

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



**ISSUE DATE:** September 13, 2022      **CASE NO(S):** OLT-22-002411  
**EFFECTIVE DATE:** August 12, 2022      (Formerly PL170905)

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

Applicant and Appellant: 567485 Ontario Ltd. and 887343 Ontario Ltd.  
Subject: Request to amend the Official Plan – Refusal of request by the City of Toronto  
Existing Designation: Apartment Neighbourhoods, Neighbourhoods and Natural Areas  
Proposed Designated: Apartment Neighbourhoods, Neighbourhoods and Natural Areas  
Purpose: To permit an infill residential development  
Property Address/Description: 314-317 and 325 Bogert Avenue and 305-308 Poyntz Avenue  
Municipality: City of Toronto  
Reference Number: 16 272001 NNY 23 OZ  
OLT Case No.: OLT-22-002411  
Legacy Case No.: PL170905  
OLT Lead Case No.: OLT-22-002411  
Legacy Lead Case No.: PL170905  
OLT Case Name: 567485 Ontario Ltd. 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: 567485 Ontario Ltd. and 887343 Ontario Ltd.  
Subject: Application to amend the former City of North York Zoning By-law No. 7625 – Refusal of Application by the City of Toronto  
Existing Zoning: RM3 and R4  
Proposed Zoning: Site specific to be determined  
Purpose: To permit an infill residential development  
Property Address/Description: 314-317 and 325 Bogert Avenue and 305-308 Poyntz Avenue

Municipality:	City of Toronto
Reference Number:	16 272001 NNY 23 OZ
OLT Case No.:	OLT-22-002412
Legacy Case No.:	PL170906
OLT Lead Case No.:	OLT-22-002411
Legacy Lead Case No.:	PL170905

**Heard:** June 1, 2022 by video hearing and August 12, 2022 in writing

## **APPEARANCES:**

### **Parties**

### **Counsel**

567485 Ontario Ltd. and 887343 Ontario Ltd.

D. Bronskill

Estelle Kosoy

A. Platt and A. Lusty

Toronto and Region Conservation Authority

T. Duncan

City of Toronto

R. Kallio

## **DECISION DELIVERED BY HUGH S. WILKINS AND S. MANN AND ORDER OF THE TRIBUNAL**

---

### **INTRODUCTION**

[1] 567485 Ontario Ltd. and 887343 Ontario Ltd. (“Appellants”) appealed the failure of the City of Toronto (“City”) to make decisions with respect to the Appellants’ applications for official plan and zoning by-law amendments regarding the lands located at 314-317 and 325 Bogert Avenue and 305-308 Poyntz Avenue (“subject lands”).

[2] The subject lands are located on the south side of Sheppard Avenue West and the west side of Easton Road. At the southwest corner of Sheppard Avenue West and Easton Road at 307 Sheppard Avenue West is a property owned by Estelle Kosoy (“Kosoy

property”). The Kosoy property is the subject of a separate nine-storey mixed-use development proposal.

[3] The subject lands are roughly 6.58 hectares (“ha”) in size. Presently on the subject lands is an apartment complex of ten blocks with a total of 415 rental units at 325 Bogert Avenue and eight detached dwellings on Bogert Avenue and Poyntz Avenue.

[4] There have been a series of development proposals for the subject lands over the years. The present proposal before the Tribunal is for the redevelopment of the subject lands with a multi-building mixed-use development consisting of four new towers with heights of 17, 19, 27 and 29 storeys. It would require the demolition of seven of the ten existing rental blocks. The proposed development would result in the subject lands having 1,538 residential units (including 148 retained units), a residential gross floor area (“GFA”) of 129,723 square metres (“m<sup>2</sup>”), a non-residential GFA of 2,940 m<sup>2</sup>, a density of 3.22 Floor Space Index (“FSI”), 1,570 parking spaces (including 230 visitor spaces and 29 spaces for retail uses), and 1,077 long-term and 108 short-term bicycle spaces.

[5] The proposed development envisions the extension of Bogert Avenue through the subject lands to connect with Sheppard Avenue West and the creation of a private road extending south of the proposed Bogert Avenue extension. The proposed development also includes the creation of a 0.3 ha public park at the southeast corner of the subject lands off Poyntz Avenue and the dedication of 2.523 ha of valleylands to the Toronto and Region Conservation Authority (“TRCA”), on the western part of the subject lands.

[6] The Appellants reached settlements with the City and the TRCA in 2021. This left solely the issues raised by Ms. Kosoy to be adjudicated. On May 17, 2022, the Tribunal was informed by the Appellants and Ms. Kosoy that they had reached a settlement as well. On June 1, 2022, the Tribunal held a settlement hearing to address all of the proposed settlements. On August 12, 2022, the Parties filed final versions of the proposed instruments to the Tribunal on consent.

## ISSUES

[7] On official plan and zoning by-law amendment appeals under s. 22(7) and s. 34(11) of the *Planning Act*, the Tribunal must determine whether the proposed amendments:

- a) are consistent with policy statements issued by the Minister (in this case, the Provincial Policy Statement, 2020 (“PPS”));
- b) conform with applicable provincial plans (in this case, the Growth Plan for the Greater Golden Horseshoe, 2019 (“Growth Plan”)); and,
- c) represent good planning.

In addition, for zoning by-law amendment appeals, the Tribunal must determine whether the proposed amendment conforms with applicable official plans (in this case, the City’s Official Plan). The Tribunal must have regard to the matters of provincial interest set out in s. 2 of the *Planning Act* and have regard to the decisions made by City Council regarding the matter and the information and materials that City Council considered when making its decisions (as required under s. 2.1(1) of the *Planning Act*).

## EVIDENCE AND SUBMISSIONS

[8] The Appellants produced two witnesses at the settlement hearing: David Huynh and Alun Lloyd. Mr. Huynh is a land use planner. The Tribunal qualified him to provide opinion evidence in the area of land use planning. Mr. Lloyd is a transportation engineer. The Tribunal qualified him to provide opinion evidence as a transportation engineer.

### *Planning Evidence and Submissions*

[9] Mr. Huynh opined that the proposed instruments are consistent with the PPS. He said the proposed instruments would facilitate the efficient use of land and infrastructure

and provide for compact form and development. He said there is public transit adjacent to the subject lands on Sheppard Avenue West and opportunities for active transportation, including bike lanes and pedestrian access to nearby amenities, trails, and parks.

[10] Mr. Huynh also opined that the proposed instruments conform with the Growth Plan. He stated that the proposed instruments would facilitate a mixed-use development that would contribute to a complete community, provide a diverse range of housing options, and provide for growth in a strategic growth area. He said the subject lands are located in an intensification corridor and he reiterated that they are close to public transit.

[11] Mr. Huynh opined that the proposed instruments conform with the City's Official Plan. He stated that the proposed instruments would facilitate development that optimizes the use of an under-utilized site, would be well-served by municipal infrastructure, would be close to local amenities, would be transit-supportive, and would facilitate the use of active transportation. He stated that the proposed development represents appropriate intensification and provides for a diverse range of housing. He also said it maintains the existing level of rental housing on-site. He stated that the proposed built form would improve the organization of the subject lands, help integrate housing on the subject lands with the neighbourhood and street network, and be consistent with the streetwall along Sheppard Avenue West. He also stated that the proposed development would provide appropriate transition to nearby lower-rise areas and provide a new park for the neighbourhood.

[12] Mr. Huynh stated that he had regard to the matters of provincial interest set out in s. 2 of the *Planning Act*, including those related to the efficient use of municipal infrastructure, housing, and the appropriate location of growth and development. He said the proposed development would contribute well-designed built form that encourages a sense of place and provides for attractive and vibrant public spaces.

[13] Mr. Huynh summarized proposed pre-conditions for the proposed development as set out in the settlement agreements made between the Appellants and the City, the

TRCA, and Ms. Kosoy. He stated that these include pre-conditions that: the proposed Official Plan and Zoning By-law Amendments be in a form that is satisfactory to the City; approval of rental housing demolition is obtained; parkland obligations are secured; engineering issues are addressed; and requirements set out in agreements made between the Appellants and the City under s. 37 of the *Planning Act* are satisfied.

[14] Mr. Huynh opined that the proposed instruments and pre-conditions constitute good planning.

#### *Transportation Evidence and Submissions*

[15] Mr. Lloyd opined that the proposed instruments would facilitate road improvements that would be supported by the area street network. He said the proposed access configuration, loading, and parking supply provisions would address the needs of the proposed development and would not cause undue impacts on nearby properties. He opined that the proposed development would not impact the existing or planned operations and development of the Kosoy property. He said the planned adjacent driveways for access and egress from the proposed development and from the Kosoy property do not raise transportation concerns given the size of the existing and proposed developments, projected traffic levels, and the existing road network and infrastructure. He said having adjacent driveways close to one another can operate well and safely together, but that consolidated access to the two developments would also be an alternative option. Mr. Lloyd stated that the subject lands are appropriate for intensification given their location on Sheppard Avenue West, the availability of public transit and bike lanes in the area, the range of residential, recreational, retail, and institutional uses in the area, and the road connections there.

[16] The evidence of Mr. Huynh and Mr. Lloyd was adopted by the City and by Ms. Kosoy.

### *Submission of Final Proposed Instruments*

[17] On August 12, 2022, the Parties filed the final proposed instruments on consent and informed the Tribunal that the above-noted pre-conditions had been satisfied or secured through holding provisions in the implementing Zoning By-law Amendments.

### **FINDINGS**

[18] Based on the Appellants' uncontradicted opinion evidence, the Tribunal finds that the proposed Official Plan and Zoning By-law Amendments are consistent with the PPS, conform with the Growth Plan, conform with the City's Official Plan, and constitute good planning. The Tribunal has had regard to the matters of provincial interest in s. 2 of the *Planning Act* and the decisions made by City Council in this matter as well as the information and materials that City Council considered in making those decisions.

[19] The Tribunal has reviewed and approves the final proposed instruments.

### **ORDER**

[20] The Tribunal orders that the appeals are allowed, in part, and that the City of Toronto Official Plan, as amended, is amended in the manner set out in Attachment 1 to this Order and Decision, the City of Toronto Zoning By-law No. 569-2013, as amended, is amended in the manner as set out in Attachment 2 to this Order and Decision, and the former City of North York Zoning By-law No. 7625, as amended, is amended in the manner as set out in Attachment 3 to this Order and Decision.

[21] The Tribunal orders that, pursuant to Rule 24.3 of the Tribunal's *Rules of Practice and Procedure*, this Order is effective on August 12, 2022.

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

*"Hugh S. Wilkins"*

HUGH S. WILKINS  
MEMBER

*"S. Mann"*

S. MANN  
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 Order issued on \_\_\_\_\_, in Tribunal Case No. 170905

**CITY OF TORONTO****BY-LAW No. XXX-2022 (OLT)**

**To adopt Amendment No. 618 to the Official Plan for the City of Toronto respecting the lands known municipally in the year 2022 as 314, 315, 316, 317 and 325 Bogert Avenue and 305, 306, 307 and 308 Poyntz Avenue.**

WHEREAS authority is given to Council by Section 17 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS the Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

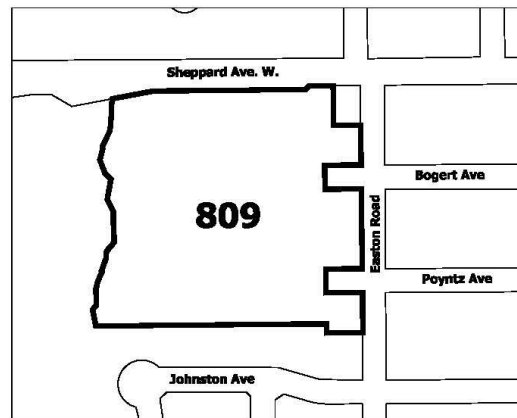
1. The text and map attached to Amendment No. 618 is hereby adopted as an amendment to the Official Plan for the City of Toronto.

PURSUANT TO DECISION/ORDER OF THE ONTARIO LAND TRIBUNAL ISSUED ON \_\_\_\_\_, 2022 IN BOARD CASE NO. PL170905.

**AMENDMENT NO. 618****LANDS MUNICIPALLY KNOWN IN THE YEAR 2022 AS  
314- 317, 325 BOGERT AVENUE AND 305- 308 POYNTZ AVENUE**

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

1. Map 16, Land Use Plan, is amended by re-designating the lands known municipally as 314, 315, 316, 317 and 325 Bogert Avenue and 305, 306, 307 and 308 Poyntz Avenue from *Neighbourhoods* to *Apartment Neighbourhoods*, *Neighbourhoods* to *Parks* and *Neighbourhoods* to *Natural Areas*, as shown on Schedule 1.
2. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 809 for the lands municipally known as 314-317 Bogert Avenue and 305-308 Poyntz Avenue, as follows:

**809. 314-317, 325 Bogert Avenue and 305-308 Poyntz Avenue**

- a. The built form shall provide a transition between the tall buildings on lands designated *Apartment Neighbourhoods* and development on lands designated *Neighbourhoods* on the east side of Easton Road.
- b. An apartment building of no more than 4 storeys is permitted within the *Neighbourhoods* designated lands.
- c. A maximum of 3,000 square metres of retail, service and office uses are permitted.

3. Chapter 7, Map 27, Site and Area Specific Policies, is amended by adding the lands known municipally in 2022 at 314, 315, 316, 317 and 325 Bogert Avenue and 305, 306, 307 and 308 Poyntz Avenue, as shown on the map above as Site and Area Specific Policy 809.

**SCHEDULE 1**

**Official Plan Land Use Map #16**

**314,315,316,317, & 325 Bogert Avenue  
305,306,307, & 308 Poyntz Avenue**  
File # 16 272001 NNY 23 OZ



↑  
Not to Scale  
05/30/2022

**ATTACHMENT 2**

Authority: Ontario Land Tribunal Decision issued on [date] and Ontario Land Tribunal Order issued on [date] in Tribunal File PL170905

**CITY OF TORONTO  
BY-LAW ###-YEAR**

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 314, 315, 316, 317 and 325 Bogert Avenue and 305, 306, 307 and 308 Poyntz Avenue**

Whereas the Ontario Land Tribunal, in its Decision issued on [date] and its Order issued on [date], in file PL170905, in hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P13, as amended, ordered the amendment of Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 325 Bogert Avenue and 305, 306, 307 and 308 Poyntz Avenue; and

Whereas pursuant to Section 36 of the Planning Act, as amended, a by-law passed under Section 34 of the Planning Act, may use a holding symbol "(H)" in conjunction with any use designation to specify the use that lands, buildings or structures may be put once council removes the holding symbol "(H)" by amendment to the by-law; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of the holding symbol "(H)"; 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 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 ("COVID-19 Economic Recovery Act, 2020") came into force, 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, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, 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;

The Ontario Land Tribunal, by Order, amends Zoning By-law 569-2013 as follows:

1. The lands subject to this By-law are 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 label to these lands OR, ON and (H) RAC (f30.0; a1375; u1,538, d1.5) (x184) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Area Overlay Map in Section 995.10.1 and applying the following Policy Area Overlay label to these lands: 4 as shown on Diagram 3 attached to this Bylaw.
5. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1 and applying the following height label to these lands: HT 16.0 as shown on Diagram 4 attached to this Bylaw.
6. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands subject to this by-law to the Lot Coverage Overlay Map in Section 995.30.1 and the Rooming House Overlay Map in Section 995.40.1 with no value.
7. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.8.10 Exception Number 184 so that it reads:  
(184) Exception RAC 184

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 325 Bogert Avenue and 305, 306, 307 and 308 Poyntz Avenue, if the requirements of 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 (BB) below:

- (B) Despite Regulation 15.5.40.10(1), the height of a **building** or **structure** is measured as the vertical distance between the Canadian Geodetic Datum elevation of 176.25 metres and the highest point of the **building** or **structure**;
- (C) Regulation 15.5.40.50(2), as it relates to platforms in relation to **building setbacks**, does not apply;
- (D) Regulations 15.5.50.10(1) and (2), with respect to **landscaping** and **soft landscaping** requirements for **apartment buildings**, does not apply;
- (E) A 1.5 metre wide strip of land used for **soft landscaping** is required along the north lot line, labelled as "landscape strip" on Diagram 5 attached to this By-law, of which a maximum 7.2 metre long portion may be used as a paved **driveway**;
- (F) In addition to the uses permitted with conditions listed in Regulation 15.20.20.20(1), an **outdoor patio** is permitted, provided:
  - (i) the **outdoor patio** is combined with one of the following uses:
    - (a) **Club**;
    - (b) **Eating Establishment**;
    - (c) **Recreation Use**; and
    - (d) **Take-out Eating Establishment**;
  - (ii) the permitted maximum area of an **outdoor patio** is the greater of:
    - (a) 30.0 square metres; or
    - (b) 30% of the **interior floor area** of the **premises** it is associated with;
  - (iii) the **outdoor patio** is not used to provide entertainment such as performances, music and dancing;
- (G) Despite Regulation 15.20.20.100(1)(C)(D) and (E), an **art gallery, artist studio, club, custom workshop, eating establishment, education use, financial institution, medical office, office, performing arts studio, personal service shop, pet services, production studio, recreation use, religious education use, retail store, retail service, service shop, takeout eating establishment** or a **veterinary hospital**:
  - (i) may not occupy more than 60% of the **interior floor area** of the first **storey** in that **apartment building**;

- (ii) the total **interior floor area** of the uses may not exceed 3,000 square metres;
  - (iii) the **interior floor area** of an individual establishment used by an **education use**, medical office, office or **retail store** may not exceed 2,000 square metres; and
  - (iv) the interior floor area of an individual establishment used by an **art gallery, artist studio, club, custom workshop, eating establishment, financial institution, performing arts studio, personal service shop, pet services, production studio, recreation use, religious education use, retail service, service shop, takeout eating establishment** or a **veterinary** hospital may not exceed 1,350 square metres;
- (H) Despite Regulation 15.20.40.10(1)(A), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 5 of By-law [Clerks to insert By-law ##];
- (I) Despite Regulation 15.20.40.10(2)(B), the permitted maximum number of **storeys** in a **building** is the number following the letters "ST" as shown on Diagram 5 of By-law [Clerks to insert By-law ##]; and
- (i) for the purpose of this exception, a mezzanine or mechanical penthouse does not constitute a **storey**;
- (J) Despite (H) above and Regulations 15.5.40.10(2), (3) and (5), the following elements of a **building** or **structure** may project above the permitted maximum **building** heights shown on Diagram 5 of By-law [Clerks to supply by-law ##], and are not subject to the horizontal limits set out in Regulations 15.5.40.10(4) and (6):
- (i) parapets and elements for a **green roof** by maximum of 2.0 metres;
  - (ii) equipment used for the functional operation of the building, such as electrical, utility, ventilation and mechanical equipment, including mechanical penthouses, and structures that enclose, screen, or cover these elements, by a maximum of 6.0 metres;
  - (iii) **structures** or parts of the **building** used for the functional operation of the **building**, such as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, elevator overruns, chimneys, vents, and water supply facilities, and structures that enclose, screen, or cover these elements, window washing equipment, by a maximum of 6.0 metres;
  - (iv) screens, wind, noise or privacy mitigation features, and unenclosed **structures** providing safety or wind protection purposes by a maximum of 3.5 metres;
  - (v) stair enclosures associated with an entrance or exit from an

- underground **parking garage**, underground garage ramps, and ornamental, **landscaping** and architectural features, lighting fixtures, fences, railings, balustrades, trellises, pergolas, awnings, guards and guardrails, transformer vaults, wheelchair ramps, retaining walls, outdoor furniture, walkways, planters, and public art features, by a maximum of 3.0 metres; and
- (vi) **structures** and elements related to outdoor flooring and roofing assembly by a maximum of 0.5 metres;
- (K) Despite Regulation 15.20.40.40(1)(A), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 133,100 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 132,800 square metres, inclusive of 16,025 square metres of **gross floor area** for residential uses in the "Existing Building"; and
- (ii) the permitted maximum **gross floor area** for non-residential uses is 3,000 square metres;
- (L) Despite Clause 15.20.40.70 and Clause 15.20.40.80, the required minimum **building setbacks**, the required distance between **main walls** of the same residential **building**, the required distance between **main walls** of residential **buildings** on the same **lot**, and the required distance from a **lot** in the RD and RS Zones are identified in metres on Diagram 5 of By-law [Clerks to supply by-law ##];
- (M) Despite Clause 15.5.40.60 and (L) above, the following elements of a **building** or **structure** are permitted to encroach into the required minimum **building setbacks** shown on Diagram 5 of By-law [Clerks to supply by-law ##]:
- (i) exterior stairways, cornices, waste storage and loading space enclosures, wheelchair ramps, balconies, lighting fixtures, awnings, ornamental elements, trellises, eaves, window sills, window washing equipment, guardrails, balustrades, safety railings, stairs, stair enclosures, bollards, wheel chair ramps, vents, fences, wind or privacy screens, landscape elements (including **green roofs**), terraces, decorative or architectural features, bay windows, ramps, ramp enclosures, **parking garage** ramps and associated **structures**, retaining walls, heating, cooling or ventilating equipment, pilasters and sills, and porches and decks, either excavated or unexcavated, shall be permitted to project into the minimum **building setbacks** by a maximum horizontal projection of 1.5 metres;
- (ii) canopies by a maximum horizontal projection of 2.5 metres;

- (N) Despite Diagram 5 of By-law [Clerks to supply by-law ##], Clause 15.5.40.0 and (L) above, the first **storey** eastern facing wall of the **building** at the northeast corner of the lands outlined by heavy black lines on Diagram 1 of this By-law shall encroach into the required minimum **building setback** by a minimum horizontal projection of 1.8 metres;
- (O) Despite Regulation 15.20.40.50(1), residential **amenity space** must be provided at a minimum rate of 3.62 square metres for each new **dwelling unit**, of which:
- (i) at least 1.34 square metres for each new **dwelling unit** is indoor **amenity space**;
  - (ii) at least 2.28 square metres for new **each dwelling unit** is outdoor **amenity space**; and
  - (iii) at least 40.0 square metres of the required outdoor **amenity space** is in a location adjoining or directly accessible to indoor **amenity space**; and
- (P) Despite Regulation 15.20.40.50(1), and in addition to (M) above, 87 square metres of **indoor amenity space** must be provided in the "Existing Building" and does not need to be in a location adjoining or directly accessible to the outdoor **amenity space**;
- (Q) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, for residential uses, **parking spaces** must be provided and maintained in accordance with the following minimum rates:
- (i) 0.7 **parking spaces** for each bachelor **dwelling unit** up to 45 square metres;
  - (ii) 1.0 **parking spaces** for each bachelor **dwelling unit** greater than 45 square metres;
  - (iii) 0.8 **parking spaces** for each one-bedroom **dwelling unit**;
  - (iv) 0.9 **parking spaces** for each two-bedroom **dwelling unit**;
  - (v) 1.1 **parking spaces** for each three-bedroom **dwelling unit** and above;
  - (vi) 0.15 **parking spaces** for each **dwelling unit** for residential visitors;
- (R) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, for non-residential uses, a minimum of 1.0 **parking space** for each 100 square metres of non-residential **gross floor area** must be provided;
- (S) 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 that the maximum reduction permitted be capped by the application of the following formula:
    - (a) Four (4) multiplied by (total number of **dwelling units** divided by 60), rounded down to the nearest whole number;
  - (ii) for the purpose of this exception, "car-share" means the practice whereby a number of people share the use of one or more motor **vehicles** and such "car-share" motor **vehicles** are made available to at least the occupants of the **building** for short-term rental, including hourly rental; and
  - (iii) for the purpose of this exception, "car-share parking space" means a **parking space** exclusively reserved and signed for a **vehicle** used only for "car-share" purposes;
- (T) Despite Regulation 200.5.1.10(2)(A)(iv), (B)(iv) and (C)(iv), a maximum of 10 percent of the total number of **parking spaces** provided may have a minimum width of 2.6 metres, despite being obstructed on one or both sides pursuant to Regulation 200.5.1.10(2)(D);
- (U) Despite Regulation 200.5.1.10(2), Electric Vehicle Infrastructure, including electrical **vehicle** supply equipment, does not constitute an obstruction to a **parking space**;
- (V) Despite Regulation 200.15.1(4), accessible **parking spaces** must be within 25.0 metres of a barrier free entrance or vestibule which leads to a barrier-free passenger elevator that provides access to the first **storey** of the **building**;
- (W) Despite Regulations 200.15.1(1) to (3) and By-law 579-2017, accessible **parking spaces** must be provided and maintained in accordance with the following:
  - (i) an accessible **parking space** must have the following minimum dimensions:
    - (a) length of 5.4 metres;
    - (b) width of 3.4 metres;
    - (c) vertical clearance of 2.1 metres; and
    - (d) 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;
- (X) Regulation 200.5.1.10(12)(C), with respect to **vehicle** access to an **apartment building** with non-residential uses, does not apply;

- (Y) Despite Clause 220.5.10.1, **loading spaces** must be provided on the **lot** in accordance with the following minimum requirements:
  - (i) 1 Type "B" **loading space**;
  - (ii) 1 Type "C" **loading space**; and
  - (iii) 3 Type "G" **loading spaces**;
- (Z) Despite Regulation 230.5.1.10(10), both "long-term" and "short-term" **bicycle parking spaces** may be provided in a **stacked bicycle parking space** arrangement, in any combination of vertical, horizontal or stacked positions;
- (AA) The provision of **dwelling units** is subject to the following:
  - (i) a minimum of 10 percent of the total number of **dwelling units** must contain three or more bedrooms; and
  - (ii) in addition to (Y)(i) above, a minimum of 15 percent of the total number of **dwelling units** must contain two or more bedrooms;
- (BB) For the purpose of this exception:
  - (i) "Existing Building" means the **building** that existed on the **lot** as of December 31, 2016, identified as "Existing Building" on Diagrams 5 of By-law [Clerks to insert by-law ##], including any alterations and internal modifications that do not result in any additional **gross floor area**;

Prevailing By-laws and Prevailing Sections:

- (A) Schedule 'D' Airport Hazard Map from City of North York zoning by-law 7625.
8. Despite any future severance, partition or division of the lands as shown on Diagram 1, the provisions of this By-law will apply as if no severance, partition or division occurred.
  9. 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 the date of the passing of this By-law on the lands shown on Diagram 1 attached to this By-law until the "(H)" symbol has been removed.

- (B) A By-law to remove the (H) symbol from the lands subject to this by-law may be enacted by Council when the following conditions have been fulfilled to the satisfaction of Council:
- (C) An amending by-law to remove the "(H)" symbol shall be enacted by City Council when the following conditions have been fulfilled to the satisfaction of Council:
  - (i) City Council has approved the rental housing demolition application (17 139152 NY 23 RH) under Chapter 667 of the Toronto Municipal Code and the Owner has entered into an agreement pursuant to Section 111 of the City of Toronto Act, 2006, securing the replacement rental dwelling units and rent, tenant assistance and other rental-related matters, and registered the said agreement on title, all to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning.
  - (ii) The Owner has registered a Section 118 restriction over the lands to be conveyed to the City as parkland dedication to the satisfaction of the City Solicitor.
  - (iii) The Owner has entered into an Agreement pursuant to Section 37 of the Planning Act, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning, for the purpose of securing appropriate community benefits to be based on the value of additional height and/or density beyond what is permitted by the current zoning by-law and to be registered on title.
  - (iv) The Owner has set aside as a separate block and gratuitously conveyed to the TRCA the lands shown as Open Space Zone in a condition satisfactory to the TRCA.

**10. 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 1 attached to 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 attached to this By-law 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 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 A are satisfied.

Ontario Land Tribunal Decision issued on [date] and Ontario Land Tribunal Order issued on [date] in Tribunal File PL170905

**SCHEDULE A**  
**Section 37 Provisions**

Prior to the issuance of any building permit, the owner shall enter into an agreement 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 community benefits below.

Upon execution and registration in priority of an agreement or agreements with the owner, pursuant to Section 37 of the Planning Act, with conditions providing for without limitation, indexing escalation of letters of credit, development charges, indemnity, insurance, and registration, satisfactory to the City Solicitor, securing the provision of the facilities, services and matters set out herein, the Site is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements:

- (i) a cash contribution of \$9,000,000, indexed in accordance with the Construction Price Index, calculated from the date of the Ontario Land Tribunal bringing the Zoning by-law amendments into full force and effect to the date of payment, as set out below:

A. Prior to the issuance of the first above-grade building permit:

- (i) the sum of \$1,750,000 for any new residential dwelling unit to be erected on the Lands, excluding the required rental replacement dwelling units, for community, cultural or institutional facilities, non-profit child care facilities, affordable housing, parkland and/or park improvements, and/or public access to ravines and valleys, in Ward 18, to be determined by the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor; and the sum of \$500,000 for affordable housing; and

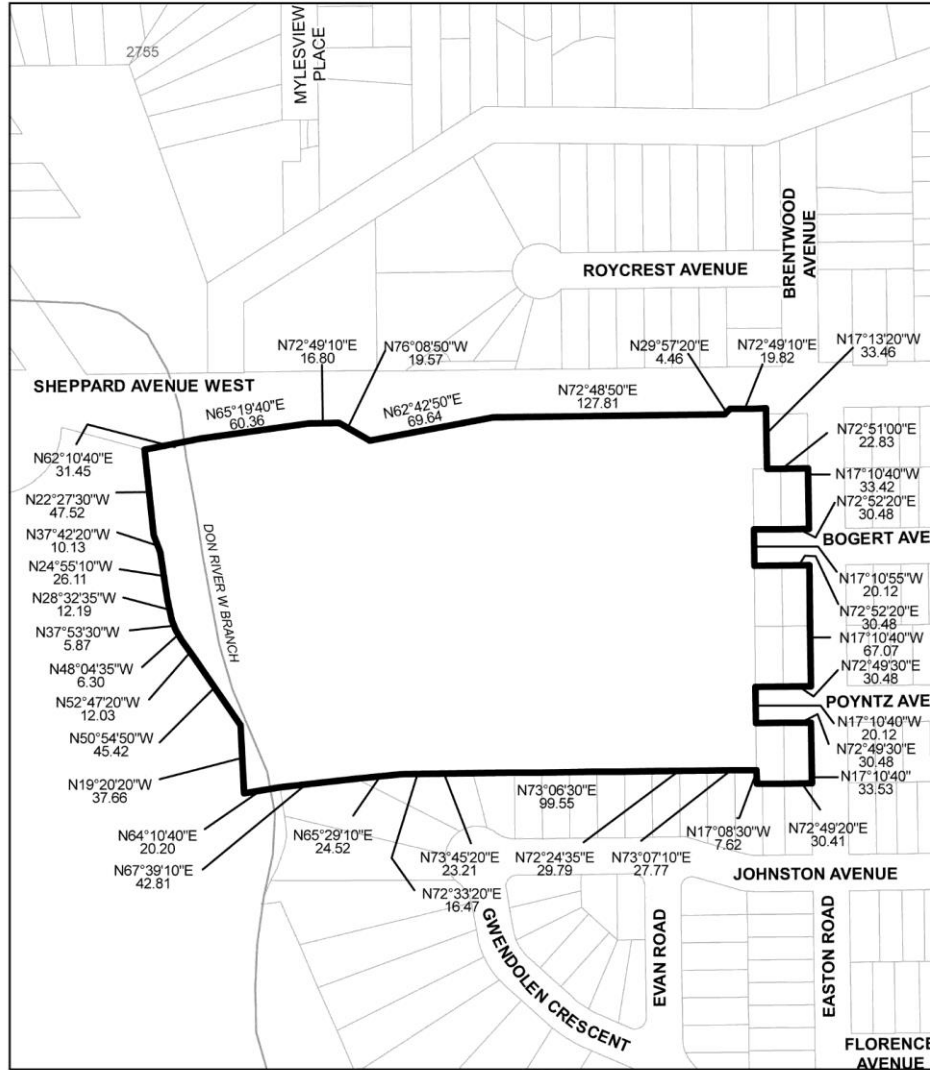
B. Prior to the issuance of any subsequent above-grade building permits:

- (i) the sum of \$1,750,000 for any new residential dwelling unit, to be erected on the Lands, which exceeds 225 new residential dwelling units, excluding the required rental replacement dwelling units, for community, cultural or institutional facilities, non-profit child care facilities, affordable housing, parkland and/or park improvements, and/or public access to ravines and valleys, in Ward 18, to be determined by the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor and the sum of \$500,000 for affordable housing;
- (ii) the sum of \$1,750,000 for any new residential dwelling unit, to be erected on the Lands, which exceeds 450 new residential dwelling units, excluding the required rental replacement dwelling units for community, cultural or

institutional facilities, non-profit child care facilities, affordable housing, parkland and/or park improvements, and/or public access to ravines and valleys, in Ward 18, to be determined by the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor and the sum of \$500,000 for affordable housing; and

- (iii) the sum of \$1,750,000 for any new residential dwelling unit, to be erected on the Lands, which exceeds 700 new residential dwelling units, excluding the required rental replacement dwelling units, for community, cultural or institutional facilities, non-profit child care facilities, affordable housing, parkland and/or park improvements, and/or public access to ravines and valleys, in Ward 18, to be determined by the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor and the sum of \$500,000 for affordable housing;
- C. Notwithstanding the phasing of payments in section 1f above, the balance of the \$9,000,000, including any indexing, shall be payable seven years after the payment of the first above-grade building permit; and
- D. The sums for affordable housing be directed to the Capital Revolving Fund for Affordable Housing for the provision of new affordable rental housing in Ward 18; and
- E. The following are also recommended to be secured in the Section 37 agreement as a legal convenience to support development:
- (i) the owner shall provide and maintain the 148 existing rental housing units retained on the site as rental housing for the period of at least 20 years, from the date of the Zoning By-law coming into full force and effect, with all associated facilities and building amenity, to be secured for the retained rental housing units, at no extra cost to the existing tenants, and with no applications for demolition or conversion from residential rental use, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
  - (ii) the owner shall provide needed improvements for the retained rental housing, taking into account feedback from tenants, the timing and the details to the satisfaction of the Chief Planner and Executive Director, City Planning;
  - (iii) the owner shall permit and provide tenants of the retained rental housing with access to indoor and outdoor amenities within and adjacent to the proposed buildings on the site, including all outdoor amenity spaces and indoor amenity space within one or more of the proposed buildings, at no extra charge to the tenants and with no pass-through cost to tenants of the "Existing Building"; access and the use of these amenities shall be on the same terms and conditions as any other tenant in the building;

- (iv) prior to Site Plan Approval for the development, the owner shall provide a Tenant Construction Mitigation Plan and Tenant Communication Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning or designate and thereafter the owner shall implement such Plans;
- (v) the owner will provide at least 15 percent of all new dwelling units as two-bedroom units and 10 percent of all new dwelling units be three-bedroom units; and
- (vi) matters required to implement the rental replacement and tenant assistance provisions.



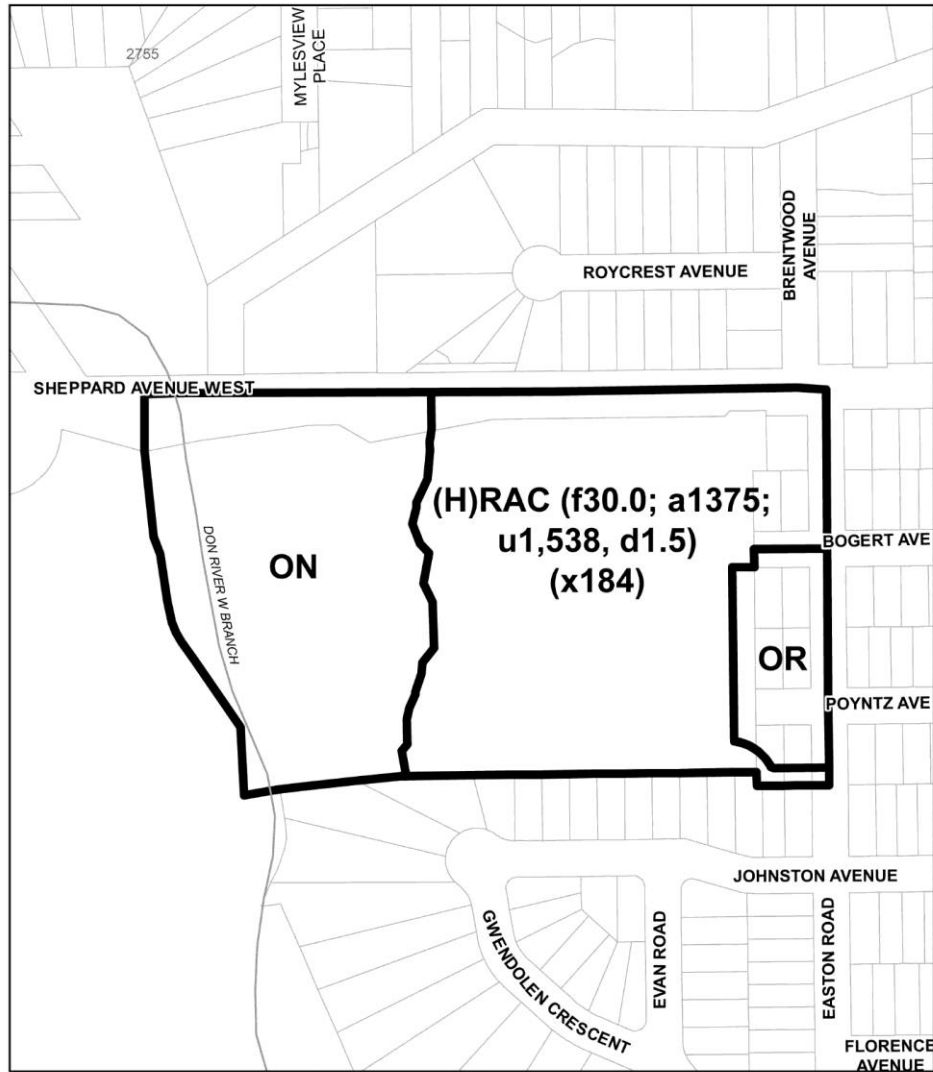
**TORONTO**  
Diagram 1

**314-317 & 325 Bogert Avenue &  
305-308 Poyntz Avenue**

File #: 16 272001 NNY 23 02



City of Toronto By-law 569-2013  
Not to Scale  
04/11/2022



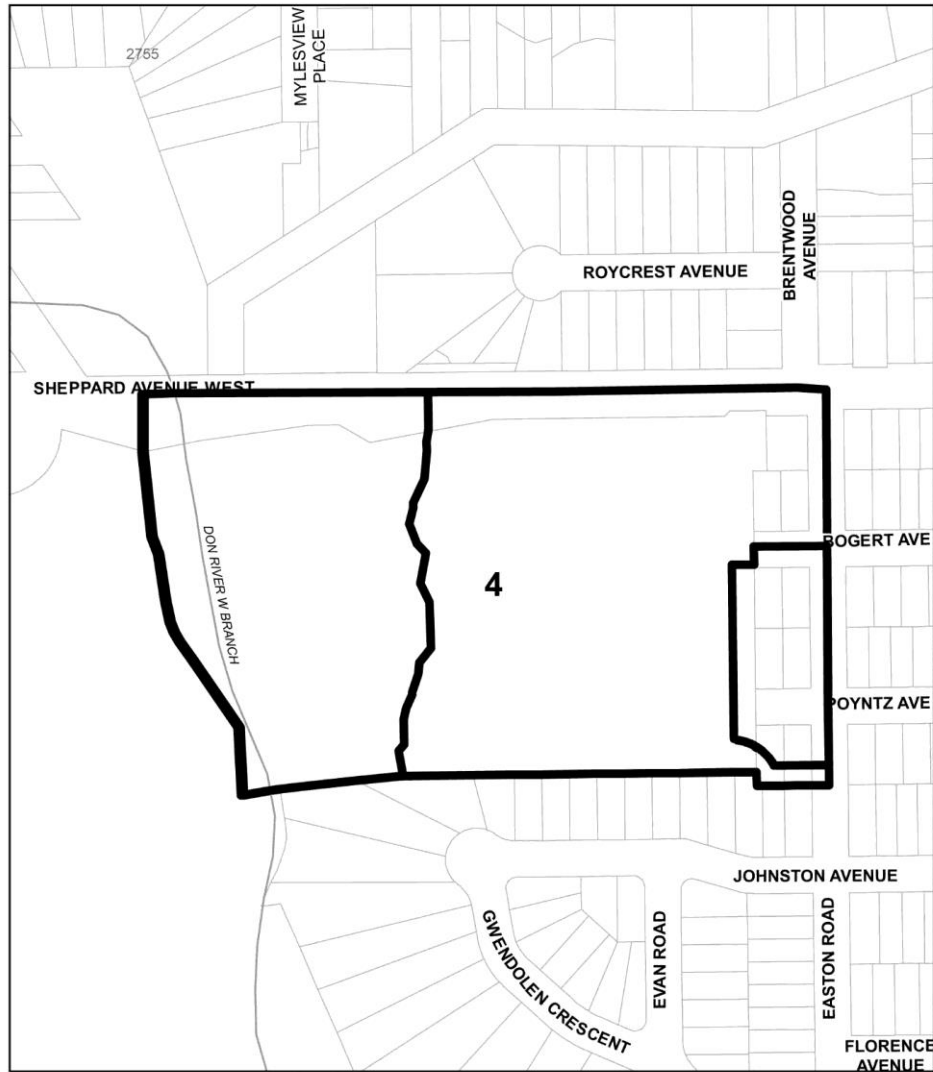
**Toronto**  
Diagram 2

314-317 & 325 Bogert Avenue &  
305-308 Poyntz Avenue

File #: 16 272001 NNY 23 02



City of Toronto By-law 569-2013  
Not to Scale  
04/11/2022

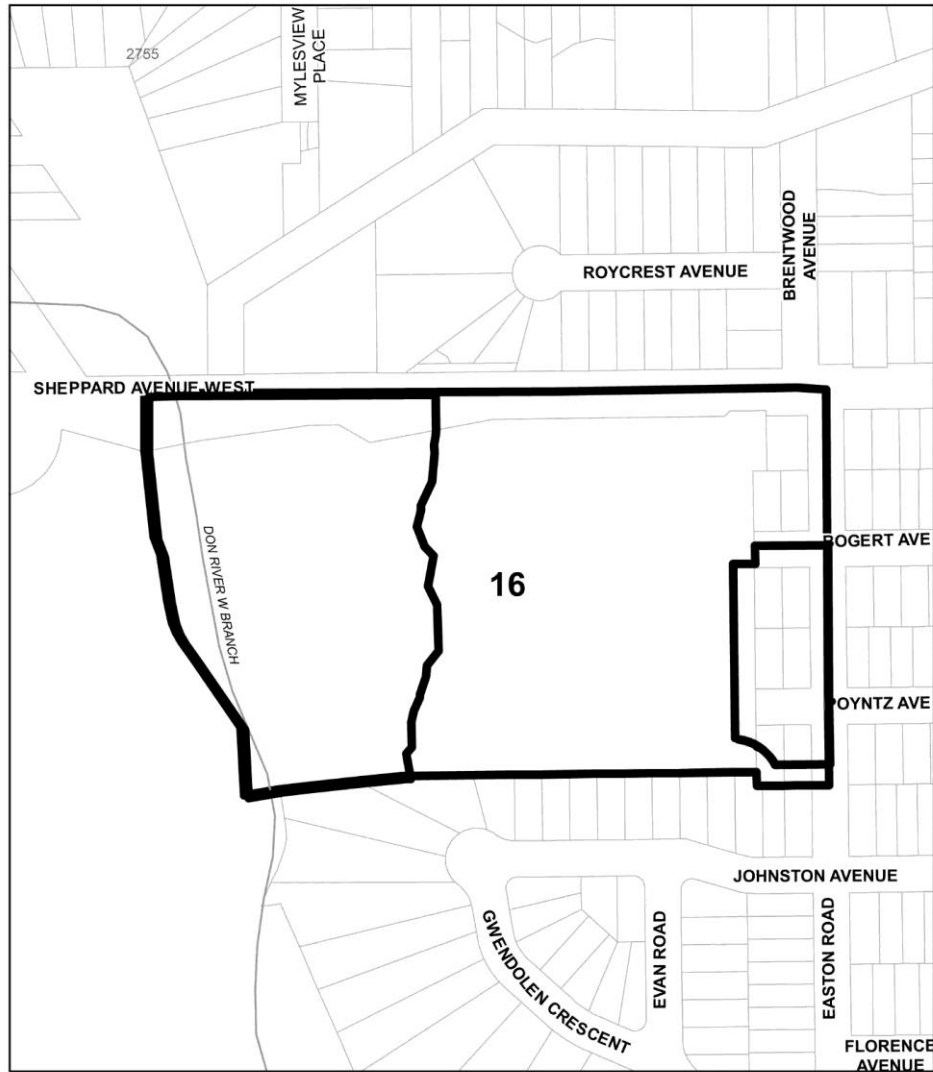


**Toronto**  
Diagram 3

**314-317 & 325 Bogert Avenue &  
305-308 Poyntz Avenue**

File #: 16 272001 NNY 23 02

City of Toronto By-law 569-2013  
Not to Scale  
04/11/2022



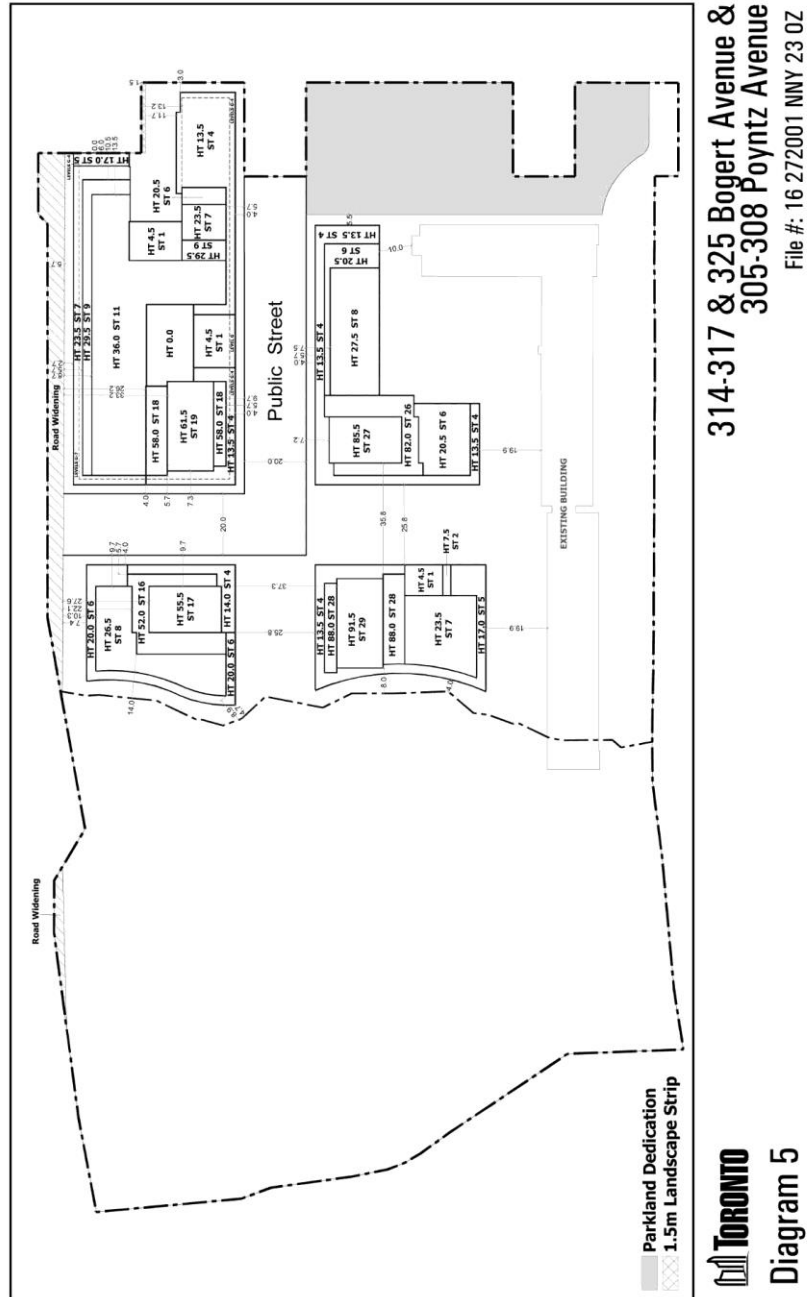
**Toronto**  
Diagram 4

**314-317 & 325 Bogert Avenue &  
305-308 Poyntz Avenue**

File #: 16 272001 NNY 23 02



City of Toronto By-law 569-2013  
Not to Scale  
04/11/2022



City of Toronto By-law 569-2013  
Not to Scale  
04/11/2022

### ATTACHMENT 3

Authority: Ontario Land Tribunal Order issued on \_\_\_\_\_, in Tribunal Case No. PL170905

**CITY OF TORONTO  
BY-LAW No. XXX-2022 (OLT)**

**To amend former City of North York Zoning By-law No. 7625, as amended, respecting the lands municipally known as 314, 315, 316, 317 and 325 Bogert Avenue and 305, 306, 307 and 308 Poyntz Avenue**

WHEREAS the Ontario Land Tribunal, by its Decision issued on <\*> and Order issued <\*>, in Tribunal Case No. PL170905, approved amendments to the former City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known as 314, 315, 316, 317 and 325 Bogert Avenue and 305, 306, 307 and 308 Poyntz Avenue;

WHEREAS pursuant to Section 36 of the Planning Act, as amended, a by-law passed under Section 34 of the Planning Act, may use a holding symbol "(H)" in conjunction with any use designation to specify the use that lands, buildings or structures may be put once council removes the holding symbol "(H)" by amendment to the by-law; and

WHEREAS the Official Plan for the City of Toronto contains provisions relating to the use of the holding symbol "(H)"; and

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

WHEREAS 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 ("COVID-19 Economic Recovery Act, 2020") came into force, 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, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, 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;

Therefore, pursuant to the Order of the Ontario Land Tribunal, By-law No. 7625, the General Zoning By-law of the former City of North York, as amended, is further amended as follows:

1. Schedules "B" and "C" of By-law No. 7625 of the former City of North York are amended in accordance with Schedule "1" of this By-law.

2. Section 64.18 of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

**64.20-A (H) RM6(286)**

**DEFINITIONS**

- (a) For the purpose of this exception, the following definitions shall apply:
- (i) "Apartment House Dwelling" shall mean a building containing more than four (4) dwelling units, each having access either from an internal corridor system or direct access at grade, or any combination thereof.
  - (ii) "Bicycle Parking Space" means an area used for parking or storing a bicycle.
  - (iii) "Bicycle Parking Space, short-term" means a bicycle parking space for use by visitors to a building.
  - (iv) "Bicycle Parking Space, long-term" means a bicycle parking space for use by the occupants or tenants of a building.
  - (v) "Building Height" shall mean the vertical distance between the Established Grade and the highest point of the building or structure (top of structural slab), exclusive of all accessory components such as but not limited to, mechanical penthouse, green roof assemblies, tower structures, cupolas, steeples, antennae, parapets, landscape open structures, acoustic and or wind structures, ornamental structures and mechanical equipment.
  - (vi) "Car-share" shall mean 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 kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable.
  - (vii) "Car-share parking space" shall mean a parking space that is exclusively reserved and actively used for car-share purposes.
  - (viii) "Dwelling Unit" shall mean living accommodation for a person or persons living together as a single housekeeping unit, in which both food preparation and sanitary facilities are provided for the exclusive use of the occupants of the unit.
  - (ix) "Education Use" shall mean the use of premises for education or training, other than:

- (a) A post-secondary school
  - (b) A school regulation under the Education Act R.S.O. 1990, c.E.2, as amended; or
  - (c) A religious education use
- (x) "Established Grade" shall mean the Canadian Geodetic Datum elevation of 176.25 metres.
- (xi) "Existing Building" shall mean the building and associated structures that existed on the lands as of December 31, 2016, identified as "Existing Building" on Schedule 2, including any alterations and internal modifications that do not result in any additional gross floor area.
- (xii) "Interior Floor Area" shall mean the floor area of any part of a building, measured to the interior side of a main wall; the centreline of an interior wall; or a line delineating the part being measured.
- (xiii) "Gross Floor Area" means the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, but excluding:
  - (a) parking, loading and bicycle parking below-ground;
  - (b) required loading spaces at the ground level and required bicycle parking spaces at or above-ground;
  - (c) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
  - (d) shower and change facilities required by this By-law for required bicycle parking spaces;
  - (e) Indoor Residential Recreational Amenity Area
  - (f) elevator shafts;
  - (g) garbage shafts;
  - (h) mechanical penthouse; and
  - (i) exit stairwells in the building.
- (xiv) "Performing Arts Studio" shall mean premises used for the rehearsal of performing arts, such as music, dance or theatre.
- (xv) "Pet Services" shall mean premises used to provide for the grooming of domestic animals. A veterinary hospital or a kennel are not pet services.
- (xvi) "Production Studio" shall mean premises used for producing live broadcasts, motion pictures, or audio or video recordings or transmissions. The mass reproduction of file or recordings is not a production studio.
- (xvii) "Religious Education Use" shall mean the use of premises by a religious organization for religious education, other than:

- (a) A post-secondary school; or
  - (b) A school regulated under the Education Act, R.S.O. 1990, c.E.2, as amended.
- (xviii) "Residential Recreational Amenity Area" shall mean an area that is communal and available to all occupants of a building or a group of buildings within a zone for social and recreational purposes including indoor or outdoor space, playgrounds, tennis courts, lawn bowling greens, indoor or outdoor swimming pools, exercise or entertainment rooms and other similar uses.
  - (xix) "Retail Service" shall mean premises in which photocopying, printing, postal, or courier services are sold or provided.
  - (xx) "Type 'G' loading space" shall mean a loading space that is a minimum of 4.0 metres wide, a minimum of 13.0 metres long and has a minimum vertical clearance of 6.1 metres.
  - (xxi) Type 'B' loading space" shall mean a loading space that is a minimum of 3.5 metres wide, a minimum of 11.0 metres long and had a minimum vertical clearance of 4.0 metres.
  - (xxi) "Type 'C' loading space" shall mean a loading space that is a minimum of 3.5 metres wide, a minimum of 6.0 metres long and had a minimum vertical clearance of 3.0 metres.

#### **PERMITTED USES**

- (b) The following uses shall be permitted:
  - (i) Residential: Apartment House Dwellings and uses accessory thereto including Residential Recreational Amenity Areas;
  - (ii) Art Gallery
  - (iii) Artist Studio
  - (iv) Club
  - (v) Custom Workshop
  - (vi) Education Use
  - (vii) Financial Institution
  - (viii) Medical Office
  - (ix) Office
  - (x) Outdoor Cafe
  - (xi) Performing Arts Studio
  - (xii) Personal Service Shop
  - (xiii) Pet Services
  - (xiv) Production Studio
  - (xv) Recreation Use

- (xvi) Religious Education Use
- (xvii) Retail Store;
- (xviii) Retail Service
- (xix) Restaurant;
- (xx) Service Shop
- (xxi) Take-out Restaurant;

#### **EXCEPTION REGULATIONS**

- (c) Outdoor Residential Recreational Amenity Areas may be located on roof top terraces, balconies, private terraces or at grade.
- (d) A Restaurant or Take-Out Restaurant shall not have a drive-through facility.
- (e) Outdoor Café shall meet the following regulations:
  - (i) it is combined with one of the following uses:
    - (a) Club
    - (b) Restaurant
    - (c) Recreation Use; and
    - (d) Take-out Restaurant
  - (ii) the permitted maximum area is the greater of:
    - (a) 30.0 square metres; or
    - (b) 30% of the Interior Floor Area of the premises it is associated with.
  - (iii) it is not used to provide entertainment such as performances, music and dancing.
- (f) The non-residential uses permitted by 2(b):
  - (i) may not occupy more than 60% of the Interior Floor Area of the First Storey in that Apartment Housing Dwelling;
  - (ii) the total Interior Floor Area of the uses may not exceed 3,000 square metres; and
  - (iii) the Interior Floor Area of an individual establishment used by an Education Use, medical office, office or Retail Store may not exceed 2,000 square metres; and
  - (iv) the Interior Floor Area of an individual establishment used by an art gallery, artist studio, club, custom workshop, eating establishment, financial institution, Performing Arts Studio, personal service shop, Pet Services, Production Studio, recreation use, Religious

Education Use, Retail Service, service shop, takeout eating establishment or a veterinary hospital may not exceed 1,350 square metres;

#### **LOT COVERAGE**

(g) The provisions of Section 20-A.2.2 (Lot Coverage) do not apply.

#### **YARD SETBACKS**

(h) The provisions of Section 20-A.2.4 (Yard Setbacks) shall not apply.

(i) The minimum yard setbacks for buildings and structures above Established Grade are shown on Schedule 2.

(j) The minimum yard setbacks for parking structures and structures associated thereto below Established Grade shall be 0.0 metres from any lot line.

#### **PERMITTED PROJECTIONS INTO MINIMUM YARD SETBACKS**

(k) Notwithstanding the provisions of Section 6(9) (Permitted Projections Into Minimum Yard Setbacks), the following may be permitted to project into the minimum yard setback areas:

- (i) exterior stairways, cornices, waste storage and loading space enclosures, wheelchair ramps, balconies, lighting fixtures, awnings, ornamental elements, trellises, eaves, window sills, window washing equipment, guardrails, balustrades, safety railings, stairs, stair enclosures, bollards, wheel chair ramps, vents, fences, wind or privacy screens, landscape elements (including green roofs), terraces, decorative or architectural features and parapets, bay windows, ramps, ramp enclosures, parking garage ramps and associated structures, retaining walls, heating, cooling or ventilating equipment, pilasters and sills, and porches and decks, either excavated or unexcavated, shall be permitted to project into the minimum building setbacks by a maximum horizontal projection of 1.5 metres;
- (ii) canopies by a maximum horizontal projection of 2.5 metres;
- (iii) Notwithstanding Schedule RM6(286) of this By-law, the first storey eastern facing wall of the building at the northeast corner of the lands outlined by heavy black lines on Schedule 1 of this By-law shall encroach into the required minimum yard setback areas by a minimum horizontal projection of 1.8 metres;

**DISTANCE BETWEEN BUILDINGS AND/OR PORTIONS OF BUILDINGS FORMING COURTS**

- (l) The provisions of Section 20-A.2.4.1 (Distance between Buildings and/or Portions of Buildings Forming Courts) shall not apply.
- (m) The minimum separation between buildings shall be as shown on Schedule 2.

**GROSS FLOOR AREA**

- (n) The maximum Gross Floor Area for all uses on the lands zoned RM6(286) shall be 133,100 square metres, of which:
  - (i) A maximum of 132,800 square metres of Gross Floor Area is permitted for residential uses, inclusive of 16,025 square metres of Gross Floor Area for residential uses in the “Existing Building”; and
  - (ii) A maximum of 3,000 square metres of Gross Floor Area is permitted for non-residential uses;

**BUILDING HEIGHT**

- (o) Notwithstanding Section 20-A.2.6 and Schedule 'D' of By-law 7625:
  - (i) The maximum number of storeys shall not exceed the number of storeys, identified by the symbols “H”, as shown for that portion of the building on Schedule 2.
  - (ii) The maximum Building Height of any portion of a building or structure shall not exceed the height measured in metres above sea level for that portion of the building on Schedule 2 as shown by the number (being the maximum metres above established grade) on Schedule 2.
  - (iii) The maximum Building Heights, as shown on Schedule 2, may be exceeded as follows:
    - a. parapets and elements for a green roof by maximum of 2.0 metres;
    - b. equipment used for the functional operation of the building, such as electrical, utility, ventilation and mechanical equipment, including mechanical penthouses, and structures that enclose, screen, or cover these elements, by a maximum of 6.0 metres;
    - c. structures or parts of the building used for the functional operation of the building, such as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, elevator overruns, chimneys, vents,

and water supply facilities, and structures that enclose, screen, or cover these elements, window washing equipment, by a maximum of 6.0 metres;

- d. screens, wind, noise or privacy mitigation features, and unenclosed structures providing safety or wind protection purposes by a maximum of 3.5 metres;
- e. stair enclosures associated with an entrance or exit from an underground parking garage, underground garage ramps, and ornamental, landscaping and architectural features, lighting fixtures, fences, railings, balustrades, trellises, pergolas, awnings, guards and guardrails, transformer vaults, wheelchair ramps, retaining walls, outdoor furniture, walkways, planters, and public art features, by a maximum of 3.0 metres;
- f. structures and elements related to outdoor flooring and roofing assembly by a maximum of 0.5 metres;

#### **RESIDENTIAL RECREATIONAL AMENITY AREA**

(p) Residential Recreational Amenity Area shall be provided in accordance with the following:

- (i) A minimum of 1.34 square metres for each new Dwelling Unit is Indoor Residential Recreational Amenity Area;
- (ii) A minimum of 2.28 square metres for each new Dwelling Unit is Outdoor Residential Recreational Amenity Areas;
- (iii) At least 40.0 square metres is Outdoor Residential Recreational Amenity Areas in a location adjoining or directly accessible to Indoor Residential Recreational Amenity Areas; and
- (iv) A minimum of 87 square metres is Indoor Residential Recreational Amenity Areas in the “Existing Building”

#### **LOTS REDUCED BY ROAD CONSTRUCTION**

(q) The provisions of Section 6(6) shall not apply.

#### **PARKING REQUIREMENTS**

(r) The provisions of Section 6A(2)(Parking Requirements) and Section 6A(8)(a) (Parking Regulations for RM Zones) shall not apply.

(s) Parking shall be provided as follows:

- (i) A minimum rate of 0.7 parking spaces for each Bachelor Dwelling Unit up to 45 square metres;
- (ii) A minimum rate of 1.0 parking spaces for each Bachelor dwelling unit greater than 45 square metres;
- (iii) A minimum rate of 0.8 parking spaces for each One-Bedroom Dwelling Unit;
- (iv) A minimum rate of 0.9 parking spaces for each Two-Bedroom Dwelling Unit;
- (v) A minimum rate of 1.1 parking spaces for each Three-Bedroom Dwelling Unit and above;
- (vi) A minimum rate of 0.15 parking spaces for each Dwelling Unit for residential visitors;
- (vii) parking spaces required by (s)(i),(ii), (iii) and (iv) may be used as a "Car-share parking space" as required by (s)(ix) below; and
- (viii) A minimum rate of 1.0 parking spaces for each 100 square metres of non-residential Gross Floor Area;
- (ix) The provision of a car-share parking space can reduce the residential parking by up to 4 parking spaces for each car-share up to a maximum reduction of  $4 \times (\text{total number of units}) / 60$ , rounded down to the nearest whole number;

#### **BICYCLE PARKING REQUIREMENTS**

(t) Bicycle parking shall be provided as follows:

- (i) A minimum of 0.75 Bicycle Parking Spaces for each Dwelling Unit, allocated as 0.68 "long-term" Bicycle Parking Space per Dwelling Unit and 0.07 "short-term" Bicycle Parking Space per Dwelling Unit;
- (ii) A minimum of 3 plus 0.25 bicycle parking spaces for each 100 square metres of interior floor space for "short-term" bicycle parking used for non-residential uses' and
- (iii) A minimum of 0.13 bicycle parking spaces for each 100 square metres of interior floor space for "long-term" bicycle parking used for non-residential uses.

(u) Bicycle parking spaces will comply with the following minimum dimensions:

- (i) Minimum length of 1.8 metres, minimum width of 0.4 metres and minimum vertical clearance from the ground of 1.9 metres;
- (ii) Minimum length of 1.9 metres, minimum width of 0.4 metres and minimum vertical clearance from the ground of 1.2 metres if placed in a vertical position on a wall, structure or mechanical device; and
- (iii) If a stacked bicycle parking space is provided, the minimum vertical clearance for each bicycle parking space is 1.2 metres.

#### **LOADING SPACE REQUIREMENTS**

- (v) The provisions of Section 6A(16) (Loading Requirements) of By-law No. 7625 shall not apply.
- (w) A minimum of 3 Type 'G' loading spaces, 1 Type 'B' loading spaces and 1 Type 'C' loading spaces shall be provided.

#### **LANDSCAPING**

- (x) The provisions of Section 15.8 (Landscaping) shall not apply.

#### **OTHER REGULATIONS**

- (y) The provisions of Section 6(7) (Frontage on a Street) shall not apply.
- (z) The provision of Dwelling Units is subject to the following:
  - (i) a minimum of 10 percent of the total number of Dwelling Units must contain three or more bedrooms; and
  - (ii) in addition to (z)(i) above, a minimum of 15 percent of the total number of Dwelling Units must contain two or more bedrooms;
- (aa) A 1.5 metre wide strip of land used for soft landscaping is required along the north lot line, labelled as "landscape strip" on Schedule RM6(286) attached to this By-law, of which a maximum 7.2 metre long portion may be used as a paved driveway;
- 3. Notwithstanding any severance or division of the lands subject to this exception, the regulations of this exception shall continue to apply to the whole of the lands as if it remained one lot.
- 4. None of the provisions of By-law 7625, as amended, apply to prevent a temporary

sales office on the lot.

**5. Holding Provisions:**

- (a) The lands zoned with the "(H)" symbol delineated by heavy lines on Schedule 1 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 the date of the passing of this By-law on the lands shown on Schedule 1 attached to this By-law until the "(H)" symbol has been removed.
- (b) A By-law to remove the (H) symbol from the lands subject to this by-law may be enacted by Council when the following conditions have been fulfilled to the satisfaction of Council:
  - (i) City Council has approved the rental housing demolition application (17 139152 NY 23 RH) under Chapter 667 of the Toronto Municipal Code and the Owner has entered into an agreement pursuant to Section 111 of the City of Toronto Act, 2006, securing the replacement rental dwelling units and rent, tenant assistance and other rental-related matters, and registered the said agreement on title, all to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning.
  - (ii) The Owner has registered a Section 118 restriction over the lands to be conveyed to the City as parkland dedication to the satisfaction of the City Solicitor.
  - (iii) The Owner has entered into an Agreement pursuant to Section 37 of the Planning Act, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning, for the purpose of securing appropriate community benefits to be based on the value of additional height and/or density beyond what is permitted by the current zoning by-law and to be registered on title.
  - (iv) The Owner has set aside as a separate block and gratuitously conveyed to the TRCA the lands shown as Open Space Zone in a condition satisfactory to the TRCA.

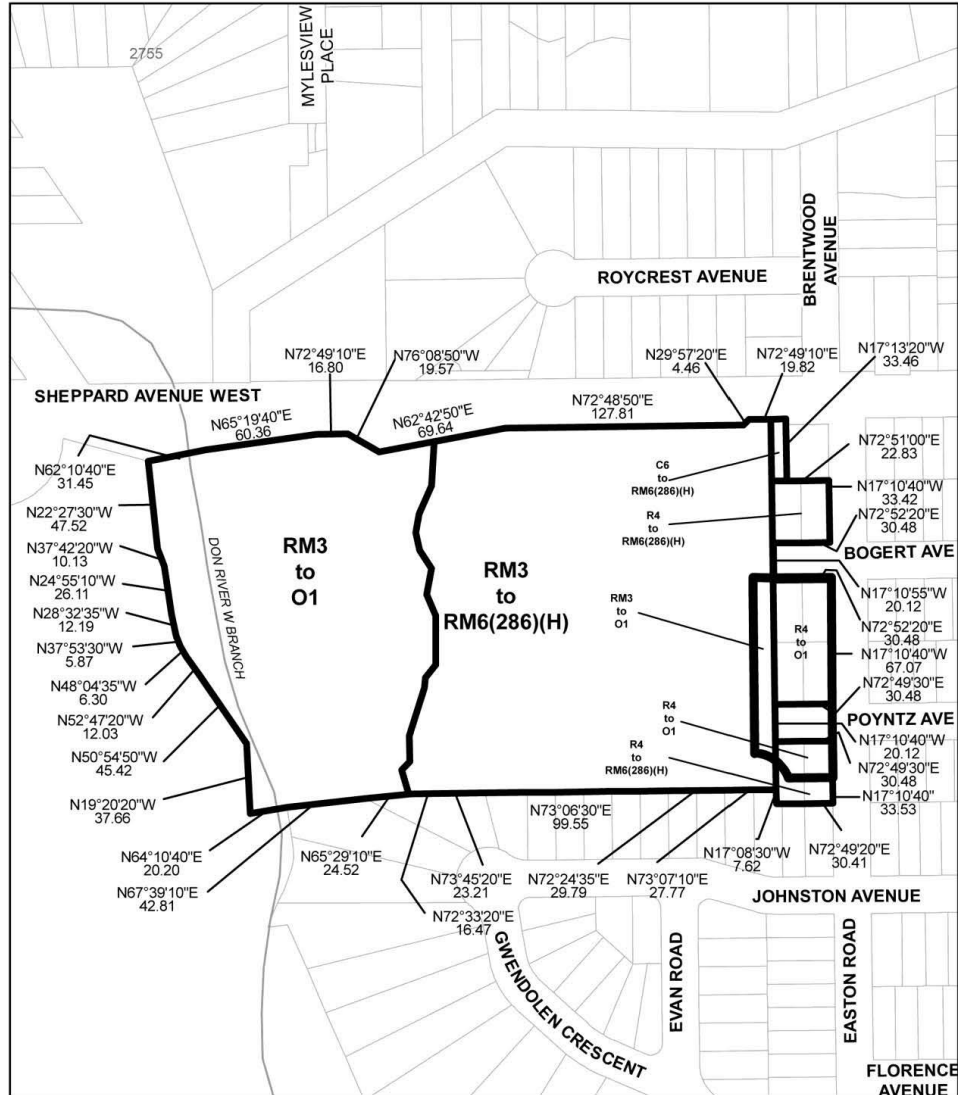
**6. Section 37 Provisions:**

- 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 Schedule 1 attached to this By-law, in return for the provision by the owner, at the owner's expense of

the 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 2 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 must 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 the provisions of Schedule 2 of this By-law are satisfied.
7. Within the lands shown on Schedule "1" attached to this By-law, no person shall use any land or erect or use any building or structure, unless the following municipal services are provided to the lot line and the following provisions are complied with:
- a. all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
  - b. all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

PURSUANT TO THE ORDER OF THE ONTARIO LAND TRIBUNAL ISSUED ON \* IN TRIBUNAL CASE NO. PL170905



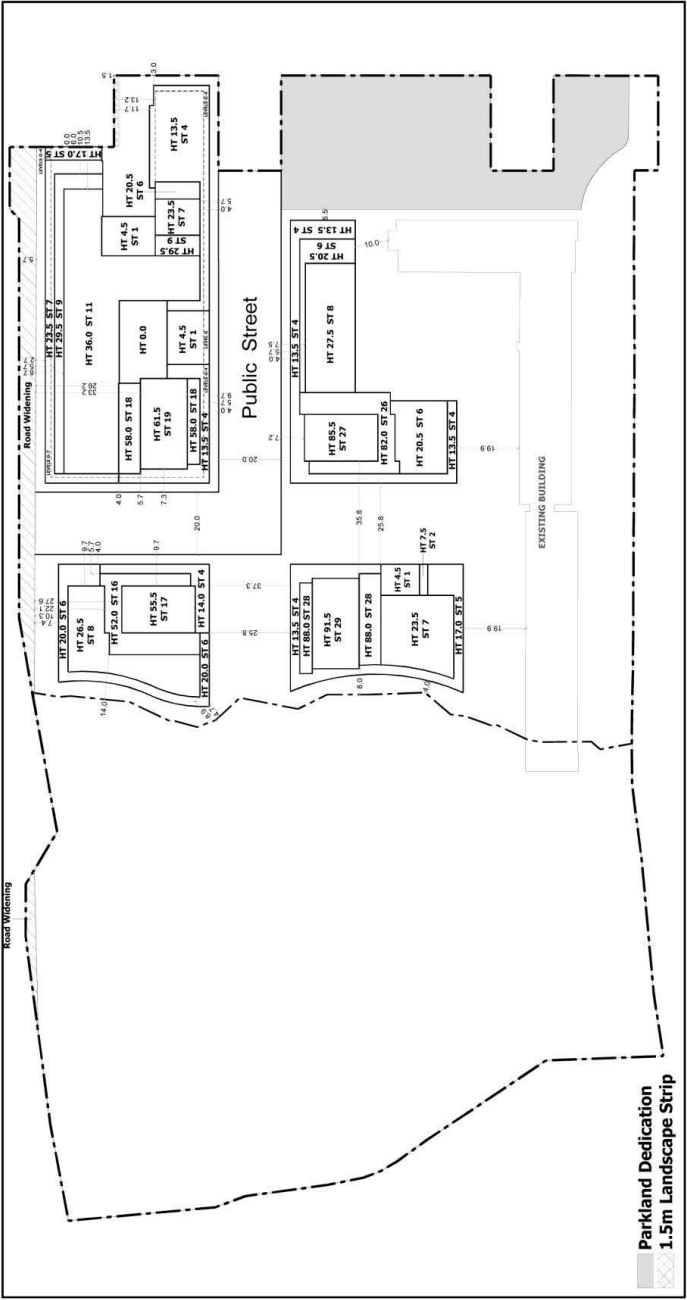
**TORONTO**  
Schedule 1

**314-317 & 325 Bogert Avenue &  
305-308 Poyntz Avenue**

File #: 16 272001 NNY 23 0Z



City of Toronto By-law 569-2013  
Not to Scale  
04/11/2022



314-317 & 325 Bogert Avenue &  
305-308 Poyntz Avenue  
File #: 16 272001 NNY 23 02

**Toronto**  
Schedule RM6(286)

City of Toronto By-law 569-2013  
Not to Scale  
04/11/2022

## **Schedule 2**

### **Section 37 Provisions**

Prior to the issuance of any Building Permit, the owner shall enter into an agreement 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 community benefits above.

Upon execution and registration in priority of an agreement or agreements with the owner, pursuant to Section 37 of the Planning Act, with conditions providing for without limitation, indexing escalation of letters of credit, development charges, indemnity, insurance, and registration, satisfactory to the City Solicitor, securing the provision of the facilities, services and matters set out herein, the Site is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements:

- (i) a cash contribution of \$9,000,000, indexed in accordance with the Construction Price Index, calculated from the date of the Ontario Land Tribunal bringing the Zoning by-law amendments into full force and effect to the date of payment, as set out below:

A. prior to the issuance of the first above-grade building permit:

- (i) the sum of \$1,750,000 for any new residential dwelling unit to be erected on the Lands, excluding the required rental replacement dwelling units, for community, cultural or institutional facilities, non-profit child care facilities, affordable housing, parkland and/or park improvements, and/or public access to ravines and valleys, in Ward 18, to be determined by the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor; and the sum of \$500,000 for affordable housing; and

B. prior to the issuance of any subsequent above-grade building permits:

- (i) the sum of \$1,750,000 for any new residential dwelling unit, to be erected on the Lands, which exceeds 225 new residential dwelling units, excluding the required rental replacement dwelling units, for community, cultural or institutional facilities, non-profit child care facilities, affordable housing, parkland and/or park improvements, and/or public access to ravines and valleys, in Ward 18, to be determined by the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor and the sum of \$500,000 for affordable housing;
- (ii) the sum of \$1,750,000 for any new residential dwelling unit, to be erected on the Lands, which exceeds 450 new residential dwelling units, excluding the required rental replacement dwelling units for community, cultural or institutional facilities,

non-profit child care facilities, affordable housing, parkland and/or park improvements, and/or public access to ravines and valleys, in Ward 18, to be determined by the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor and the sum of \$500,000 for affordable housing; and

- (iii) the sum of \$1,750,000 for any new residential dwelling unit, to be erected on the Lands, which exceeds 700 new residential dwelling units, excluding the required rental replacement dwelling units, for community, cultural or institutional facilities, non-profit child care facilities, affordable housing, parkland and/or park improvements, and/or public access to ravines and valleys, in Ward 18, to be determined by the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor and the sum of \$500,000 for affordable housing;
- C. notwithstanding the phasing of payments in section 1f above, the balance of the \$9,000,000, including any indexing, shall be payable seven years after the payment of the first above-grade building permit; and
- D. the sums for affordable housing be directed to the Capital Revolving Fund for Affordable Housing for the provision of new affordable rental housing in Ward 18; and
- E. the following are also recommended to be secured in the Section 37 agreement as a legal convenience to support development:
  - (i) the owner shall provide and maintain the 148 existing rental housing units retained on the site as rental housing for the period of at least 20 years, from the date of the Zoning By-law coming into full force and effect, with all associated facilities and building amenity, to be secured for the retained rental housing units, at no extra cost to the existing tenants, and with no applications for demolition or conversion from residential rental use, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
  - (ii) the owner shall provide needed improvements for the retained rental housing, taking into account feedback from tenants, the timing and the details to the satisfaction of the Chief Planner and Executive Director, City Planning;
  - (iii) the owner shall permit and provide tenants of the retained rental housing with access to indoor and outdoor amenities within and adjacent to the proposed buildings on the site, including all outdoor amenity spaces and indoor amenity space within one or more of the proposed buildings, at no extra charge to the tenants and with no pass-through cost to tenants of the existing building; access and the use of these amenities shall be on the same terms and conditions as any other tenant in the building;
  - (iv) prior to Site Plan Approval for the development, the owner shall provide a Tenant Construction Mitigation Plan and Tenant Communication Plan, to the satisfaction of

the Chief Planner and Executive Director, City Planning or designate and thereafter the owner shall implement such Plans;

- (v) the owner will provide at least 15 percent of all new dwelling units as two-bedroom units and 10 percent of all new dwelling units be three-bedroom units; and
- (vi) matters required to implement the rental replacement and tenant assistance provisions.