

DECISION AND ORDER

Decision Issue Date Friday, July 02, 2021

PROCEEDING COMMENCED UNDER Section 45(12), subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): 908 SCW PROPERTIES INC

Applicant(s): BOUSFIELDS INC

Property Address/Description: 908 ST CLAIR AVE W

Committee of Adjustment File

Number(s): 20 122874 STE 09 MV

TLAB Case File Number(s): 20 230483 S45 09 TLAB

Hearing date: June 2, 2021

Deadline Date for Closing Submissions/Undertakings: June 8, 2021

DECISION DELIVERED BY ANA BASSIOS

APPEARANCES

Name	Role	Representative
Bousfields Inc.	Applicant	
908 SCW Properties Inc.	Owner/Appellant	Eileen Costello
Adam Nayer	Party	Andy Margaritis
Sasha Lauzon	Expert Witness	
Igor Kuperman	Participant	

INTRODUCTION

This is an Appeal of the Toronto and East York panel of the City of Toronto (City) Committee of Adjustment's (COA) refusal of an application for variances at 908-916 St Clair Ave W, the subject property.

The subject property is located on St. Clair Ave W between Dufferin St and Bathurst St. It is designated *Mixed Use Areas* in the City Official Plan (OP). The OP identifies St. Clair Ave W as an "Avenue", which are areas intended to accommodate additional growth and intensification. The southern part of the site is subject to Site and Area Specific Policy No. 326 (SASP 326) which requires all development along St. Clair Avenue West between Old Weston Road and Bathurst Street to conform to the overall vision for change as identified through the St Clair Avenue Study. This vision encourages an intensified, transit-oriented urban environment which promotes a vibrant pedestrian realm and experience. The northern portion of the site, north of Alberta Avenue, is subject to Site and Area Specific Policy No. 36 (SASP 36) which requires limited commercial uses be permitted on the ground level of buildings and near the south limit of the lands. It also requires the maximum gross density for residential uses be 2.0 times the lot area and 0.5 times the lot area for commercial uses.

The zoning for the site is split. The southern portion of the site south of Alberta Avenue, is zoned Mixed Use – Commercial Residential (MCR T6.0 C2.0 R5.0) under the former City of Toronto Zoning By-law No. 438-86, as amended by By-law No. 1103-2009. The northern portion of the site, north of Alberta Avenue, is subject to the former City of York Zoning By-law No. 1-83 and is zoned Local Commercial/Residential (LCR). These lands are also subject to Prevailing By-law No. 14513 of the former City of York Zoning By-law, which also permits a marketaria as a use on the site. The northern (rear) portion of the site is also subject to the City-wide Zoning By-law No. 569-2013 and is zoned Commercial Residential [CR (c0.0; r2.0) SS2 (x982)]. Exception 982 refers to former City of York Zoning By-law No. 14513.

On June 1, 2021, the day before the Hearing, the TLAB was advised that the Applicant/Appellant had reached a full settlement with the only identified Party to the Hearing, and with most of the neighbouring property owners. The Hearing was therefore convened as an expedited Settlement Hearing.

I advised those present at the Hearing that I had attended at the site and the surrounding area and had reviewed the pre-filed materials in preparation for the hearing of their in-person evidence.

BACKGROUND

The purpose of the application is to construct a 12-storey mixed-use building with two levels of below grade parking, retail at grade, and residential above. The southerly

portion of the site is currently occupied by three partially vacant commercial buildings of 1 to 2 storeys. The rear portion of the site is currently occupied by surface parking.

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

- 1. Chapter 40.10.40.40.(1), By-law 569-2013**
The maximum permitted floor space index of a building in a Commercial Residential Zone is 2.0 times the area of the lot (1,305.2 m²).
The portion of the mixed-use building located within this by-law will have a floor space index equal to 2.25 times the area of the lot (1,469.0 m²).
- 2. Chapter 40.10.40.40.(1), By-law 569-2013**
The maximum permitted residential floor space index of a building in a Commercial Residential Zone is 2.0 times the area of the lot (1,305.2 m²).
The portion of the mixed use building located within this by-law will have a residential floor space index equal to 2.25 times the area of the lot (1,469.0 m²).
- 3. Chapter 230.40.1.20.(2), By-law 569-2013**
A short term bicycle parking space may be located no more than 30 m from a pedestrian entrance to the building on the lot.
The short term bicycle parking spaces will not be located on the same level as a pedestrian entrance to the building on this portion of the lot.
- 4. Chapter 40.10.40.1.(1), By-law 569-2013**
On a corner lot in the Commercial Residential Zone, dwelling units may be located in the first storey of the building if the dwelling units have direct access to a street which is not a major street on the Policy Area Overlay Map and the dwelling units are located to the rear of the non-residential uses on the first storey.
The dwelling units located in the first storey of the portion of the mixed use building located within this by-law will not have direct access to a street.
- 5. Chapter 40.10.40.10.(5), By-law 569-2013**
The minimum height of the first storey, measured between the floor and the ceiling of the first storey, is 4.5 m.
The portion of the first storey located within this by-law will have a minimum height of 2.5 m.
- 6. Chapter 40.10.50.10.(3), By-law 569-2013**
If a lot abuts a lot in the Residential Zone category or Residential Apartment Zone category, a minimum 1.5 m wide strip of land used only for soft landscaping must be provided along the part of the lot line abutting the lot in the Residential Zone category or Residential Apartment Zone category.
A 0.5 m wide strip of soft landscaping will be provided along the west side lot line.
- 7. Section 2(1), By-law 438-86**

The by-law requires horizontal bicycle parking spaces to have horizontal dimensions of at least 0.6 m by 1.8 m and a vertical dimension of at least 1.9 m and occupant spaces are to be located in a secure room, and visitor spaces are to be located not within a secure room.

The horizontal bicycle parking spaces will be located in bicycle stackers with horizontal dimensions of at least 0.3 m by 1.6 m and a vertical dimension of at least 1.2 m and occupant and visitor spaces may be located within or not within a secure room.

8. Section 4(6), By-law 438-86

Two loading spaces are required to be provided: one Type B loading space for the retail store component and one Type G loading space for the dwelling unit component.

The mixed use building will have one loading space (Type B/G) used for both the retail store and dwelling unit components simultaneously.

9. Section 4(12), By-law 438-86

The required minimum amount of indoor residential amenity space is 314 m² and the required minimum amount of outdoor residential amenity space is 314 m² with at least 40m² provided in a location adjoining or directly accessible from the indoor residential amenity space.

The portion of the mixed use building located within this by-law will have 340 m² of indoor residential amenity space and 92 m² of outdoor residential amenity in a location that is not adjoining or directly accessible from the indoor residential amenity space.

10. Section 8(3) Part I (1), By-law 438-86

The maximum permitted combined non-residential gross floor area and residential gross floor area is 6.0 times the area of the lot (9,841.80 m²).

The portion of the mixed use building located within this by-law will have a combined non-residential gross floor area and residential gross floor area equal to 7.2 times the area of the lot (11,800.00 m²).

11. Section 8(3) Part I 3(A), By-law 438-86

The maximum permitted residential gross floor area of a mixed use building is 5.0 times the area of the lot (8,201.50 m²).

The portion of the mixed use building located within this by-law will have a residential gross floor area equal to 6.8 times the area of the lot (11,100.00 m²).

12. Section 4(A)(iii), Site Specific By-law 1103-2009

The maximum permitted height is 39.00 m.

The mixed use building will have a height of 39.95 m.

13. Section 4(E)(i), Site Specific By-law 1103-2009

The maximum permitted height of a mixed use building, including mechanical penthouses, stair towers, elevator shafts and other such elements is 44.00 m.

The mixed use building, including the mechanical penthouses, stair towers, elevator shafts and other such elements will have a maximum height of 44.95 m.

14. Section 4(E)(i), Site Specific By-law 1103-2009

The aggregate horizontal area of the rooftop mechanical room may not exceed 30% (242 m²) of the area of the roof of the mixed use building.

The aggregate horizontal area of the rooftop mechanical room will not exceed 45% (363 m²) of the area of the roof of the mixed use building.

15. Section 5(A), Site Specific By-law 1103-2009

No person shall erect or use a building or structure on a lot in an MCR District having any part of the building or structure closer to the curb line of the travelled portion of St. Clair Avenue West than 4.5 m.

The mixed used building, above the ground floor, will be located a minimum of 3.7 m from the curb line of the travelled portion of St. Clair Avenue West.

16. Section 6(A)(i), Site Specific By-law 1103-2009

The minimum required step back for a main external building wall facing a street, at a height of 16.5 m or five storeys, whichever is the lesser, is 1.5 m.

The mixed use building will have a step back of 1.5 m above the fifth storey facing St. Clair Avenue West and Alberta Avenue, at a height no more than 19.0 m.

17. Section 6(A)(i), Site Specific By-law 1103-2009

The minimum required step back for a main external building wall facing a street, at a height of 22.5 m or seven storeys, whichever is the lesser, is 1.5 m, measured from the face of the external wall directly below.

The mixed use building will have a step back of 1.5 m above the seventh storey facing St. Clair Avenue West and Alberta Avenue, at a height no more than 25.0 m.

18. Section 7(A)(ii), Site Specific By-law 1103-2009

Where the height of the building or structure exceeds 30 m, measured above the average elevation of the ground abutting St. Clair Avenue West, all parts of such building or structure shall be contained within a 45 degree angular plane projected over the lot from the 3.0 m setback at an elevation of 30 m above the average elevation of the ground abutting St. Clair Avenue West.

The mixed use building will penetrate the angular plane above the ninth floor.

19. Section 8(A)(ii), Site Specific By-law 1103-2009

Where the height of a building or structure is greater than 3 storeys, the main external building wall of the first 5 storeys or 16.5 m, whichever is the lesser, shall be built at the build-to line (4.5 m of the curb line of the travelled portion of St. Clair Avenue West) and occupy at least 80% (26.7 m) of the length of the portion of the abutting St. Clair Avenue West.

The proposed building will be located a minimum of 3.7 m from the curb line at a height of 16.5 m and will occupy at least 50% (16.7 m) of the length of the lot abutting St. Clair Avenue West.

20. Section 9(A), Site Specific By-law 1103-2009

A minimum 1.5 m wide strip of soft landscaping shall be provided along the part of the lot line abutting a Residential District.

A 0.5 m strip of soft landscaping will be provided along the west side lot line.

21. Section 10(A), Site Specific By-law 1103-2009

Only secondary windows shall be located on a sidewall of a building located less than 5.5 m from a side lot line that does not abut a street.

A portion of the sidewall located 2.0 m from the west side lot line, within a depth of 13.0 m from the front lot line, will have primary and secondary windows on floors six through nine.

22. Section 11, Site Specific By-law 1103-2009

A minimum of 99 resident parking spaces, excluding residential visitor spaces, are required to be provided.

58 resident parking spaces will be provided within the portion of the mixed use building located within this by-law, excluding residential visitor spaces.

23. Section 3.1.3, By-law 1-83

No building shall be erected or used on any lot which does not abut a highway.

The portion of the lot located in the former City of York will not abut a highway.

24. Section 11.3.1.(5), By-law 1-83

The maximum permitted floor space index is 2.0 times the area of the lot (1,305.2 m²).

The portion of the mixed use building located in the former City of York will have a floor space index equal to 2.25 times the area of the lot (1,469.0 m²).

25. Section 11.3.1.(9), By-law 1-83

At least one major building entrance shall provide direct access to a public street.

The portion of the mixed use building located in the former City of York will not provide direct access to a public street.

MATTERS IN ISSUE

As a settlement has been achieved between the Parties to this Appeal, the matter in issue is solely the question of whether the requested variances, with the conditions proposed, meet all of the four tests under s. 45(1) of the Act.

JURISDICTION

Provincial Policy – S. 3

A decision of the Toronto Local Appeal Body ('TLAB') must be consistent with the 2020 Provincial Policy Statement ('PPS') and conform to the Growth Plan for the Greater Golden Horseshoe for the subject area ('Growth Plan').

Variance – S. 45(1)

In considering the applications for variances from the Zoning By-laws, the TLAB Panel must be satisfied that the applications meet all of the four tests under s. 45(1) of the Act. The tests are whether the variances:

- maintain the general intent and purpose of the Official Plan;
- maintain the general intent and purpose of the Zoning By-laws;
- are desirable for the appropriate development or use of the land; and
- are minor.

EVIDENCE

Expert Witness

Sasha Lauzon was qualified as an expert in Land Use Planning and gave evidence in support of the settlement, relying on her Expert Witness Statement which was marked as Exhibit 5.

I was advised that two changes had been made to the list of requested variances that were before the COA; a requested fence variance has been deleted and wording has been added to variances 16 and 17 to clarify that the variances will apply to Alberta Ave as well as St Clair Ave W.

In her testimony, Ms. Lauzon referred to her Witness Statement and the grounds contained therein for explanation and justification for each of the variances requested. She reviewed for the TLAB the revised plans which have been agreed to as part of the settlement between the Parties and 11 residents of Alberta Ave, highlighting mitigation measures which have been incorporated into the plans that are before the TLAB for approval.

In Ms. Lauzon's opinion, the requested variances both individually and cumulatively meet the four tests for a minor variance as set out in Section 45(1) of the *Planning Act*: they maintain the general intent and purpose of the Official Plan; they maintain the general intent and purpose of the Zoning By-law; they are minor in nature in that they result in no adverse impacts which have not been mitigated by the measures proposed; and the proposal is desirable for the appropriate development and use of the lands.

Ms. Lauzon advised that with respect to the revised technical wording amendment for the two variances to Section 6(A)(i) of Site Specific By-law 1103-2009, it is her opinion

that the addition of the reference to Alberta Avenue provides clarity, and that there are no changes to the actual built form of the proposal or relief being sought. Therefore, in her opinion, there is no need for further notice and the requirements of Section 45(18.1.1) have been addressed.

Ms. Lauzon advised that when the requested variances were considered by the COA, Community Planning staff had sought a condition to the approval, should the COA have authorized the variances, that the variances be approved subject to substantial compliance with the ground floor plan and elevation drawings. These plans and drawings have since been revised as a result of the settlement and the Applicant proposes that the TLAB set a similar condition of approval to tie the variance approvals to the revised plans and drawings (dated May 31, 2021).

In addition, a second condition has been proposed by the Applicant which Ms. Lauzon advised is, in her opinion, appropriate and should be approved. This proposed second condition requires that the Applicant make a cash contribution to the City of Toronto in the amount of \$450,000.00 to be allocated towards improvements at Charles Brereton Park, or another local community project in the vicinity of the site.

I enquired of the Expert Witness and counsel for the Applicant as to the foundation and justification for the proposed condition requiring a financial contribution to the City. Counsel proposed to obtain from the City a letter of support and confirmation of the authority to compel such a contribution via a condition of approval. On June 8, 2021, correspondence was received by the TLAB from Jason Davidson, counsel for the City of Toronto, citing Section 45(9) of the *Planning Act*.

Conditions in decision

45(9) Any authority or permission granted by the committee under subsections (1), (2) and (3) may be for such time and subject to such terms and conditions as the committee considers advisable and as are set out in the decision.

In addition, Mr. Davidson cited Chapter 5 of the OP and referenced community benefits and the Implementation tools that are available to municipalities in creating new parks, open space and community infrastructure for additional residents and workers that growth brings.

Mr. Davidson provided the following assurance to the TLAB: "The City is of the view that this condition falls within the authority conferred upon the Toronto Local Appeal Body under Section 45(9), meets the intent of the City's Official Plan policies, is reasonably connected to the variances for height and density sought in the Application, and is appropriate in this instance".

Participant

I heard also from Mr. Igor Kuperman, a Participant, who continues to oppose the proposal. Mr. Kuperman advised that it is the northern part of the building (to the rear of the site on Alberta Ave) that is his greater concern and expressed his concern that the project had moved forward without consultation with the neighbourhood.

Mr. Kuperman has been a resident on Alberta Ave for 20 years and is distressed that his property has progressively been “surrounded” by high rise developments. He expressed his frustration with the impacts of ongoing construction in terms of the immediate impacts such as vibration, but also the deprivation of sunlight that he feels will be a consequence of the proposed development.

Mr. Kuperman questioned how the policies which permit this application were made and referred the TLAB to the unanimous decision of the COA to deny the application.

ANALYSIS, FINDINGS, REASONS

This Hearing was convened as an expedited Settlement Hearing for the purposes of approving a revised set variances, plans and drawings. One Participant spoke in opposition to the proposal.

I note that as a settlement, this case has no precedential value since any findings of fact are for the limited purpose of ensuring that the settlement is not contrary to the *Planning Act*.

I find that the proposed development is consistent with the PPS (2020) and conforms to the Growth Plan.

Some of the requested variances to facilitate the development are duplicated as they are required under more than one of the by-laws which apply to the site. As such, I have summarized my findings in general categories to facilitate explanation.

The proposed development will result in a mid-rise form along the St Clair Ave frontage and a four-storey plus mezzanine building at the rear of the site. The number of storeys proposed is permitted by the By-laws and the requested variances for height exceed the By-law requirements by less than a metre. The requested variances for setbacks and for the build-to line are reasonable within the context of the development and will not cause adverse impact on the neighbourhood or St Clair Ave. I find that the proposed building heights, setbacks and build-to line fit with the range of existing heights and with the planned context in the neighbourhood, and are appropriate for the subject site.

The density on each portion of the site exceeds By-law requirements, but the combined non-residential gross floor area proposed and the residential gross floor area density on an overall site basis is 5.79 FSI, less than the 6.0 floor space index (FSI) generally permitted under the St Clair Corridor Zoning By-law (the former City of Toronto Zoning By-law No. 438-86). Across the site as a whole, the proposed increase to 5.48 FSI for the residential component of the development is a relatively small increase in the context, and I find the density to be appropriate and desirable.

In regard to the variances requested for the provision of parking, a transportation study was prepared, and City Transportation staff did not have concerns with the proposed reduction in parking supply. On this basis, I find that the variances for vehicle parking and bicycle parking to be appropriate and desirable.

The variance requested for the reduction in soft landscaping along the west lot line applies to the northerly portion of the site and has been requested in order to facilitate safe vehicle and truck maneuvering. I find that the other mitigation measures which have been included in the proposal as before the TLAB address the potential impacts of the requested variance and I therefore find that the variance is appropriate.

A variance relating to outdoor amenity space is required for the southerly portion of the site. However, on an overall site basis, the proposed development will exceed the required amount of amenity space, both indoor and outdoor. All residents will have access to the amenity areas provided and I find the variances relating to amenity space to be appropriate and desirable.

I find that the proposal as a whole represents an appropriate and desirable form of mid-rise infill development within a designated Avenue that is well-served by higher order transit, in accordance with policy directions of the Growth Plan and the OP. I find that the evidence of Ms. Lauzon with regard to the requested variances is persuasive and supportable. On the basis of the evidence provided by the Expert Witness and the City's undertaking provided by Mr. Davidson, I find that the variances requested, and the proposed conditions, individually and cumulatively meet the four tests mandated by s. 45(1) of the *Planning Act*.

I find that the revised technical wording amendment for the two variances to Section 6(A)(i) of Site Specific By-law 1103-2009, and the elimination of the variance to Chapter 40.10.50.10.(2), By-law 569-2013 regarding the provision of a fence, to be minor and do not require further notice as might otherwise be relevant under s. 45(18.1.1.) of the *Planning Act*.

DECISION AND ORDER

The Appeal of the decision of the Committee of Adjustment is allowed, in part, and the variances set out in Schedule A are authorized subject to the conditions contained therein.

If difficulties arise regarding this Decision and Order, the TLAB may be spoken to.

X 

Ana Bassios
Panel Chair, Toronto Local Appeal Body

SCHEDULE A

APPROVED VARIANCES AND CONDITIONS OF VARIANCE APPROVAL

VARIANCES:

1. **Chapter 40.10.40.40.(1), By-law 569-2013**
The maximum permitted floor space index of a building in a Commercial Residential Zone is 2.0 times the area of the lot (1,305.2 m²).
The portion of the mixed-use building located within this by-law will have a floor space index equal to 2.25 times the area of the lot (1,469.0 m²).
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3. **Chapter 230.40.1.20.(2), By-law 569-2013**
A short term bicycle parking space may be located no more than 30 m from a pedestrian entrance to the building on the lot.
The short term bicycle parking spaces will not be located on the same level as a pedestrian entrance to the building on this portion of the lot.
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The dwelling units located in the first storey of the portion of the mixed use building located within this by-law will not have direct access to a street.
5. **Chapter 40.10.40.10.(5), By-law 569-2013**
The minimum height of the first storey, measured between the floor and the ceiling of the first storey, is 4.5 m.
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If a lot abuts a lot in the Residential Zone category or Residential Apartment Zone category, a minimum 1.5 m wide strip of land used only for soft landscaping must be provided along the part of the lot line abutting the lot in the Residential Zone category or Residential Apartment Zone category.

A 0.5 m wide strip of soft landscaping will be provided along the west side lot line.

7. Section 2(1), By-law 438-86

The by-law requires horizontal bicycle parking spaces to have horizontal dimensions of at least 0.6 m by 1.8 m and a vertical dimension of at least 1.9 m and occupant spaces are to be located in a secure room, and visitor spaces are to be located not within a secure room.

The horizontal bicycle parking spaces will be located in bicycle stackers with horizontal dimensions of at least 0.3 m by 1.6 m and a vertical dimension of at least 1.2 m and occupant and visitor spaces may be located within or not within a secure room.

8. Section 4(6), By-law 438-86

Two loading spaces are required to be provided: one Type B loading space for the retail store component and one Type G loading space for the dwelling unit component.

The mixed use building will have one loading space (Type B/G) used for both the retail store and dwelling unit components simultaneously.

9. Section 4(12), By-law 438-86

The required minimum amount of indoor residential amenity space is 314 m² and the required minimum amount of outdoor residential amenity space is 314 m² with at least 40m² provided in a location adjoining or directly accessible from the indoor residential amenity space.

The portion of the mixed use building located within this by-law will have 340 m² of indoor residential amenity space and 92 m² of outdoor residential amenity in a location that is not adjoining or directly accessible from the indoor residential amenity space.

10. Section 8(3) Part I (1), By-law 438-86

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The portion of the mixed use building located within this by-law will have a residential gross floor area equal to 6.8 times the area of the lot (11,100.00 m²).

12. Section 4(A)(iii), Site Specific By-law 1103-2009

The maximum permitted height is 39.00 m.

The mixed use building will have a height of 39.95 m.

- 13. Section 4(E)(i), Site Specific By-law 1103-2009**
The maximum permitted height of a mixed use building, including mechanical penthouses, stair towers, elevator shafts and other such elements is 44.00 m.
The mixed use building, including the mechanical penthouses, stair towers, elevator shafts and other such elements will have a maximum height of 44.95 m.
- 14. Section 4(E)(i), Site Specific By-law 1103-2009**
The aggregate horizontal area of the rooftop mechanical room may not exceed 30% (242 m²) of the area of the roof of the mixed use building.
The aggregate horizontal area of the rooftop mechanical room will not exceed 45% (363 m²) of the area of the roof of the mixed use building.
- 15. Section 5(A), Site Specific By-law 1103-2009**
No person shall erect or use a building or structure on a lot in an MCR District having any part of the building or structure closer to the curb line of the travelled portion of St. Clair Avenue West than 4.5 m.
The mixed used building, above the ground floor, will be located a minimum of 3.7 m from the curb line of the travelled portion of St. Clair Avenue West.
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The minimum required step back for a main external building wall facing a street, at a height of 16.5 m or five storeys, whichever is the lesser, is 1.5 m.
The mixed use building will have a step back of 1.5 m above the fifth storey facing St. Clair Avenue West and Alberta Avenue, at a height no more than 19.0 m.
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The mixed use building will have a step back of 1.5 m above the seventh storey facing St. Clair Avenue West and Alberta Avenue, at a height no more than 25.0 m.
- 18. Section 7(A)(ii), Site Specific By-law 1103-2009**
Where the height of the building or structure exceeds 30 m, measured above the average elevation of the ground abutting St. Clair Avenue West, all parts of such building or structure shall be contained within a 45 degree angular plane projected over the lot from the 3.0 m setback at an elevation of 30 m above the average elevation of the ground abutting St. Clair Avenue West.
The mixed use building will penetrate the angular plane above the ninth floor.
- 19. Section 8(A)(ii), Site Specific By-law 1103-2009**
Where the height of a building or structure is greater than 3 storeys, the main external building wall of the first 5 storeys or 16.5 m, whichever is the lesser, shall be built at the build-to line (4.5 m of the curb line of the travelled portion of

St. Clair Avenue West) and occupy at least 80% (26.7 m) of the length of the portion of the abutting St. Clair Avenue West.

The proposed building will be located a minimum of 3.7 m from the curb line at a height of 16.5 m and will occupy at least 50% (16.7 m) of the length of the lot abutting St. Clair Avenue West.

20. Section 9(A), Site Specific By-law 1103-2009

A minimum 1.5 m wide strip of soft landscaping shall be provided along the part of the lot line abutting a Residential District.

A 0.5 m strip of soft landscaping will be provided along the west side lot line.

21. Section 10(A), Site Specific By-law 1103-2009

Only secondary windows shall be located on a sidewall of a building located less than 5.5 m from a side lot line that does not abut a street.

A portion of the sidewall located 2.0 m from the west side lot line, within a depth of 13.0 m from the front lot line, will have primary and secondary windows on floors six through nine.

22. Section 11, Site Specific By-law 1103-2009

A minimum of 99 resident parking spaces, excluding residential visitor spaces, are required to be provided.

58 resident parking spaces will be provided within the portion of the mixed use building located within this by-law, excluding residential visitor spaces.

23. Section 3.1.3, By-law 1-83

No building shall be erected or used on any lot which does not abut a highway.

The portion of the lot located in the former City of York will not abut a highway.

24. Section 11.3.1.(5), By-law 1-83

The maximum permitted floor space index is 2.0 times the area of the lot (1,305.2 m²).

The portion of the mixed use building located in the former City of York will have a floor space index equal to 2.25 times the area of the lot (1,469.0 m²).

25. Section 11.3.1.(9), By-law 1-83

At least one major building entrance shall provide direct access to a public street.

The portion of the mixed use building located in the former City of York will not provide direct access to a public street.

CONDITIONS:

1. The proposed development shall be constructed substantially in accordance with the following drawings prepared by TACT Architecture and dated May 31, 2021, attached as Attachment A hereto:

A1.2 Site Statistics Summary	A2.12 9 th Floor
A1.3 Views	A2.13 10 th Floor
A2.1 Site Plan	A2.14 11 th Floor
A2.2 P2 level	A2.15 12 th Floor
A2.3 P1 level	A3.1 South Elevation
A2.4 Ground Floor Plan	A3.2 North Elevation
A2.5 Mezzanine	A3.3 East Elevation
A2.6 2 nd Floor	A3.4 West Elevation
A2.7 3 rd – 4 th Floor	A4.1 Section A
A2.8 5 th Floor	A4.2 Section B
A2.9 6 th Floor	A4.3 Section C
A2.10 7 th Floor	A4.4 Section D
A2.11 8 th Floor	A4.5 Section E

2. Prior to issuance of the first above-grade building permit:
 - a. 908 SCW Properties Inc. shall make a cash contribution to the City of Toronto, in the amount of \$450,000.00 to the satisfaction of the City Solicitor, to be allocated towards improvements at Charles Brereton Park or another local community project in the vicinity of the site to be determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor. The financial contribution shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of final approval of the minor variance application to the date of payment and
 - b. 908 SCW Properties Inc. shall provide a letter from its solicitor confirming that it has provided to the City of Toronto, the cash contribution referred to above in Condition 2a.

A1.2



TACT	
Product	Revision
01	20110101 Initial
02	20110101 Initial
03	20110101 Initial
04	20110101 Initial
05	20110101 Initial
06	20110101 Initial
07	20110101 Initial
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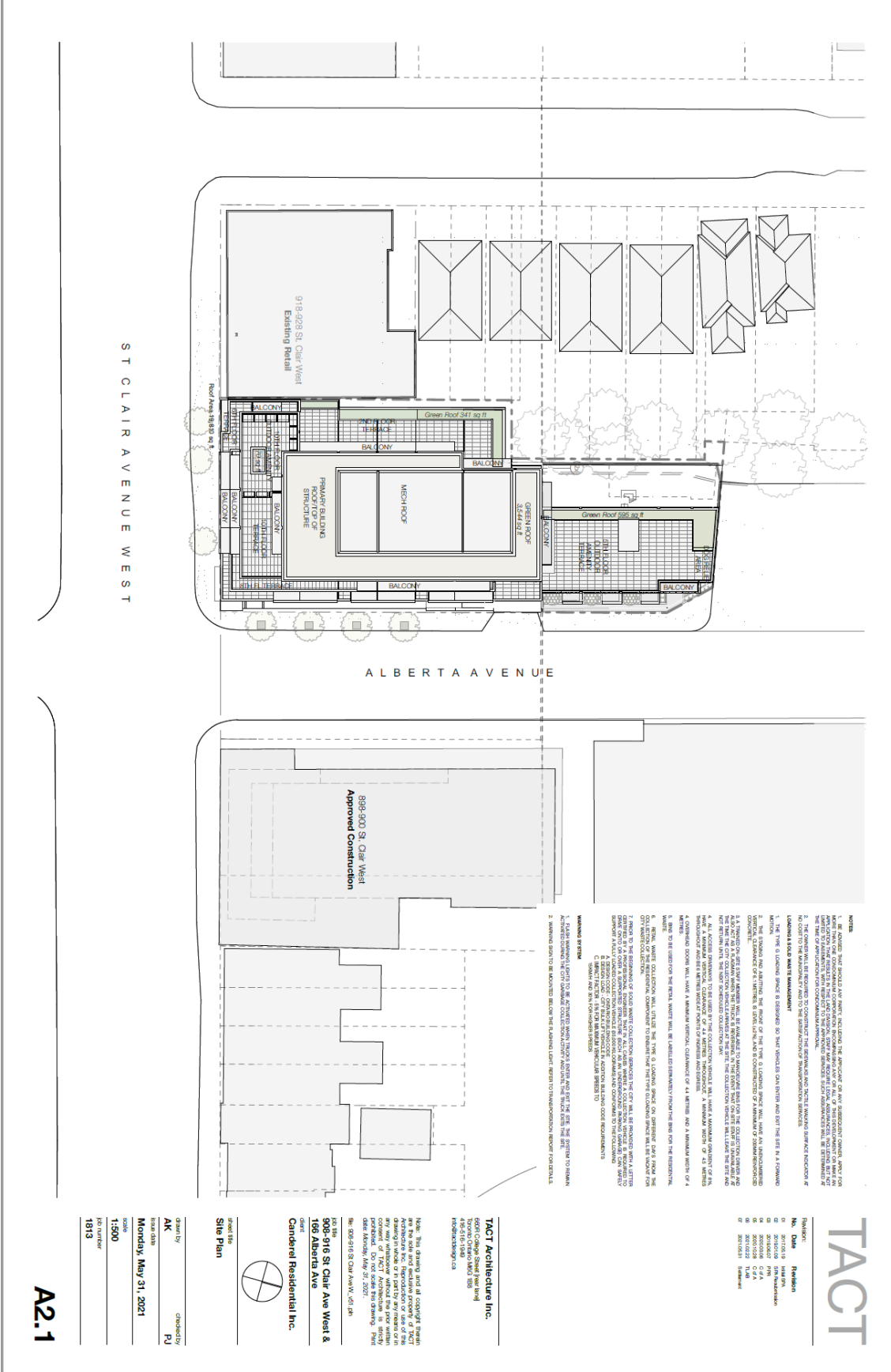
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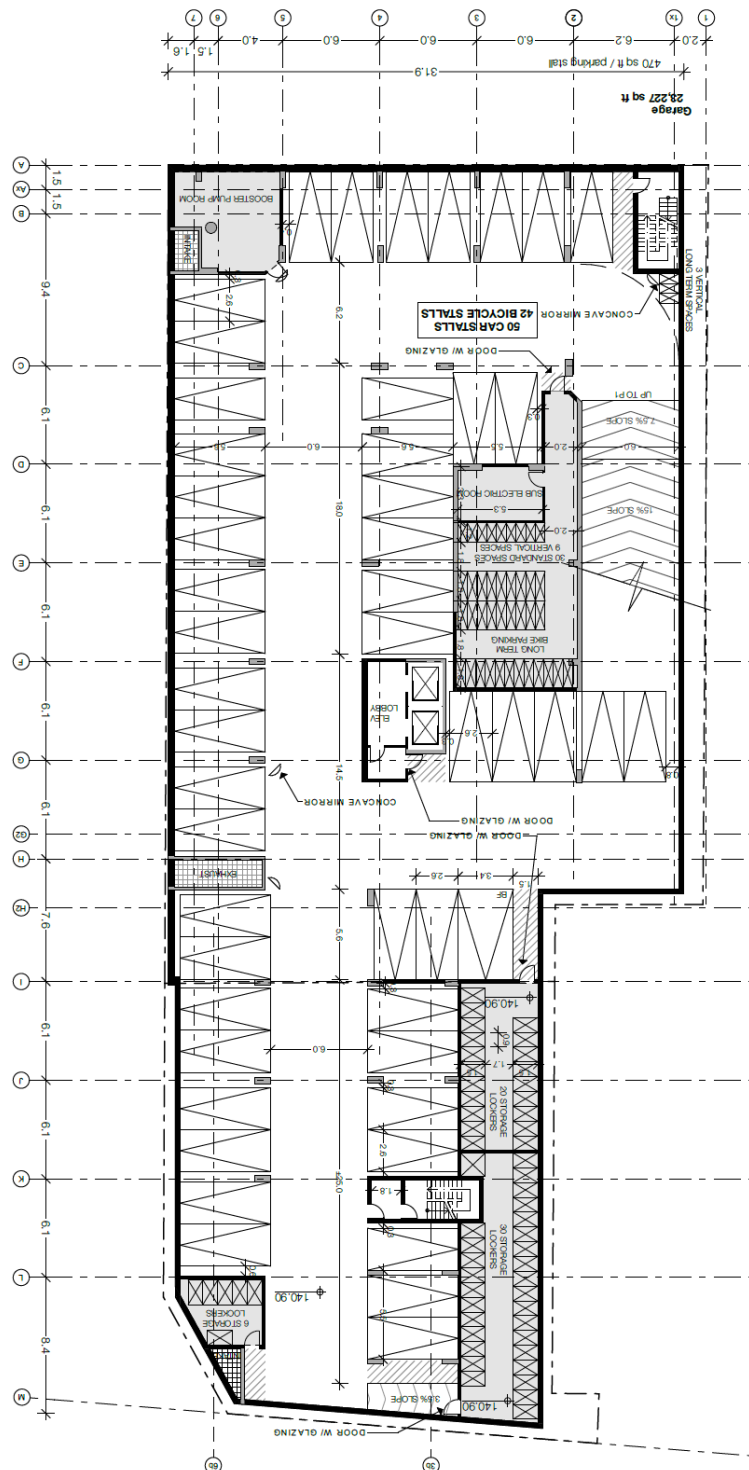
File: 20-230483-St Clair Ave W, 3rd Flr
Job No: 20-230483
906-916 St Clair Ave West & 105 Alberta Ave
Client: Candover Residential Inc.

Drawn by	Checked by	Reviewed by
AK	PJ	
Monday, May 31, 2021		
Scale:		
AS: 1/8" = 1'-0"		
1813		

A1.3



A2.2



[illegible]

drawn by	checked by
AK	P
issue date	
Monday, May 31, 2021	
scale	
1:250	
job number	
1813	

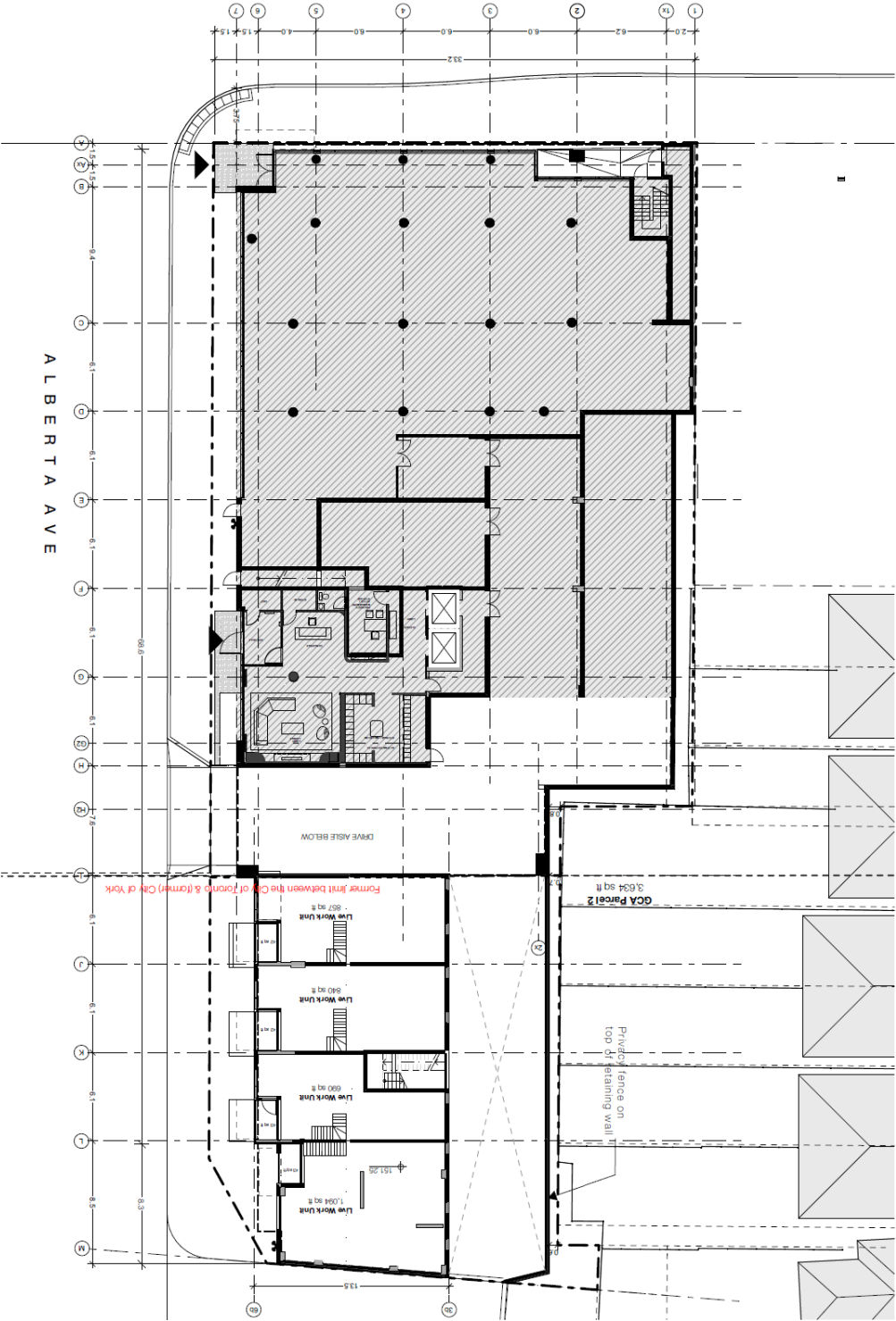
908-916 St Clair Ave West &
166 Alberta Ave

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info@iactd.ca

No.	Date	Revision
01	2017.05.19	Initial SPA
02	2018.01.09	S/PK Revisi dan Isotasi
03	2018.06.07	PRR
04	2020.03.06	C of A
05	2020.10.28	C of A
06	2021.02.22	TLAB
07	2021.06.31	Revisi awal

TACT



TACT

Project: 20170010
Client: S&B Development
Architect: TACT Architecture Inc.
Project Manager: TACT Architecture Inc.
Design Team: TACT Architecture Inc.
Project Number: 20170010
Project Name: 908-916 St Clair Ave West & 160 Alberta Ave
Project Address: 908-916 St Clair Ave West & 160 Alberta Ave
Project City: Toronto, Ontario
Project Date: May 31, 2021

TACT Architecture Inc.
TACT Architecture Inc.
416-516-1548
tactarchitecture.ca

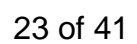
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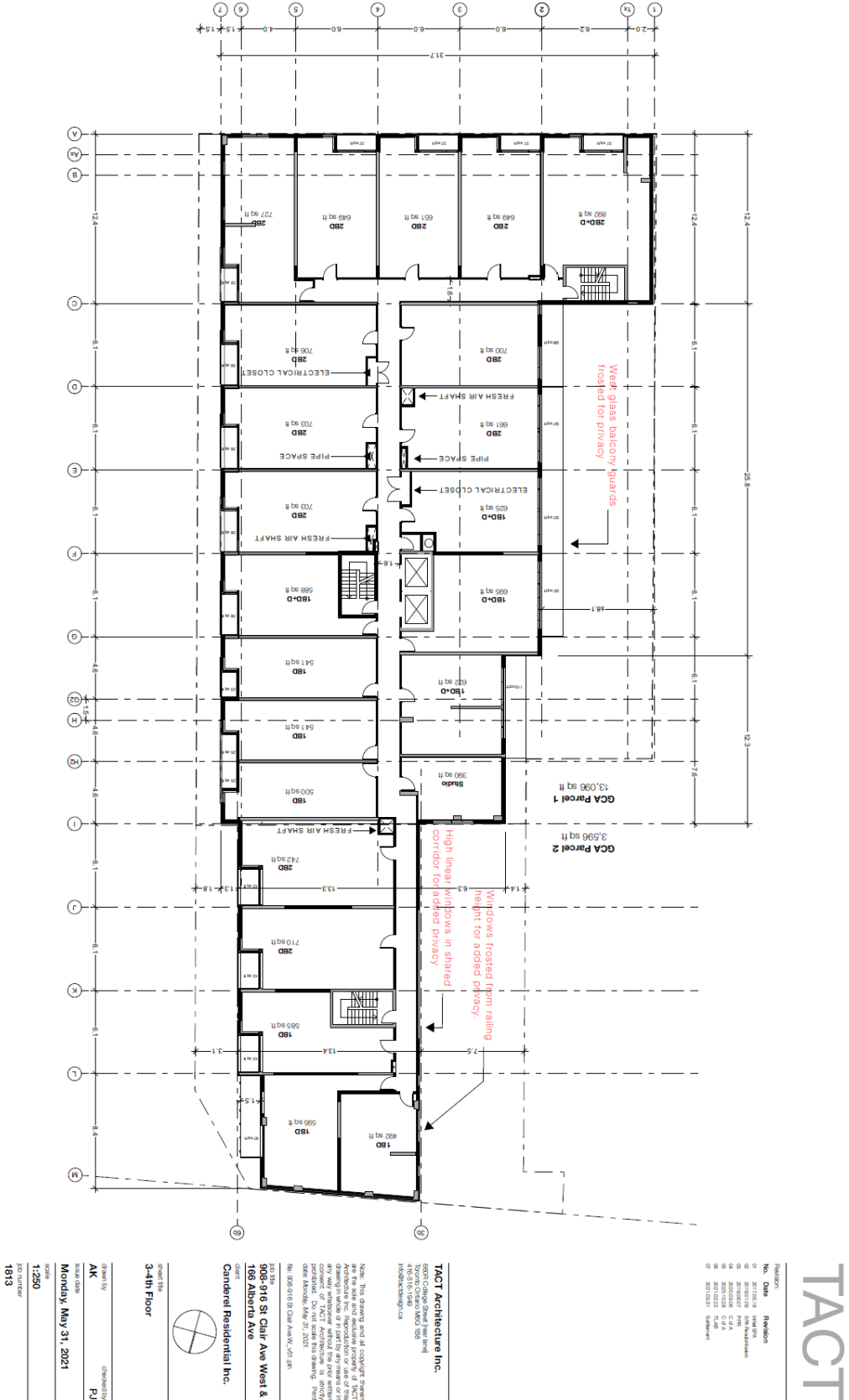
PO Box
908-916 St Clair Ave West & 160 Alberta Ave
Carleton Place, Ontario

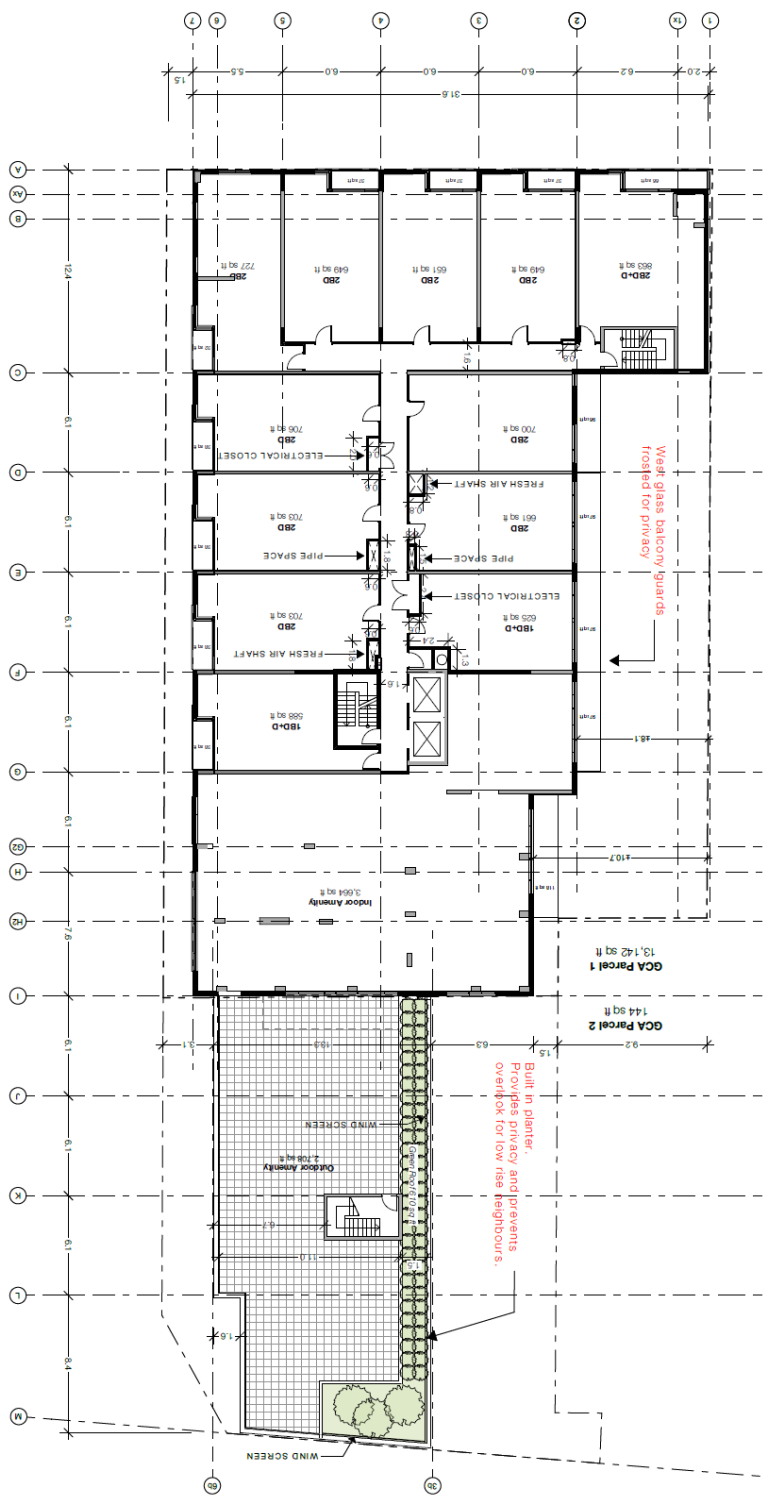


Sheet Title	Mezzanine
Drawn by	AK
Checked by	PI
Project Name	Monday, May 31, 2021
Scale	1:250
Plot Number	1613

A2.5







TACT
Architectural
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Toronto, Ontario M5T 1A5
Tel: 416-593-1540
Fax: 416-593-1541
Email: info@tact.ca
Website: www.tact.ca

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Email: info@tact.ca
Website: www.tact.ca

908-916 St Clair Ave West & 166 Alberta Ave
Client: Candem Residential Inc.
1001 Clegg Street, Suite 100
Toronto, Ontario M5T 1A5
Tel: 416-593-1540
Fax: 416-593-1541
Email: info@tact.ca
Website: www.tact.ca

5th Floor
Scale: 1:250
Date: Monday, May 31, 2021
Drawn by: AK
Checked by: PJ
1813

A2.8

TACT

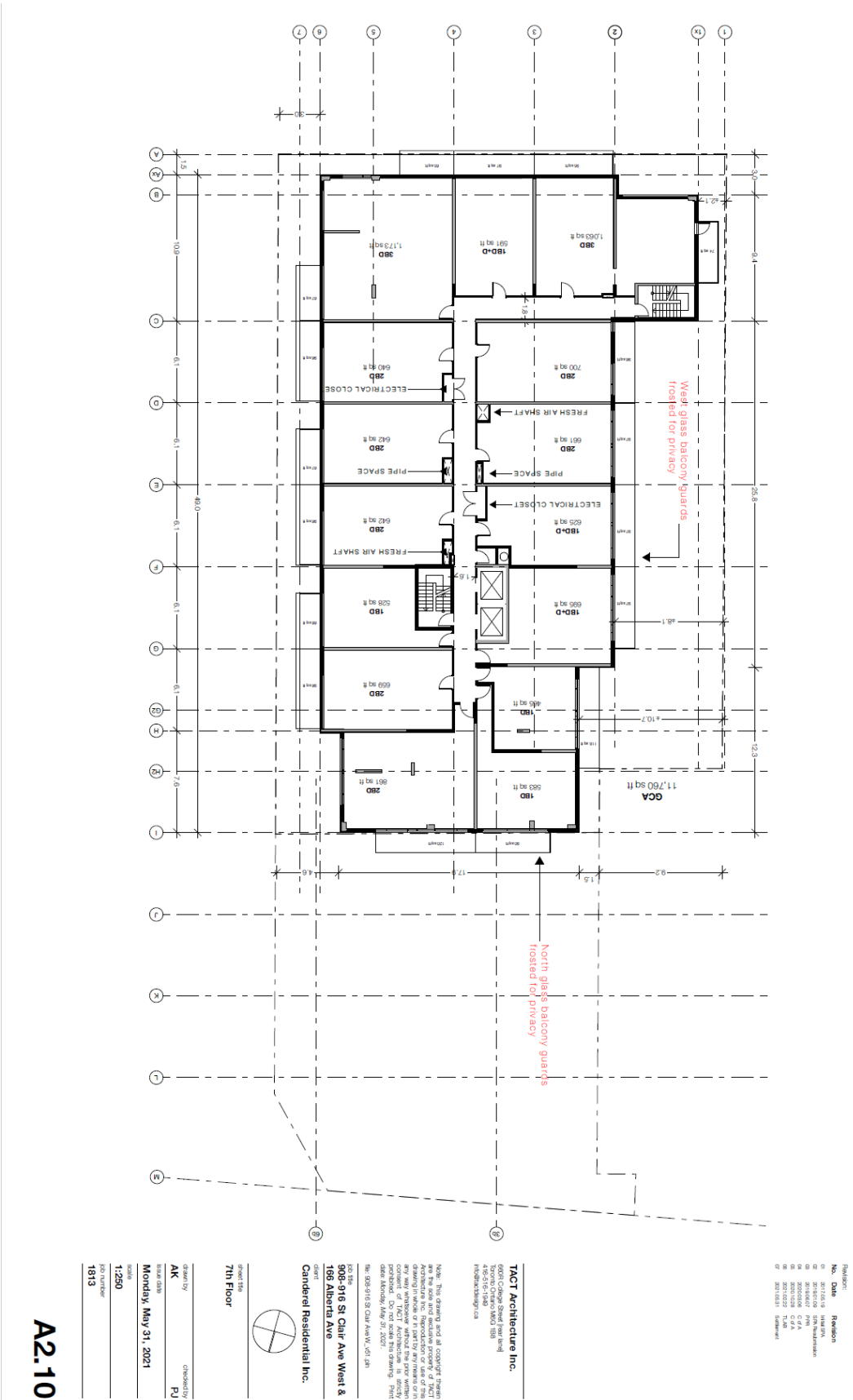
TACT Architecture Inc.
6609 College Street (near Inlet)
Toronto Ontario M6G 1B8
416-516-1949
info@tactdesign.ca

job site
908-916 St Clair Ave West &
166 Alberta Ave

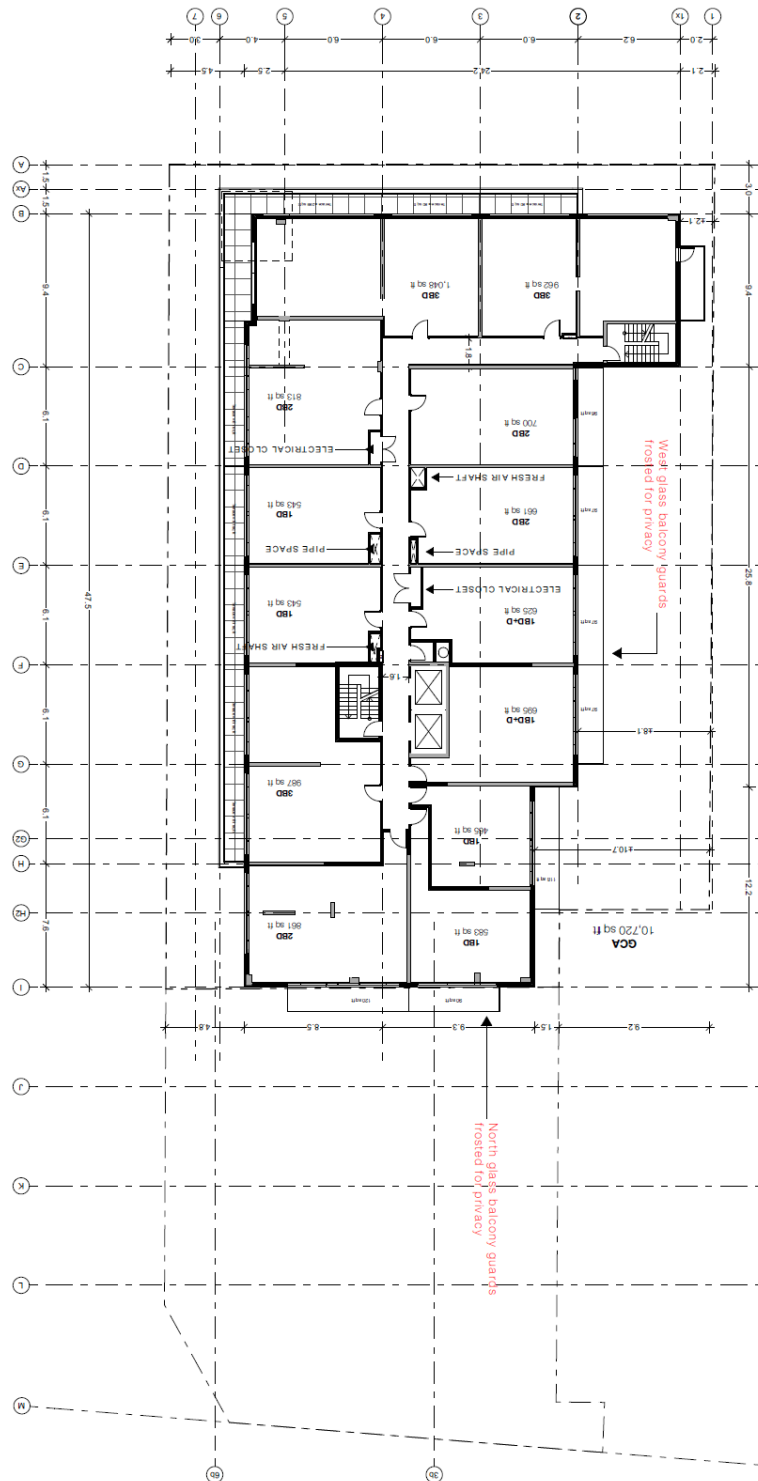


scale	1:250
job number	1813

26 of 41



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908-916 St Clair Ave West &
166 Alberta Ave

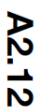


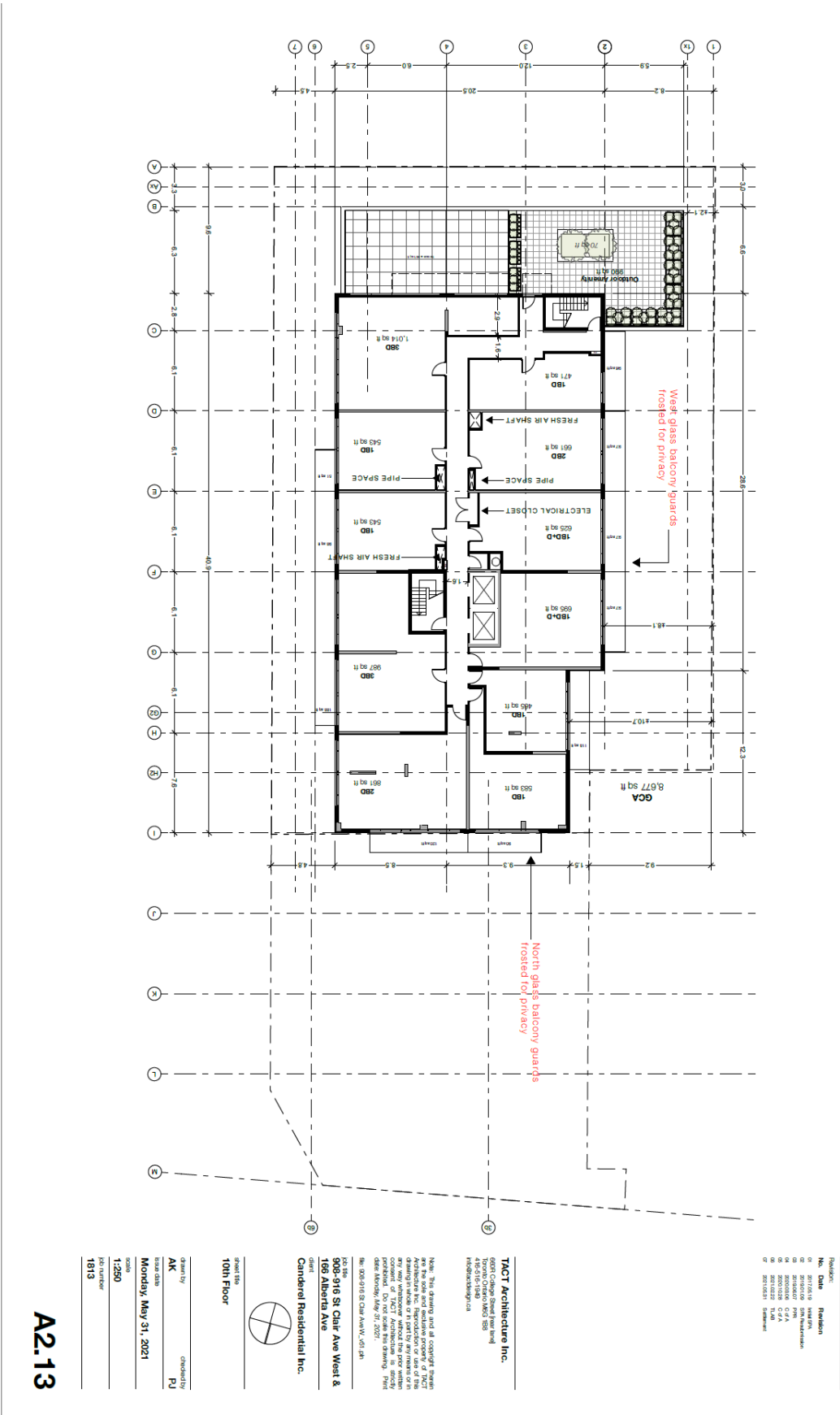
8th Floor

drawn by	checked by
AK	PJ

scale
1:250
job number
1813

A2.11





TACT

Project Name: 10th Floor
Project Number: 20210519-10thFloor
Project Date: 20210519
Project Location: 10th Floor
Project Status: C-2A
Project Type: TLAB
Project Owner: [Redacted]

TACT Architecture Inc.
5000 Yonge Street, Suite 100
Toronto, Ontario M2N 6L9
416-593-1540
info@tact.ca

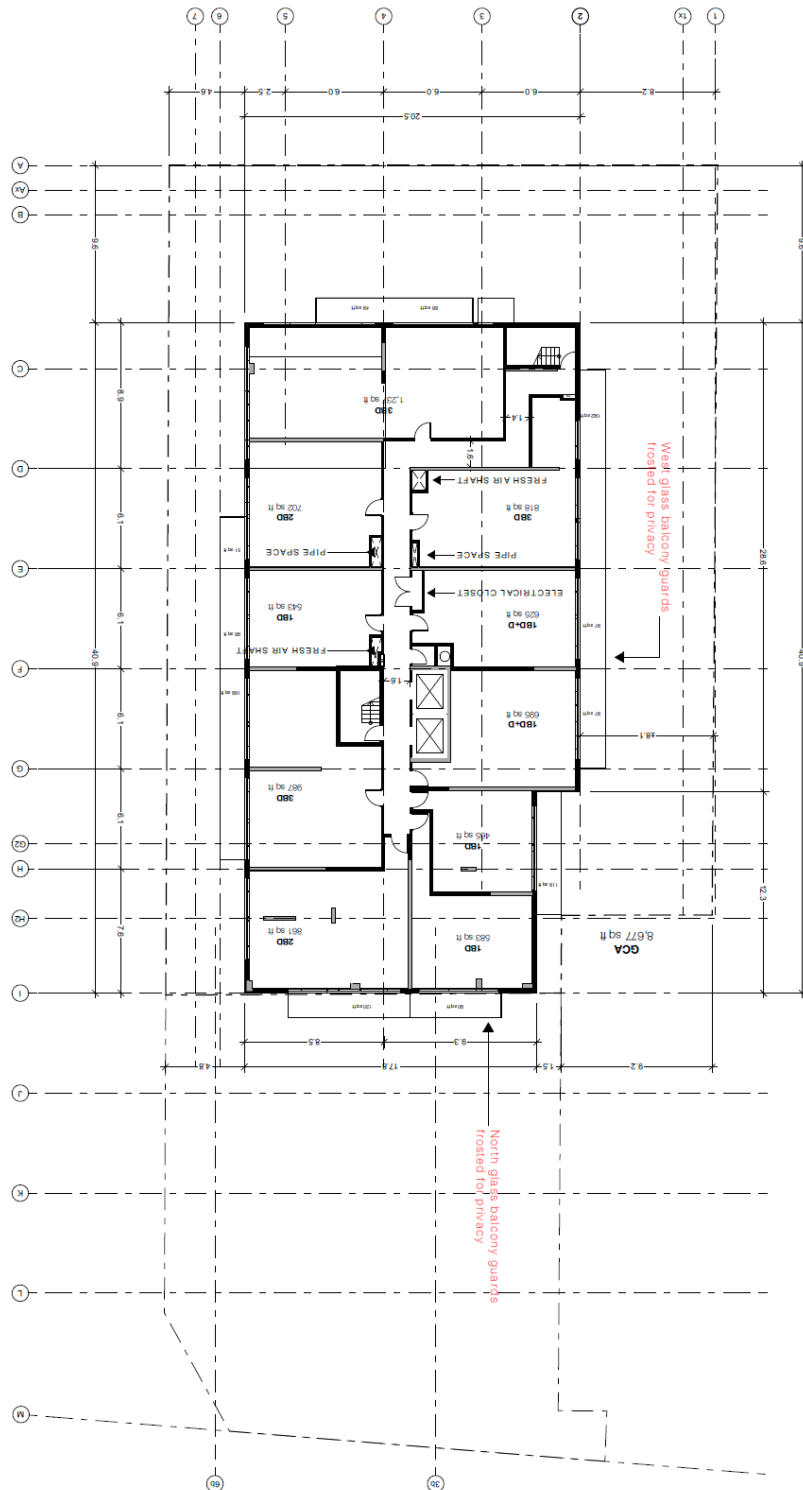
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Project Date: 20210519
Project Location: 10th Floor
Project Status: C-2A
Project Type: TLAB
Project Owner: [Redacted]

Client: 10th Floor
Project Name: 10th Floor
Project Number: 20210519-10thFloor
Project Date: 20210519
Project Location: 10th Floor
Project Status: C-2A
Project Type: TLAB
Project Owner: [Redacted]

A2.13

TACT

No.	Date	Revision
01	2017.05.19	Initial GPA
02	2019.01.09	SIPPA Reevaluation
03	2019.06.07	PPH
04	2020.03.06	C of A
05	2020.10.28	C of A
06	2021.02.22	TUAB
07	2021.05.31	Settlement



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908-916 St Clair Ave West &
166 Alberta Ave
client
Canderel Residential Inc.

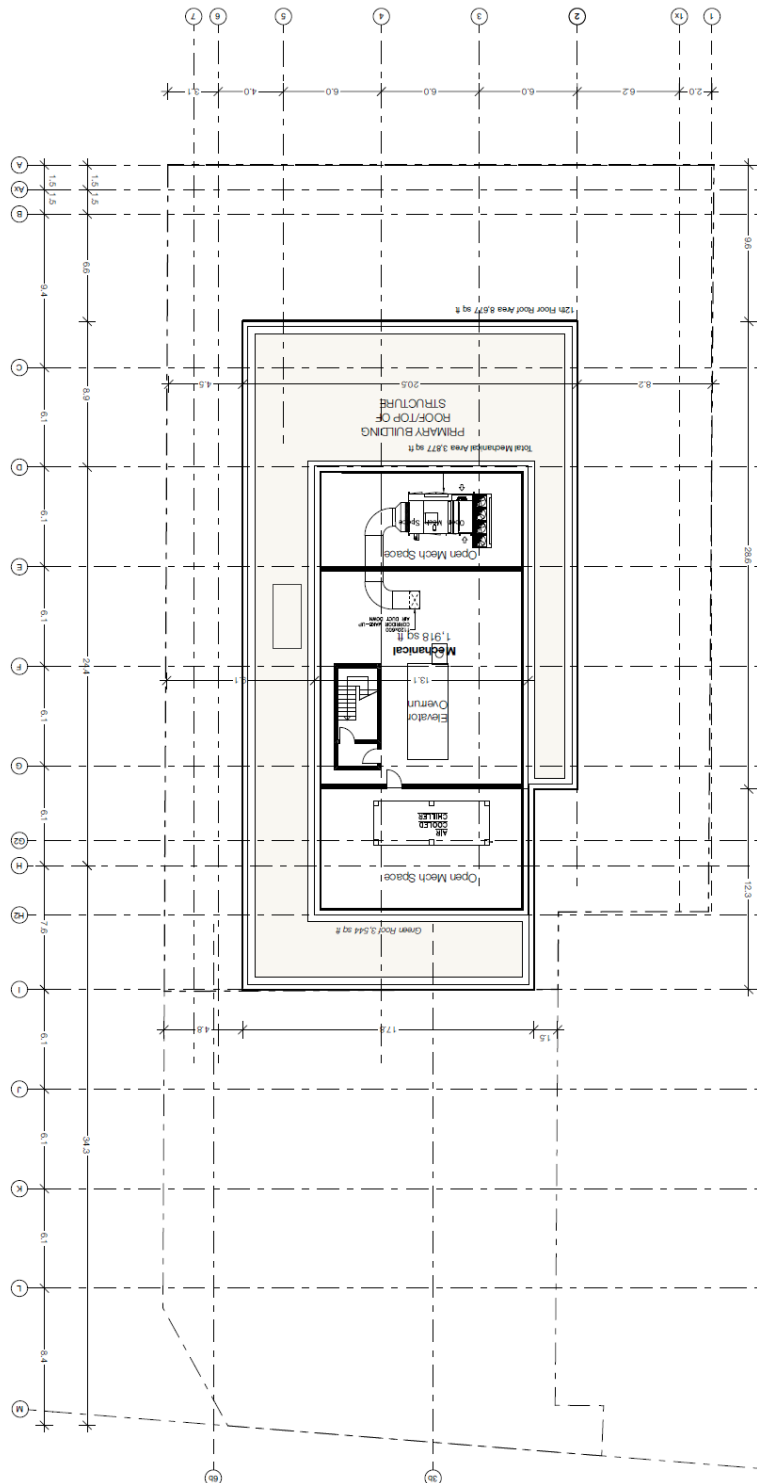
School Site
11-12th Floor

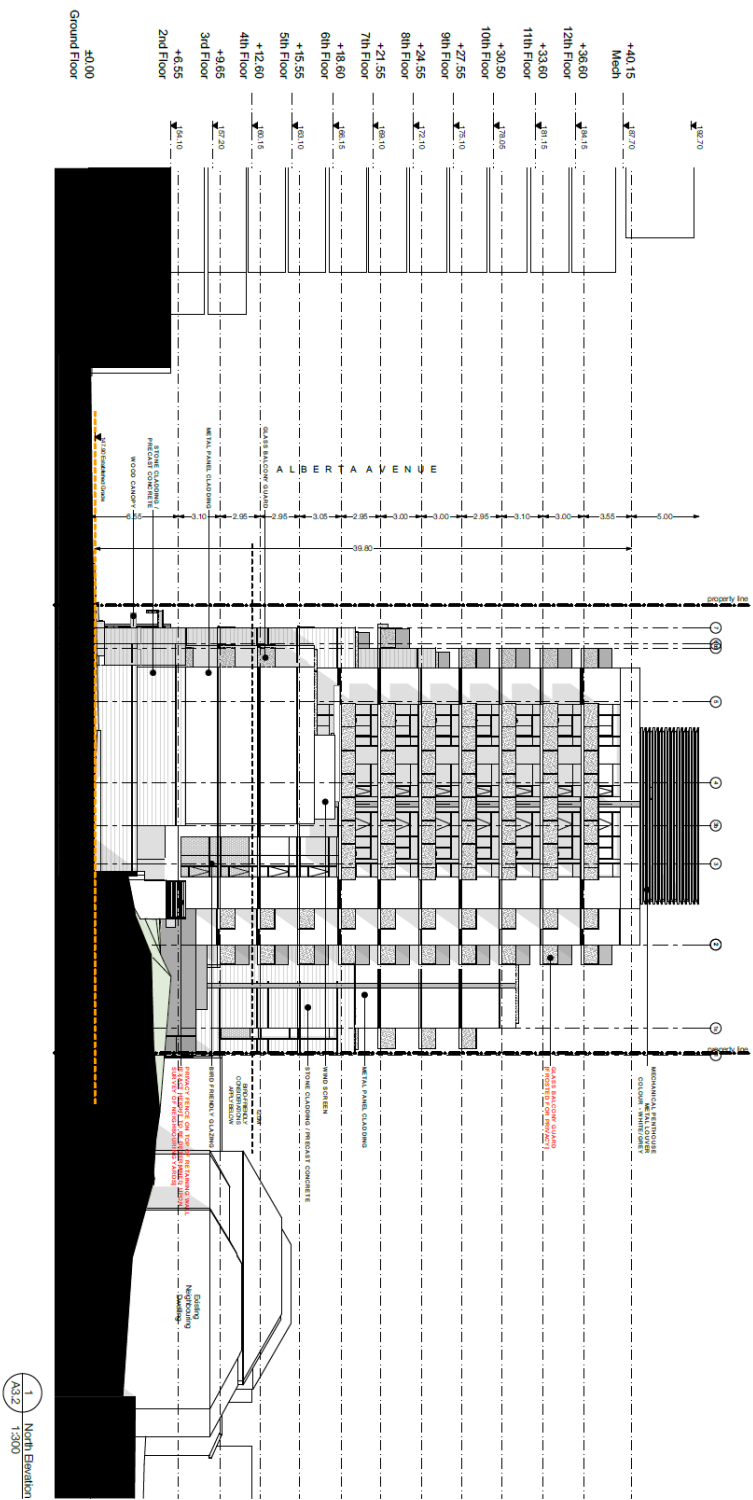
drawn by	checked by
AK	PJ
is sup. date	
Monday, May 31, 2021	
scale	
1:250	
job number	
1813	

A2.14

TACT

A2.15





North Elevation
AS3.2 1:300

AS3.2

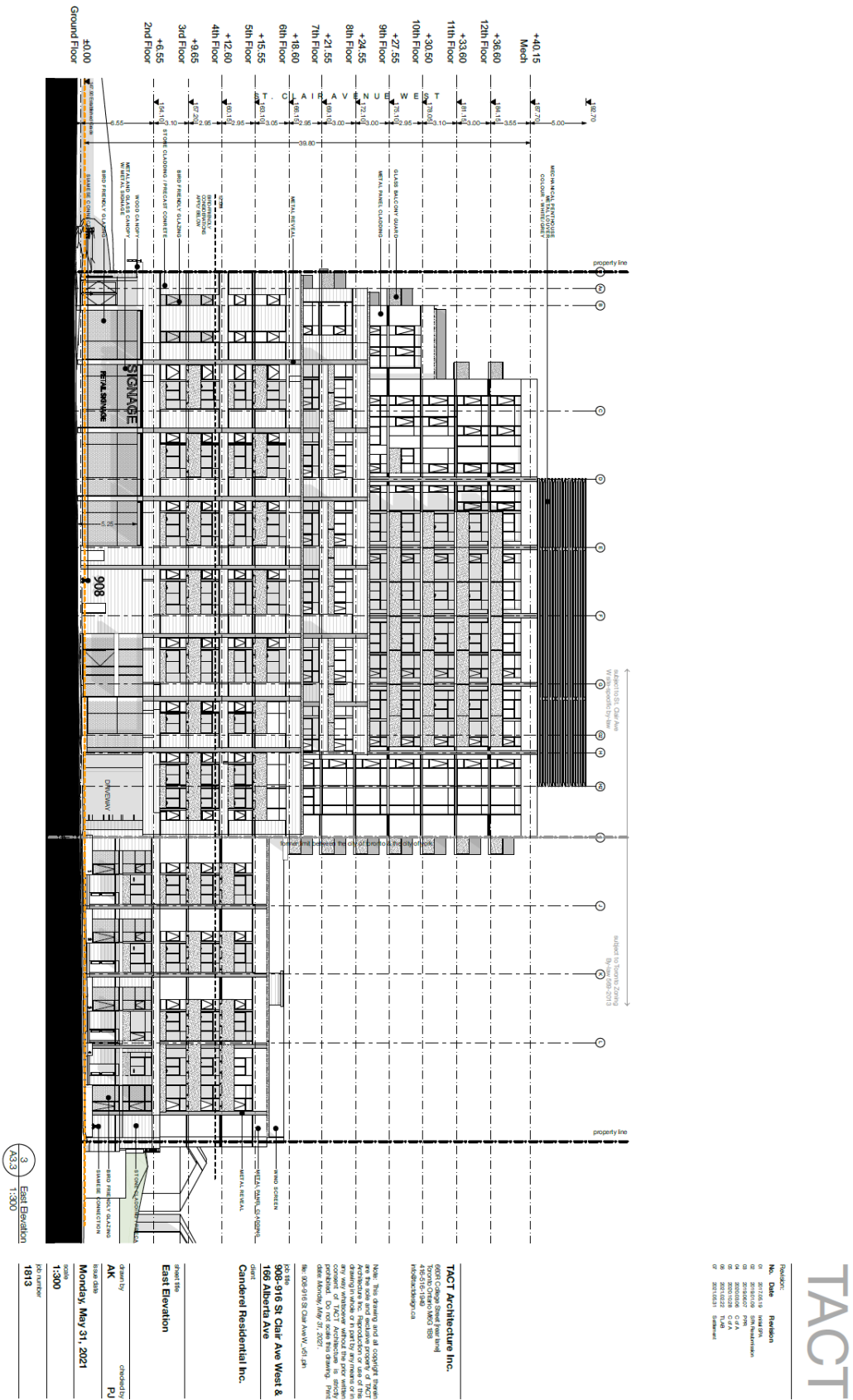
Revision	
No.	Description
01	Issue for Review
02	Revised Drawing
03	Revised Drawing
04	Revised Drawing
05	Revised Drawing
06	Revised Drawing
07	Revised Drawing

TACT

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6001 College Street
Toronto, Ontario M3J 1K5
416-593-1582
info@tact.ca

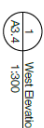
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By: 025-916 St Clair Ave W, 2nd Fl
025-916 St Clair Ave W
106 Alberta Ave
Candell Residential Inc.

North Elevation	
Drawn By	Checked By
AK	PJ
Scale	
1:300	
Date	
Monday, May 31, 2021	
Project Name	
1813	



No.	Date	Revision
01	2017.05.19	Initial SPA
02	2019.01.09	S/RN Revisions Issued
03	2019.06.07	PRM
04	2020.03.06	C of A
05	2020.10.28	C of A
06	2021.02.22	TLAR
07	2021.05.31	Settlement

No.	Date	Revision
01	2017.05.19	Initial SPA
02	2019.01.09	S/RN Revisions Issued
03	2019.06.07	PRM
04	2020.03.06	C of A
05	2020.10.28	C of A
06	2021.02.22	TLAD
07	2021.05.31	Statement



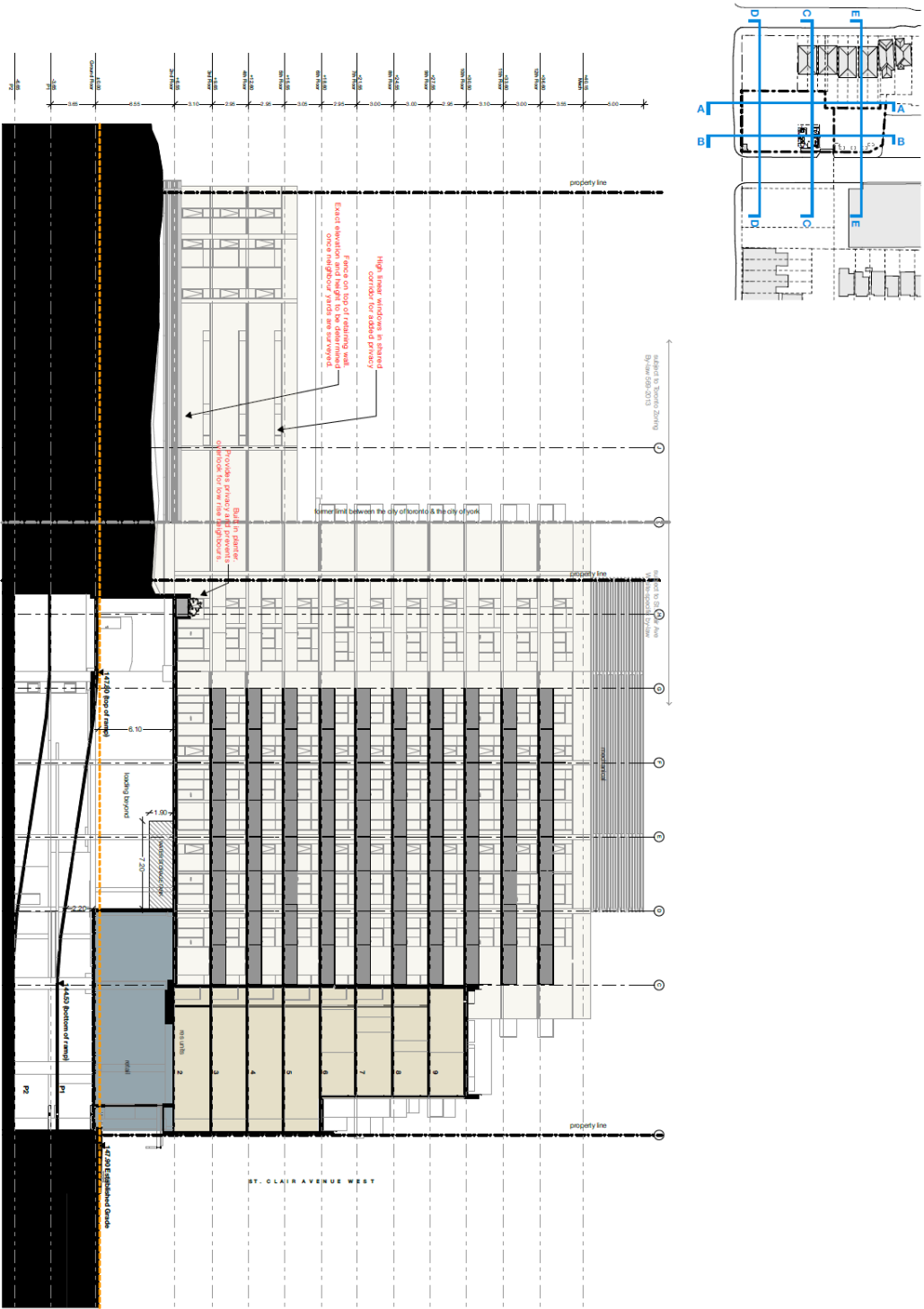
A3.4

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Re: 005-916 St Clair Ave. W., 5th flr.
On file
908-916 St. Clair Ave West &
166 Adelaide Ave
Client
Camden Residential Inc.

drawn by	checked by
AK	PL
issue date	
Monday, May 31, 2021	
scale	
1:300	
job number	
1813	



TACT

Revised:

No. Date Revision

1 20191010 Initial Design

2 20191010 SRP Revisions

3 20191010 C.A.A.

4 20191010 C.A.A.

5 20191010 SRP

6 20191010 SRP

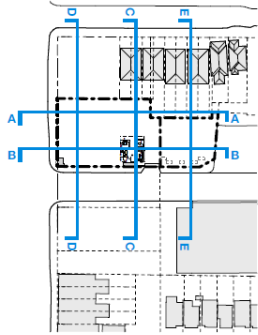
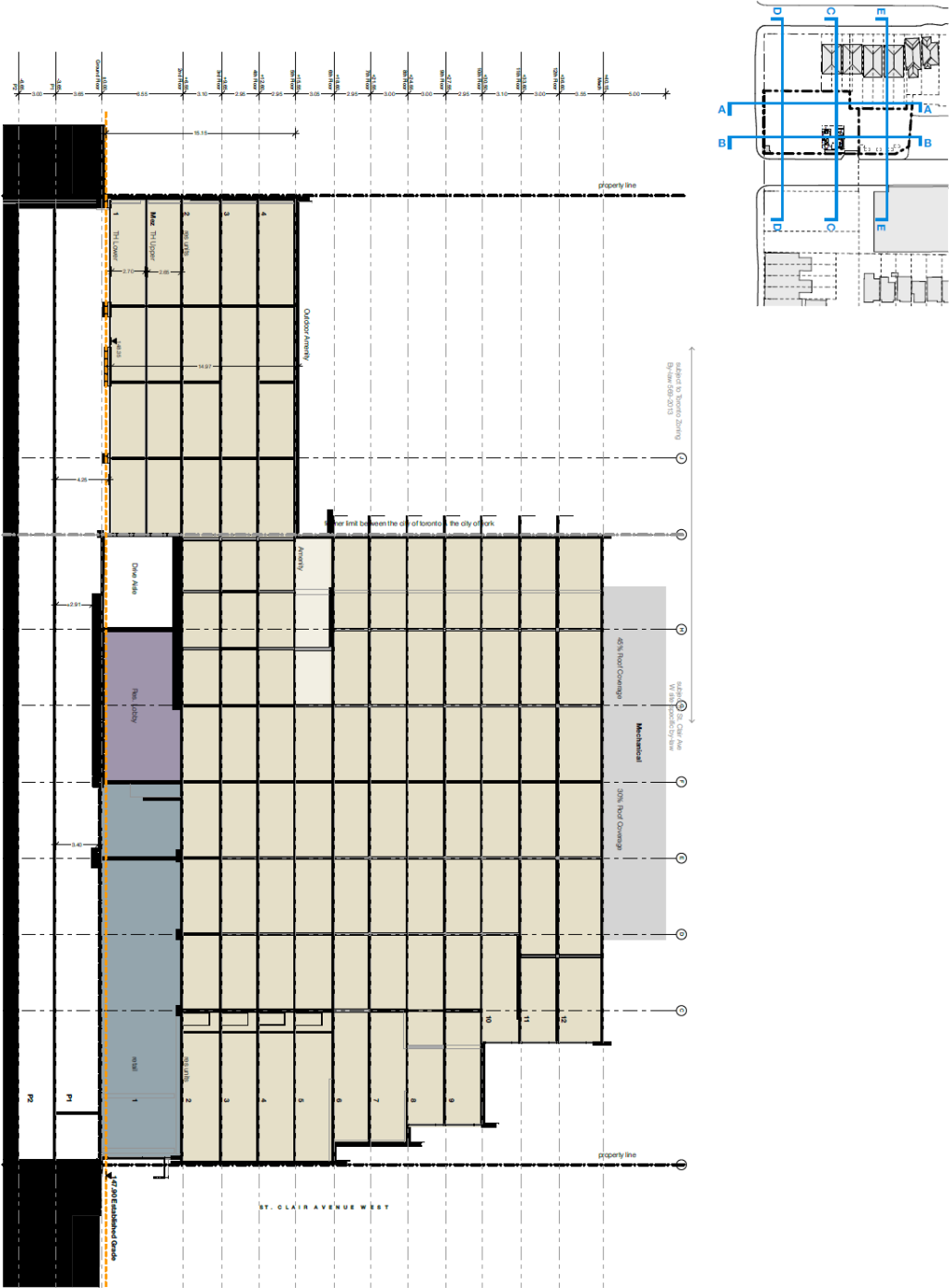
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4th Floor
Markham, Ontario
L3R 9V7

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Project: 908-916 St. Clair Ave. W., 2nd fl.
908-916 St. Clair Ave. West &
165 Alberta Ave
Candere Residential Inc.

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Drawn by:	Checked by:
AK	PJ
Monday, May 31, 2021	
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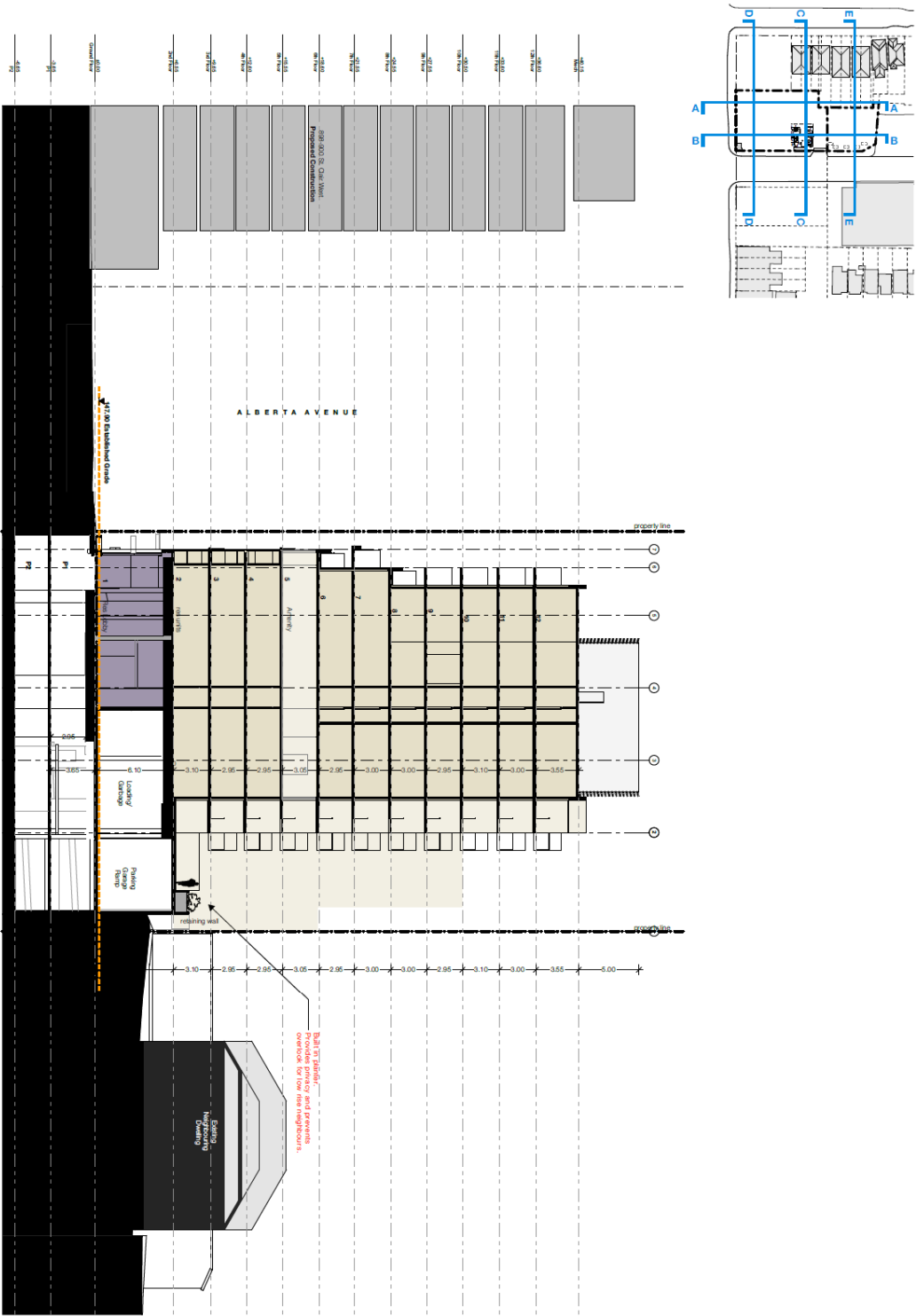
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A4.2



TACT

Project	No.	Date	Revision
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02	2010010	10/10/20	10/10/20
03	2010010	10/10/20	10/10/20
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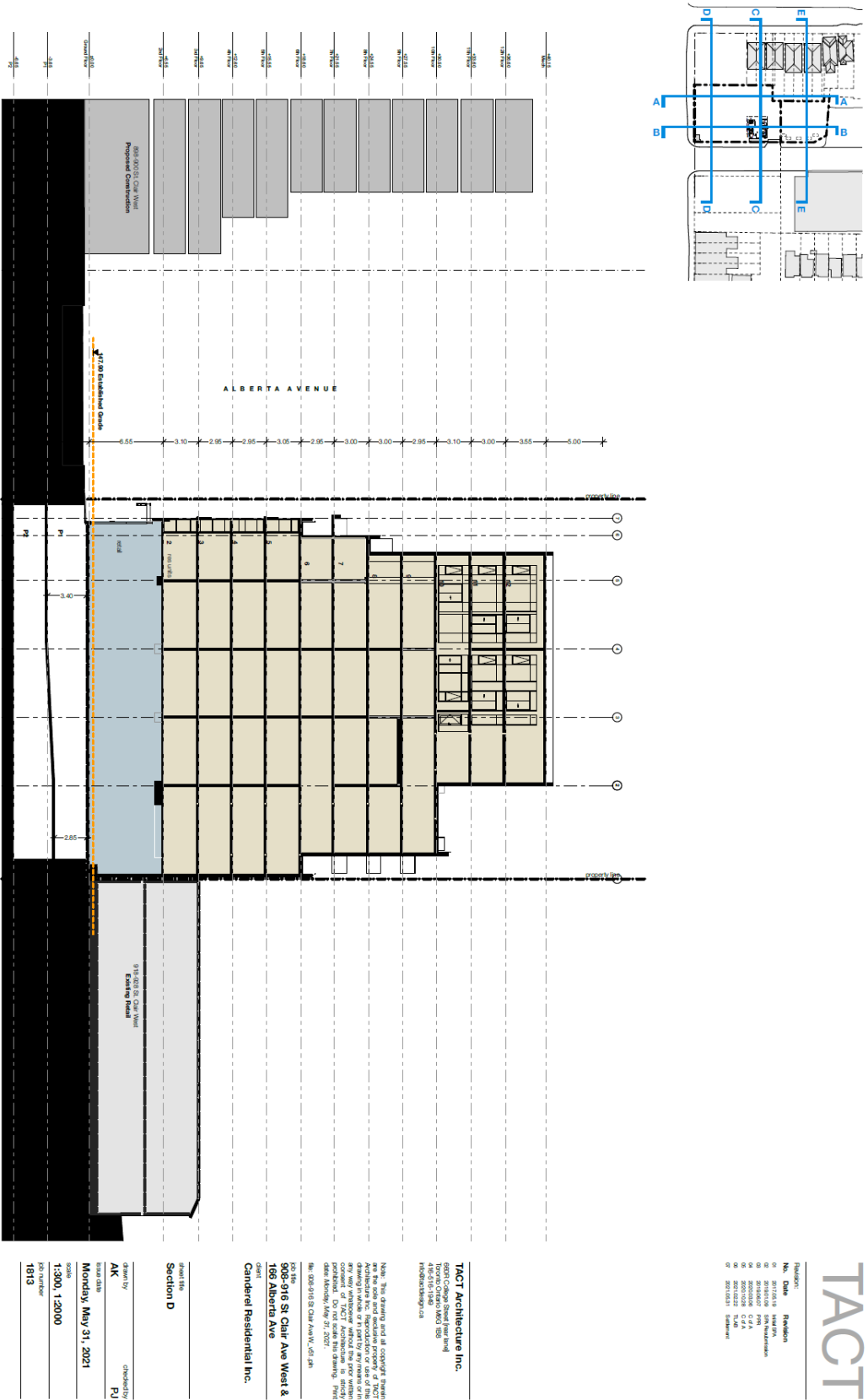
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416-591-1340
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Rev. 001-916 St Clair Ave W, 4th flr
908-916 St Clair Ave West &
166 Alberta Ave
Client: Candere Residential Inc.

Drawn by: AK
Checked by: PJ
Date: Monday, May 31, 2021
Scale: 1/8"=1'-0"
1:800, 1:2000
1813

A4.3





41 of 41