

## **City-Initiated Zoning By-law Amendments - Re-allocating Section 37 funds within Ward 11 - Decision Report - Approval**

Date: March 14, 2024

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: 11 - University-Rosedale

**Planning Application Number: 23 237998 STE 10 OZ**

### **SUMMARY**

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This report recommends amending the Zoning By-law to reallocate unspent Section 37 funds within Ward 11 - University Rosedale. On December 15, 2023, City Council directed the Chief Planner and Executive Director, City Planning to bring forward City-initiated amendments to the Zoning By-laws at 86-100 Bloor Street West (By-law 133-1999); 1,3 Sultan Street, 11 St Thomas Street, and 76-98 Charles Street West (By-law 1090-2002); 77 Charles Street West (By-law 954-2005); 590 Jarvis Street (By-law 1018-2005); 13-21 Balmuto Street (By-law 226-2007); and 4, 6, 8 St. Thomas Street, 100-110 Charles Street West (By-law 60-2008(OMB)).

### **RECOMMENDATIONS**

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The Director, Community Planning, Toronto and East York District recommends that:

1. City Council amend site specific Zoning By-law 133-1999, for the lands at 86-100 Bloor Street West substantially in accordance with the draft Zoning By-law Amendment included as Attachment 2 to this report.
2. City Council amend site specific Zoning By-law 1090-2002, for the lands at 1,3 Sultan Street, 11 St Thomas Street, and 76-98 Charles Street West substantially in accordance with the draft Zoning By-law Amendment included as Attachment 3 to this report.
3. City Council amend site specific Zoning By-law 954-2005, for the lands at 77 Charles Street West substantially in accordance with the draft Zoning By-law Amendment included as Attachment 4 to this report.

4. City Council amend site specific Zoning By-law 1018-2005, for the lands at 590 Jarvis Street substantially in accordance with the draft Zoning By-law Amendment included as Attachment 5 to this report.
5. City Council amend site specific Zoning By-law 226-2007, for the lands at 13-21 Balmuto Street substantially in accordance with the draft Zoning By-law Amendment included as Attachment 6 to this report.
6. City Council amend site specific Zoning By-law 60-2008(OMB), for the lands at 100-110 Charles Street West substantially in accordance with the draft Zoning By-law Amendment included as Attachment 7 to this report.
7. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
8. City Council authorize City officials to take such action as is necessary to implement the recommendations above, including execution of necessary agreements as required.

## **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

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At its meeting on December 13, 14 and 15, 2023 (Item 2023.TE9.69), Council directed the Chief Planner and Executive Director, City Planning to bring forward at the earliest opportunity, City-initiated amendments to the Zoning By-laws identified in Revised Attachment 1 to the letter (October 10, 2023) from Councillor Saxe that:

- reallocate the unspent Section 37 funds for TTC station improvements secured in site specific Zoning By-laws for three development sites to any TTC station within Ward 11, University-Rosedale;
- amends the related Section 37 schedules other listed site specific Zoning By-laws to include climate smart affordable housing within Ward 11, University-Rosedale, as an eligible benefit; and
- include in the amended by-laws the same reallocation authority as found in other site specific Zoning By-laws enacted after 2013, i.e. to authorize reallocation of unspent funds at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in Ward 11, University-Rosedale.

On November 29 and December 14, 2007 the Ontario Land Tribunal issued its final order (PL050720) approving a 9 and 18-storey residential building at 100-110 Charles Street West and 2-8 St. Thomas Street. Site specific Zoning by-law 60-2008(OMB) came into force and effect on December 14, 2007.

At its meeting of September 25, 26, 27, 2006, Council approved an application to amend the Zoning By-law at 13-21 Balmuto Street to permit a 34-storey residential building with grade related retail space. Council enacted site specific Zoning By-law 226-2007 related to this application on March 6, 2007.

At its meeting of December 5, 6, and 7, 2005, Council approved an Official Plan and Zoning By-law Amendment application at 590 Jarvis Street to permit a 437 unit, 129 metre residential condominium building. Council enacted site specific Zoning By-law 1018-2005 related to this application on December 7, 2005.

At its meeting of September 28, 29 and 30, 2005, Council approved an Official Plan and Zoning By-law Amendment application at 77 Charles Street West to permit a 16-storey building containing institutional and residential uses. Council enacted site specific Zoning By-law 954-2005 related to this application on October 28, 2005.

At its meeting of November 26, 27, 28 and 29, 2002, Council approved an Official Plan and Zoning By-law Amendment application at 1,3 Sultan Street, 11 St Thomas Street and 76-98 Charles Street West to permit a 28-storey residential building, four townhouses, two semi-detached units and the retention of three listed heritage buildings. Council enacted site specific Zoning By-law 1090-2002 1999 related to this application on November 29, 2002.

At its meeting on March 2, 3 and 4, 1999, Council approved an Official Plan and Zoning By-law Amendment application at 86-100 Bloor Street West to permit a 25-storey mixed-use development. Council enacted site specific Zoning By-law 133-1999 related to this application on March 4, 1999.

## **COMMUNITY CONSULTATION**

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A virtual community consultation meeting was held regarding the City-Initiated Zoning Amendment on February 13, 2024. A total of 7 people participated, including representatives of both the area Residents Associations and the local Business Improvement Area, as well as the Ward Councillor. City staff gave a presentation and facilitated a discussion with the participants of the meeting.

The following comments were provided by participants at the meeting, and via email and telephone calls.

- Support for the reallocation of unused Section 37 funds for TTC Station Improvements within Ward 11 - University-Rosedale and toward climate smart affordable housing;

- Concerns related to the reallocation of funds from originally intended purposes without prior community input;
- Questions about the reasons why the Section 37 funds were not used;
- Questions about how the funds intended for TTC Station Improvements would be reallocated;
- Questions about uses and location that the re-allocated Section 37 funds could be used towards;
- Questions about the proximity of the re-allocated benefit to the neighbourhood impacted by the development.

### **Statutory Public Meeting Comments**

In making their decision with regard to this application, Council members have been given an opportunity to view the oral submissions made at the statutory public meeting held by the Toronto and East York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

## **COMMENTS**

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### **Provincial Land-Use Policies**

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the by-law amendments for consistency with the Provincial Policy Statement (2020) and conformity with the Growth Plan (2020). In the opinion of Staff, the proposal is consistent with the PPS and conforms with the Growth Plan.

### **Community Benefits**

This application has been reviewed against the applicable Official Plan policies. In the opinion of Staff, the proposal conforms to the Official Plan, particularly as it relates to the Height and/or Density Incentive policies in Chapter 5.1.1 of the Official Plan.

City Council (MM13.4) identified unspent funds from seven site specific Zoning By-laws that had secured Section 37 density bonusing provisions. The seven listed site specific Zoning By-laws were:

- 13 Balmuto Street (By-law 22429)
- 86-100 Bloor Street West (By-law 133-1999);
- 1,3 Sultan Street, 11 St Thomas Street, and 76-98 Charles Street West (By-law 1090-2002);
- 77 Charles Street West (By-law 954-2005);
- 590 Jarvis Street (By-law 1018-2005);
- 13-21 Balmuto Street (By-law 226-2007); and
- 4, 6, 8 St. Thomas Street, 100-110 Charles Street West (By-law 60-2008(OMB)).

The allocation of unused Section 37 funds in these By-laws and their intended use is summarized in Attachment 8.

There are a number of reasons why these funds have not been used for their intended purpose as listed in the site specific Zoning By-laws. In some cases, the intended purpose was achieved without requiring the allocated funds. In other cases, the original purpose did not proceed, or was not practical or appropriate with the passage of time.

Regarding 13 Balmuto Street (By-law 22429), a search of Council decisions and/or legal agreements did not locate any records related to this By-law. As such, no changes are proposed for the site specific Zoning By-law for this item.

Site specific Zoning By-laws for 133-1999, 226-2007 and 60-2008(OMB) had funds allocated for TTC subway station improvements at Bay and Museum stations. The total amount of unused funds for these three items was a total of \$975,937.71. To date, these funds have not been used. It is proposed that funds could be used for improvements at any TTC subway station in the vicinity of the lands of the associated By-laws, within Ward 11, University-Rosedale.

Site specific Zoning By-laws 133-1999, 1090-2002, 954-2005, 1018-2005, 226-2007 and 60-2008(OMB) also had unallocated funds for items such as traffic monitoring, Toronto Heritage Grant Programs, lighting improvements, the Jarvis Street Improvement Project, intersection improvements at Jarvis Street and Mount Pleasant Road and streetscape improvements along Balmuto Street between Bloor Street West and Charles Street West. The total amount of unused funds for these items is \$1,399,363.89. To date, these funds have not been used. It is proposed that these funds could be used for climate smart affordable housing in the vicinity of the lands of the associated By-laws, within Ward 11, University-Rosedale.

The proposed amendments to the by-laws will allow the above noted funds to be either used for TTC Subway Station Improvements and/or climate smart affordable housing within Ward 11, in addition to their originally listed purposes.

It is also noted that since 2013, all site specific Zoning By-laws that had the former Section 37 density bonusing provisions contained instructions to allow for the reallocation of funds if they are not used within three years. As more than three years have elapsed from the enactment of all the site specific Zoning By-laws listed in Attachment 8, it is proposed that this reallocation authority be included in the amended site specific Zoning By-laws, so that unspent funds could be reallocated at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in Ward 11, University-Rosedale.

## **CONTACT**

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## **SIGNATURE**

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Oren Tamir, Director  
Community Planning  
Toronto and East York District

## **ATTACHMENTS**

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Attachment 1: Location Map  
Attachment 2: Draft Zoning By-law Amendment amending By-law 133-1999  
Attachment 3: Draft Zoning By-law Amendment amending By-law 1090-2002  
Attachment 4: Draft Zoning By-law Amendment amending By-law 954-2005  
Attachment 5: Draft Zoning By-law Amendment amending By-law 1018-2005  
Attachment 6: Draft Zoning By-law Amendment amending By-law 226-2007  
Attachment 7: Draft Zoning By-law Amendment amending By-law 60-2008(OMB)  
Attachment 8: Ward 11 - Zoning By-laws with potentially unspent Section 37 funds

## Attachment 1: Location Map



Key Map

File # 23 237998 STE 10 02

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|--|--------------------------|---|
| ① 13 Balmuto Street  | ④ 77 Charles Street West | ⑦ 4, 6, 8 St. Thomas Street,<br>100-110 Charles Street West |
| ② 86-100 Bloor Street West   | ⑤ 590 Jarvis Street      |   |
| ③ 1,3 Sultan Street, 11 St Thomas Street, and<br>76-98 Charles Street West | ⑥ 13-21 Balmuto Street   |   |



Not to Scale  
Extracted: 02/27/2024

## **Attachment 2: Draft Zoning By-law Amendment amending By-law 133-1999**

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~  
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend Zoning By-laws 438-86 and 133-1999, as amended,  
With respect to the lands municipally known as  
86-100 Bloor Street West

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 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 subsection 37.1(3) of the Planning Act, R.S.O. c. P.13 subsections 37(1) to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, S.O. 2020, c. 18 came into force continue to apply where a municipality passes a by-law described in the repealed subsection 37(1) prior to the date that a community benefits charge by-law is passed under subsection 37(2) provided the by-law is not amended to remove the requirement to provide any of the facilities, services or matters secured therein or repealed; and

Whereas on August 15, 2022, City Council passed By-law 1139-2022 being the City's Community Benefits Charge By-law pursuant to Subsection 37(2) of the Planning Act; and

Whereas Council at its meeting of March 2, 3 and 4, 1999 enacted By-law 133-1999 being a by-law described in the repealed subsection 37(1) of the Planning Act and this By-law does not amend or remove the requirement to provide facilities, services and therefore subsections 37(1) to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force continue to apply; and

Whereas this By-law can set out additional eligible facilities, services of matters for which the previous increases in height and density as set out in the Zoning By-law 133-1999 were secured to fund.

The Council of the City of Toronto enacts:

1. Section 1 (11) is amended so it reads “the owner of the *lot*, at its expense and in accordance with and subject to the agreement referred to in Subsection 1(11)(k) of this By-law:”.



2. Section 1 (11)(b) is amended to add the words, prior to the semi-colon, “or improvements to any Toronto Transit Commission Subway Station”.
3. Section 1 (11)(c) is amended to add the words, prior to the semi-colon, “or for costs toward climate smart affordable housing”.
4. A new Section 1 (11)(l) is added to read “In the event the cash contributions referred to in Section 1 (11) (a) to (j) have not been used for the intended purpose within 3 years of the enactment of By-law 133-1999, the cash contributions may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.”

Enacted and passed on Month Day, 2024.

Frances Nunziata, John D. Elvidge,  
Speaker City Clerk

(Seal of the City)

### **Attachment 3: Draft Zoning By-law Amendment amending By-law 1090-2002**

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~  
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend Zoning By-laws 438-86 and 1090-2002, as amended,  
With respect to the lands municipally known as  
Nos. 76 to 98 Charles Street West, No. 11 St. Thomas Street and Nos. 1 and 3 Sultan Street

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 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 subsection 37.1(3) of the Planning Act, R.S.O. c. P.13 subsections 37(1) to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, S.O. 2020, c. 18 came into force continue to apply where a municipality passes a by-law described in the repealed subsection 37(1) prior to the date that a community benefits charge by-law is passed under subsection 37(2) provided the by-law is not amended to remove the requirement to provide any of the facilities, services or matters secured therein or repealed; and

Whereas on August 15, 2022, City Council passed By-law 1139-2022 being the City's Community Benefits Charge By-law pursuant to Subsection 37(2) of the Planning Act; and

Whereas Council at its meeting of November 26, 27 28 and 29, 2002 enacted By-law 1090-2002 being a by-law described in the repealed subsection 37(1) of the Planning Act and this By-law does not amend or remove the requirement to provide facilities, services and therefore subsections 37(1) to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force continue to apply; and

Whereas this By-law can set out additional eligible facilities, services of matters for which the previous increases in height and density as set out in the Zoning By-law 1090-2002 were secured to fund.

The Council of the City of Toronto enacts:

1. Section 1 (9) C. (ii) is amended to add the words, prior to the semi-colon, "or for costs towards climate smart affordable housing".

2. A new Section 1 (11) is added to read “In the event the cash contributions referred to in subsection (9) above have not been used for the intended purpose within 3 years of the enactment of By-law 1090-2002, the cash contributions may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.”

Enacted and passed on Month Day, 2024.

Frances Nunziata, John D. Elvidge,  
Speaker City Clerk

(Seal of the City)

#### **Attachment 4: Draft Zoning By-law Amendment amending By-law 954-2005**

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~  
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend Zoning By-laws 438-86 and 954-2005, as amended,  
With respect to the lands municipally known as  
77 Charles Street West

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 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 subsection 37.1(3) of the Planning Act, R.S.O. c. P.13 subsections 37(1) to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, S.O. 2020, c. 18 came into force continue to apply where a municipality passes a by-law described in the repealed subsection 37(1) prior to the date that a community benefits charge by-law is passed under subsection 37(2) provided the by-law is not amended to remove the requirement to provide any of the facilities, services or matters secured therein or repealed; and

Whereas on August 15, 2022, City Council passed By-law 1139-2022 being the City's Community Benefits Charge By-law pursuant to Subsection 37(2) of the Planning Act; and

Whereas Council at its meeting of October 26, 27, 28 and 31, 2005 enacted By-law 954-2005 being a by-law described in the repealed subsection 37(1) of the Planning Act and this By-law does not amend or remove the requirement to provide facilities, services and therefore subsections 37(1) to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force continue to apply; and

Whereas this By-law can set out additional eligible facilities, services of matters for which the previous increases in height and density as set out in the Zoning By-law 954-2005 were secured to fund.

The Council of the City of Toronto enacts:

1. Section 2 (7) is amended to add the words, prior to the semi-colon, "or for costs towards climate smart affordable housing".

2. A new Section 1 (9) is added to read “In the event the cash contributions referred to in Section 2 of this By-law have not been used for the intended purpose within 3 years of the enactment of By-law 954-2005, the cash contributions may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.”

Enacted and passed on Month Day, 2024.

Frances Nunziata, John D. Elvidge,  
Speaker City Clerk

(Seal of the City)

## **Attachment 5: Draft Zoning By-law Amendment amending By-law 1018-2005**

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~  
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend Zoning By-laws 438-86 and 1018-2005, as amended,  
With respect to the lands municipally known as  
590 Jarvis Street

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 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 subsection 37.1(3) of the Planning Act, R.S.O. c. P.13 subsections 37(1) to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, S.O. 2020, c. 18 came into force continue to apply where a municipality passes a by-law described in the repealed subsection 37(1) prior to the date that a community benefits charge by-law is passed under subsection 37(2) provided the by-law is not amended to remove the requirement to provide any of the facilities, services or matters secured therein or repealed; and

Whereas on August 15, 2022, City Council passed By-law 1139-2022 being the City's Community Benefits Charge By-law pursuant to Subsection 37(2) of the Planning Act; and

Whereas Council at its meeting of December 5, 6 and 7, 2005 enacted By-law 1018-2005 being a by-law described in the repealed subsection 37(1) of the Planning Act and this By-law does not amend or remove the requirement to provide facilities, services and therefore subsections 37(1) to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force continue to apply; and

Whereas this By-law can set out additional eligible facilities, services of matters for which the previous increases in height and density as set out in the Zoning By-law 1018-2005 were secured to fund.

The Council of the City of Toronto enacts:

1. Sections 2. (a) (i) and (ii) are both amended to add the words, prior to the semi-colon, "or for costs towards climate smart affordable housing".

2. A new Section 1 (k) is added to read “In the event the cash contributions referred to in Section 2 of this By-law have not been used for the intended purpose within 3 years of the enactment of By-law 1018-2005, the cash contributions may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.”

Enacted and passed on Month Day, 2024.

Frances Nunziata, John D. Elvidge,  
Speaker City Clerk

(Seal of the City)

## **Attachment 6: Draft Zoning By-law Amendment amending By-law 226-2007**

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~  
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend Zoning By-laws 438-86 and 226-2007, as amended,  
With respect to the lands municipally known as  
13-21 Balmuto Street

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 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 subsection 37.1(3) of the Planning Act, R.S.O. c. P.13 subsections 37(1) to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, S.O. 2020, c. 18 came into force continue to apply where a municipality passes a by-law described in the repealed subsection 37(1) prior to the date that a community benefits charge by-law is passed under subsection 37(2) provided the by-law is not amended to remove the requirement to provide any of the facilities, services or matters secured therein or repealed; and

Whereas on August 15, 2022, City Council passed By-law 1139-2022 being the City's Community Benefits Charge By-law pursuant to Subsection 37(2) of the Planning Act; and

Whereas Council at its meeting of March 5, 6, 7 and 8, 2007 enacted By-law 226-2007 being a by-law described in the repealed subsection 37(1) of the Planning Act and this By-law does not amend or remove the requirement to provide facilities, services and therefore subsections 37(1) to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force continue to apply; and

Whereas this By-law can set out additional eligible facilities, services of matters for which the previous increases in height and density as set out in the Zoning By-law 226-2007 were secured to fund.

The Council of the City of Toronto enacts:

1. Section 2. (a)(i) is amended to add the words, prior to the semi-colon, "or improvements to any Toronto Transit Commission Subway Station".



3. Section 2. (a)(ii) is amended to add the words, prior to the semi-colon, “or for costs toward climate smart affordable housing”.

4. A new Section 2. (e) is added to read “In the event the cash contributions referred to in Section 2 have not been used for the intended purpose within 3 years of the enactment of By-law 226-2007, the cash contributions may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.”

Enacted and passed on Month Day, 2024.

Frances Nunziata, John D. Elvidge,  
Speaker City Clerk

(Seal of the City)

## **Attachment 7: Draft Zoning By-law Amendment amending By-law 60-2008(OMB)**

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~  
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend Zoning By-laws 438-86 and 60-2008(OMB), as amended,  
With respect to the lands municipally known as  
4, 6 and 8 St. Thomas Street and 100-110 Charles Street West

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 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 subsection 37.1(3) of the Planning Act, R.S.O. c. P.13 subsections 37(1) to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, S.O. 2020, c. 18 came into force continue to apply where a municipality passes a by-law described in the repealed subsection 37(1) prior to the date that a community benefits charge by-law is passed under subsection 37(2) provided the by-law is not amended to remove the requirement to provide any of the facilities, services or matters secured therein or repealed; and

Whereas on August 15, 2022, City Council passed By-law 1139-2022 being the City's Community Benefits Charge By-law pursuant to Subsection 37(2) of the Planning Act; and

Whereas the Ontario Municipal Board pursuant to its Orders issued November 29, 2007 and December 14, 2007, resulted in the enactment of By-law 60-2008(OMB), being a by-law described in the repealed subsection 37(1) of the Planning Act and this By-law does not amend or remove the requirement to provide facilities, services and therefore subsections 37(1) to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force continue to apply; and

Whereas this By-law can set out additional eligible facilities, services of matters for which the previous increases in height and density as set out in the Zoning By-law 60-2008(OMB) were secured to fund.

The Council of the City of Toronto enacts:

1. Section 1 (9)(a) is amended to add the words, prior to the semi-colon, "or improvements to any Toronto Transit Commission Subway Station".

3. Section 1 (9)(c) is amended to add the words, prior to the semi-colon, “or for costs toward climate smart affordable housing”.

4. A new Section 1 (12) is added to read “In the event the cash contributions referred to in Section 1 (9) have not been used for the intended purpose within 3 years of the enactment of By-law 60-2008(OMB), the cash contributions may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.”

Enacted and passed on Month Day, 2024.

Frances Nunziata, John D. Elvidge,  
Speaker City Clerk

(Seal of the City)

Attachment 8: Ward 11 - Zoning By-laws with potentially unspent Section 37 funds

No.	Development Address	By-law and Year	Secure by-law for	Uncommitted general funds	TTC funds
1	13 Balmuto Street	1988 22429	Roadway reconstruction below existing overpass and pedestrian walkway to entrance of pedestrian underpass.	\$22,938.49	0
2a	86-100 Bloor Street West	04/Mar/1999 133-1999	TTC: Construction of replacement entrance to Bay Subway station	0	\$493,583.76
2b			Costs to monitor traffic and pedestrian conditions and for traffic improvement measures	\$9,871.66	0
3	1,3 Sultan Street, 11 St Thomas Street and 76-98 Charles Street West	29/Nov/2002 1090-2002	Toronto Heritage Grant Program	\$109,994.20	0
4	77 Charles Street West	28/Oct/2005 954-2005	lighting improvements on public boulevard	\$3,276.86	0
5a	590 Jarvis Street	07/Dec/2005 1018-2005	Jarvis St. Improvement Project	\$138,674.88	0
5b			intersection improvements at Jarvis/Mt. Pleasant, with any unused funds to Jarvis St. Improvement Project	\$554,699.49	0
6a	13-21 Balmuto Street	06/Mar/2007 226-2007	TTC: Cumberland Subway entrance renovations	0	\$215,429.02
6b			Balmuto streetscape improvements between Bloor and Charles	\$369,306.86	0
7a	4,6,8 St. Thomas Street,	14/Dec/2007 60- 2008(OMB)	TTC: Museum Subway station upgrade,	0	\$266,924.93
7b	100-110 Charles Street West		Heritage Grant Program	\$213,539.94	0
	Total			\$1,422,302.38	\$975,937.71