

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



**ISSUE DATE:** January 16, 2023

**CASE NO(S):** OLT-22-002334  
(Formerly PL210236)

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

Applicant and Appellant:	Madison Raglan Limited
Subject:	Application to amend Zoning By-law No. 569-2013, 438-86 and 1-83 – Refusal or neglect of City of Toronto to make a decision
Existing Zoning:	The properties at 10-12 Raglan Avenue are zoned R (d0.6), which permits a maximum height of 12.0 metres and a maximum floor space index of 0.6 The properties at 14-32 Raglan Avenue are zoned RA (x777)
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit a 28-storey residential building with 399 dwelling units
Property Address/Description:	10-32 Raglan Avenue
Municipality:	City of Toronto
Municipal Number:	20 155716 STE 12 OZ
OLT Case No.:	OLT-22-002334
OLT File No.:	OLT-22-002334
Legacy Case No.:	PL210236
OLT Case Name:	Madison Raglan Limited v. Toronto (City)

**Heard:** June 6, 2022 by video hearing

**APPEARANCES:**

**Parties**

Madison Ragland Limited

City of Toronto

538 St. Clair Avenue Ltd.

**Counsel**

David Bronskill

Marc Hardijowski

Jennifer Evola

Merkur Realty (1993) Limited

Matthew Helfand

**MEMORANDUM OF ORAL DECISION DELIVERED BY CARMINE TUCCI ON JUNE 6, 2022 AND ORDER OF THE TRIBUNAL**

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**INTRODUCTION**

[1] Prior to the commencement of the hearing, the Parties confirmed that a settlement had been reached and the settlement was presented for the consideration of the Tribunal.

[2] The matter before the Ontario Land Tribunal (the “Tribunal”), was with respect to the appeals of the refusal of the City of Toronto to make a decision regarding an application to amend Zoning By-law Nos. 569-2013, 438-86 and 1-83.

[3] Uncontested opinion evidence was given to supplement the Affidavit sworn by Mike Dror, on June 6, 2022. Mr. Dror was qualified to assist the Tribunal with opinion evidence in areas of land use planning. Mr. Dror provided extensive oral, written and visual evidence as contained in his Affidavit.

[4] Mr. Dror explained how:

- The Settlement Proposal consists of a mixed-use residential building with a height of 28 storeys with a height of 95.65 metres (“m”), or 101.65 m to the top of the mechanical penthouse.
- The Settlement Proposal includes a total Gross Floor Area (“GFA”) of approximately 29,343.6 square metres (“sq m”), resulting in a gross density of 10.79 Floor Space Index (“FSI”) (slight increases over the 27,990.26 square metres of GFA and 10.24 FSI in the Original Proposal). Of that GFA, approximately 9.3 sq m is proposed as a “micro café along” to be located the south façade of the lobby, with a service window to the building’s exterior.

Also, an approximately 252.4 sq m community space is proposed for municipal purposes, to be located along the north edge of the ground floor.

- A total of 389 residential rental units are proposed including 42 three-bedroom units (11%) and 93 two-bedroom units (24%).
- A total of 122 parking spaces are to be provided below grade within a two (2)-level underground parking garage with access through an underground garage ramp located off of the north south laneway west of the Subject Site, including 110 residential spaces, six (6) visitor spaces and six (6) car-share parking spaces. Loading and servicing is also accessed from the same laneway with the proposed Type “G” loading space enclosed within the west façade of the building and screened from view.
- A total of 406 bicycle parking spaces are proposed (an increase from 400 spaces in the Original Proposal), including 355 long-term spaces and 51 short-term spaces.

[5] The Settlement Proposal generally maintains the original design intent of the Original Proposal, but with generally increased setbacks and step backs, particularly along Raglan Avenue to provide a wider public realm.

[6] From the north property line, the building has been set back at grade between approximately 7.8 and 11.8 m, with the wider setback along Raglan Avenue (increased from a relatively equal setback of between 4.4 and 4.6 metres) to facilitate the provision of a new public park with an approximate area of 252.4 sq m , immediately abutting the proposed community space in the ground floor. Above, Floors 2-5 follow similar setbacks except with an overhang of approximately 0.5 m. From the future park, a minimum setback of 3.0 m is proposed at grade, while Floors 2-5 are to be set back 2.5 m.

[7] To the east (along Raglan Avenue), the podium has been set back approximately

4.2 m at grade (increased from 1.7 metres), resulting in a minimum of 10 m from the curb to the building face for the proposed two (2)-storey townhouses facing the public street. Above, the lower podium (Floors 2-5) is set back 3.2 m (increased from 0 metres).

[8] To the south, the approximately 5.5 m podium setback to the centreline of the east-west lane to the south is maintained, while the two (2)-storey townhouses below (now proposed as live-work units) are to be set back an additional 1.8 m (a slight decrease from the previous additional setback of 2.5 metres). A 1.48 m stratified laneway conveyance is proposed to the south.

[9] To the west, given that integral townhouses are no longer proposed fronting the north-south lane, only a 5.5 m setback is provided from the centreline of the laneway, a reduction from the previously proposed 6.8 m setback. A 1.98 m stratified laneway conveyance is now proposed to the south.

[10] Above, the shape of the upper podium (Floors 6-12) has been slightly squeezed by the revisions to the lower podium, and its shape has been modified from a trapezoid to a parallelogram shape, generally following the revised shape of the lower podium along the north edge of the building. Floors 6-12 are stepped back 2.5 m along the north, between 2.0 and 3.5 m along the east (towards Raglan Avenue), an average of 3.4 m to the south at the midpoint of the upper podium façade, and between 2.5 and 3.0 m to the west.

[11] Further above, Floors 26 to 28 of the tower have been shifted from the north to the south end of the tower. Floors 13 to 25 have been set back an average of 15.6 m from the north property line (to the midpoint of the façade), a significant increase from the previous average tower setback of approximately 10.9 m. Floors 26 to 28 are set back an additional an average of 3.2 m (to the midpoint of the façade).

[12] From the east, the tower is set back 6.7 m, an increase from the previously proposed 5.3 m in the Original Proposal.



[13] Along the south, the tower is set back an average of 12.5 m from the centreline of the east-west laneway (at the midpoint of the south tower façade), a reduction from the approximately 17 m average setback previously proposed, but fully in keeping with the 12.5 m tower setback recommended by the Tall Building Design Guidelines.

[14] From the west, the tower is set back 12.5 m from the centreline of the north-south laneway, generally in line with the previously proposed 12.52 m setback.

[15] With the revised tower setbacks, the proposed tower floorplate has been reduced from 841.5 to 840.0 sq m (Gross Construction Area, or “GCA”) and 793.6 to 788 sq m GFA on Floors 14-24. Above, the upper floors are further stepped back, with Floor 25 reduced from 806.3 to 789.2 sq m GCA and 758.4 to 737.2 sq m GFA, and Floors 26-28 reduced from 786.1 to 783.8 sq m GCA and 738.2 to 731.8 sq m GFA.

[16] With respect to the ground floor and site plan, the proposed residential lobby has now been relocated from the northeast corner of the building to the southeast corner, the service areas have been relocated from the northwest corner to the west façade, and vehicular access has been relocated to be completely via the public laneway system, with a curb cut no longer proposed along Raglan Avenue as in the Original Proposal. Integrated two (2)-storey townhouses continue to be proposed along Raglan Avenue and along the south façade, except that the four townhouses along the south are now proposed to be live-work units. A new pet amenity (dog wash station) is proposed within the ground floor whereas previously none was proposed.

[17] In addition, whereas the Original Proposal was fully residential, the Settlement Proposal is mixed-use as it will include the micro café which will be accessible via both the building’s lobby and through a service window along the south façade, and the community space proposed to abut the future park.

[18] It was further noted that the April 2022 resubmission was made to respond to technical circulation comments and included a number of updated materials including updated architectural drawings, landscape architectural drawings, civil engineering

drawings, geohydrology assessment, traffic impact study and pedestrian level wind study. Through these technical updates, a number of minor changes to the building stats were made as well, including a 194 sq m increase in GFA from 29,343.6 to 29,538 sq m .

[19] Mr. Dror submitted:

- The Zoning By-law Amendment as reflected in the Settlement Proposal represents good planning and the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement 2020 (the “**PPS**”) and conforms with the policies of the Growth Plan for the Greater Golden Horseshoe, 2019 as amended (the “**Growth Plan**”), the City of Toronto Official Plan (the “**Official Plan**”) and Site and Area Specific Policy No. 38 (“**SASP 38**”), and is consistent with the directions set out in the St. Clair-Bathurst Planning Framework (“**Planning Framework**”), all of which support mixed-use intensification on sites well served by municipal infrastructure, particularly higher-order public transit.

## FINDINGS

[20] The Tribunal accepts the uncontroverted evidence of Mr. Dror in support of the settlement.

[21] The Tribunal finds that the Settlement Proposal is consistent with the PPS 2020, conforms with the policies of the Growth Plan for the Greater Golden Horseshoe, 2019 as amended, the City of Toronto Official Plan and Site and Area Specific Policy No. 38.

## ORDER

[22] **THE TRIBUNAL ORDERS** that the Zoning Appeal is allowed and that Zoning By-law No. 569-2013 of the City of Toronto, and former City of York Zoning By-law No. 1-83, as amended, are hereby amended in the manner set out in Attachment 1 to this

Order. The Tribunal authorizes the municipal clerk to format, as may be necessary, and assign a number to these by-laws for record keeping purposes.

*"Carmine Tucci"*

CARMINE TUCCI  
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

### Ontario Land Tribunal

Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** August 17, 2022  
**EFFECTIVE DATE:** August 11, 2022

**CASE NO.:** OLT-22-002334

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

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Legacy Case No.:	PL210236
OLT Case Name:	Madison Raglan Limited v. Toronto (City)

BEFORE:

G.C.P. BISHOP	) Thursday, the 11 <sup>th</sup>
ALTERNATE - CHAIR	)
	) day of August, 2022

**THIS MATTER** having come on for a public hearing on June 6<sup>th</sup>, 2022 and the Ontario Land Tribunal (the "Tribunal") having determined that the appeal(s) under subsection 34(11) of the *Planning Act* (the "Zoning Appeal") should be allowed and that the proposed zoning by-law amendments are in a final form and content satisfactory to the City and should be approved.

**AND THE TRIBUNAL** having received, considered and determined the request for the Final Order on Friday, the 12<sup>th</sup> day of August, 2022;

**THE TRIBUNAL ORDERS** that the Zoning Appeal is allowed and that Zoning By-law No. 569-2013 of the City of Toronto, and former City of York Zoning By-law No. 1-83, as amended, are hereby amended in the manner set out in Attachment "1" to this Order. The Tribunal authorizes the municipal clerk to format, as may be necessary, and assign a number to these by-laws for record keeping purposes.

**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 11, 2022, which is the date that the Tribunal received, considered and determined the request for the Final Order in this proceeding.

*"Euken Lui"*

EUKENLUI  
ACTING REGISTRAR

**Ontario Land Tribunal**

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

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**ATTACHMENT 1**  
**ZONING BY-LAW AMENDMENT**

Authority: Ontario Land Tribunal Decision issued [DATE]  
and Order issued [DATE] in Tribunal File PL210236

**CITY OF TORONTO**

**BY-LAW -2022 (OLT)**

**To amend former City of York Zoning By-law 1-83, as amended, and former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2021 as 10-32 Raglan Avenue.**

Whereas the Ontario Land Tribunal, by its Decision and its Order issued on [XXXXXX], 2022 in OLT Case PL210236 approved amendments to the City of Toronto Zoning By-law 1-83, as amended, with respect to the lands municipally known as 10-32 Raglan Avenue; and

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

Whereas pursuant to Section 39 of the Planning Act, as amended, the Council of a municipality may, in a By-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the By-law; and

Whereas Section 37.1 of the Planning Act provides that Subsections 37(1) to (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 came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge by-law and this by-law was passed prior to that date; and

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Whereas pursuant to Section 37 of the Planning Act, a By-law under Section 34 of the Planning Act, may authorize increases in the height and density of development beyond those otherwise permitted by the By-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the By-law; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 1-83 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;

By-law 1-83, of the former City of York, is further amended by The Ontario Land Tribunal orders as follows:

1. District Map 49J323a and 49J323b of By-law 438-86, as amended, are further amended by removing the lands delineated by heavy lines on "Schedule A" attached and forming part of this By-law;
2. District Map 15 of By-law 1-83, as amended, is amended by incorporating the lands delineated by heavy lines on "Schedule A" attached and forming part of this By-law;
3. District Map 15 of By-law 1-83, as amended, is further amended by deleting the zoning that applies to the lands delineated by heavy lines on "Schedule B" attached and forming part of this By-law and zoning those lands RM2 – Residential Multiple Zone and Section 16 (XXX) and G as shown on "Schedule B" attached and forming part of this By-law;
4. That Section 16 General Exceptions of former City of York By-law 1-83, as amended, be further amended by adding a new subsection (XXX) as follows:

**16 (XXX) LANDS: 10-32 RAGLAN AVENUE**

Notwithstanding the provisions of former City of York Zoning By-law 1-83, the lands zoned RM2 on "Schedule B" attached to and forming part of this By-law, and municipally

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known as 10-32 Raglan Avenue in the year 2021, may be used for the purposes of an apartment house building, home occupations, take-out eating establishment, retail store, community centre or club, within a mixed-use building, subject to the following provisions:

**MAXIMUM GROSS FLOOR AREA**

- (A) The maximum permitted gross floor area on the lot shall be 29,665 square metres, of which:
- i. the permitted maximum gross floor area for residential uses is 29,400 square metres;
  - ii. the permitted maximum gross floor area for non-residential uses is 265 square metres, of which a minimum of 245 square metres of interior floor area, located on the ground floor, must be a community centre or club;
  - iii. the required minimum interior floor area for a retail store or take-out eating establishment is 8.0 square metres, which must be located on the ground floor of the building;

**DWELLING UNITS**

- (B) A minimum of 10 percent of the dwelling units in the building must be 3 bedroom or greater dwelling units;
- (C) Home occupations within dwelling units are permitted to:
- i. sell, rent or lease physical goods directly from the dwelling unit;
  - ii. include a personal service shop including but not limited to a barber, hairdresser, beautician, dressmaker, seamstress, or tailor;
  - iii. include an art gallery, artist studio, custom workshop, education use, massage therapy, day nursery, eating establishment, retail store, retail service, and take-out eating establishment if located within a dwelling unit located on the ground floor of the building;



- iv. be an office or medical office for a professional regulated under the College of Physicians and Surgeons of Ontario or Regulated Health Professions Act, 1991, S.O. 1991, c. 18 , as amended;
  - v. have clients or customers attending the premises for consultations, receiving of services, or obtaining physical goods;
  - vi. have outdoor activities, services, a service window, or displays, provided they are limit to 20 percent of the interior floor area of the home occupation they are ancillary to, and do not include open outdoor storage;
  - vii. have employees working in the dwelling unit who are not the business operator provided the home occupation is located on the ground floor of the building;
- (D) The floor area of a home occupation may not exceed the lesser of 50 percent of the total interior floor area of the dwelling unit the home occupation is located in or 100 square metres;
- (E) A home occupation is not permitted to contain an obnoxious use;

#### **BUILDING HEIGHT**

- (F) The height of the building shall not exceed the maximum height in metres measured from established grade shown on "Schedule C" attached to and forming part of this By-law, except for the following elements which may exceed the permitted maximum height:

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- i. mechanical penthouse, mechanical structures or elements, cooling tower, generator and mechanical equipment, flues, stair overruns, elevator overruns, by a maximum of 6.0 metres;
  - ii. a parapet, roof drainage, thermal insulation or roof ballast, and roof construction assembly elements, located at each of the roof levels of the building, by a maximum of 1.8 metres;
  - iii. safety railings, wind screens, trellises and fences, by a maximum of 4.0 metres;
  - iv. structures on the roof of any part of the building used for outside or open air recreation, green roof elements, wind mitigation elements, landscape features, architectural elements, public art features, telecommunications equipment and antennae, window washing equipment, stair towers, stair enclosures and pop-ups, partitions dividing outdoor recreation areas, planters, landscape features, walls or structures enclosing such elements, lightning rods and exhaust flues, swimming pools (elevated or otherwise), structures housing pool or spa maintenance or operational equipment, by a maximum of 5.0 metres.

(G) No maximum height in storeys applies to a building or structure:

#### **YARD SETBACKS**

(H) The minimum yard setbacks shall be shown on "Schedule C" attached to and forming part of this By-law except that the following elements may encroach into the required minimum building setbacks and main wall separation distances as follows:

- i. Cornices, lighting fixtures, window washing equipment, awnings, canopies, finials, parapets, terraces, terrace guards, platforms, ornamental or architectural elements, masonry elements, fins, trellises, eaves, window sills, bay windows, canopies, guardrails, balustrades, railings, wind

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mitigation screens and features, piers, planters, monuments, arbours, patios, decorative features, stairs, stair enclosures, stair landings, supportive columns, wheel chair ramps, vents, stacks, wind screens and features, acoustic screens and features, underground garage ramps and their associated structures, underground garage stair enclosures, retaining walls, fences, screens, weather protection canopies, and landscape and public art features, by a maximum of 3.0 metres.

#### **LANDSCAPING**

- (I) landscaping must be provided in accordance with the following:
- i. A minimum of 15 percent of the area of the lot is required to be landscaping; and,
  - ii. A minimum of 10 percent of the landscaping area required in (i) above, is required to be comprised of soft landscaping:

#### **PARKING**

- (J) Parking spaces shall be a minimum of 2.6 metres wide, a minimum of 5.6 metres long, and a minimum of 2.0 metre height, and where a parking space is limited by a wall or other permanent obstruction, the parking space minimum width is increased by 0.3 metres for each side of the space that is obstructed, except that:
- i. a maximum of 10 parking spaces may have a minimum width of 2.4 metres, a minimum length of 5.4 metres, and a minimum height of 1.7 metres, with or without obstructions.
- (K) Vehicles parking spaces shall be provided on the lot in accordance with the following standards:

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- i. A minimum of 0.29 parking spaces per dwelling unit for residents, up to a maximum of 116 parking spaces, of which 6 must be accessible parking spaces located within 16 metres of a barrier-free entrance to the building or passenger elevator that provides access to the ground floor of the building;
  - ii. The minimum required parking spaces for residents may be reduced by up to 4 parking spaces for each "car-share parking space" provided on the lot;
  - iii. A minimum of 6 visitor parking spaces;
  - iv. No parking spaces are required for non-residential uses;
  - v. In the event that the calculation of the number of required parking spaces results in a number with a fraction, the number is rounded down to the nearest whole number;
  - vi. Accessible parking spaces must have the following minimum dimensions:
    - i. length of 5.6 metres;
    - ii. width of 3.9 metres; and
    - iii. vertical clearance of 2.1 metres;
  - vii. The entire length of an accessible parking space must be adjacent to a 1.5 metre wide accessible barrier free aisle or path as shown on Diagram 1 and Diagram 2 of By-law 579-2017;

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**BICYCLE PARKING**

- (L) Bicycle parking spaces, and shall be provided on the lot as follows:
- i. A minimum of 0.9 long-term bicycle parking spaces for each dwelling unit;
  - ii. A minimum of 0.1 short-term bicycle parking spaces for each dwelling unit;
  - iii. No bicycle parking spaces are required for non-residential uses;
  - iv. Bicycle parking spaces shall have the following minimum dimensions:
    - a. minimum length of 1.8 metres;
    - b. minimum width of 0.6 metres; and
    - c. minimum vertical clearance from the ground of 1.9 metres; and
  - v. Bicycle parking spaces may be provided as stacked bicycle parking spaces; and
  - vi. If a stacked bicycle parking space is provided in a mechanical device where any portion of a bicycle is situated above or below any portion of an adjacent bicycle, the minimum required width of each such stacked bicycle parking space is 0.25 metres and the minimum vertical clearance for each stacked bicycle parking space is 1.0 metres;

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**LOADING SPACE**

- (M) One Type "G" loading space shall be provided and maintained on the lot;

**AMENITY SPACE**

- (N) Amenity space shall be provided on the lot in accordance with the following:
- i. at least 2.0 square metres for each dwelling unit as indoor amenity space, and which for the purpose of this exception, may include guest suites;
  - ii. at least 565 square metres as outdoor amenity space;
  - iii. a maximum of 25 percent of the outdoor component may be a green roof;

**LEASING PRESENTATION CENTRE**

- (O) None of the provisions of By-law 1-83 shall apply to prevent a temporary sales/leasing office on the lot for a period of not more than 3 years from the date this By-law comes into full force and effect, provided:
- i. the building or structure is limited to a maximum of one storey or 6.0 metres;

**SEVERANCE**

- (P) The provisions of this exception shall apply collectively to the lot notwithstanding the future consent, severance, partition or division of the lot;

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## DEFINITIONS

(Q) For the purposes of this By-law the following definitions shall apply:

- i. "amenity space" means indoor or outdoor space on a *lot* that is communal and available for use by the occupants of the building on the *lot* for recreational and social activities;
- ii. "bicycle parking space" means an area used for parking or storing a bicycle;
- iii. "car-share" means the practice where a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization, and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
- iv. "car-share parking space" means a *parking space* exclusively reserved and signed for a car used only for *car-share* purposes;
- v. "community centre" means premises operated by or on behalf of a government or non-profit organization providing community activities, such as arts, crafts, recreational, social, charitable and educational activities, and a club is not a community centre;
- vi. "club" means premises operated by members of a non-profit organization that maintains formal membership and generally limits attendance at meetings to members, used for meetings and gatherings for social, cultural, recreational, charitable or community service purposes; and a community centre is not a club;
- vii. "established grade" means an elevation of 159.57 metres Canadian Geodetic Datum;
- viii. "green roof" means an extension to a building's roof that allows vegetation to grow in a growing medium and which is designed,

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constructed and maintained in compliance with the Toronto Green Roof Construction Standard set out in Chapter 492 of the City of Toronto Municipal Code;

- ix. "height" means the vertical distance between established grade and the highest point of a building or structure;
- x. "lot" shall mean the lands delineated by heavy lines on the attached Schedule B to this By-law;
- xi. "gross floor area" means the sum of the total area of each floor level of a building, above and below *grade*, measured from the exterior of the main wall of each floor level, excluding the following:
  - a. Parking and loading below established grade;
  - b. Loading spaces at ground;
  - c. Rooms exclusively containing bicycle parking spaces;
  - d. Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms;
  - e. Required and Surplus amenity space; and
  - f. Elevator shafts;
  - g. mechanical penthouses; and
  - h. exit stairwells in the building;
- xii. "obnoxious use" means the use of premises in a manner that is offensive through the creation or transmission of noise, vibration, illumination, emissions, fumes, odour, dust or radiation, or any combination of these, beyond any lot lines of the premises;
- xiii. "stacked bicycle parking space" means a horizontal bicycle parking space that is positioned above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both bicycle parking spaces;
- xiv. "Type G loading space" means an area used for the loading or unloading of goods or commodities from a vehicle and having a



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minimum length of 13.0 metres, a minimum width of 4.0 metres and a minimum vertical clearance of 6.1 metres;

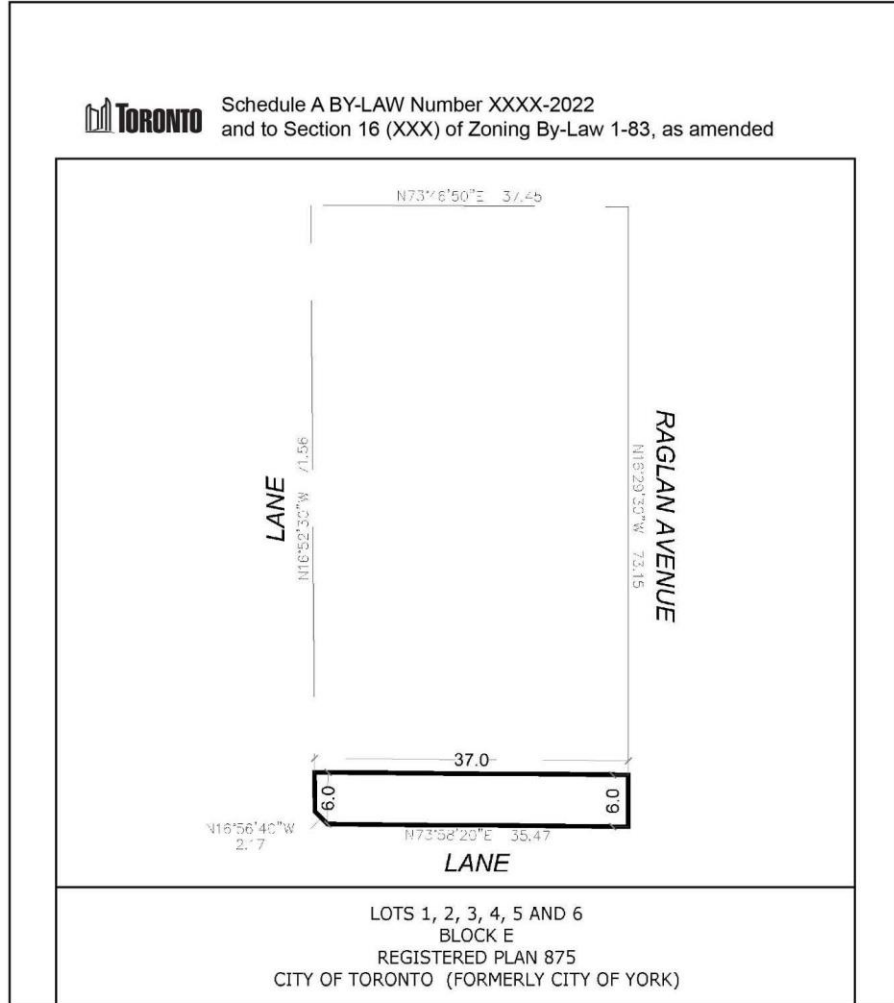
#### **OTHER PROVISIONS**

5. All other provisions of former City of York By-law 1-83 shall continue to apply except in the case where provisions of this Exception are in conflict, in which case the provisions of this Exception shall prevail.

#### **INCREASE HEIGHT AND DENSITY**

6. Section 37 Requirements:
- a. Pursuant to Section 37 of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c.18 came into force, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Schedule B in return for the provision by the owner, at the owner's expense, of the facilities, services and matters set out in Schedule D hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c.18 came into force, that is/are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
  - b. Where Schedule D of this By-law requires the owner to provide certain facilities, services or matters and to enter into an agreement prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of same; and
  - 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 provisions of Schedule D are satisfied.


Pursuant to the Ontario Land Tribunal Decision dated [DATE] and Order dated [DATE] in Tribunal Case PL210236.

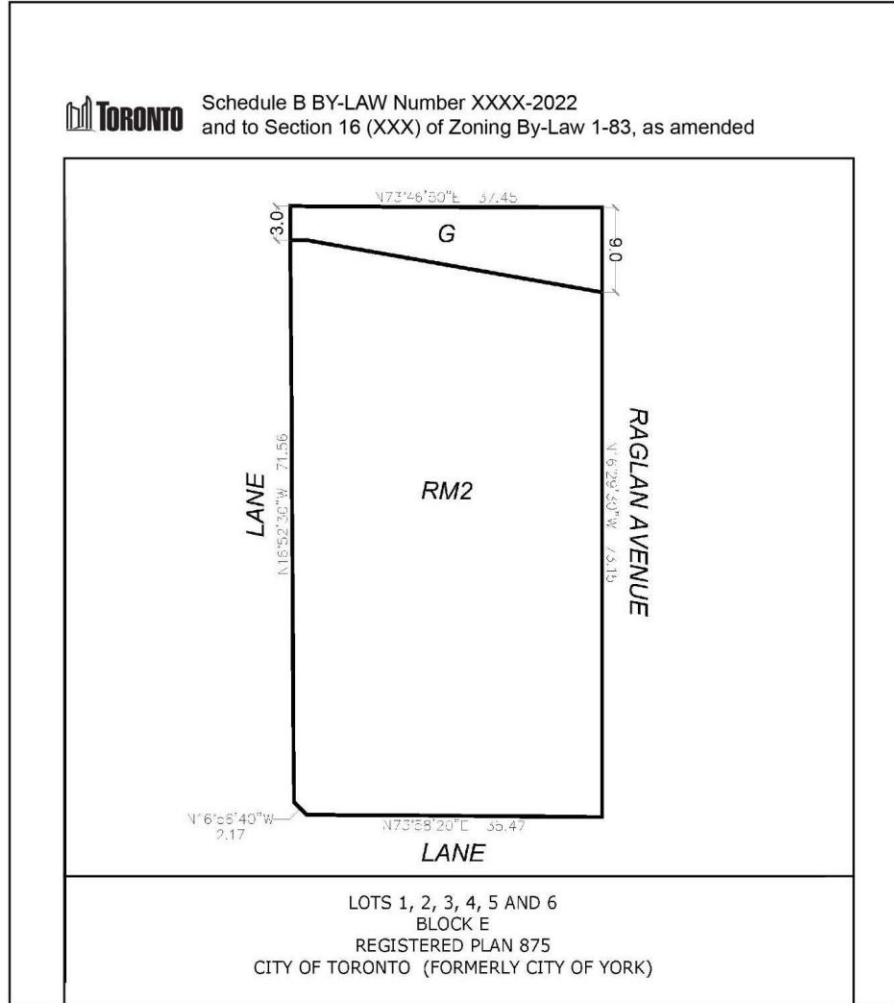


  
Schedule A

10 - 32 Raglan Avenue

File # 20 155716 STE 12 0Z


  
Former City of York By-law 1-83  
Not to Scale

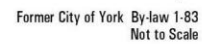


  
Schedule B

10 - 32 Raglan Avenue

File # 20 155716 STE 12 0Z

  
Former City of York By-law 1-83  
Not to Scale



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**SCHEDULE D**

**Section 37 Requirements**

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 as shown in Schedules B and C in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the Owner agrees as follows:

1. Prior to the issuance of any Building Permit, the Owner shall enter into an agreement or agreements to the satisfaction of the City Solicitor 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 came into force to secure the facilities, services or matters set out below.
2. The Owner shall design, construct and convey to the City, in an acceptable environmental condition, at no cost to the City, a Community Agency Space of approximately 245.8 square metres, located on the ground floor in accordance with the Section 37 Agreement, and subject to the following:
  - a) the Community Agency Space shall be delivered to the City in accordance with the City's Community Space Tenancy Policy and finished to Base Building Conditions, with the terms and specifications to be secured in the Section 37 Agreement and the Community Space Term Sheet, all satisfactory to the Executive Director, Social Development, Finance and Administration, the Executive Director, Corporate Real Estate Management, the Chief Planner and Executive Director, City Planning, and the City Solicitor;
  - b) the Community Space Term Sheet, referenced in Subsection 2 a), above, and specifications for the community space will include negotiation of the following matters:
    - i. the City and future tenant(s) will be solely responsible for the costs of any signage on the exterior of or within the community space, with the Owner agreeing to provide structural support and electrical conduit(s) to the City for installation of such signage at a later date;

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- ii. the Owner will provide a sub-metered connection to the building heating and cooling system, as well as HVAC and venting, required to achieve non-residential occupancy requirements of the Ontario Building Code;
  - iii. an acoustic ceiling to be installed by the City and/or any future tenant as per the specifications of the Owner;
  - iv. the Owner and the City agree that concrete floors will be non-finished concrete within ¼-inch flatness over ten (10) feet;
  - v. all ancillary uses for the community space, such as garbage and bicycle storage, will be addressed within the footprint of the community space;
  - vi. the Owner agrees to provide a second door to the rear laneway;
  - vii. the Owner, in its sole discretion, shall determine the finish level of the above-noted community space, which shall include landscaping pavers adjacent to the public park and landscaping in accordance with site plan approval requirements along Raglan Avenue, with no additional finishes and/or property delineation required adjacent to the public park; and
  - viii. the Owner shall provide the City with access to one (1) visitor vehicle parking space on a first-come/first-served basis at all times, with no individual car permitted to park for longer than eighteen (18) hours in any continuous period, and with a requirement for any user of such visitor vehicle parking space to attain a parking permit (if available) and check-in with building security;
- c) the Base Building Conditions, referenced in Subsection 2(a), above, shall include a kitchen, single washroom and janitor's closet, provided that the owner, in its sole discretion, working with its architect and engineer, and acknowledging the demand and intended use of the Community Agency Space, will determine the location and design/layout of the kitchen, single washroom and janitor's closet (with the owner retaining sole discretion for material, fixture and appliance selection) and the size and location for the stubbed utility connections, location of the base building lighting required for non-residential occupancy under the Ontario Building Code, and the location of all electrical outlets and telecom conduits;
- d) prior to the issuance of the first above-grade building permit, a cash payment of \$400,000, to be allocated for future capital improvements to the Community Agency Space located at the lands, in addition to the base building improvements

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as outlined below, at the discretion of the Chief Planner and Executive Director, City Planning;

- e) a pedestrian surface easement of approximately 136.3 square metres, secured as a public pedestrian walkway, to be registered on title of the future condominium for the exclusive use and enjoyment of any tenant and/or users of the Community Agency Space, to the satisfaction of the Chief Planner and Executive Director, City Planning;
  - f) prior to the issuance of the first above-grade building permit, the Owner shall provide a letter of credit in the amount sufficient to guarantee 120 percent of the estimated cost of the design, construction and conveyance of the Community Agency Space and the pedestrian surface easement complying with the specifications and requirements of the Section 37 Agreement, to the satisfaction of the Executive Director, Corporate Real Estate Management, the Executive Director, Social Development, Finance and Administration, the Chief Planner and Executive Director, City Planning, and the City Solicitor;
- 3. prior to the issuance of the first above-grade building permit, the Owner shall provide a cash payment of \$100,000, to be allocated by the Chief Planner and Executive Director, City Planning for use by the City for local area roadway improvements in the vicinity of the lands;
  - 4. prior to the issuance of the first above-grade building permit, the Owner shall provide a cash payment of \$50,000, to be allocated for a bike share station in the vicinity of the lands.
  - 5. The Owner shall convey to the City a new public park of approximately 252.4 square metres, for nominal consideration to the City, in a condition satisfactory to the General Manager, Parks, Forestry and Recreation, free and clear of all physical encroachments and obstructions above and below grade and not encumbered by any easements or interests in land above and below grade, in accordance with all City policies in respect of the environmental condition of lands conveyed to the City, in accordance with the Section 37 Agreement.
  - 6. The Owner shall provide the following, as matters of legal convenience to support the development:

- a) The design, construction, and installation of pedestrian lighting, owned and operated by the Owner, for the east-west and north-south laneway surfaces along the lands, which shall be secured through the site plan approval process, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- b) the provision of micro-retail space, which shall be secured through the site plan approval process, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- c) submission of the required Rental Housing Demolition application under Chapter 667 of the Toronto Municipal code to demolish the existing residential dwelling units at the lands, and that the Owner ensure that the demolition of the existing buildings will be processed pursuant to Chapter 363-6.2 of the Municipal Code; and
- d) the provision of four (4) live/work units that front onto the east-west public lane to the south of the lands, which shall be secured through the site plan approval process, to the satisfaction of the Chief Planner and Executive Director, City Planning; and
- e) the provision of a minimum of ten-percent (10%) three (3)-bedroom units.



Authority: Ontario Land Tribunal Decision issued [DATE]  
and Order issued [DATE] in Tribunal File PL210236.

**CITY OF TORONTO  
BY-LAW - 2022 (OLT)**

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 10-32 Raglan Avenue.**

Whereas the Ontario Land Tribunal, by its Decision and its Order issued on [XXXXXX], 2022 in OLT Case PL210236 approved amendments to the City of Toronto Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 10-32 Raglan Avenue; and

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

Whereas pursuant to Section 39 of the Planning Act, as amended, the council of a municipality may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the by-law; and

Whereas Section 37.1 of the Planning Act provides that Subsections 37(1) to (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 came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37(1) prior to the date that a municipality passes a community benefits charge by-law and this by-law was passed prior to that date; and

Whereas pursuant to Section 37 of the Planning Act, a By-law under Section 34 of the Planning Act, may authorize increases in the height and 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 in Schedule A of this By-law in return for the increase in height and density permitted on the aforesaid lands by By-law 569-2013, as amended; and

Whereas Schedule A of this By-law requires the owner of the aforesaid lands to provide certain facilities, services or matters and enter into an agreement or agreements between the owner of the land and the City of Toronto prior to the issuance of a building permit;

The Ontario Land Tribunal orders as follows:

1. The lands subject to this By-law are outlined in 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 amending the zone labels on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to RA (x209) and OR as shown on Diagram 2 attached to this By-law; and
4. Zoning By-law 569-2013, as amended, is further amended by adding Exception Number 209 to Section 900.7.10 so that it reads:

**Exception RA 209**

The lands, or a portion therefore as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) On 10-32 Raglan Avenue, if the requirements of the By-law [Clerks to insert By-law] are complied with, a **building** or **structure**, may be constructed, used or enlarged in compliance with regulations (B) to (AA) below;
- (B) Despite Regulation 15.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 159.57 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite Regulations 15.5.40.10(2) to (6) and 15.10.40.10(1)(A), no portion of any **building** or **structure** on the **lot** shall have a height in metres greater than the height limits specified in metres by the numbers following the symbol HT on Diagram 3 of By-law [Clerks to insert By-law number], except for the following elements which may exceed the permitted maximum height:
  - i. mechanical penthouse, mechanical **structures** or elements, cooling tower, generator and mechanical equipment, flues, stair overruns, elevator overruns, by a maximum of 6.0 metres;
  - ii. a parapet, roof drainage, thermal insulation or roof ballast, and roof construction assembly elements, located at each of the roof levels of the **building**, by a maximum of 1.8 metres;
  - iii. safety railings, wind screens, trellises and fences, by a maximum of 4.0 metres;

- iv. **structures** on the roof of any part of the **building** used for outside or open air recreation, **green roof** elements, wind mitigation elements, landscape features, architectural elements, public art features, telecommunications equipment and antennae, window washing equipment, stair towers, stair enclosures and pop-ups, partitions dividing outdoor recreation areas, planters, landscape features, walls or **structures** enclosing such elements, lightning rods and exhaust flues, swimming pools (elevated or otherwise), **structures** housing pool or spa maintenance or operational equipment, by a maximum of 5.0 metres;
- (D) Regulation 15.10.40.10(2)(A), regarding permitted maximum **storeys**, does not apply;
- (E) Despite Regulation 15.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 29,665 square metres of which:
  - i. the permitted maximum **gross floor area** for residential uses is 29,400 square metres;
  - ii. the permitted maximum **gross floor area** for non-residential uses is 265 square metres, of which a minimum of 245 square metres of **interior floor area**, located on the ground floor, must be a **community centre** or **club**;
  - iii. the required minimum **interior floor area** for a **retail store** or **take-out eating establishment** is 8.0 square metres, which must be located on the ground floor of the **building**;
- (F) In addition to the elements which reduce **gross floor area** in an **apartment building** listed in Regulation 15.5.40.40(1), **gross floor area** is also reduced by storage rooms, rooms exclusively containing **bicycle parking spaces**, and surplus **amenity space**;
- (G) A minimum of 10 percent of the **dwelling units** in the **building** must be 3 bedroom or greater **dwelling units**;
- (H) Despite Regulation 15.10.40.50(1)(A) and (B), a **building** with 20 or more **dwelling units** must provide **amenity space** on the **lot** in accordance with the following:
  - i. at least 2.0 square metres for each **dwelling unit** as indoor **amenity space**, and which for the purpose of this exception, may include guest suites;
  - ii. at least 565 square metres as outdoor **amenity space**;
  - iii. a maximum of 25 percent of the outdoor component may be a **green roof**;
- (I) Despite Clauses 15.10.40.70 and 15.10.40.80, the required minimum **building**

**setbacks** and distances between **main walls** are as shown in metres on Diagram 3 of By-law [Clerks to insert By-law];

- (J) Despite Clause 15.5.40.60, and (I) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- i. Cornices, lighting fixtures, window washing equipment, awnings, canopies, finials, parapets, terraces, terrace guards, platforms, ornamental or architectural elements, masonry elements, fins, trellises, eaves, window sills, bay windows, canopies, guardrails, balustrades, railings, wind mitigation screens and features, piers, planters, monuments, arbours, patios, decorative features, stairs, stair enclosures, stair landings, supportive columns, wheel chair ramps, vents, stacks, wind screens and features, acoustic screens and features, underground garage ramps and their associated **structures**, underground garage stair enclosures, retaining walls, fences, screens, weather protection canopies, and landscape and public art features, by a maximum of 3.0 metres;
- (K) Despite Regulation 15.5.50.10(1), **landscaping** must be provided in accordance with the following:
- i. A minimum of 15 percent of the area of the **lot** is required to be **landscaping**; and,
  - ii. A minimum of 10 percent of the **landscaping** area required in (i) above, is required to be comprised of **soft landscaping**;
- (L) Despite 15.10.20.100(2), a **community centre** or a library is not required to be on a **lot** that abuts a **major street** on the Policy Areas Overlay Map;
- (M) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided on the **lot** in accordance with the following rates:
- i. A minimum of 0.29 **parking spaces** per **dwelling unit** for residents, up to a maximum of 116 **parking spaces**, of which 6 must be **accessible parking spaces**;
  - ii. The minimum required **parking spaces** for residents may be reduced by up to 4 **parking spaces** for each “car-share parking space” provided on the **lot**; and
    - a. for the purpose of this exception, “car-share” means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometers driven, and

set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable; and

- b. "car-share parking space" means a **parking space** that is exclusively reserved and actively used for "car-share";
  - iii. A minimum of 6 visitor **parking spaces**;
  - iv. No **parking spaces** are required for non-residential uses;
  - v. In the event that the calculation of the number of required **parking spaces** results in a number with a fraction, the number is rounded down to the nearest whole number;
- (N) Despite Regulation 200.5.1.10(2), a maximum of 10 **parking spaces** may have a minimum width of 2.4 metres, a minimum length of 5.4 metres, and a minimum height of 1.7 metres, with or without obstructions;
- (O) Despite Regulation 200.5.1.10(12)(C), the requirement for a minimum **setback** for a vehicle entrance and exit from the **lot line** abutting the **street** does not apply.
- (P) Despite Regulation 200.15.1(4) and By-law 579-2017, accessible **parking spaces** must be located within 16.0 metres of a barrier free entrance to the **building** or passenger elevator that provides access to the ground floor of the **building**;
- (Q) Despite Regulation 230.5.10.1(1), no **bicycle parking spaces** are required for non-residential uses;
- (R) Despite Regulation 230.5.1.10(4), if a **stacked bicycle parking space** is provided in a mechanical device where any portion of a bicycle is situated above or below any portion of an adjacent bicycle, the minimum required width of each such **stacked bicycle parking space** is 0.25 metres and the minimum vertical clearance for each **stacked bicycle parking space** is 1.0 metres;
- (S) Despite Regulation 230.5.1.10(10), both a "short-term" and "long-term" **bicycle parking space** may be located in a **stacked bicycle parking space**;
- (T) Despite regulations 150.5.20.1(1)(A)(B) and (D), a **home occupation** is permitted to:
- i. sell, rent or lease physical goods directly from the **dwelling unit**;
  - ii. be a **personal service shop**;
  - iii. be an office or medical office for a professional regulated under the Regulated Health Professions Act, 1991, S.O. 1991, c. 18, as amended;

- (U) Despite Regulation 150.5.20.1(2), a **home occupation** is permitted to have clients or customers attending the **premises** for:
  - i. consultations;
  - ii. receiving services; or
  - iii. obtaining physical goods;
- (V) Despite regulation 150.5.20.1(3), a **home occupation** is permitted to have outdoor activities, services, a service window, or displays, provided they are limited to 20 percent of the **interior floor area** of the **home occupation** it is **ancillary** to; and
  - i. **open storage** is not permitted;
- (W) Despite regulation 150.5.20.1(6), a **home occupation** is permitted to have employees working in the **dwelling unit** who are not the business operator, provided the **home occupation** is located on the ground floor of the **building**;
- (X) For the purpose of this exception, regulations 150.5.20.1(7) and (8) also apply to the RA zone.
- (Y) Despite regulation 150.5.40.40(1), the floor area for a **home occupation** may not exceed the lesser of:
  - i. 50 percent of the total **interior floor area** of the **dwelling unit** the **home occupation** is located in; or
  - ii. 100 square metres;
- (Z) For the purpose of this exception, a **home occupation** is not permitted to contain an **obnoxious use**;
- (AA) Despite regulations 150.5.20.1(1), 15.10.20.100(13), and in addition to the permitted uses listed in Clause 15.10.20.10 and 15.10.20.20, an **art gallery, artist studio, custom workshop, education use, massage therapy, day nursery, eating establishment, retail store, retail service, and take-out eating establishment** are also permitted in a **home occupation** located within a **dwelling unit** located on the ground floor of the **building**;

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

- 5. Despite any existing or future consent, severance, partition or division of the lot, the provisions of this By-law shall apply to the lands, as identified on Diagram 1, as if no

consent, severance, partition or division occurred.

6. Temporary use(s):

- i. None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a sales office on the **lot** for a period of not more than 3 years from the date this By-law comes into full force and effect, provided:
  - a. the **building** or **structure** is limited to a maximum of one **storey** or 6.0 metres.

7. Section 37 Requirements:

- a. Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 3 of this By-law 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 and 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 on 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/or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Pursuant to the Ontario Land Tribunal Decision dated [DATE] and Order dated [DATE] in Tribunal Case PL210236.

**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 as shown in Diagrams 2 and 3 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the Owner agrees as follows:

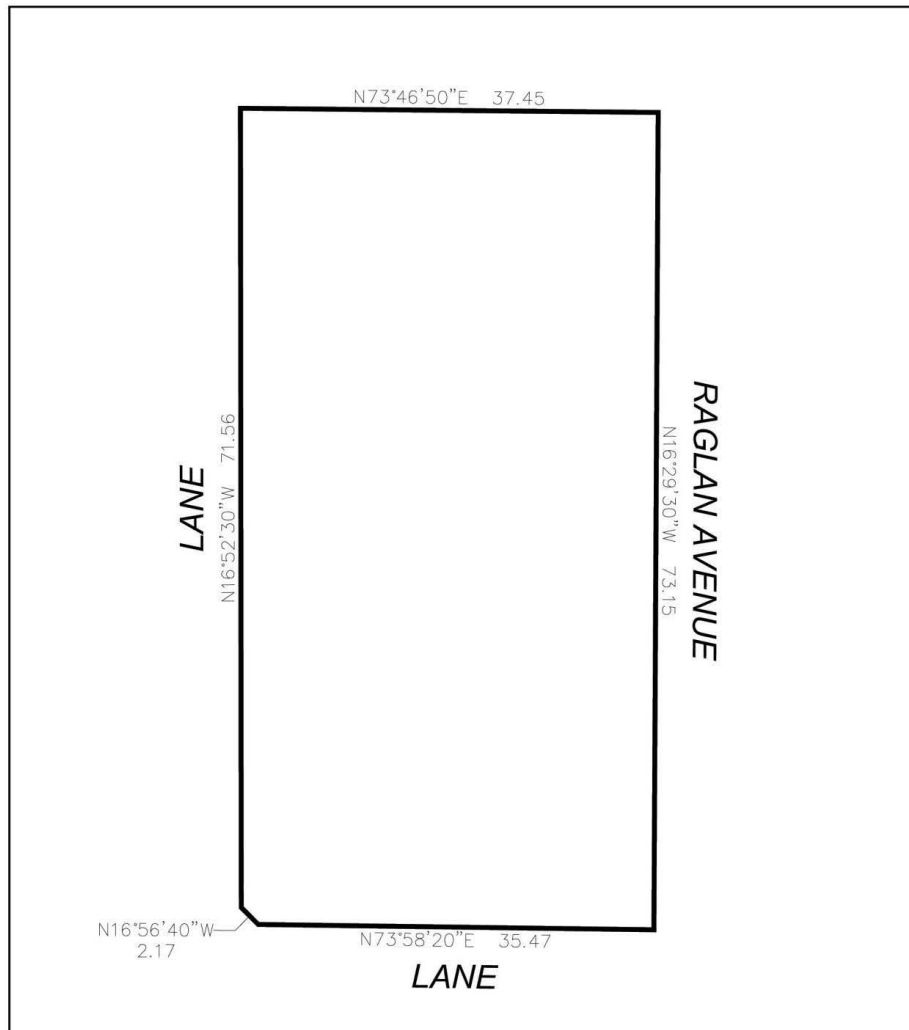
1. Prior to the issuance of any Building Permit, the Owner shall enter into an agreement or agreements to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as it read on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure the facilities, services or matters set out below.
2. The Owner shall design, construct and convey to the City, in an acceptable environmental condition, at no cost to the City, a Community Agency Space of approximately 245.8 square metres, located on the ground floor in accordance with the Section 37 Agreement, and subject to the following:
  - a) the Community Agency Space shall be delivered to the City in accordance with the City's Community Space Tenancy Policy and finished to Base Building Conditions, with the terms and specifications to be secured in the Section 37 Agreement and the Community Space Term Sheet, all satisfactory to the Executive Director, Social Development, Finance and Administration, the Executive Director, Corporate Real Estate Management, the Chief Planner and Executive Director, City Planning, and the City Solicitor;
  - b) the Community Space Term Sheet, referenced in Subsection 2 a), above, and specifications for the community space will include negotiation of the following matters:
    - i. the City and future tenant(s) will be solely responsible for the costs of any signage on the exterior of or within the community space, with the Owner agreeing to provide structural support and electrical conduit(s) to the City for installation of such signage at a later date;
    - ii. the Owner will provide a sub-metered connection to the building heating and cooling system, as well as HVAC and venting, required to achieve non-residential occupancy requirements of the Ontario Building Code;
    - iii. an acoustic ceiling to be installed by the City and/or any future tenant as per the specifications of the Owner;
    - iv. the Owner and the City agree that concrete floors will be non-finished concrete within 1/4-inch flatness over ten (10) feet;



- v. all ancillary uses for the community space, such as garbage and bicycle storage, will be addressed within the footprint of the community space;
  - vi. the Owner agrees to provide a second door to the rear laneway;
  - vii. the Owner, in its sole discretion, shall determine the finish level of the above-noted community space, which shall include landscaping pavers adjacent to the public park and landscaping in accordance with site plan approval requirements along Raglan Avenue, with no additional finishes and/or property delineation required adjacent to the public park; and
  - viii. the Owner shall provide the City with access to one (1) visitor vehicle parking space on a first-come/first-served basis at all times, with no individual car permitted to park for longer than eighteen (18) hours in any continuous period, and with a requirement for any user of such visitor vehicle parking space to attain a parking permit (if available) and check-in with building security;
- c) the Base Building Conditions, referenced in Subsection 2(a), above, shall include a kitchen, single washroom and janitor's closet, provided that the owner, in its sole discretion, working with its architect and engineer, and acknowledging the demand and intended use of the Community Agency Space, will determine the location and design/layout of the kitchen, single washroom and janitor's closet (with the owner retaining sole discretion for material, fixture and appliance selection) and the size and location for the stubbed utility connections, location of the base building lighting required for non-residential occupancy under the Ontario Building Code, and the location of all electrical outlets and telecom conduits;
  - d) prior to the issuance of the first above-grade building permit, a cash payment of \$400,000, to be allocated for future capital improvements to the Community Agency Space located at the lands, in addition to the base building improvements as outlined below, at the discretion of the Chief Planner and Executive Director, City Planning;
  - e) a pedestrian surface easement of approximately 136.3 square metres, secured as a public pedestrian walkway, to be registered on title of the future condominium for the exclusive use and enjoyment of any tenant and/or users of the Community Agency Space, to the satisfaction of the Chief Planner and Executive Director, City Planning;
  - f) prior to the issuance of the first above-grade building permit, the Owner shall provide a letter of credit in the amount sufficient to guarantee 120 percent of the estimated cost of the design, construction and conveyance of the Community Agency Space and the pedestrian surface easement complying with the specifications and requirements of the Section 37 Agreement, to the satisfaction of the Executive Director, Corporate Real Estate Management, the Executive Director, Social Development, Finance and Administration, the Chief Planner and

Executive Director, City Planning, and the City Solicitor;

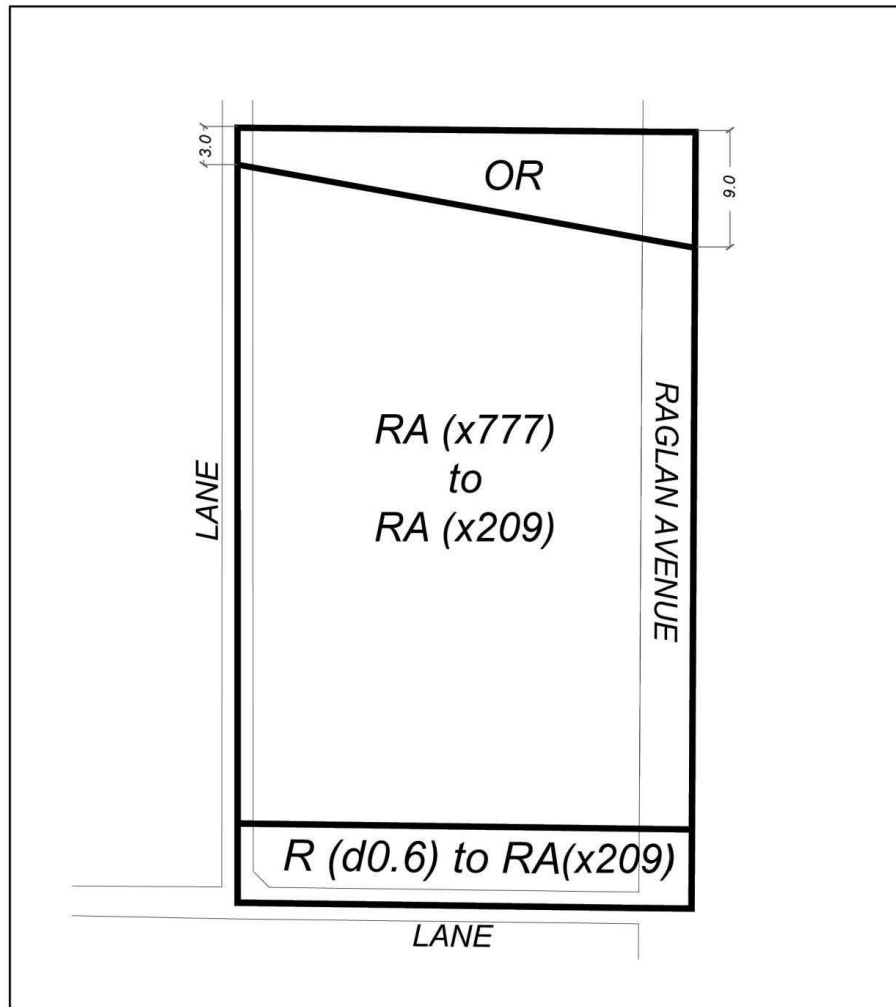
3. prior to the issuance of the first above-grade building permit, the Owner shall provide a cash payment of \$100,000, to be allocated by the Chief Planner and Executive Director, City Planning for use by the City for local area roadway improvements in the vicinity of the lands;
4. prior to the issuance of the first above-grade building permit, the Owner shall provide a cash payment of \$50,000, to be allocated for a bike share station in the vicinity of the lands.
5. The Owner shall convey to the City a new public park of approximately 252.4 square metres, for nominal consideration to the City, in a condition satisfactory to the General Manager, Parks, Forestry and Recreation, free and clear of all physical encroachments and obstructions above and below grade and not encumbered by any easements or interests in land above and below grade, in accordance with all City policies in respect of the environmental condition of lands conveyed to the City, in accordance with the Section 37 Agreement.
6. The Owner shall provide the following, as matters of legal convenience to support the development:
  - a) The design, construction, and installation of pedestrian lighting, owned and operated by the Owner, for the east-west and north-south laneway surfaces along the lands, which shall be secured through the site plan approval process, to the satisfaction of the Chief Planner and Executive Director, City Planning;
  - b) the provision of micro-retail space, which shall be secured through the site plan approval process, to the satisfaction of the Chief Planner and Executive Director, City Planning;
  - c) submission of the required Rental Housing Demolition application under Chapter 667 of the Toronto Municipal code to demolish the existing residential dwelling units at the lands, and that the Owner ensure that the demolition of the existing buildings will be processed pursuant to Chapter 363-6.2 of the Municipal Code; and
  - d) the provision of four (4) live/work units that front onto the east-west public lane to the south of the lands, which shall be secured through the site plan approval process, to the satisfaction of the Chief Planner and Executive Director, City Planning; and
  - e) the provision of a minimum of ten-percent (10%) three (3)-bedroom units.



 **TORONTO**  
Diagram 1

10 - 32 Raglan Avenue

File # 20 155716 STE 12 OZ

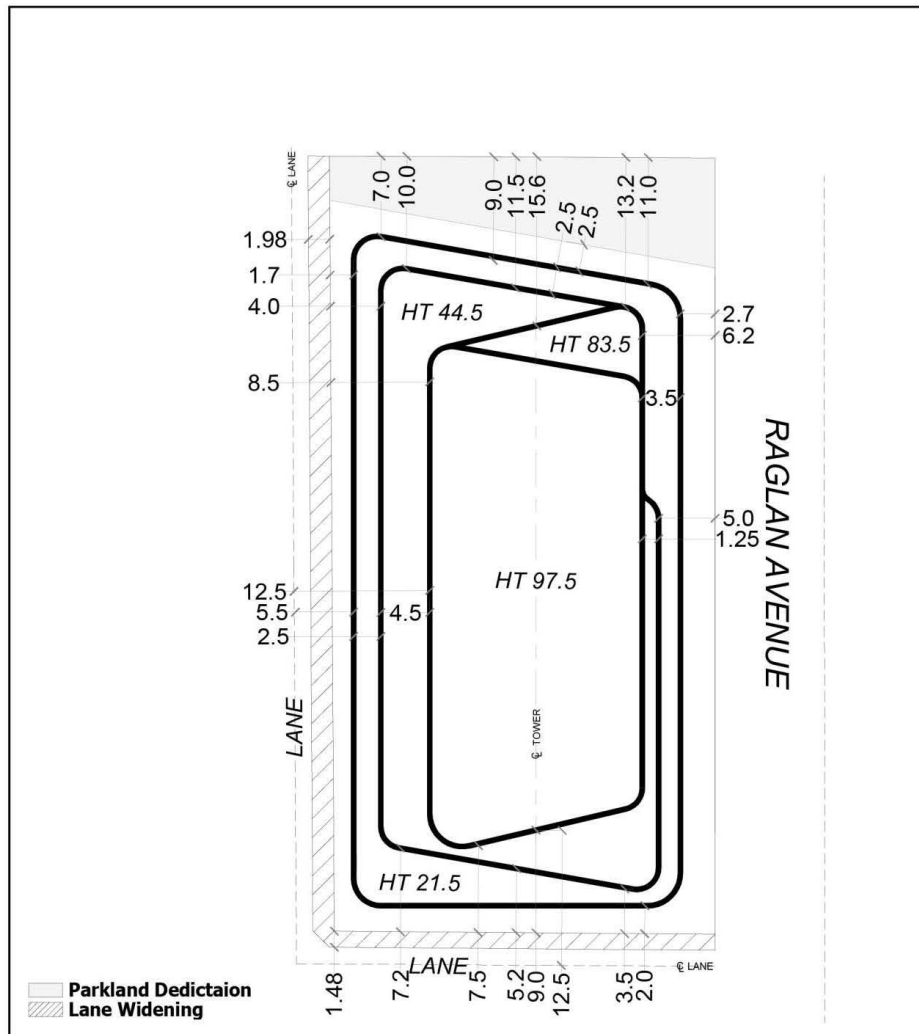


 **TORONTO**  
Diagram 2

10 - 32 Raglan Avenue, Toronto

File # 20 155716 STE 12 OZ

  
City of Toronto By-law 569-2013  
Not to Scale



**Toronto**  
Diagram 3

10 - 32 Raglan Avenue, Toronto

File # 20 155716 STE 12 0Z