

**Kyle Knoeck, M.Sc.Pl., MCIP, RPP**  
Director, Zoning and Secretary-Treasurer  
Committee of Adjustment  
City Planning Division

416-394-8060  
coa.ey@toronto.ca

Thursday, November 9, 2023

**NOTICE OF DECISION  
MINOR VARIANCE/PERMISSION  
(Section 45 of the Planning Act)**

**File Number:** A0269/23EYK  
**Property Address:** 8-26 JOPLING AVE S  
**Legal Description:** PLAN 2384 PT LOTS 15 & 16  
**Agent:** MURRAY WHITE  
**Owner(s):** TRIBUTE (JOPLING) LIMITED  
**Zoning:** EC2  
**Ward:** Etobicoke-Lakeshore (03)  
**Community:**  
**Heritage:** Not Applicable

Notice was given and a Public Hearing was held on Thursday, November 9, 2023, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a mixed-use development consisting of a 29 storey mixed use tower with a 2 storey mechanical room and amenity space above and a 38 storey mix-use tower with a 2 storey mechanical room and amenity space above connected by a 6-storey base with amenity space above.

**REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:**

- Section 3.4, By-law 187-2022**  
"Bicycle Parking Space - Visitor" are not specifically permitted to be located in a Stacked Bicycle Parking position.  
"Bicycle Parking Spaces - Visitor" may be located in a Stacked Bicycle Parking position, with the minimum vertical clearance for each bicycle parking space being at least 2.5 m, with a horizontal dimension of at least 1.85 m in length and 0.45 m in width.

**2. Section 3.13, By-law 187-2022**

"Privately Owned Publicly Accessible Space" or "POPS" means a landscaped area as shown on Schedule B attached, which is open and accessible to the public.

"Privately Owned Publicly Accessible Space" or "POPS" means a landscaped area as shown on Schedule B attached, which is open and accessible to the public except when required for construction staging on a temporary basis.

**3. Section 5.4, By-law 187-2022**

The Height of any building or structure, as measured from Grade to the top of slab does not exceed the Height in m specified by the numbers following the symbol H and the permitted maximum number of storeys is the numerical value followed by the letters "ST" shown on Schedule B.

The Height of any building or structure, as measured from Grade to the top of slab does not exceed the Height in m specified by the numbers following the symbol H and the permitted maximum number of storeys is the numerical value followed by the letters "ST" shown on the revised Schedule B.

**4. Section 5.6, By-law 187-2022**

Notwithstanding Section 5.4 of By-law 187-2022, the following building elements and structures may exceed the permitted maximum heights shown on Schedule B:

- (i) equipment used for the functional operation of the building including electrical, utility, mechanical and ventilation equipment, lightning rods, enclosed stairwells, roof access, maintenance equipment, storage, elevator shafts, elevator overrun, chimneys, vents and water supply facilities may project above the height limits to a maximum of 6 m;
- (ii) structures that enclose, screen or cover the equipment, structures and parts of a building listed in 5.5(i) and 5.5(ii) above, inclusive of a mechanical penthouse and Indoor Amenity Space and Outdoor Amenity Space, may project above the height limits to a maximum of 6 m;
- (iii) pools, hot-tubs, open-air recreation, trellises, pergolas, and unenclosed structures providing safety or wind protection to rooftop Outdoor Amenity Space may project above the height limits to a maximum of 3 m; and
- (iv) roof eaves, roof access, window sills, railings, cornices, guard rails, balustrades, guards, guardrails, window washing equipment, balconies, bay windows, doors, canopies, wheelchair and covered ramps, parapets, awnings, skylights, architectural and ornamental features, public art features, satellite dishes, screens, antennae, flag poles, lighting fixtures, fences, landscape features and seating areas, elements and structures associated with a green roof, retaining walls, ramps to an underground garage, may project above the height limits to a maximum of 6 m.

Notwithstanding Section 5.4 of By-law 187-2022, the following building elements and structures may exceed the permitted maximum heights shown on the Revised Schedule B:

- (i) equipment used for the functional operation of the building including electrical, utility, mechanical and ventilation equipment, lightning rods, enclosed stairwells, roof access, maintenance equipment, storage, elevator shafts, elevator overrun, chimneys, vents and water supply facilities may project above the height limits to a maximum of 6 m;

(ii) structures that enclose, screen or cover the equipment, structures and parts of a building listed in 5.5(i) and 5.5(ii) above, inclusive of a mechanical penthouse and Indoor Amenity Space and Outdoor Amenity Space, may project above the height limits to a maximum of 6 m;

(iii) pools, hot-tubs, open-air recreation, trellises, pergolas, and unenclosed structures providing safety or wind protection to rooftop Outdoor Amenity Space may project above the height limits to a maximum of 3 m; and

(iv) roof eaves, roof access, window sills, railings, cornices, guard rails, balustrades, guards, guardrails, window washing equipment, balconies, bay windows, doors, canopies, wheelchair and covered ramps, parapets, awnings, skylights, architectural and ornamental features, public art features, satellite dishes, screens, antennae, flag poles, lighting fixtures, fences, landscape features and seating areas, elements and structures associated with a green roof, retaining walls, ramps to an underground garage, may project above the height limits to a maximum of 6 m.

**5. Section 5.8, By-law 187-2022**

Notwithstanding Section 5.4 of By-law 187-2022, no portion of a building or structure shall be higher than the horizontal distance from any Residential zone to any portion of the building or structure. Additionally, no building or structure may penetrate a 45-degree angular plane as measured at a line parallel to and at a height of 70 m above the north lot line of the subject property.

A building or structure may be higher than the horizontal distance from any Residential zone to any portion of the building or structure, and a building or structure may penetrate a 45-degree angular plane as measured at a line parallel to and at a height of 70 m above the north lot line of the subject property, so long as the height does not exceed the height in m specified by the numbers following the symbol H shown on the revised Schedule B.

**6. Section 6.1, By-law 187-2022**

The maximum permitted Gross Floor Area of all building and structures on the land shall not exceed 51,100 m<sup>2</sup>, of which the residential gross floor area shall not exceed 50,500 m<sup>2</sup>, and the minimum non-residential gross floor area shall be 900 m<sup>2</sup> and the maximum non-residential shall not exceed 950 m<sup>2</sup>.

The maximum proposed Gross Floor Area of all building and structures on the land shall not exceed 53,600 m<sup>2</sup>, of which the residential gross floor area shall not exceed 52,600 m<sup>2</sup>. The minimum non-residential gross floor area shall be 450 m<sup>2</sup> in Area A and 450 m<sup>2</sup> in Area B on the revised Schedule B, and the maximum nonresidential shall not exceed 950 m<sup>2</sup>.

**7. Section 7.1, By-law 187-2022**

The maximum number of dwelling units permitted on the Lands is 688.  
The maximum number of dwelling units proposed on the Lands is 750.

**8. Section 8.1, By-law 187-2022**

Resident amenity space shall be provided at a minimum rate of 4.0 m<sup>2</sup> for each dwelling unit, of which:

- (i) at least 2.0 m<sup>2</sup> for each dwelling unit is Indoor Amenity Space;
- (ii) at least 2.0 m<sup>2</sup> for each dwelling unit is Outdoor Amenity Space;

- (iii) at least 40.0 m<sup>2</sup> is Outdoor Amenity Space in a location adjoining or directly accessible to the Indoor Amenity Space; and
- (iv) no more than 25% of the Outdoor Amenity Space may be a green roof that is accessible by the residents.

Resident amenity space shall be provided at a minimum rate of 4.0 m<sup>2</sup> for each dwelling unit, of which:

- (i) at least 2.0 m<sup>2</sup> for each dwelling unit is Indoor Amenity Space;
- (ii) at least 1.9 m<sup>2</sup> for each dwelling unit is Outdoor Amenity Space;
- (iii) at least 40.0 m<sup>2</sup> is Outdoor Amenity Space in a location adjoining or directly accessible to the Indoor Amenity Space; and
- (iv) no more than 25% of the Outdoor Amenity Space may be a green roof that is accessible by the residents

**9. Section 9.1, By-law 187-2022**

A minimum of 0.50 parking spaces per dwelling unit are required for Residential occupants.

A minimum of 0.35 parking spaces per dwelling unit are proposed for Residential occupants, and maximum parking rates are proposed as follows:

- (i) 0.8 parking spaces is proposed for each bachelor dwelling unit up to 45 m<sup>2</sup>.
- (ii) 1.0 parking space for each bachelor dwelling unit greater than 45 m<sup>2</sup>.
- (iii) 0.9 parking spaces is proposed for each one bedroom dwelling unit.
- (iv) 1.0 parking spaces is proposed for each two-bedroom dwelling unit.
- (v) 1.2 parking spaces is proposed for each three or more bedroom dwelling unit.

**10. Section A, By-law 320-19**

Handicapped automobile parking space(s) shall be located as close as practical to the principal entrance(s) of a building.

Handicapped automobile parking space(s) are proposed be located at least 25.0 m to the principal entrance(s) of a building.

The Committee of Adjustment considered the written submissions relating to the application made to the Committee before its decision and oral submissions relating to the application made at the hearing. In so doing, **IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:**

**The Minor Variance Application is Approved on Condition**

It is the decision of the Committee of Adjustment to authorize this variance application for the following reasons:

- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

This decision is subject to the following condition(s):

1. The following conditions shall be fulfilled to the satisfaction of the Director, Community Planning, Etobicoke York District:
  - 1.1 Prior to issuance of the first above-grade building permit, the owner shall enter into an agreement pursuant to Section 45(9) of the Planning Act and make a cash contribution to the City in the amount of \$484,500 by certified cheque payable to the Treasurer, City of Toronto, to be allocated at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, toward capital improvements in the area within the Ward, and the cash contribution shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto Census Metropolitan area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-10, or its successor, calculated from the date of execution of the Section 45(9) Agreement to the date of payment.
2. The following conditions shall be fulfilled to the satisfaction of Development Planning and Review, Transportation Services:
  - 2.1. The Owner must provide a minimum parking rate of 0.35 residential parking spaces per dwelling unit

## SIGNATURE PAGE

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Heritage: Not Applicable



Donald Taylor (signed)



Laura Alderson (signed)



Stan Kumorek (signed)



Bill Dalton (signed)



Natalija Popovic (signed)

DATE DECISION MAILED ON: Friday, November 17, 2023

LAST DATE OF APPEAL: Wednesday, November 29, 2023

CERTIFIED TRUE COPY

### **Barbara Bartosik**

Manager and Deputy Secretary-Treasurer

### **Appeal Information**

Only the applicant, the Minister, or a specified person or public body that has an interest in the matter may appeal this decision.

All appeals must be filed by e-mail with the Deputy Secretary-Treasurer, Committee of Adjustment to [coa.ey@toronto.ca](mailto:coa.ey@toronto.ca) and [Barbara.Bartosik@toronto.ca](mailto:Barbara.Bartosik@toronto.ca) by the last date of appeal as shown on the signature page.

Your appeal to the **Toronto Local Appeal Body (TLAB)** should be submitted in accordance with the instructions below unless there is a related appeal to the Ontario Land Tribunal (OLT) for the same matter.

A related appeal is another planning application appeal affecting the same property. To learn if there is a related appeal, search community planning applications status in the Application Information Centre and contact the assigned planner if necessary. If there is a related appeal, your appeal should be submitted in accordance with the Ontario Land Tribunal (OLT) appeal instructions.

### **TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS**

To appeal this decision to the TLAB, you must submit the following:

- A completed TLAB Notice of Appeal (Form 1).
- \$300 for each appeal filed regardless if related and submitted by the same appellant.
- Fees are payable to the **City of Toronto**. Once your appeal has been received by e-mail by the Deputy Secretary-Treasurer you will receive payment instructions.

To obtain a copy of the Notice of Appeal Form (Form 1) and other information about the appeal process please visit the TLAB website at [www.toronto.ca/tlab](http://www.toronto.ca/tlab).

### **ONTARIO LAND TRIBUNAL (OLT) APPEAL INSTRUCTIONS**

To appeal this decision to the OLT, you must submit the following:

- A completed OLT Appellant Form (A1).
- \$400 for each appeal type with an additional fee of \$25 for each connected appeal of the same type filed by the same appellant.
- Fees are payable by certified cheque, money order, or credit card, and must be in Canadian funds. Certified cheques and money orders should be made payable to the Minister of Finance. If you would like to pay the fee by credit card, please indicate this on the appeal form and staff will phone you to complete the transaction – do not record any credit card details on the appeal form.

To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the OLT website at <https://olt.gov.on.ca/appeals-process/>