

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** November 10, 2022      **CASE NO(S):** OLT-21-001701  
**EFFECTIVE DATE:** August 03, 2022      (formerly PL200237)

**PROCEEDING COMMENCED UNDER** subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

**Applicant and Appellant:** Calloway REIT (1900 Eglinton) Inc.  
**Subject:** Request to amend the Official Plan - Failure of the City of Toronto to adopt the requested amendment

**Purpose:** To permit a mixed-use community of commercial, residential, park, and open space uses

**Property Address/Description:** 1900 Eglinton Avenue East  
**Municipality:** City of Toronto  
**Property Address:** 2200-2206 Eglinton Ave. E., et. al.  
**Municipality:** City of Toronto  
**Approval Authority File No.:** 19 208733 ESC 21 O  
**OLT Case No.:** OLT-21-001701  
**Legacy Case No.:** PL200237  
**OLT Lead Case No.:** OLT-21-001701  
**Legacy Lead Case No.:** PL200237  
**OLT Case Name:** Calloway REIT (1900 Eglinton) Inc. v. Toronto (City)

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

**Applicant and Appellant:** Calloway REIT (1900 Eglinton) Inc.  
**Subject:** Application to amend former City of Scarborough Employment Districts Zoning By-law No. 24982 – Neglect or Refusal of application by City of Toronto

**Purpose:** To permit a two building, 899 unit mixed use development

**Property Address/Description:** 1900 Eglinton Avenue East

Municipality: City of Toronto  
 Municipality File No.: 21 111522 ESC 21 OZ  
 OLT Case No.: OLT-21-001334  
 OLT Lead Case No.: OLT-21-001701

**Heard:** August 3, 2022 by video hearing

**APPEARANCES:**

**Parties**

**Counsel**

Calloway REIT (1900 Eglinton Inc.)

David Bronskill  
 Max Laskin (*in absentia*)  
 Joe Hoffman (*in absentia*)

City of Toronto

Amanda Hill  
 Daniel Elmadany

Toronto District School Board and  
 Toronto Lands Corporation

Julie Lesage  
 Pittman Patterson (*in absentia*)

Bell Canada

Lee English  
 Issac Tang (*in absentia*)

Yorkreal Holdings Inc.

John Dawson

**MEMORANDUM OF ORAL DECISION DELIVERED BY BRYAN W. TUCKEY ON  
 AUGUST 3, 2022 AND ORDER OF THE TRIBUNAL**

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[1] The Tribunal convened a Settlement Hearing (“Hearing”) for the above noted matter. Calloway REIT (1900 Eglinton) Inc. (“Applicant”) has filed appeals against the City of Toronto (“City”) for its failure to make a decision on an Official Plan Amendment pursuant to s. 22(7) and a Zoning By-law Amendment pursuant to s. 34 (11) of the *Planning Act* (“Act”). The property is known municipally as 1900 Eglinton Avenue East in the City (“subject property”).

[2] The effect of the two planning instruments under appeal is to provide for a comprehensive and complete mixed-use redevelopment plan to allow a mixed-use

development and to permit an increased height and density on the subject property. The proposed development would be phased and integrated within a public and privately owned road system and along with publicly and privately owned park and open space areas (“development”).

[3] The five Parties are all represented at this Hearing as noted above.

[4] Counsel for the Applicant, David Bronskill, advised the Tribunal that the Applicant has reached a full settlement (“proposed settlement”) with the City. The details of the proposed settlement are found in the Affidavit of David McKay marked as Exhibit 4 to this proceeding.

[5] The Tribunal has two planning instruments for consideration at this Hearing:

- a. an Official Plan Amendment (“OPA”) to the Official Plan for the City of Toronto (“City OP”); found at Exhibit 5. The OPA proposes a Site and Area Specific Policy (“SASP”) that provides specific policy guidance with respect to implementing the proposed settlement, and;
- b. a Zoning By-law Amendment (“ZBA”) to bring a portion of the subject lands into City-wide Zoning By-law No. 569-2013, as amended, as an exception zone category in keeping with City practices. The ZBA includes a series of site-specific provisions including building heights, maximum Gross Floor Areas (“GFA”), and a maximum number of dwelling units.

## **MINUTES OF SETTLEMENT**

[6] Mr. Bronskill submitted a Minutes of Settlement (“MoS”) to the Tribunal which further defines and clarifies the basis for settlement between the Applicant and The Bell Telephone Company of Canada (Exhibit 7). The content of the MoS deals with issues including air quality and noise mitigation that are required to implement the development

on a portion of the subject property. The MoS includes two schedules being: a Restrictive Covenant Agreement and an Industrial and Mining Lands Compensation Act Agreement.

[7] Testimony is heard from one planning witness Mr. McKay. He is qualified to give expert evidence in the discipline of land use planning. With respect to this matter, he has considerable planning experience within the subject area and the City.

### **BACKGROUND, SUBJECT PROPERTY AND AREA ANALYSIS**

[8] The subject property is located at the northwest corner of Eglinton Avenue East and Hakimi Avenue and is currently occupied by an outdoor commercial shopping centre with an existing gross floor area (“GFA”) of approximately 32,500 square metres (“sq m”) and a large surface parking area. The subject property is 11.6 hectares (“ha”) in size and has frontage on Eglinton Avenue East to the south, Hakimi Avenue to the east and Ashtonbee Road to the north.

[9] The OPA applies to the entirety of the subject property but only the Phase 1 lands located in the southwest corner of the subject property are subject to the ZBA. Phase 1 lands are 0.818 ha and are currently occupied by a one storey Bank of Montreal and a surface parking lot.

[10] The subject property is centrally located within the Golden Mile along the Eglinton Avenue East corridor, which provides a range of retail, service-commercial and office uses serving the traveling public. The general area is comprised mainly of large-format retail and surface parking with low-rise commercial and industrial facilities to the north and south of Eglinton Avenue East.



[11] The subject property is well served by active transportation options. The options include: the planned Gatineau Hydro Corridor Trail improvements, a new Eglinton Crosstown Light Rail Transit higher order transit station, along with new streets and pedestrian and cycling connections to better connect transit users with the new employment, retail, residential and institutional uses in the area.

[12] Surrounding land uses are North - is the existing Ashtonbee Reservoir, Wexford Park, the hydro corridor, the Gatineau Hydro Corridor and Centennial College Ashtonbee Campus; East - is an automobile dealership, low-rise commercial uses, and an existing five story office ; South - are a mix of employment uses including a Canadian Tire, Eglinton Town Centre, and low-rise commercial uses; and West - are an existing Petro Canada station and a Bell Canada office and related facilities.

[13] The City initiated the Golden Mile Secondary Plan - Official Plan Amendment No. 499 ("GMSP") process in 2017. The purpose of this planning exercise is to establish a broad planning framework for the area between Victoria Park Avenue and Birchmount Road centred on Eglinton Avenue East. To provide input to the GMSP, the Applicant filed a privately-initiated OPA with the City in August 2019. The intention of this OPA was to create a development framework for the long-term development of the subject property as it evolves from a commercial plaza to a new transit-oriented, mixed-use community which would incorporate new streets (both public and private), parks and open space, and different mixed-use building typologies.

[14] In November 2019, Scarborough Community Council considered a preliminary report from staff with respect to the OPA application. The OPA application was appealed on April 23, 2020. The Applicant submitted a ZBA application for the Phase 1 lands in January 2021 to permit the development of two high-rise buildings at the southwest corner of the subject property. The ZBA application was appealed on August 24, 2021.

[15] Over the course of the last year, the Applicant and City had numerous meetings to discuss the applications and explore potential resolution of outstanding issues. These

discussions proved successful, and City Council endorsed the proposed settlement at its June 15 and 16, 2022 meeting. It is this proposed settlement that is presented to this Tribunal at this proceeding.

## **PROPOSED SETTLEMENT**

- [16] The main components of the proposed settlement include the following:
- a. 12 new residential and mixed-use buildings with heights ranging from 6 to 48 storeys. The buildings will contain a total of 4,997 dwelling units with a total GFA of 431,476 sq m. This total includes 43,146 sq m of non-residential uses. The resulting Floor Space Index (“FSI”) is 3.70. the density proposed will support the new Eglinton Crosstown Light Rapid Transit facilities, a significant transit infrastructure initiative of the City and Province;
  - b. the dwelling units include approximately 10% three bedroom, 15% two-bedroom and 75% one bedroom units. The proposed settlement includes a provision for affordable housing in accordance with the City's Housing Policy;
  - c. there is a significant increase in the amount of dedicated parkland with the introduction of 16,619 sq m of public parkland. A series of privately owned publicly accessible spaces (“POPS”) are envisioned throughout the subject property to enhance and support the public realm components of the development;
  - d. a new East-West Street (commonly referred to as ‘Golden Mile Blvd’) which is a public mid-block Road. New neighborhood public and private streets will be established to divide the subject property into smaller development parcels thereby providing for pedestrian, cyclist, and vehicular connectivity;

- e. a minimum of 10% of the GFA south of the Golden Mile Blvd is devoted to non-residential uses. This is intended to ensure an active street life and to ensure that the provision of local shopping and services is incorporated throughout the development;
- f. there is provision for two not-for-profit licensed childcare centres as well as either a school or a community services facility: and
- g. the development was tested at length to ensure no adverse shadow impacts on public realm elements.

## **LAND USE PLANNING POLICY**

[17] Mr. McKay, in his Affidavit and testimony advised the Tribunal that he routinely takes a very comprehensive view and review of all relevant planning policy, economic development, and urban design objectives. After doing so for this application, he prepared a comprehensive Affidavit in support of the proposed settlement. The OPA and ZBA applications are also supported by a multi-disciplinary project team.

### **Provincial Policy**

[18] Mr. McKay reviewed s. 2 – Provincial Interests in the Act and noted the many matters that speak specifically to the proposed settlement. He opined that the proposed settlement gives proper consideration and regard to all matters related to s. 2 of the Act.

[19] Mr. McKay outlined the relevant policies of the Provincial Policy Statement, 2020 (“PPS”) which articulates the Provincial led planning policy regime. The PPS encourages the wise management of land in order to achieve efficient land use patterns by directing growth to settlement areas and promoting a compact form of development. Provisions of the PPS summarized in testimony are:

- a. promoting efficient development and land use patterns;

- b. protecting the natural and built environment;
- c. accommodation of an appropriate range of residential and other uses and accommodating a significant supply and range of housing options through intensification and redevelopment;
- d. the integration of land use planning, growth management, and transit supportive development. Providing a suitable range of recreation, parks and open space while encouraging a sense of community by promoting well designed built form and conserving features that help define local character;
- e. promotes densities and mix of land uses which result in the efficient use of land and infrastructure;
- f. supports active transportation and are transit supportive;
- g. identify appropriate areas for intensification with appropriate development standards and directing development to locations that have an appropriate level of infrastructure and public service facilities; and
- h. supporting long-term prosperity by optimizing the use of land resources, infrastructure, and public service facilities.

[20] Mr. McKay opined that the proposed OPA and ZBA are consistent with the 2020 PPS.

[21] The Planner gave evidence with respect to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (“Growth Plan”) as amended. The Growth Plan establishes a comprehensive growth management strategy for municipalities in the Greater Golden Horseshoe. Relevant policy considerations included:

- a. The subject property is designated “Mixed Use Areas” in the City OP and is located within a Protected Major Transit Station Area (“PMTSA”). The subject property is also located within the boundaries of the GMSP which provides an overarching framework for land use, development capacity, a new street network and a parks and open space system;
- b. important policies relate to the creation of complete communities and optimizing the use of land and infrastructure. A diverse range and mix of housing options that are convenient to a range of transportation facilities, provide for a more compact built form and vibrant public realm are encouraged;
- c. municipalities are directed to undertake integrated planning in order to manage forecasted growth to the horizon of the growth plan. Integrated planning will assist in providing an urban form that will optimize infrastructure particularly along transit and transportation corridors, in an effort to support the achievement of complete communities through a more compact built form;
- d. supports intensification to make efficient use of land and infrastructure is promoted. Prioritize intensification and higher densities in strategic growth areas to make efficient use of land, infrastructure, and support transit viability;
- e. assists in the development of a complete community with a diverse mix of land uses;
- f. provides for a complete community by promoting a compact built form that is integrated in the community and with adjacent land uses;

- g. helps ensure economic development and competitiveness of the Greater Golden Horseshoe by integrating and aligning land use planning and economic development goals and strategies; and
- h. makes efficient use of available infrastructure to accommodate growth.

[22] Mr. McKay opined that the proposed OPA and ZBA conform to the policies of the 2019 Growth Plan as amended.

### **Municipal Policy**

#### *City of Toronto Official Plan*

[23] Mr. McKay advised the Tribunal that the subject property is along an Avenue in accordance with Map 2 of the City OP and is the subject of the City's GMSP which incorporates the requirements of the Avenue Study. As the City has completed its Secondary Plan Review, which incorporates requirements of an Avenue Study, the subject property is not required to complete an Individual Avenue Segment Study.

[24] The subject property is designated "Mixed Use Areas" in the City OP and is located within a PMTSA. Eglinton Avenue East is identified as a Higher Order Transit Corridor on Map 4 - and Eglinton Avenue East and Victoria Park Avenue are identified as a Transit Priority Segments on Map 5 - Surface Transit Priority Network. The GMSP amends Map 3, Schedule 1 and 2 with respect to existing major and minor streets and establishes new right-of-way widths, where appropriate. The existing SASP 667 also identifies the subject property as being within the Hakimi Lebovic Station PMTSA with a minimum density of 1.0 FSI.

[25] City OP policy, as it applies to the subject property, permits a broad range of commercial, residential, institutional uses in single-use or mixed-use buildings, as well as parks and open spaces. Development is intended to create a balance of a high-quality urban environment that reduces automobile dependency, meets the needs of the

local community, and provides opportunities for new jobs and homes on underutilized lands.

[26] Mr. McKay summarized in evidence by noting that the City OP sets out a number of strategies and objectives to assist in meeting its desired outcome within Mixed Use Areas that include:

- a. new neighbourhoods by providing a comprehensive planning framework to reflect the City's OP City-wide goals in keeping with the context of the Plan;
- b. using municipal land, infrastructures, and services efficiently. Directing planning for new development in the context of reducing auto dependency and creating a multi-modal approach to address the transportation demands and impacts of new development;
- c. concentrating jobs and people in areas well served by surface transit and rapid transit stations;
- d. promoting mixed use development to increase opportunities for living close to work and to encourage walking and cycling for local trips;
- e. offering opportunities for people of all means to be affordably housed;
- f. facilitating social interaction, public safety, and cultural and economic activity. Acknowledges the importance of the public realm and high quality urban design in creating great communities and a great City;
- g. promoting quality architectural, landscape and urban design in each of the character areas, and ensures that sidewalk and boulevards are designed to promote safe, attractive, interesting, and comfortable spaces for pedestrians in order to support the development of sustainable, economically vibrant, and complete communities;

- h. provides direction on built form and building typologies. New development is intended to fit harmoniously within the new planned context including buildings to be massed and located to frame adjacent streets, a series of setback policy directions, active grade uses, a transition of scale to low-rise areas and ensuring connections/access to adjacent sidewalks, streets, parks, and open spaces;
- i. the vision of the GMSP is for a vibrant public realm as a key structural element for its successful implementation with existing, new, and reconfigured/widened streets that link to new parks and a series of open spaces;
- j. improving air quality with an energy efficiency and reducing greenhouse gas emissions; and
- k. protecting neighborhoods, adjacent land uses, and green spaces from the effects of nearby development.

[27] Mr. McKay summarized his testimony by stating that the City OP as implemented through the GMSP and proposed SASP, require new developments to create a balance of high quality commercial, residential, community and open space uses that reduce automobile dependency and take advantage of the nearby light rail transit stops. They must meet the needs of the Golden Mile community, provide opportunity for new jobs and homes within the Plan Area. Buildings must be located and massed to provide a transition between areas of different development intensity and scale and to limit shadow impacts through appropriate setbacks and stepping down of heights, particularly towards lower scale *Neighbourhoods*, employment areas and parks and open spaces.

[28] Mr. McKay opined that the OPA and ZBA conforms with the intent of the City OP with specific reference to Mixed-Use Areas designation, the emerging policies of the GMSP and the policies related to growth management and housing. The proposed OPA



conforms to the City OP, is appropriate from a planning perspective, and the proposed ZBA conforms with the City OP as to be amended by the proposed OPA.

*Zoning By-law Amendment – Phase 1*

[29] The subject property is zoned 'Mixed Employment Zone' ME-334-335-988-1054-2043 in the former Scarborough Employment Districts Zoning By-law No. 24982. The ME zoning permits a wide range of retail and commercial uses on the subject property but there is no permission for residential.

[30] The intent of the proposed ZBA is to bring the Phase 1 lands into the City-wide Bylaw No. 569-2013, as amended. Therefore, an amendment to the former Scarborough By-law is not required.

[31] The proposed ZBA would rezone the subject property to an Exception Zone CR (795) Zone in keeping with City practices. The ZBA establishes provisions for such matters as location and s, maximum heights of the two buildings, tower setbacks, tower separation and stepbacks, minimum required parking and loading requirements and minimum amount of two and three bedroom units. There are a series of exception regulations and other salient applicable regulations. The ZBA also has provisions with respect to Section 37 matters and outlines the various Holding Zone obligations of the Applicant.

[32] In conclusion, Mr. McKay is of the opinion that the proposed settlement represents good planning and is in the public interest. The proposed OPA and ZBA have appropriate regard to s. 2 of the Act, are consistent with the 2020 PPS, conform to the Growth Plan, as amended, conform with the policies of the City OP and the SASP provides for additional detailed policies which further implement the GMSP.

[33] He also opined that he proposed SASP has appropriate regard for OPA 499 – GMSP. The Tribunal agrees.

## **OTHER CONSIDERATIONS**

### *City Guidelines Relating to the Proposed Settlement and Planning Instruments*

[34] Mr. McKay brought to the attention of the Tribunal a number of City Guidelines that are relevant to the proposed settlement. These guidelines are not statutory policy documents but serve to compliment and provide detail with respect to City OP policy. In his evidence, the planner testified that the proposed settlement has had appropriate regard for the following City guidelines:

- a. Golden Mile Urban Design Guidelines;
- b. Tall Building Guidelines;
- c. Mid-Rise Guidelines; and
- d. Growing up - Planning for Children in New Vertical Communities.

### *Section 37*

[35] The City and the Applicant have come to an agreement on a series of Section 37 Community Benefits that are detailed in Schedule A - Section 37 Provisions in the ZBA Agreement. The Community Benefits will be secured in a Section 37 Agreement prior to the issuance of any building permit. Community Benefits include: the provision of a minimum of 60 affordable housing units; public art, required transportation improvements, and transportation demand management measures, the provision of publicly accessible open space on the Phase 1 lands, mid-block connections and a multi use path along with other matters as specified.

[36] Mr. McKay is of the opinion the Section 37 contributions and legal conveniences secured through the Section 37 agreement are appropriate, reasonable, and not uncommon for these types of intensified proposals.

*Bell Canada Facilities*

[37] Bell Canada has a facility located at 865 Pharmacy Avenue. Arrangements have been made between Bell Canada and the Applicant to ensure that appropriate mitigation measures are implemented relative to their facility in the northwest portions of the Phase 1 lands. These mitigation measures are to be implemented through the site plan approval of the Phase 1 lands and are the subject of the MoS described earlier in this Decision.

*Relationship between the Proposed SASP and OPA 499*

[38] Mr. McKay noted in testimony that should there be duplication between the proposed SASP and OPA 499, which includes the GMSP, should it come into effect on the subject property, a revised SASP will be requested of the Tribunal to eliminate any duplicative policies and to allow all policies to be read and applied together on a go forward basis. The Tribunal agrees.

**TRIBUNAL FINDINGS**

[39] The Tribunal accepts the uncontested evidence of Mr. McKay in its entirety and finds the OPA and ZBA (as put forward in the proposed settlement) meet all the relevant policy tests of the s. 2 of the Act, the 2020 PPS, the Growth Plan, and all relevant foundational policies of the City OP, and meets the intent of By-law No. 569-2013. They represent good planning and are in the public interest. The Tribunal agrees that the proposed settlement has had appropriate regard for the relevant City guidelines and OPA 499 – GMSP.

[40] The Tribunal finds that the City has extremely well established planning policy for the subject property and surrounding area and has followed a careful, complete, and comprehensive planning review of the proposed settlement and the OPA and ZBA. The Tribunal is satisfied with the efforts of the City and all Applicants involved, to create a vision for the Golden Mile that has the potential to be truly remarkable. It is an

extraordinary City Building venture and the policies found in the SASP provide a complete and comprehensive basis on which to guide development.

[41] The Tribunal understands this is an early step and what will be many decades in its implementation and long term commitment is required by all involved. This commitment is demonstrated at this settlement hearing by the efforts of all parties to find the proposed settlement.

[42] The Tribunal finds that the OPA and ZBA align with the established principles of relevant Provincial policy, the City OP, and the GMSP for reasons including the following:

- a. the subject lands are within “Mixed Use Areas” and a “Protected Major Transit Station Area” within the City where intensification is promoted. It is along the route of the new higher order Eglinton Crosstown Light Rail Transit and will be served by a transit station;
- b. represents an efficient development and land use pattern that serves to make efficient use of land and infrastructure;
- c. accommodates an appropriate range of residential and other uses and provides a significant supply and range of housing options through intensification and redevelopment. The proposed settlement will add a total of 4,997 much needed additional dwelling units in the City;
- d. serves to integrate land use planning, growth management, transit supportive development as it offers excellent transit-oriented development being within walking distance of an Eglinton Crosstown Light Rail Transit station;

- e. promotes densities and mix of land uses which result in the efficient use of land and infrastructure. It is appropriately scaled and sized to ensure a balance between the priority of intensification without resulting in negative built form impacts by providing an appropriate transition and buffer to adjacent land uses;
- f. contributes to the creation of a complete community and optimizes the use of land and infrastructure, with a diverse mix of land uses by promoting a compact built form that is integrated into the community and with adjacent land uses;
- g. helps to ensure economic development and competitiveness of the City;
- h. serves to integrate and align land use planning and economic development goals and strategies; and
- i. makes efficient use of available infrastructure to accommodate growth.

[43] In conclusion, the Tribunal finds that the proposed settlement, as presented, is appropriate and a desirable addition to the City, represents good land use planning, is consistent or in conformity with, and meets the objectives of all requisite public policy and is in the public interest.

[44] The Tribunal is presented with a draft OPA and ZBA. The proposed settlement and planning instruments were presented to the City Council on June 15, 2022. City Council accepted the without prejudice settlement offer subject to a series of conditions which have been included in either the OPA or ZBA. The Tribunal conducted its review of the proposed settlement on August 3, 2022 during the settlement hearing and was then satisfied with the evidence and made its findings and determined that the Final Order should issue to allow the Appeals in part and approve the instruments. It is therefore appropriate that this Order is effective as of August 3, 2022 in keeping with Rule 24.3 of the Tribunal – *Rules of Practice and Procedure*.

**ORDER**

[45] **THE TRIBUNAL ORDERS** that the Official Plan Amendment Appeal and the Zoning Appeal are allowed, in part, and that the City of Toronto's Official Plan is hereby amended in the manner set out in **Attachment "1"** to this Order and Zoning By-law No. 569-2013 of the City of Toronto, as amended, is hereby amended in the manner set out in **Attachment "2"** to this Order. The Tribunal authorizes the municipal clerk to format the Official Plan Amendment in Attachment "1" and the Zoning By-law Amendment in Attachment "2", as may be necessary, for record keeping purposes.

[46] **THE TRIBUNAL CONFIRMS AND ORDERS** that pursuant to subsections 17(5) and 22(11) of the *Planning Act* and Rules 24.2 and 24.3 of the Tribunal's *Rules of Practice and Procedure* should any part of Official Plan Amendment No. 499 in Tribunal Case No. OLT-22-002510 come into force and effect as it applies to the lands subject of this Order, the City and Appellant may seek a revised Attachment "1" to delete, amend or revise policies and/or mapping, which are duplicative or similar to amendments to the Official Plan contained in Official Plan Amendment No. 499 and any such amended Order will be effective on the effective date of this Order.

[47] **THE TRIBUNAL ORDERS THAT**, pursuant to Rule 24.3 of the Tribunal's *Rules of Practice and Procedure*, notwithstanding the eventual date of the formal issuance of this Order, it shall be, and was, effective as of **Thursday, August 3, 2022** which is the date that the Tribunal received and considered the evidence in support of the request for the Final Order in this proceeding and determined that the Appeals should be allowed, and the amending instruments should be approved.

*"Bryan W. Tuckey"*

BRYAN W. TUCKEY  
MEMBER

**Ontario Land Tribunal**

Website: [olt.gov.on.ca](http://olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

## ATTACHMENT 1

Authority: Ontario Land Tribunal Decision and Order effective on [DATE] in Tribunal File No. OLT-21-001701

### CITY OF TORONTO

#### BY-LAW XXX-2022(OLT)

**To approve Amendment 626 to the Official Plan for the City of Toronto with respect to the lands municipally known in the year 2021 as 1900 Eglinton Avenue East.**

Whereas the Owner of the lands known municipally in the year 2021 as 1900 Eglinton Avenue East appealed a proposed official plan amendment to the Ontario Land Tribunal pursuant to Section 22(7) of the Planning Act, R.S.O. 1990, c. P.13, as amended; and

Whereas the Ontario Land Tribunal, by its Decision and Order effective on [date], 2022 in File OLT-21-001701 approved amendments to the Official Plan for the City of Toronto with respect to the lands;

The Ontario Land Tribunal Orders:

1. The attached Amendment 626 to the Official Plan is hereby in force pursuant to the Planning Act, as amended.

Ontario Land Tribunal Decision and Order effective on [DATE] in Tribunal File OLT-21-001701.



**AMENDMENT 626 TO THE OFFICIAL PLAN**

**LANDS MUNICIPALLY KNOWN IN THE YEAR 2021 AS  
1900 EGLINTON AVENUE EAST**

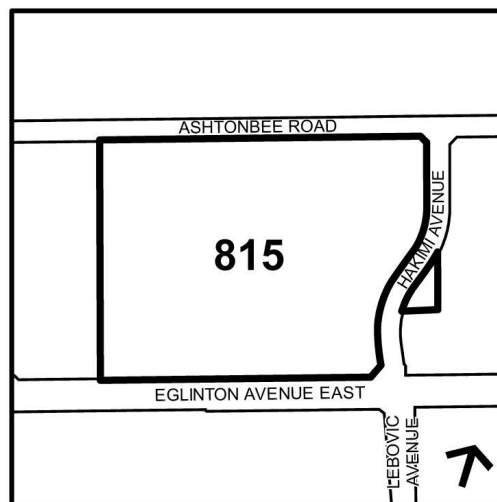
The Official Plan of the City of Toronto is amended as follows:

1. Chapter 7, Site and Area Specific Policies, is amended by adding the following policy and associated maps:

**"815. 1900 Eglinton Avenue East**

**A. INTERPRETATION**

- 1) Site and Area Specific Policy ("SASP") No. 815 is intended to be read with the policies of the Official Plan and any Secondary Plan applicable to the Site, except where provided otherwise. In the event of any conflict, the policies of this SASP will prevail.



**B. LAND USE AND DENSITY**

- 1) The land use policies and development criteria for land use found in Chapter 4 of the Official Plan will apply.
- 2) The permitted maximum gross floor area on the Site will not exceed 431,971 square metres and density incentives in any applicable Secondary Plan do not apply.

- 3) A minimum of 10 per cent of the gross floor area of the development on the Site south of Public Street A shall be provided as non-residential uses in one or multiple buildings on the Site. Additional non-residential uses will be provided on Block E.

**C. TRANSPORTATION NETWORK**

- 1) The planned street network is identified on Map 1, and will be comprised of the following:
- i. Public Street A will have a minimum right-of-way width of 27 metres connecting Public Street D and Hakimi Avenue;
  - ii. Public Street B will have a minimum right-of-way width of 23 metres connecting Ashtonbee Road and Eglinton Avenue East;
  - iii. Public Street C will have a minimum right-of-way width of 20 metres connecting Ashtonbee Road and Public Street A;
  - iv. Public Street D will have a minimum right-of-way width of 20 metres connecting Ashtonbee Road and Eglinton Avenue East, of which a minimum right-of-way width conveyed to the City shall be 14.5 metres;
  - v. An approximate 3.25 metre right-of-way widening will be required along Eglinton Avenue East to contribute to the achievement of a minimum right-of-way width of 43.0 metres;
- 2) The exact location, alignment and design of public streets will be refined through a Draft Plan of Subdivision for the Site, which will be informed by any completed Municipal Class Environmental Assessment.
- 3) Conceptual Streets as identified on Map 1 provide for pedestrian and other modes of active transportation access and may also provide for vehicular access.
- 4) Priority Pedestrian Locations shown on Map 2 are areas where pedestrians are anticipated to cross streets or areas with high volumes of existing and/or anticipated pedestrian traffic and an enhanced pedestrian network is required. At these locations, shorter pedestrian crossings will be achieved through the implementation of wider sidewalks and, corner extensions at intersections.
- 5) Mid-block pedestrian connections are pedestrian connections with or without vehicular access through an individual block connecting the streets, or parks adjacent to the block. Safe, generously-scaled and comfortable mid-block pedestrian connections on individual blocks extend the mobility network and may be provided at potential locations identified on Map 2.

- 6) Cycling infrastructure and facilities will be planned and provided through Site development with bicycle parking along cycling routes and bike-share facilities as identified on Map 3. Bicycle boxes and/or other infrastructure designs will be provided at cycling interchanges to secure safer turning movements for cyclists.
- 7) Shared Mobility Hubs are defined as single service points for bike-share, ride-share and/or car-share facilities at locations identified on Map 5 will be integrated in development or accessible on adjacent blocks, where appropriate.
- 8) Dedicated multi-use paths will be provided within the setback areas along the east sides of Block "D" and Block "G", without vehicular access in the setback areas. Vehicular access in the setback area may be permitted as an interim condition.
- 9) Public Street A will be designed to promote safe pedestrian crossing and establish a strong visual connection between Park Block B and Park Block C, with features such as raised intersections, curb extensions, and pedestrian cross-walks with decorative paving.

**D. PARKLAND**

- 1) New public parkland will be required to support and meet the needs of residents and employees of the Site and broader community. There will be two public parks on the Site:
  - i. A public park with a minimum size of 1,750 square metres located on the east side of Hakimi Avenue, generally provided in the location identified as Block "A" on Map 1. The development of the public park will occur as part of Phase 1; and
  - ii. A public park with a minimum size of 14,850 square metres:
    - a. The north portion of the park will have a generous street frontage on Public Street A and Ashtonbee Road, and will be generally provided in the location identified as Block "C" on Map 1; and
    - b. The south portion of the park will have a generous street frontage on Eglinton Avenue East and Public Street A, will be generally provided in the location identified as Block "B" on Map 1.

**E. PUBLIC REALM**

- 1) Privately Owned Publicly-Accessible Spaces ("**POPS**") will be provided in accordance with Map 1. Additional POPS are encouraged at other appropriate locations.

- 2) Public Art will be provided in some or all locations generally identified on Map 1 and will be secured, at the owner's expense, as part of a Zoning By-law Amendment and/or Site Plan Control application process.

**F. BUILT FORM**

- 1) A maximum of twelve tall buildings may be permitted on the Site, and the maximum tall building heights will be distributed on Blocks as identified on Map 2.
- 2) Mid-rise buildings will be provided at the locations identified on Map 2 with the identified maximum heights.
- 3) Development will provide minimum building setbacks from streets and public parks as follows:
- i. A minimum of 3.0 metres from all public streets;
  - ii. A minimum of 8.0 metres from the public parks on Block B and Block C; and
  - iii. A minimum of 7.5 metres from Eglinton Avenue East along the tall building located at the northwest corner of Eglinton Avenue East and Hakimi Avenue
- 4) Minimum and maximum base building heights will be provided in accordance with Map 2.
- 5) Development of tall buildings will:
- i. Be located strategically on development Blocks in response to the frontage, depth, and configuration of the Blocks, to support the planned characters of the adjacent public realm, and where required, achieve appropriate transition to and limit their impact on the surrounding areas, including parks and open spaces, streets, courtyards and other outdoor amenity areas and mid-block pedestrian connections;
  - ii. Ensure that tall buildings on a Site will be predominantly designed with a minimum 5-metre tower stepback from the base building for a minimum of 2/3 of each tower frontage facing public streets and public parks, and will be organized to provide variation in tower placement and stepbacks along public streets and public parks to create and support interesting streetscapes, views, and vistas;

- iii. Maintain tower floor plate sizes that will not exceed 750 square metres for residential tall buildings and the residential portion of mixed-use tall buildings; and
- iv. Provide a minimum tower separation distance of 30 metres. Separation distances of less than 30 metres may be permitted at limited locations on the Site in order to achieve other built form objectives to enhance the pedestrian experience, such as greater tower stepbacks, and will be no less than 25 metres.

*Context Plan*

- 6) Development of the Site will be consistent with the Context Plan for the Site. An updated Context Plan will be submitted concurrently with the Draft Plan of Subdivision and any Zoning By-law Amendment application(s) for the Site and is intended to be endorsed concurrently with any such approval(s).

**G. HOUSING**

- 1) The Site will develop with affordable housing through one or more of the following delivery mechanisms or an equivalent mechanism to meet the intent of Policy 3.2.1.9 of the Official Plan and will be secured as part of any zoning by-law amendment application and/or draft plan of subdivision application:
  - i. The conveyance of land to the City;
  - ii. The provision of residential gross floor area as affordable rental housing with affordable rents secured for a period of no less than 15 years; and
  - iii. The conveyance to the City of residential gross floor area as affordable housing units for permanent affordability.
- 2) Prior to any development of the Site, a Housing Plan will be required that identifies in each phase of residential development: the percentage of units that will be two and three bedrooms in size, how the affordable housing units would be delivered and the unit types, sizes and location of affordable housing.
- 3) In addition to the plans/drawings and studies/reports identified in Official Plan Policy 5.5.2 and Schedule 3 of the Official Plan that are required for planning applications, a Housing Plan shall be submitted with the Draft Plan of Subdivision application for the Site, and will be required under section 51(18) of the *Planning Act*.

**H. COMMUNITY SERVICES AND FACILITIES**

- 
- 1) A Community Services and Facilities Implementation Plan addressing the manner, order and timing for provision of the facilities will be submitted with the Draft Plan of Subdivision and Zoning By-law Amendment applications for the Site, except for Phase 1.
  - 2) Any on-site community service facilities are encouraged to be provided in the earlier phases of development.
  - 3) The following community service facilities are a priority for the Site:
    - i. Two not-for-profit licensed Child Care Centres; and
    - ii. a community centre, community agency space or community recreation centre.
  - 4) The gross floor area of a community service facility to be owned and/or operated by the City or a non-profit community agency on the Site may be exempted from the calculation of gross floor area in Policy B. 2), provided that the gross floor area is not required in order to satisfy Policy B. 4).

***Potential Public School***

- 5) A potential public school of approximately 4,645 square metres is intended to be located on one of Block E, Block G or Block H. As part of a Zoning By-law Amendment application that includes any one of Block E, Block G or Block H, arrangements with the applicable school board will be required to confirm whether or not a school will be located on Block E, Block G or Block H.
- 6) As part of the Zoning By-law Amendment application process, if a public school is confirmed not to be located on Block E, Block G or Block H, and there are no subsequent Blocks remaining for development of a potential public school, all or part of the non-residential space identified as a public school may be used for another community service facility. Should the City identify all or part of the non-residential space for an alternative community service facility use, it should also identify the method to provide such community service facility use, including as a potential community benefit, at the earliest opportunity in the process. Any remaining part of the non-residential space not used for a community service facility may be considered for other non-residential uses.
- 7) The gross floor area of any public school may be exempted from the calculation of gross floor area in Policy B. 2), provided that the gross floor area is not required in order to satisfy Policy B. 3).

**I. IMPLEMENTATION**

- 1) For the purposes of this SASP, "Phase 1" is defined to mean the two tall buildings fronting on Eglinton Avenue East on Block D and Park Block A.

*Phasing of the Site*

- 2) To ensure the orderly development of the site, development will be subject to the following phasing of the Site:

- i. Phase 1 shall include:

- a. the two tall buildings fronting on Eglinton Avenue East on Block D;
- b. the conveyance of Park Block A, as public parkland, to the City to its satisfaction under Section 42 of the *Planning Act*;
- c. any POPS and/or Public Art identified on Map 1 for Block D.

- ii. Phase 2 shall include:

- a. Block E;
- b. the conveyance of Park Block B, as public parkland, to the City to its satisfaction under Section 42 of the *Planning Act*;
- c. the construction and conveyance of Public Street A east of Street B to the City to its satisfaction;
- d. the construction and conveyance of Public Street B to the City to its satisfaction;
- e. any identified community service facility pursuant to Policy H. 1) of this SASP; and
- f. any POPS and/or Public Art identified on Map 1 for Park Block B and Block E.

- iii. Phase 3 shall include:

- a. Block H;
- b. the construction and conveyance of Public Street B north of Public Street A to Ashtonbee Road;
- c. the construction and conveyance of Public Street A west of Street B, to the western limit of Park Block B and Park Block C, to the City to its satisfaction;
- d. any identified community service facility pursuant to Policy H. 1) of this SASP; and
- e. any POPS and/or Public Art identified on Map 1 for Block H.

- iv. Phase 4 shall include:
  - a. Block F, Block G, and any remaining part of Block D;
  - b. the conveyance of Park Block C, as public parkland, to the City to its satisfaction under Section 42 of the *Planning Act*;
  - c. the construction and conveyance of any remaining portion of Public Street A to the City to its satisfaction;
  - d. the construction and conveyance of Public Street C to the City to its satisfaction;
  - e. the construction and conveyance of any remaining portion of Public Street D on the Site to the City to its satisfaction;
  - f. any identified community service facility pursuant to Policy H. 1) of this SASP; and
  - g. any POPS and/or Public Art identified on Map 1 on Block F, Block G and Block C.
- 3) If any portion of Block D, beyond Phase 1, is developed in advance of Phase 4, the following must be provided or have been provided, through a Draft Plan of Subdivision:
  - i. the construction and conveyance of Public Street A west of Public Street B, to the western limit of the Site to the City to its satisfaction;
  - ii. the construction and conveyance of Public Street B south of Street A to the City to its satisfaction;
  - iii. the construction and conveyance of any remaining portion of Public Street D on the Site, south of Street A, to the City to its satisfaction;
  - iv. the conveyance of Park Block B to the City to its satisfaction under Section 42 of the *Planning Act*;
  - v. any identified community service facility pursuant to Policy H. 1) of this SASP; and
  - vi. any remaining POPS identified on Map 1 for Block D.
- 4) Notwithstanding Policy I. 2) above, if the City, in its sole discretion, is satisfied that the required matters are satisfactorily addressed and/or secured and will be provided at a time satisfactory to the City, then certain matters identified in any specified Phase may be provided earlier or later than specified above, at the discretion of the City.



*Draft Plan of Subdivision*

- 5) Prior to development of all or any part of the Site, except Phase 1, and prior to, or concurrent with, the approval of any Zoning By-law Amendment for all or part of the Site, a Draft Plan of Subdivision will either be required for the entirety of the Site subject of this SASP or at a minimum for the Phase as specified in Policy I. 2) above.
- 6) A Subdivision Agreement(s) will be entered into and registered on title to implement the structure plan contained in this Site and Area Specific Policy, and other related matters, and will include securing a satisfactory Housing Plan and the resulting affordable housing as contemplated by this Site and Area Specific Policy and subsection 51(17) of the *Planning Act*, if not already secured elsewhere. The Draft Plan of Subdivision may be registered in phases, where determined appropriate.
- 7) The phasing of development and required infrastructure for the Site, including the provision of all new public streets, municipal services, transportation infrastructure, including off-site cycling network improvements, transit improvements, streetscape along Eglinton Avenue East and parkland will be addressed and secured through the Draft Plan of Subdivision and Zoning By-law Amendment.
- 8) The implementation of the street network on the Site will occur incrementally over time.
- 9) The phasing of the transportation system for the Site, including related improvements and infrastructure, will occur in an integrated manner and be secured in a Subdivision Agreement, and such Subdivision Agreement may provide for phasing of the transportation system over time.
- 10) Any development shall coordinate and implement any required infrastructure upgrades and/or improvements with the City, and other landowners (where appropriate), including the provision of new and improved transportation (streets, transit, cycling, pedestrian) infrastructure where required to support development. This may also include the cost-sharing agreements between landowners, where appropriate.
- 11) In accordance with subsection 51(18) of the *Planning Act*, the City may require that:
  - i. A Municipal Class Environmental Assessment Study, or such study satisfactory to the City, being a Transit Corridor Study, for Victoria Park Avenue and/or Warden Avenue, has commenced; and

- ii. A Municipal Class Environmental Assessment Study including the street network on the Site has commenced.

These above-noted studies may be conducted and funded by the City and/or jointly with the owner of the Site, and/or other landowners. Should the owner of the Site proceed in advance of the commencement of the Transit Corridor Study identified in Policy I. 11) i., funding will be provided by the owner of the Site and secured in a manner satisfactory to the City in support of such study. For greater certainty, commencement does not mean the Municipal Class Environmental Assessment Studies, where applicable, has been completed.

*Zoning By-law Amendment(s)*

- 12) Zoning By-law Amendment(s) will include provisions dedicated to community services and facilities, where required, for the Site.
- 13) Development will be sequenced to ensure appropriate transportation infrastructure, municipal servicing infrastructure and community services and facilities, including parkland, are available to accommodate proposed development on the Site.
- 14) In addition to the plans/drawings and studies/reports required for the submission of a complete application for development as identified in Policy 5.5.2 and Schedule 3 of the Official Plan, the following are required for any Zoning By-law Amendment application:
  - i. A Context Plan for the Site which addresses the phasing of the development blocks and Parks shown on Map 1, the layout and design of existing and proposed public realm elements, built form elements and their impact, and relationship with the existing and potential future development in the areas adjacent to the Context Plan area for endorsement by City Council as an Implementation Plan for the Site under Policy 5.3.2.1. of the Official Plan; and
  - ii. A Multi-Modal Transportation Impact Study (MMTIS), which will identify the demands and impacts of development and include a Travel Demand Management (TDM) strategy and/or other mitigating measures to accommodate travel generated by the development. The MMTIS will include reporting on monitoring outcomes of earlier phases on transit, cycling, pedestrian, and vehicular traffic patterns, and any recommended refinements to TDM strategies and transportation system. The MMTIS must demonstrate prior to the approval of any Zoning By-law Amendment, that there will be sufficient transportation capacity available to accommodate additional site generated trips for all modes of travel or measures that can be undertaken to accommodate the additional trips through TDM strategies or off- site infrastructure improvements, including

the potential for higher order transit along Victoria Park Avenue or Warden Avenue.

- 15) Where transportation improvements and/or new transportation infrastructure are identified as part of the MMTIS, the Zoning By-law Amendment(s) may include a holding provision for all or part of the Site until those matters are implemented in a manner satisfactory to the City or such arrangements are secured in a manner satisfactory to the City to permit development to proceed concurrent with the identified transportation improvements and/or new transportation infrastructure.

**ATTACHMENTS**

Map 1: Structure and Public Realm & Street Network

Map 2: Pedestrian Network

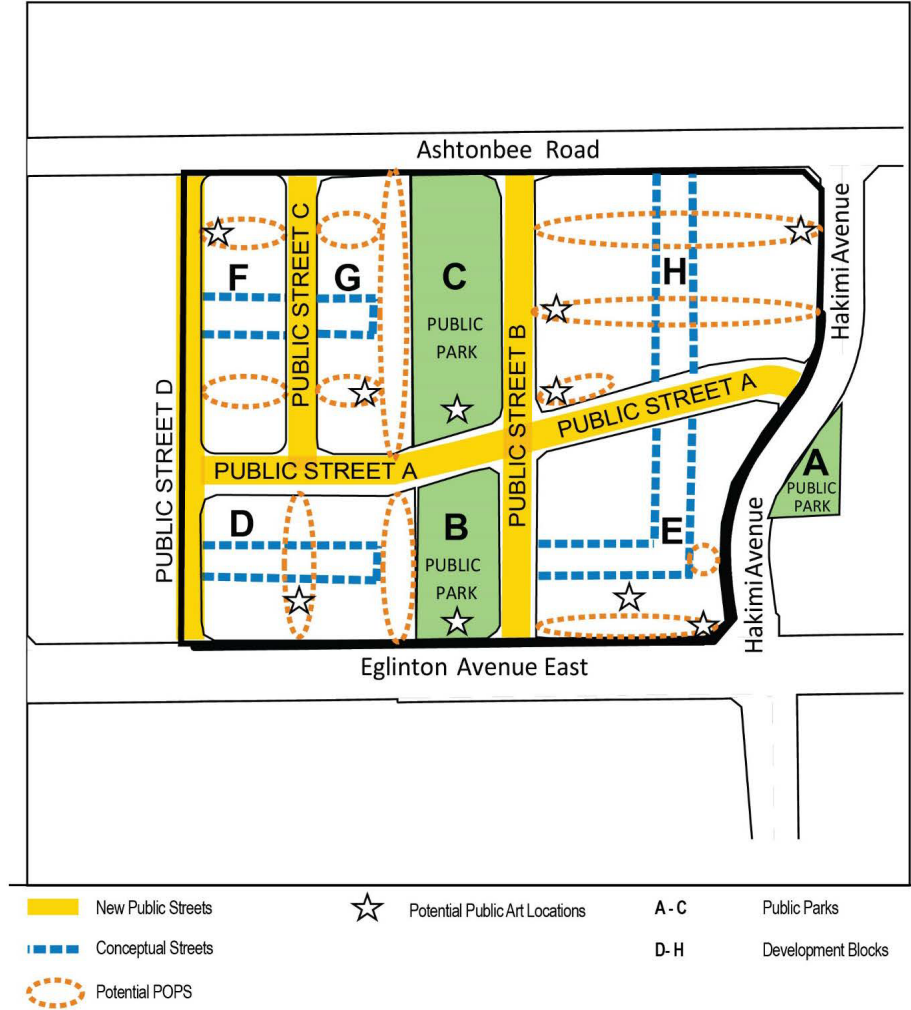
Map 3: Cycling Network

Map 4: Built Form

Map 5: Transit and Travel Demand Management Plan"

2. Chapter 7, Map 31, Site and Area Specific Policies is amended by adding the lands municipally known in 2021 as 1900 Eglinton Avenue East, as shown on the map above as Site and Area Specific Policy 815.

**MAP 1: STRUCTURE AND PUBLIC REALM & STREET NETWORK**



Site and Area Specific Policy Map #1

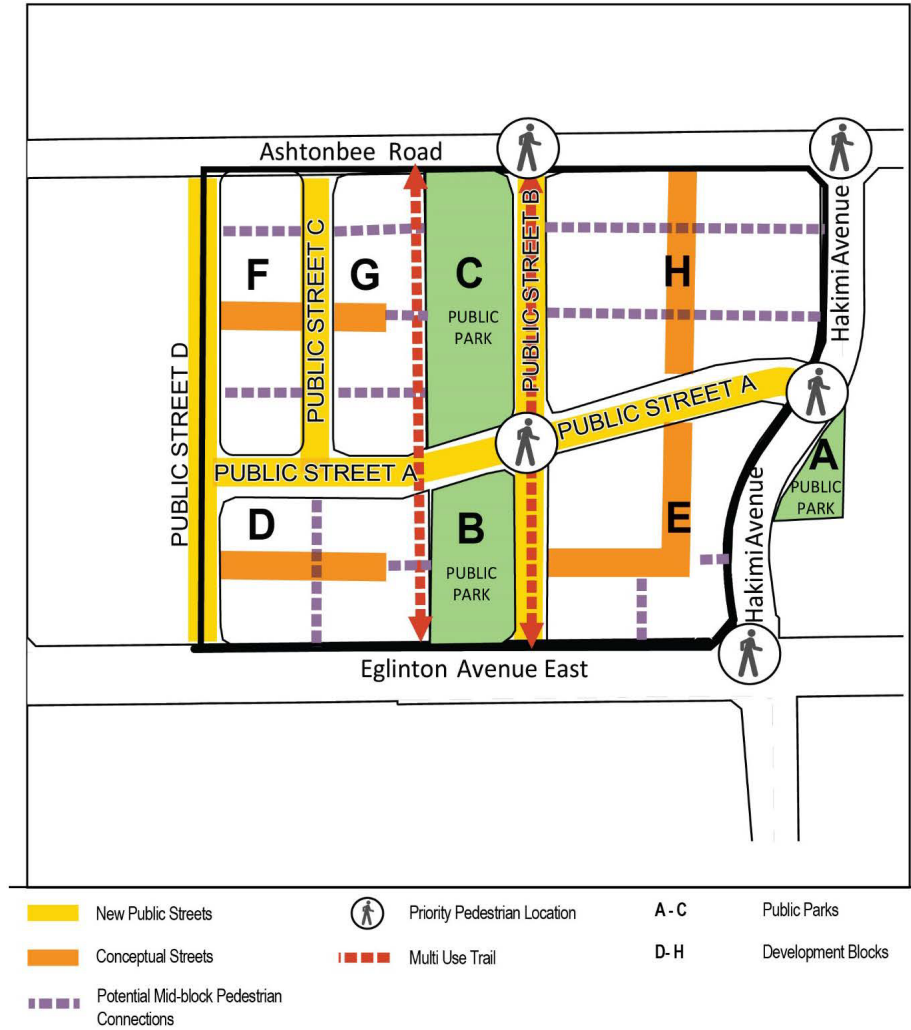
1900 Eglinton Avenue East (SmartCentres)

Structure, Public Realm, and Street Network

Not to Scale  
07/29/2022 

File # 19 208733 ESC 21 0Z

**MAP 2: PEDESTRIAN NETWORK**



Site and Area Specific Policy Map #2

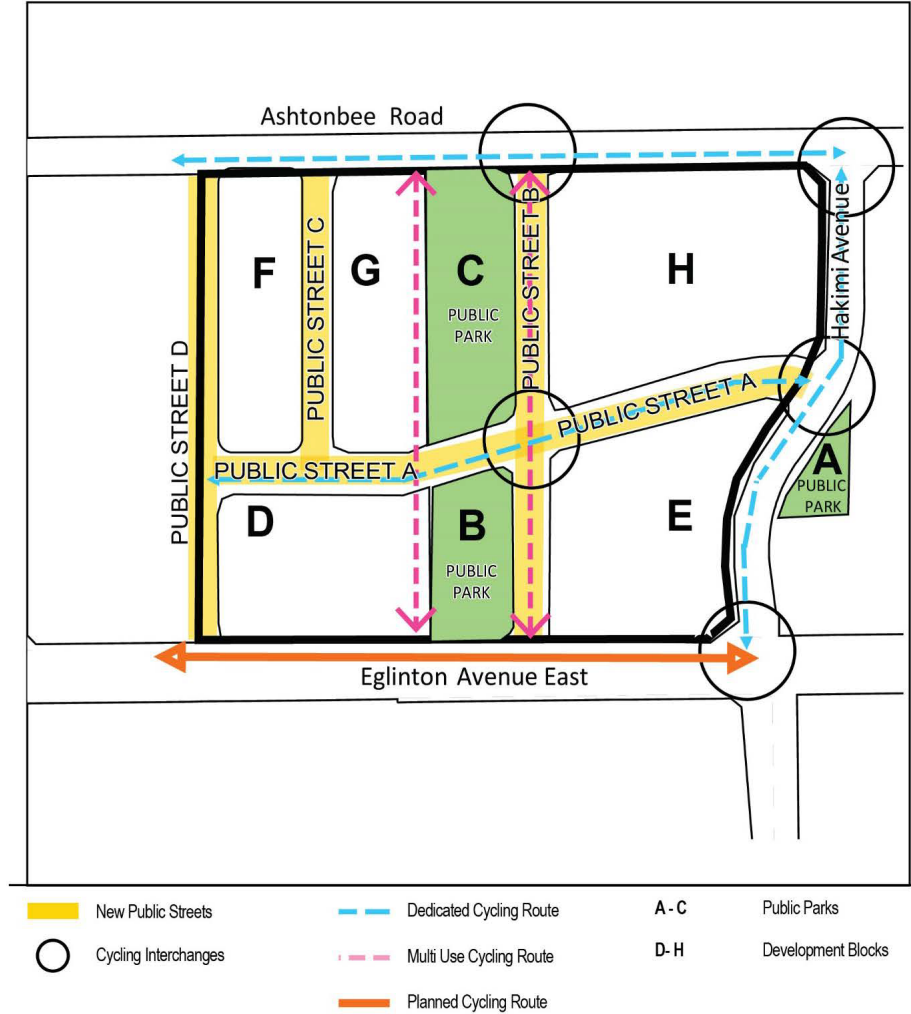
1900 Eglinton Avenue East (SmartCentres)

Pedestrian Network

Not to Scale

File # 19 208733 ESC 21 OZ


MAP 3: CYCLING NETWORK



Site and Area Specific Policy Map #3

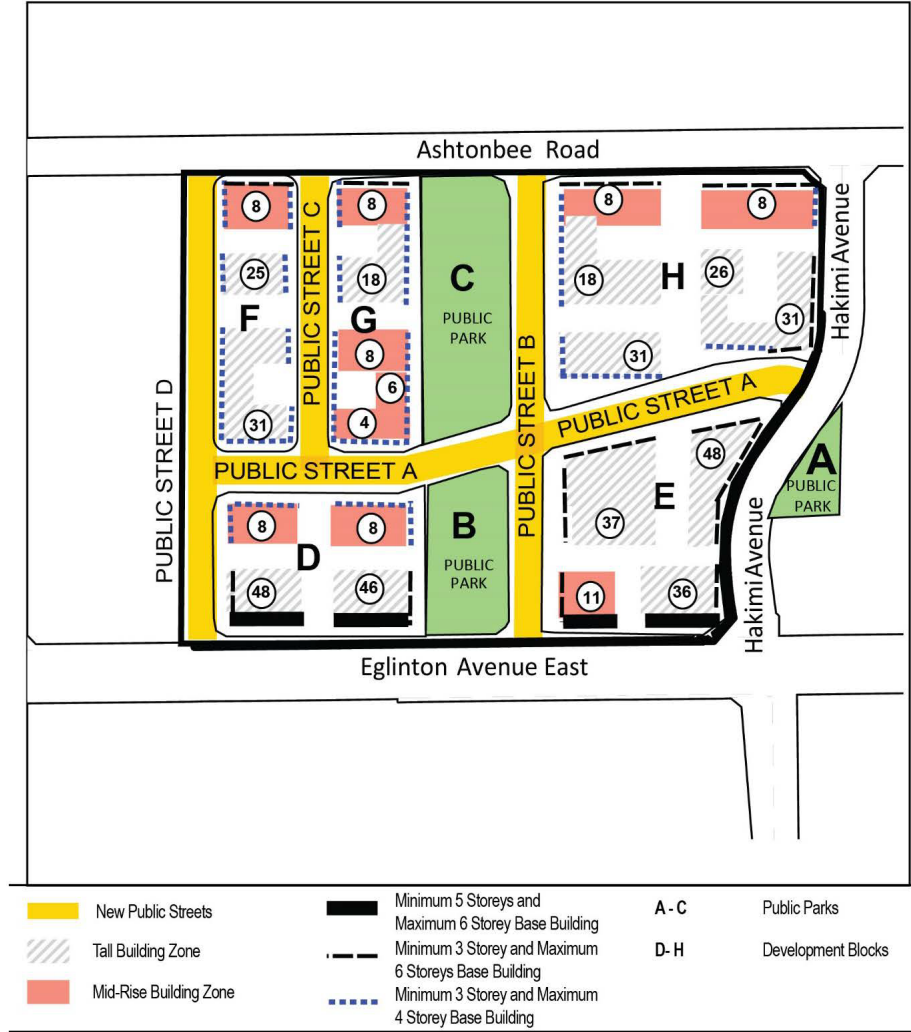
1900 Eglinton Avenue East (SmartCentres)

Cycling Network

Not to Scale  
07/29/2022 

File # 19 208733 ESC 21 OZ

**MAP 4: BUILT FORM**



Site and Area Specific Policy Map #4

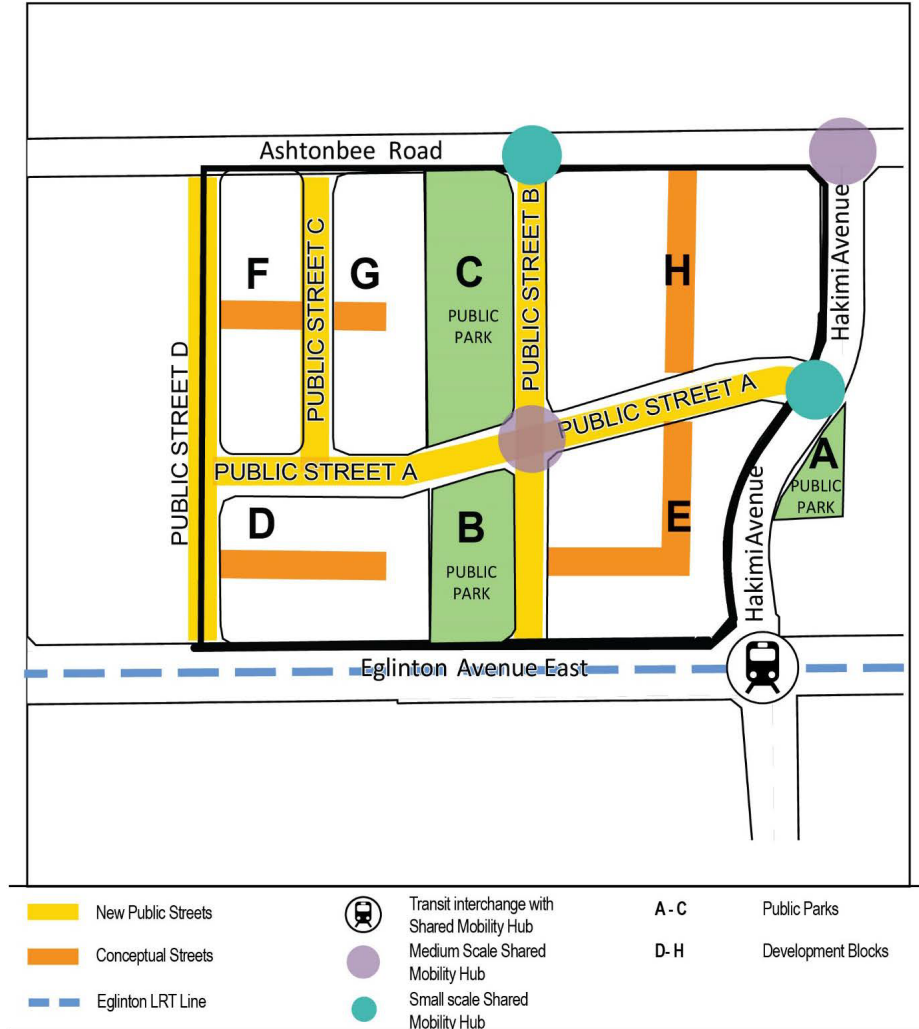
1900 Eglinton Avenue East (SmartCentres)

Built Form

Not to Scale 07/29/2022

File # 19 208733 ESC 21 0Z

**MAP 5: TRANSIT AND TRAVEL DEMAND MANAGEMENT PLAN**



**Site and Area Specific Policy Map #5**

**1900 Eglinton Avenue East (SmartCentres)**

Transit and Travel Demand Management Plan

Not to Scale  
07/29/2022 

File # 19 208733 ESC 21 OZ



## ATTACHMENT 2

Authority: Ontario Land Tribunal Decision and Order  
effective on [DATE] in File OLT-21-001701

### CITY OF TORONTO

#### BY-LAW XXXX-2022 (OLT)

##### **To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 1900 Eglinton Avenue East**

Whereas the Owner of the lands in the year 2021 appealed a proposed Zoning By-law Amendment to the Ontario Land Tribunal pursuant to Section 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended; and

Whereas the Ontario Land Tribunal, by its Decision and Order effective on [DATE], determined to amend Zoning By-law 569-2013, as amended, with respect to lands known municipally as 1900 Eglinton Avenue East; and

Whereas a zoning by-law may include Holding (H) symbol pursuant to section 36 of the Planning Act, R.S.O. 1990, c. P. 13, as amended; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of Holding (H) symbol with conditions in the zoning by-law; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in the 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 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 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; and

The Ontario Land Tribunal Orders:

1. The lands subject to this By-law municipally known in the year 2021 as 1900 Eglinton Avenue East, as outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone labels to these lands as shown on Diagram 2 attached to this By-law as follows:
  - (A) (H) CR 0.22 (c0.22; r0.0) SS3 (x795); and
  - (B) OR.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Article 995.10.1 and applying the following Policy Area label to these lands: PA4, as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands to the Height Overlay Map in Article 995.20.1, and applying the following height and storey label to these lands: HT 11.0 and ST 3 as shown on Diagram 4 attached to this By-law.
6. Zoning By-law 569 -2013, as amended, is further amended by adding the lands to the Lot Coverage Overlay Map in Article 995.30.1, and applying no value to these lands.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands to the Rooming House Overlay Map in Article 995.40.1, and applying no value to these lands.
8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 795 so that it reads:

Exception CR (795)

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 1900 Eglinton Avenue East, if the requirements of By-law [Clerks to insert By-law ##], including Section 10 and Schedule A are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (U) below;
- (B) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** for **Building A** and **Building B** is the vertical distance between the Canadian

Geodetic Datum of 157.0 metres and the elevation of the highest point of the **building** or **structure** for **Building A** and **Building B**;

- (C) Despite Regulation 40.10.40.10(3), the permitted maximum height of any **building** or **structure** is the number, in metres, following the letters "HT" on Diagram 5 of By-law [Clerks to insert By-law ##];
- (D) Despite Regulation 40.10.40.10(7), the maximum number of **storeys** in each **building** or **structure** is the number following the letters "ST" on Diagram 5 attached to By-law [Clerks to supply by-law ##];
- (i) For the purposes of this exception, a mezzanine located above the first **storey** and below the second **storey** of a **building** does not constitute a **storey**;
- (E) Despite Regulations 40.5.40.10(1), (2), (4), (6) and (7), the following equipment and **structures** may project beyond the permitted maximum height in metres and storeys shown on Diagram 5 of By-law [Clerks to insert By-law ##]:
- (i) mechanical penthouse and associated equipment used for the functional operation of the **building** included on the same level as the mechanical penthouse including electrical, utility, mechanical and ventilation equipment, mechanical penthouse, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, to a maximum of 10.0 metres;
- (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) above, to a maximum of 10.0 metres;
- (iii) architectural features, parapets, and elements and **structures** associated with a **green roof**, to a maximum of 2.0 metres;
- (iv) **building** maintenance units and window washing equipment, to a maximum of 5.0 metres;
- (v) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, to a maximum of 3.0 metres; and
- (vi) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, to a maximum of 4.0 metres;
- (vii) architectural features, such as: trellises, pergolas, and unenclosed **structures** providing decorative encasement above a podium terrace, to a maximum of 8.0 metres;
- (F) For the purposes of this By-law [Clerks to supply by-law ##], a "tower" is the portions of a **building** which collectively enclose the entirety of a **storey** higher

- than 24.0 metres above the average grade, and where the maximum gross construction area of any **storey** located above 24.0 metres, excluding balconies, does not exceed 750 square metres;
- (G) Despite Regulation 40.10.40.10(5), the required minimum height of the first **storey**, measured between the floor of the first storey and the floor of the **storey** above, is 4.5 metres for non-residential uses;
- (H) Despite Regulation 40.10.20.40(1), **dwelling units** are permitted in a **mixed use building**;
- (I) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** for **Building A** and **Building B** identified on Diagram 5 must not exceed 74,900 square metres and 975 **dwelling units**, and subject to the following:
- (i) a maximum residential **gross floor area** of 73,321 square metres combined for **Building A** and **Building B** on the lands;
  - (ii) a minimum of 1,579 square metres of non-residential **gross floor area**;
- (J) Of the total number of **dwelling units** permitted in Provision (I) above, each **building** will include:
- (i) a minimum of 25 per cent must be two-bedroom **dwelling units**; and
  - (ii) a minimum of 10 per cent must be three-bedroom **dwelling units** or larger;
- (K) Despite Regulations 40.10.40.70(3) and 40.10.40.80(2) the required minimum **building setbacks** and minimum separation of **main** walls must be provided as shown in metres on Diagram 5 of By-law [Clerks to insert By-law ##];
- (L) Despite Regulation 40.5.40.60(1), Clause 40.10.40.60 and (K) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) decks, porches, and balconies, in accordance with the following:
    - a. to a maximum of 1.8 metres on the east **main wall** and west **main wall** of each **building** above the third **storey**; and
    - b. to a maximum of 2.7 metres on the north **main wall** and south **main wall** of each **building**; and
    - c. despite (L)(i)a. and b. above, no decks, porches or balconies are permitted to encroach below the seventh **storey** on the south **main wall** along Eglinton Avenue East for each **building**;

- 
- (ii) cladding added to the exterior surface of the **main wall** of a **building**, to a maximum of 0.6 metres;
  - (iii) public art features and **landscaping**, to a maximum 2.0 metres;
  - (iv) wind mitigation features, to a maximum of 3.0 metres; and
  - (v) awnings and canopies in accordance with the following:
    - a. to a maximum of 2.7 metres into the required **building setbacks**, if no part of the canopy, awning or similar structure is more than 5.0 metres above the elevation of the ground directly below it; and
    - b. to a maximum of 1.8 metres into the required **building setbacks** at the seventh **storey**;
- (M) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) a minimum of 0.3 **parking spaces** must be provided for each **dwelling unit**;
  - (ii) a minimum of 0.1 visitor **parking spaces** must be provided for each **dwelling unit**; and
  - (iii) a minimum of 1.0 **parking spaces** must be provided for each 100 square metres of **gross floor area** for permitted non-residential uses in **Building A** and **Building B**;
- (N) Despite Regulations 200.5.10.1 (2), (3) and (M) above, **parking spaces** required for non-residential uses and for **dwelling unit** visitors may be:
- (i) shared on a non-exclusive basis; and/or
  - (ii) provided within a shared below-ground **parking garage**;
- (O) Despite Regulation 200.5.10.1(1), "car-share **parking spaces**" may replace **parking spaces** otherwise required for residential occupants, subject to the following:
- (i) a reduction of four (4) resident occupant **parking spaces** will be permitted for each "car-share **parking space**" provided; and
  - (ii) the maximum reduction permitted be capped by the application of the following formula:

- 
- a. our (4) multiplied by the total number of **dwelling units** divided by 60, and rounded down to the nearest whole number;
  - (iii) for the purposes of this exception, "car-share" means the practice whereby a number of people share the use of one or more **vehicles** and such "car-share" motor **vehicles** are made available to at least the occupants of the building or short-term rental, including hourly rental; and
  - (iv) for the purposes of this exception, "car-share **parking space**" means a parking space exclusively reserved and signed for a **vehicle** used only for car-share purposes;
- (P) Despite (M), the total minimum number of vehicle **parking spaces** required on a lot may be reduced at a rate of 1 vehicle **parking space** for every 5 **bicycle parking spaces** provided in excess of the minimum number of **bicycle parking spaces** required, if the reduction of vehicle **parking spaces** is not greater than 20% of the total minimum vehicle **parking spaces** required;
- (Q) Despite Regulation 200.15.1(1), (3) and (4), accessible **parking spaces** must be provided as follows:
- (i) An accessible parking space must have the following minimum dimensions:
    - a. length of 5.6 metres;
    - b. width of 3.4 metres; and
    - c. vertical clearance of 2.1 metres;
  - (ii) The entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
  - (iii) Accessible **parking spaces** must be the **parking spaces** closest to a barrier free:
    - a. entrance to a **building**;
    - b. passenger elevator that provides access to the first **storey** of the **building**; and
    - c. and shortest route from the required entrances in (Q)(iii)a. and b.
- (R) Despite Regulation 200.5.1.10(2), a maximum of 10 percent of required parking spaces provided may have the following minimum dimensions, despite that such parking spaces may be obstructed on one or two sides without a requirement to increase to increase the minimum width by 0.3 metres and may have the

following dimensions:

- (i) length of 5.2 metres;
  - (ii) width of 2.6 metres; and
  - (iii) vertical clearance of – 2.1 metres;
- (S) Despite Regulations 220.5.10.1(2), (3), (4), (5), and (8), **loading spaces** must be provided in accordance with the following for **Building A** and **Building B**:
- (i) a required minimum of one (1) Type 'G' **loading space** must be provided as shared between **Building A** and **Building B**;
  - (ii) a required minimum of one (1) Type 'B' **loading space** must be provided as shared between **Building A** and **Building B**; and
  - (iii) a required minimum of two (2) Type 'C' **loading space** must be provided as shared between **Building A** and **Building B**;
- (T) Despite Regulation 230.5.1.10(4), if a **stacked bicycle parking space** is provided, its minimum dimensions must comply with the following:
- (iv) minimum length of 1.8 metres;
  - (v) minimum width of 0.4 metres;
  - (vi) minimum vertical clearance of 1.2 metres;
- (U) Despite Regulation 230.5.1.10(10) a “long-term” and “short-term” **bicycle parking space** may be provided in a **stacked bicycle parking space** arrangement.

Prevailing By-laws and Prevailing Sections (none apply)

9. Despite any future severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.
10. Section 37 Provisions
- (A) Pursuant to Section 37 of the *Planning Act*, , as it read on the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020*, S.O. 2020, C.18, as amended, came into force, and subject to compliance with this By-law, the increase in height and/or density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner’s expense, of the facilities, services and matters set out in Schedule A hereof which are secured by one or more agreements pursuant to Section 37 (3) of the *Planning Act* that are in a form and registered on title to the



lands, to the satisfaction of the City Solicitor;

- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a **building** permit, the issuance of such permit shall be dependent upon satisfaction of the same;
- (C) The owner shall not use, or permit the use of, a **building** or **structure** erected with an increase in height and density pursuant to this By-law unless all applicable provisions of Schedule A are satisfied; and
- (D) Once the agreement or agreements securing the facilities, services and matters set out in Schedule A have been executed and registered, the provisions of Schedule A shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.

#### 11. Holding Provisions

- (A) The lands zoned with the "(H)" symbol delineated by heavy lines on Diagram 2 attached to and forming part of this By-law must not be used for any purpose other than those uses and buildings existing on the site as of date of passing this By-law on the lands shown on Diagram 1 attached to this By-law until the "(H)" symbol has been removed.
- (B) An amending by-law to remove the "(H)" symbol may be enacted by City Council with respect to each **building**, being **building** A and/or **building** B as shown on Diagram 5 attached to this By-law, when the following conditions have been fulfilled to the satisfaction of the City Solicitor, the Chief Planner and Executive Director, City Planning, the Chief Engineer and Executive Director, Engineering and Construction Services, the General Manager, Toronto Water, General Manager, Transportation Services, as the case may be, and Council:
  - (i) the Owner has submitted, at their sole cost and expense, a revised Functional Servicing Report and Stormwater Management Report, Hydrogeological Review, including the Foundation Drainage Report taking into account any existing, approved and proposed developments and any required materials and analysis to address stormwater, sanitary and water capacity matters and infrastructure improvements and/or new municipal infrastructure determined to be required to support the development of building A and/or building B to which the amending by-law to remove the "(H)" symbol applies ("**Engineering Reports**"), satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services and General Manager, Toronto Water;
  - (ii) the Owner has submitted, at their sole cost and expense, has secured the design and the provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure identified



in the accepted Engineering Reports, to support the development of a of building A and/or building B to which the amending by-law to remove the "(H)" symbol applies, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water, should it be determined that improvements or upgrades are required to support the development, according to the accepted Engineering Reports, accepted by the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water;

- (iii) The receipt of all necessary approvals for the infrastructure required, as described (ii) above.

Ontario Land Tribunal Decision and Order issued on [DATE] in File OLT-21-001701.

## SCHEDULE A

### Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands shown in Diagram 1 in this By-law. Prior to the issuance of any **building** permit, the owner shall enter into an agreement, on such terms and conditions, including upwards indexing, securities, details and requirements, to the satisfaction of the City Solicitor pursuant to Section 37(3) and (4) of the Planning Act, as it read on the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020*, S.O. 2020, C.18, as amended, came into force, (the "**Section 37 Agreement**") to secure the community benefits and matters required to support the development below, whereby the owner agrees as follows:

#### Community Benefits

1. The Owner shall provide, on such terms and conditions as specified in the Section 37 Agreement, a minimum of 60 affordable housing units, based on 100 percent Average Market Rent and an affordability period of 15 years with these affordable housing units being provided in building A and/or building B as shown on Diagram 5 of this By-law, including the following:
  - (A) the affordable housing units will be made available for residential occupancy concurrent with the market dwelling units in building A and/or building B;
  - (B) the affordable housing units must be grouped in no less than 6 contiguous units;
  - (C) the unit types and sizes, with such unit sizes be to the satisfaction of the Chief Planner and Executive Director, City Planning, as follows:
    - (i) at least 10 percent three-bedroom **dwelling units**;
    - (ii) at least 25 percent two-bedroom **dwelling units**;
    - (iii) no more than 65 percent one-bedroom **dwelling units**.

#### Matters Required to Support the Development

2. The owner shall prepare, at its expense, a Public Art plan (the "Public Art Plan") for the provision of Public Art, up to a maximum value of One Million Dollars (\$1,000,000.00), subject of upwards indexing from the date this By-law is in force and effect to the day of provision of the Public Art Plan, upon the lands or adjacent City-owned lands and shall submit the Public Art Plan to the City, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Toronto Public Art Commission, and to City Council for approval, in accordance with the terms and conditions satisfactory to the Chief Planner and the Executive Director, City Planning

and the City Solicitor; the Public Art Plan may include design strategies to incorporate indigenous culture/history throughout the lands.

3. Prior to the issuance of the first above grade **building** permit for building A and building B, the owner shall provide financial security in the form of a Letter of Credit for public art, identified in the approved Public Art Plan to secure the commission and installation of public art in accordance with the approved Public Art Plan in Clause 2 above.
4. The Owner shall provide the following required transportation improvements and transportation demand management measures identified in the Multi-Modal Transportation Impact Study accepted and satisfactory to the General Manager, Transportation Services and secured to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning in the Zoning By-law Amendment in addition to the following identified matters:
  - (A) prior to the issuance of any above grade **building** permit, the owner shall pay to the City, by certified cheque, the sum of Fifty Thousand Dollars (\$50,000.00) for the future implementation of a minimum of one (1) bike-share stations, at location(s) that may be determined by the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services;
  - (B) prior to the issuance of any above grade **building** permit, the owner shall provide a letter of credit for One Thousand Five Hundred Dollars (\$1,500) for the bike repair station thereafter provide evidence of installation in a form satisfactory to the General Manager, Transportation Services for such financial security to be returned;
  - (C) prior to the issuance of any above grade **building** permit, the owner shall provide a letter of credit for Five Thousand Dollars (\$5,000.00) for the provision of one (1) real-time transportation information screen and thereafter provide evidence of installation, such as in a form satisfactory to the General Manager, Transportation Services for such financial security to be returned;
  - (D) prior to the issuance of any above grade **building** permit, the owner shall provide to the City a financial contribution of Fifty Thousand Dollars (\$50,000.00) for the future Victoria Park Avenue or Warden Avenue Transit Study;
  - (E) prior to the issuance of any above grade **building** permit, the owner shall provide a financial contribution to the City in the amount of Forty Thousand Dollars (\$40,000.00) for a future Golden Mile Transportation Monitoring Study;
  - (F) Whereas the items in Clause 4. (A) to (E) above, shall be in Canadian funds, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan area, calculated from the date this By-law is in force and effect to the date of payment;
  - (G) the owner shall provide a PRESTO pass to each of the affordable housing units,

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- each pre-loaded with the value of one yearly PRESTO fare to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services; and
- (H) the owner shall provide bike share annual memberships to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services, of which, there shall be bike share memberships provided to each of the 60 affordable housing units.
5. Prior to the issuance of the first Above-Grade Building Permit for the last Building on Block 1, the Owner shall:
- (A) convey, in fee simple to the City, a minimum of 1,755 square metres of land for public park purposes in the general location identified on Diagram 2 of this By-law, (the “**Block 4 Parkland**”) to the satisfaction of General Manager, PFR and where the Block 4 Parkland and shall partially satisfy the Owner’s Statutory Parkland Dedication requirement;
- (B) convey the Block 4 Parkland free and clear above-grade and below-grade of all physical obstructions and easements, encumbrances, unless otherwise permitted in writing by the General Manager, PFR or as otherwise permitted by this Agreement, and free and clear of all title encumbrances including, but not limited to all easements, rights-of-way, leases, charges, and encroachments, including surface and subsurface easements, to the satisfaction of General Manager, PFR and the City Solicitor; and
- (C) complete the environmental obligations outlined in the Section 37 Agreement to the satisfaction of General Manager, PFR.
6. The owner shall provide, at their sole cost and expense, a wind tunnel testing for the development as part of a site plan control application, and thereafter secure and implement mitigation measures identified in any accepted Wind Tunnel Study/Report satisfactory to the Chief Planner and Executive Director, City Planning;
7. The Owner shall provide a privately owned publicly accessible open spaces on the lands shown on Diagram 1 of this By-law, with a minimum size of 373 square metres, whereby as a pre-approval condition to Site Plan Approval for Block 1, the owner shall convey to the City, for nominal consideration, easement(s) along the surface of the lands, to the satisfaction of the City Solicitor, which shall constitute the privately owned publicly accessible open spaces and any required public access easements to connect the privately owned publicly accessible open spaces to adjacent privately owned publicly accessible open spaces and/or public rights-of-way, where necessary; and the owner shall own, operate, maintain and repair the privately owned publicly accessible open spaces and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the privately owned publicly accessible open spaces at all times of the day and night, 365 days of the year; and the specific location, configuration and design of the

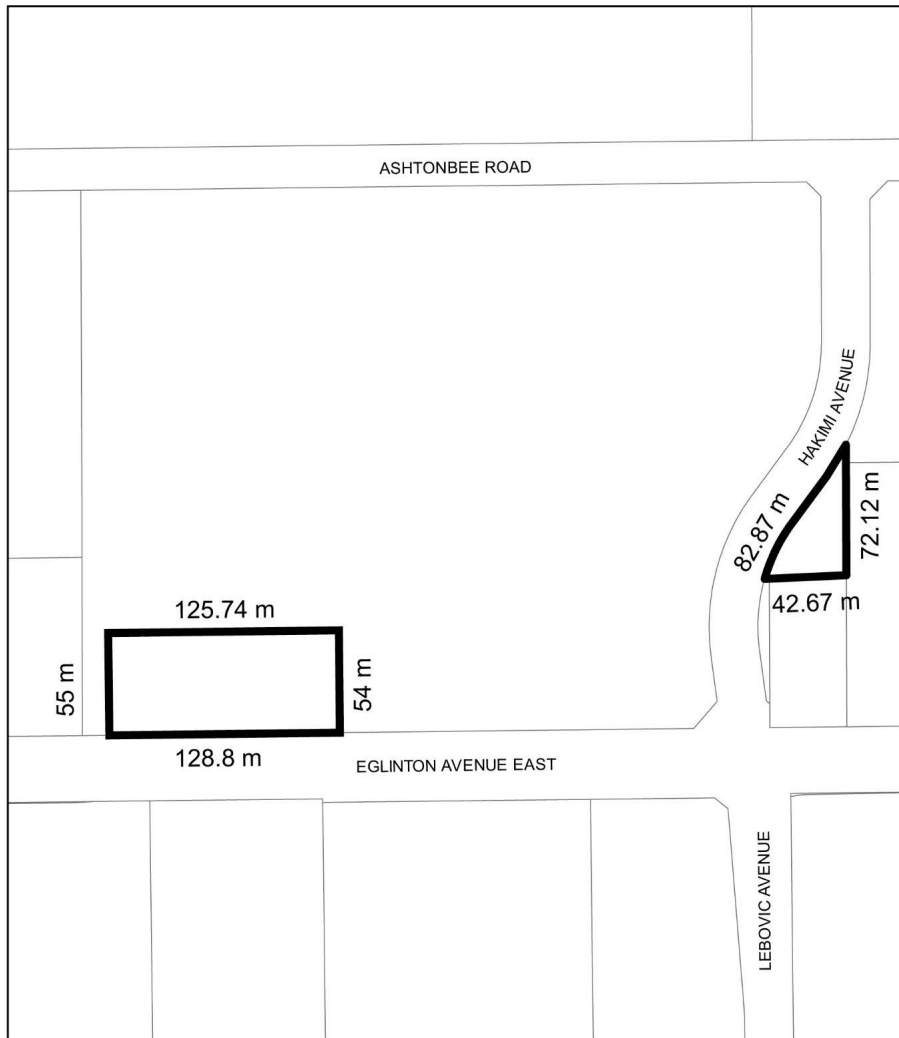
privately owned publicly accessible open spaces shall be determined in the context of a site plan approval for each building and/or block pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City.

8. The Owner shall provide public access easements to provide access to and through the lands shown on Diagram 1 of this By-law for the mid-block connection(s) and private street to the satisfaction of the Chief Planner and Executive Director, City Planning, with the exact location, design and timing of delivery of the vehicular and pedestrian easement to be determined in the context of a Site Plan Approval; the owner shall own, operate, maintain and repair the public easement area and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the public easement at certain times of the day and night, and the owner may restrict other uses of this space, so long as they do not unreasonably obstruct pedestrian movement of persons of all ages and abilities with such matters determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City.
9. Prior to the issuance of Site Plan Approval for any part of the lands, the owner shall provide a Design Brief, to the satisfaction of the Chief Planner and Executive Director, City Planning.
10. The owner will construct and maintain the lands 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 lands.
11. The requirements for a construction management plan to be provided at site plan approval, including but not limited to, noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, coordination with adjacent on-going development construction, parking and laneway uses and access, refuse storage, site security, site supervisor contact information, any required coordination with Metrolinx regarding the Eglinton Crosstown LRT, and a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services as set out in the Section 37 Agreement.
12. The Section 37 Agreement shall identify the implementation of, and/or mitigation measures listed, in any the reports, studies and plans accepted by the City submitted by the owner and any such implementation measures secured in the appropriate agreements.
13. The appropriate agreement(s) shall identify the conditions and matters as identified in memorandums provided to the City on behalf of Metrolinx as it relates to the Eglinton LRT, utility companies Toronto District School Board, Toronto District Catholic School Board, and the Toronto and Region Conservation Authority based on their review of the

development applications, all of which are identified satisfactory to the Chief Planner and Executive Director, City Planning and secured in the appropriate agreement(s), the Section 37 Agreement and conditions of Site Plan Approval (where appropriate), satisfactory to the City Solicitor.

- 14.** As part of the first site plan application and prior to any site plan approval on any part of the site, the owner shall provide a revised landscape plan and soil volume plan for the entire Development Site, including streetscape cross-sections, all satisfactory to the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services, and the Director, Urban Forestry.
- 15.** As part of the first site plan application and prior to any site plan approval on any part of the lands, the owner shall provide a Public Utilities Plan for the entire Development Site to ensure, among other matters, that above ground and underground utilities and streetscape elements, such as street trees, sidewalk locations are located at appropriate locations for all new and existing streets and such plan should be submitted as a separate grayed out underlay and underlay on the Landscape Plan required above, for the entire Development Site, all satisfactory to the Chief Planner and Executive Director, City Planning, the Chief Engineer and Executive Director, Engineering and Construction Services, the General Manager, Transportation Services and the Director, Urban Forestry.


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City of Toronto By-law xxx-2022(OLT)



 **Toronto**  
Diagram 1

1900 Eglinton Avenue East

File # 21 111522 ESC 21 OZ


  
City of Toronto By-law 569-2013  
Not to Scale  
08/11/2022



 **Toronto**  
Diagram 2

1900 Eglinton Avenue East

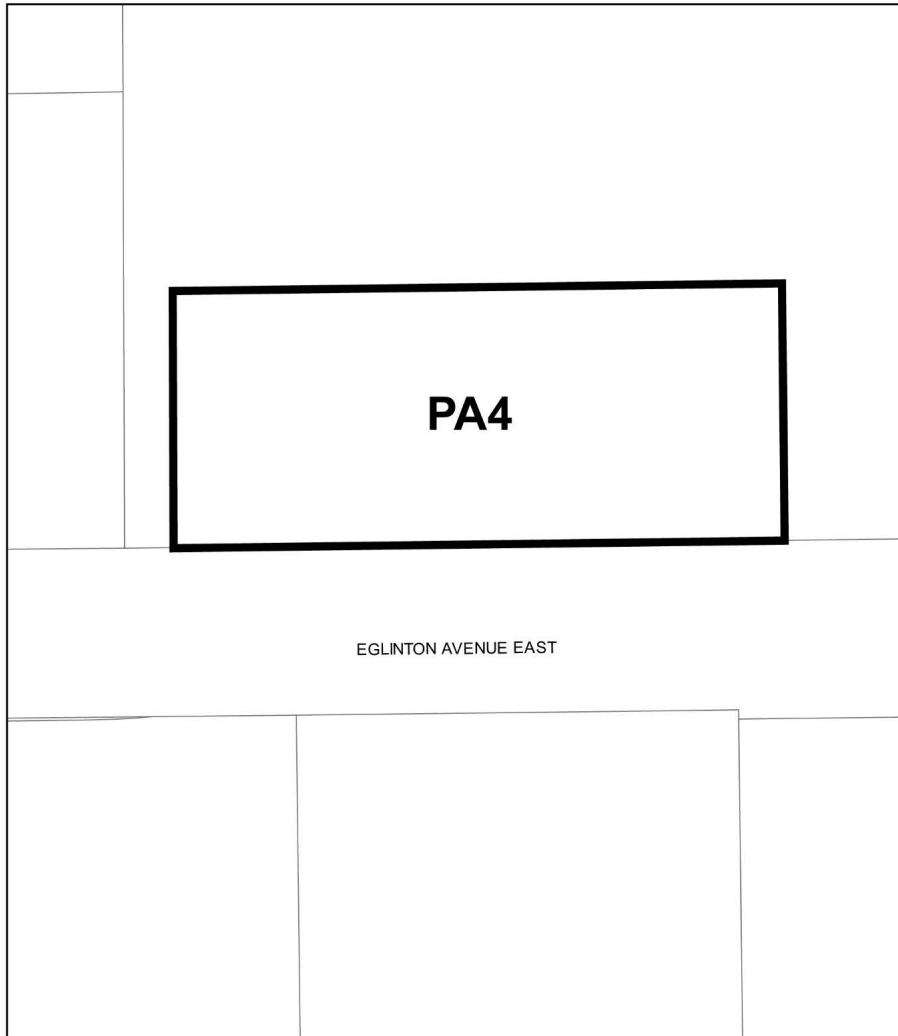
File # 21 111522 ESC 21 0Z

  
City of Toronto By-law 569-2013  
Not to Scale  
08/11/2022



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City of Toronto By-law xxx-2022(OLT)

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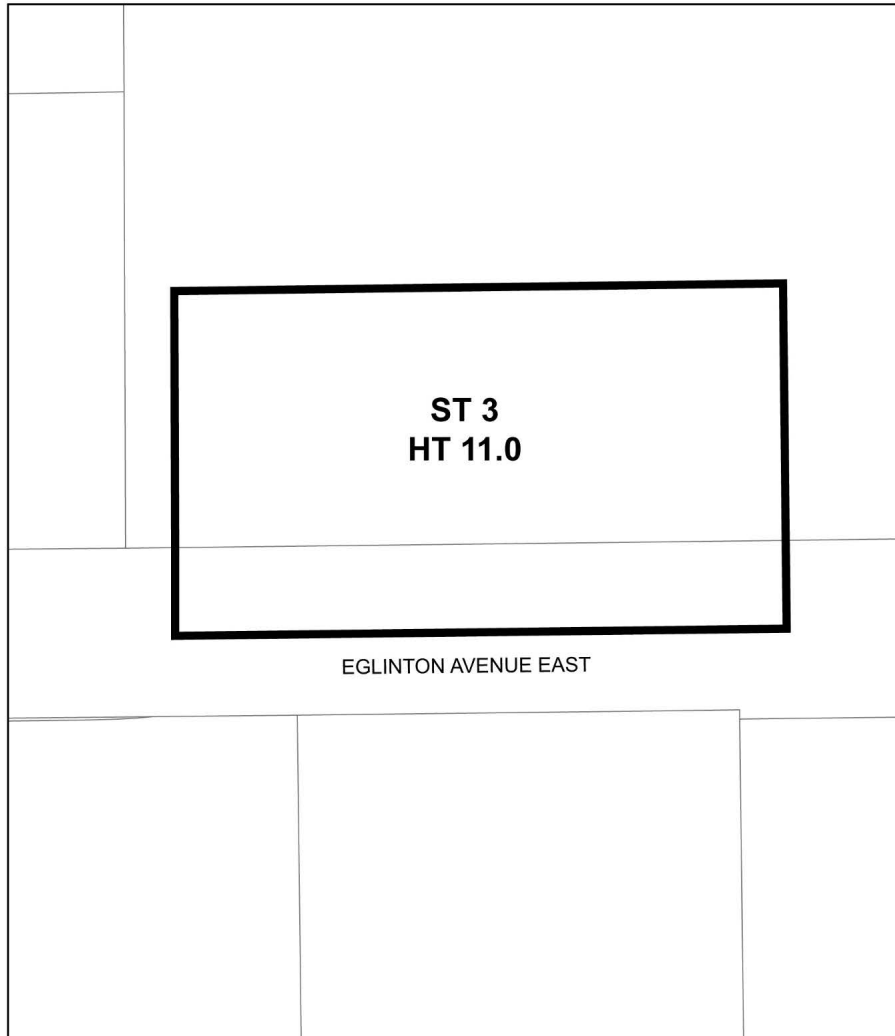
 **Toronto**  
Diagram 3

**1900 Eglinton Avenue East**

File # 21 111522 ESC 21 OZ



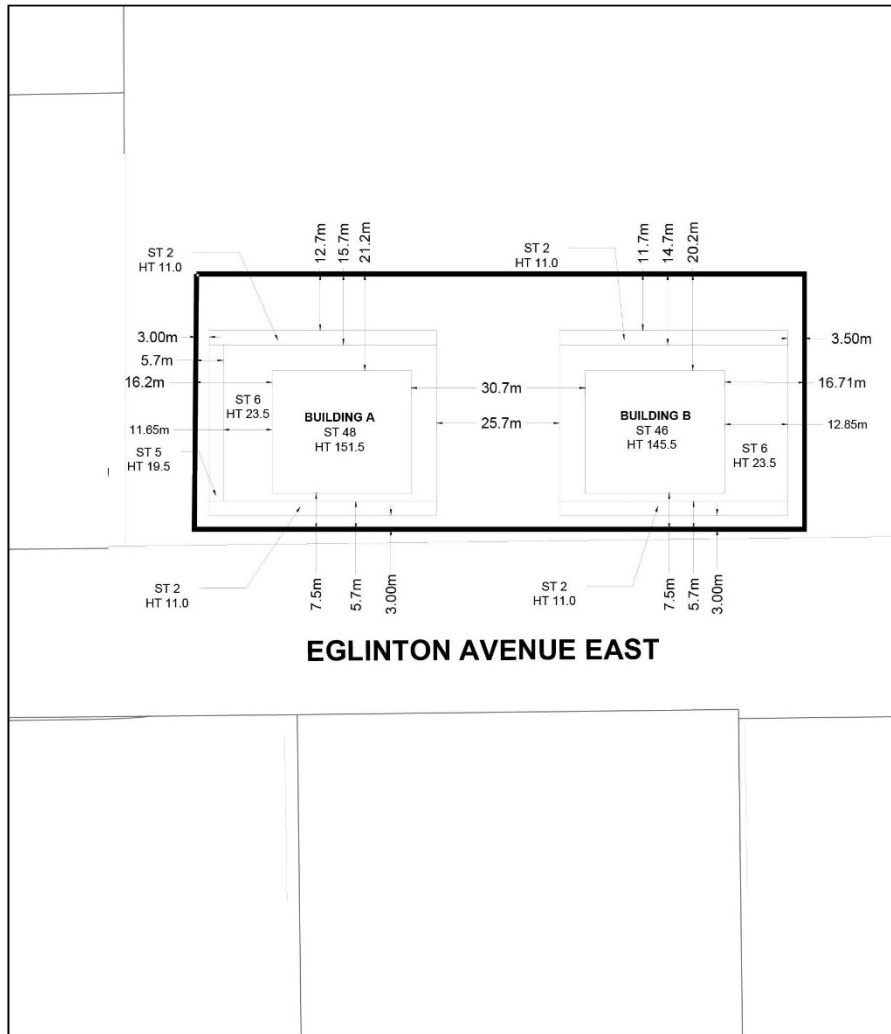
City of Toronto By-law 569-2013  
Not to Scale  
08/11/2022



 **Toronto**  
Diagram 4

1900 Eglinton Avenue East

File # 21 111522 ESC 21 OZ



 **TORONTO**  
Diagram 5

1900 Eglinton Avenue East

File # 21 111522 ESC 21 0Z



City of Toronto By-law 569-2013  
Not to Scale  
08/11/2022