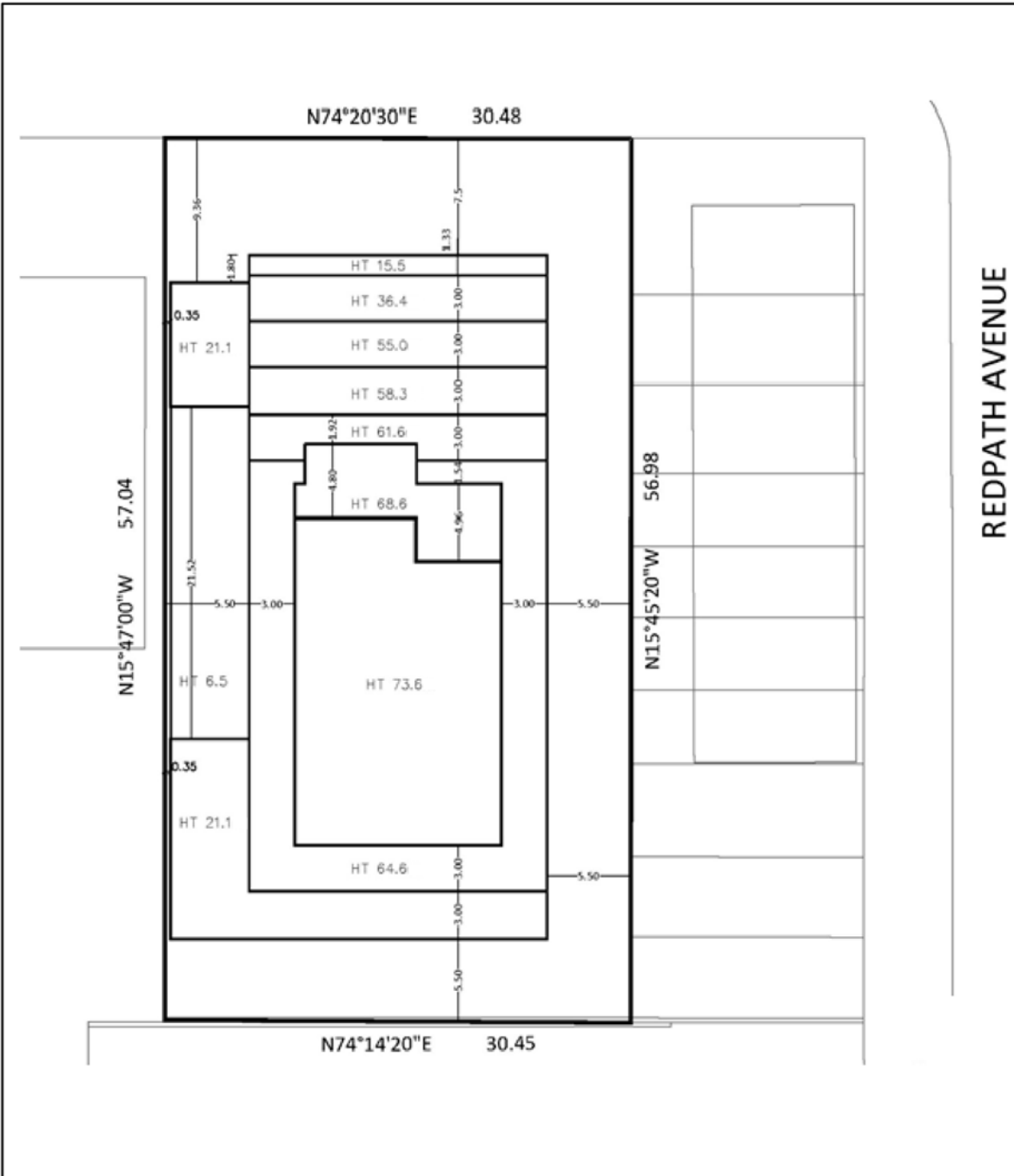
## Zoning By-law Amendment

109 Erskine Avenue  
City of Toronto

Area subject to this by-law







 **TORONTO**  
Diagram 3

109 Erskine Avenue

File # 20 208290 NNY 15 0Z