

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: June 29, 2023

CASE NO(S).:

OLT-22-002432

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

Applicant/Appellant: St. Clair Developments Limited Partnership
Subject: Request to amend the Official Plan – Failure to adopt the requested amendment
Description: To permit a 11-13 storey, 164 unit development
Reference Number: 20 220123 STE 12 OZ
Property Address: 175-195 St. Clair Avenue West and 273 Poplar Plains Road
Municipality/UT: Toronto/Toronto
OLT Case No: OLT-22-002432
OLT Lead Case No: OLT-22-002432
OLT Case Name: St. Clair Developments Ltd. v. Toronto (City)

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

Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description: To permit a 11-13 storey, 164 unit development
Reference Number: 20 220123 STE 12 OZ
Property Address: 175-195 St. Clair Avenue West and 273 Poplar Plains Road
Municipality/UT: Toronto/Toronto
OLT Case No: OLT-22-002433
OLT Lead Case No: OLT-22-002432

PROCEEDING COMMENCED UNDER section 114(15) of the *City of Toronto Act, 2006, S.O. 2006, c. 11, Sched. A.*

Subject:	Site Plan
Description:	To permit a 11-13 storey, 164 unit development
Reference Number:	21 219409 STE 12 SA
Property Address:	175-195 St. Clair Avenue West and 273 Poplar Plains Road
Municipality/UT:	Toronto/Toronto
OLT Case No:	OLT-22-002434
OLT Lead Case No:	OLT-22-002432

Heard: June 12, 2023 by video hearing

APPEARANCES:

Parties

Counsel

St. Clair Developments
Limited Partnership
("Applicant")

Ian Andres

City of Toronto ("City")

Matthew Longo
Cameron McKeich

Rational Development in
South Hill Group Inc.
("RaDISH")

Raj Kehar

MEMORANDUM OF ORAL DECISION DELIVERED BY ASTRID J. CLOS ON JUNE 12, 2023 AND INTERIM ORDER OF THE TRIBUNAL

[Link to Order](#)

[1] The Tribunal convened a Settlement Hearing with respect to appeals brought pursuant to s. 22(7) and 34(11) of the *Planning Act* ("Act") and s. 114(15) of the *City of Toronto Act* by St. Clair Developments Limited Partnership due to the failure to make decisions within the statutory timeframes for an Official Plan Amendment ("OPA"), Zoning By-law Amendment ("ZBA"), and Site Plan ("SP") applications in relation to the

properties known municipally as 175-195 St. Clair Avenue West and 273 Poplar Plains Road (“Subject Property”) located in the City of Toronto.

[2] The proposed settlement consists of a 12 and 14 storey residential building, connected by a seven-storey central element. The settlement would include a total of 298 residential dwelling units with a total gross floor area of approximately 27,804.9 square metres (“m²”) and an approximate floor space index of 5.89. A draft OPA and ZBA, which would implement the proposed settlement, were submitted by the Parties to the Tribunal.

[3] The Subject Property is located at the southeast corner of the intersection of St. Clair Avenue West and Poplar Plains Road and is generally rectangular in shape. The site has frontage of approximately 120 metres (“m”) on St. Clair Avenue West and 33 m on Poplar Plains Road. The total site area is approximately of 4,720.8 m².

[4] On February 7, 2023, City Council adopted a recommendation from the City Solicitor to support the proposed settlement conditional on the prerequisite matters included in paragraph 36.

[5] Ian Andres, Counsel for the Applicant, indicated that his client supports the proposed settlement and that the Parties are together requesting an Interim Order allowing the appeal in part and approving the draft OPA and ZBA in principle, subject to the prerequisite matters identified by Council being satisfactorily addressed prior to a Final Order being issued by the Tribunal. Mr. Andres advised that the Parties are requesting that the draft OPA and ZBA would remain subject to further review to be finalized to the satisfaction of the Parties prior to the Final Order being requested from the Tribunal. He indicated that the Applicant has submitted a comprehensive Site Plan with the City to reflect the proposed settlement. He requested that the Site Plan appeal be adjourned *sine die*. Mr. Andres indicated that his client has no objection to RaDISH reviewing the planning instruments prior to these instruments returning to the Tribunal for consideration and the Final Order being issued.

[6] Matthew Longo, Counsel for the City, indicated that his client is in support of the proposed settlement provided that the prerequisite matters adopted by Council are included in the Interim Order to be satisfied prior to the Final Order being issued.

[7] Raj Kehar, Counsel for RaDISH, confirmed that his client is in support of the proposed settlement provided that his client has the opportunity to review the planning instruments prior to them returning to the Tribunal for consideration and issuance of the Final Order.

LEGISLATIVE TESTS

[8] The Tribunal in carrying out its responsibilities shall have regard to matters of provincial interest as set out in s. 2 of the *Planning Act* (“Act”).

[9] When deciding a planning matter, the Tribunal shall have regard to any decision made by a municipal council or approval authority and any information and material considered by a council or approval authority in making the decision as set out in s. 2.1 (1) of the Act.

[10] A decision of the Tribunal in respect of any authority that affects a planning matter, shall be consistent with the *Provincial Policy Statement, 2020* (“PPS”) and shall conform with or shall not conflict with the *Growth Plan for the Greater Golden Horseshoe, 2020* (“GP”) as set out in s. 3(5) of the Act.

[11] Any decision of the Tribunal shall be made pursuant to s. 24(1) of the Act, in that where an official plan is in effect, no by-law shall be passed for any purpose that does not conform therewith.

PLANNING EVIDENCE

[12] The Tribunal qualified one planning witness, Michael Bissett to provide expert opinion evidence in the discipline of land use planning with respect to the draft OPA and

ZBA agreed to within the proposed settlement. Mr. Bissett in providing his evidence referenced **Exhibit 1** – Affidavit of Michael Bissett, Affirmed June 1, 2023, **Exhibit 2** – Settlement Hearing Document Book and **Exhibit 3** – Settlement Hearing Visual Evidence Book.

[13] Mr. Bissett described the Subject Property as being occupied by a previous religious institution, a three-storey house-form building occupied by commercial uses, two three storey detached house-form buildings which were vacant at time of initial submission, a five-storey building with seven residential units of condominium tenure and a two-storey detached dwelling which was vacant at time of initial submission.

[14] Mr. Bissett took the Tribunal to mapping illustrating the surrounding area. He identified existing and approved developments in the immediate context of the Subject Property including a 19-storey residential building, an approved 21-storey residential building, recently constructed 12 storey buildings, an under construction nine storey residential building and a 12-storey residential building. He identified that to the immediate south of the Subject Property, along the east side of Poplar Plains Road, is a five-storey residential apartment building with no primary north-facing windows (265 Poplar Plains Road), followed by two single-detached dwellings (257 and 261 Poplar Plains Road). Further south are deep lots (approximately 39 m in depth) occupied by single-detached dwellings fronting onto Lynwood Avenue. Some dwellings along the north side of Lynwood Avenue include garages or accessory buildings in their rear yards, which abut the southerly property line of the Subject Property.

[15] Mr. Bissett outlined that the Subject Property is located between Yonge Street and Bathurst Street along St. Clair Avenue West which is serviced by a streetcar line. He indicated that the Subject Property is located between two subway lines with access to bus routes. He characterized the Subject Property as having excellent access to higher-order rapid transit and surface transit routes.

[16] Mr. Bissett advised that the original proposal to permit a 14 and 15 storey residential building with a central 13-storey element, submitted in November 2020, was revised based on input received through a number of working group meetings with

neighbours to reduce heights, density and add several other built form and public realm enhancements.

[17] Mr. Bissett explained that following the submission of the revised proposal, the Applicant, members of the consultant team, City Staff, and RaDISH participated in a number of mediation sessions. The revised proposal was then further refined to address matters discussed through the mediation process. He advised that the planning matters included in the Participant Statements of Mitchell Gilbert and the South Hill District Homeowners Association were considered in the revisions to the proposal.

[18] Mr. Bissett outlined the proposed settlement which consists of a 12 and 14 storey residential building, connected by a seven-storey central element. A total of 298 residential dwelling units are proposed. The development would contain a total gross floor area of 27,804.9 m², resulting in a floor space index of 5.89 times the lot area. He indicated that the built form of the development has been significantly modified by introducing a 38 m separation distance between the two taller elements of 12 and 14 storeys. He advised that the 12-storey portion of the building was reduced in height to provide less shading impact to nearby Glenn Gould Park. He advised that the reduction in height of the central portion of the building would reduce shadow and overlook impacts while providing an opening to maintain more sky view.

[19] Mr. Bissett reviewed the design elements of the proposed settlement outlined within his affidavit,

The loading and service areas, as well as the ramp to the underground parking garage, are proposed to be fully enclosed at the rear of the building and shifted further to the north to provide for a minimum setback of 7.5 metres from the building to the rear lot line of the properties on Lynwood Avenue (which are within the Neighbourhoods designation).

A landscaped buffer with trees is proposed within the setback between the new building and the existing neighbourhood on Lynwood Avenue to provide additional screening. This condition will be maintained in perpetuity.

The westerly portion of the building has been shifted further to the north to provide a minimum setback of 5.5 metres from the south wall of the building to

the lot line shared with the existing four-storey apartment building at 265 Poplar Plains Road.

With respect to enhancing privacy and reducing overlook, the Settlement Proposal includes design details with respect to the inclusion of inset balconies and screening of amenity areas on the south façade of the new building.

The Settlement Proposal also includes the relocation of the outdoor amenity space from the rear of the building at ground level to a large outdoor terrace located on the roof of the 7th floor (accessed from the 8th floor), within the gap between the 12 and 14 storey portions. The outdoor amenity space will be contiguous with the indoor amenity area.

[20] Mr. Bissett outlined the drafts of the OPA and ZBA he prepared which reflect the proposed settlement. The draft OPA and ZBA are included as Attachment 1 to this decision.

[21] Mr. Bissett reviewed the prerequisite conditions approved by City Council on February 7, 2023. He characterized these conditions as standard requirements of development in the City. The prerequisite conditions are included in paragraph 36.

Matters of Provincial Interest, Planning Act (“Act”)

[22] The Tribunal heard evidence from Mr. Bissett that the draft OPA and ZBA implementing the proposed settlement have had appropriate regard for the applicable matters of provincial interest under Section 2 of the *Planning Act* in particular items e, f, h, j, n, p and r.

Provincial Policy Statement (“PPS”)

[23] Mr. Bissett reviewed his analysis related to the consistency of the draft OPA and ZBA with the PPS. He testified that one of the key policy directions expressed in the PPS is to build strong communities by promoting efficient development and land use patterns. He explained that the PPS contains a number of policies that promote intensification, redevelopment and compact built form, particularly in areas well served by public transit. He emphasized that, in particular, the draft OPA and ZBA are consistent with the PPS, specifically those policies relating to residential intensification and the efficient use of land and infrastructure and will implement intensification within

an area well served by municipal infrastructure including higher-order transit. Mr. Bissett provided his opinion that the OPA and ZBA are consistent with the PPS 2020.

Growth Plan for the Greater Golden Horseshoe (“GP”)

[24] Mr. Bissett provided evidence that the GP policies emphasize the importance of integrating land use and infrastructure planning, and the need to optimize the use of the land supply and infrastructure. He stated that the GP includes objectives that support the development of complete communities and promotes transit supportive development in proximity to higher-order transit. In this case, he explained that the St. Clair streetcar is considered higher-order transit given that it operates in a dedicated

right-of-way. He contends that the Subject Property is located within a “strategic growth area” as defined by the Growth Plan, as it is located within a major transit station area and along a higher order transit corridor (i.e. the dedicated St. Clair West streetcar and the St. Clair Subway Station). He provided his analysis that the proposed settlement is appropriate intensification pursuant to the GP given its location along a major road with dedicated streetcar service. Mr. Bissett opined that, the draft OPA and ZBA conform with the GP.

City of Toronto Official Plan (“TOP”)

[26] Mr. Bissett took the Tribunal through evidence related to conformity of the proposal to the TOP. His evidence indicated that the Subject Property is designated Apartment Neighbourhoods, as identified on Map 17 (Land Use Plan). He advised that Section 4.2 of the TOP recognizes that Apartment Neighbourhoods are distinguished from low-rise Neighbourhoods because a greater scale of building is permitted, and different scale related criteria are needed to guide development. He testified that the TOP sets out criteria to evaluate these situations. He provided his opinion that the draft OPA and ZBA meet the criteria in the TOP.

[27] Mr. Bissett described how he had appropriate regard for OPA 479 and OPA 480 with respect to the public realm and built form policies. In his opinion, the proposal conforms to the TOP, as amended by OPA 479 and OPA 480.

[28] Mr. Bissett explained that the Subject Property is located within the boundaries of Site and Area Specific Policy 221 ("SASP 221") which was amended in 2015 to increase the maximum height permitted to nine storeys, established angular plane requirements and introduced a policy requiring minimum hours of sunlight on the north sidewalk. He submits that exceptions to the nine storey maximum height have been approved in the surrounding area including a 12 storey building to the west of the Subject Property and another 12 storey building was approved to the north of the Subject Property. He opined that these two exceptions, combined with the existing 19 storey building just outside of the SASP 221 boundary to the east of the Subject Property, made the maximum nine storey height no longer reasonable given the evolving context of the neighbourhood. He advised that he prepared the draft OPA, which in his opinion reflects a reasonable form of development and reflects the current context of the area.

City of Toronto Zoning By-law ("ZBL")

[29] Mr. Bissett reviewed the current zoning of the Subject Property for the Tribunal. He explained that City-wide Zoning By-law No. 569-2013 zones the site R (d2.0) (x825) with a maximum height limit of 14.0 metres. The R (Residential) zone permits dwelling units in a range of residential building types, including apartment buildings and townhouses.

[30] Mr. Bissett described the Mid-Rise Building Performance Standards Addendum which is to be used in conjunction with the Performance Standards for Mid-Rise Buildings proposed in the "Avenues & Mid-Rise Buildings Study" (2010). He explained that the Guidelines state that they are intended to influence the design of mid-rise buildings along Avenues and ensure that Avenues are developed in an appropriate and context-sensitive manner. Although the Subject Site is not designated as an Avenue,

Mr. Bissett applied these guidelines to the proposal due to the emerging built form context along this portion of St. Clair Avenue West which includes mid-rise or tall building typologies. Mr. Bissett contends that, while not applicable, in his opinion the proposed settlement has appropriate regard for the City's Mid-Rise Design Guidelines.

[31] Mr. Bissett reviewed the Growing Up: Planning for Children in New Vertical Communities Urban Design Guidelines (2020 Guidelines) in the context of the proposed settlement. He confirmed that the proposed settlement exceeds these guidelines by providing 45% two-bedroom units and 18% three-bedroom units.

[32] Mr. Bissett analyzed the Pet Friendly Design Guidelines and Best Practices for New Multi-unit Buildings (2019) in the context of the proposed settlement. He advised that the proposed settlement includes an indoor dog wash and outdoor dog relief area/dog run at the southwest corner of the ground floor which is consistent with this guideline.

[33] Michael Bissett provided his concluding land use planning opinion that the draft OPA and ZBL implementing the proposed settlement.

- Have had appropriate regard for the applicable matters of provincial interest under Section 2 of the *Planning Act*;
- Are consistent with the Provincial Policy Statement;
- Conform to the Growth Plan for the Greater Golden Horseshoe;
- Are in conformity with general purpose and intent of the City of Toronto Official Plan (as proposed to be amended to exempt the Subject Site from policies of SASP 221);
- Have had appropriate regard for the applicable City guidelines;

- Are appropriate and desirable in land use planning and urban design terms; and,
- Represent good planning and are in the public interest and should be approved in principle.

TRIBUNAL FINDINGS

[34] The Tribunal accepts the uncontested planning opinion evidence of Michael Bissett in its entirety and finds that the draft OPA and ZBA (included as Attachment 1) implementing the proposed settlement, meet all the relevant tests of s. 2 of the *Planning Act*, the Provincial Policy Statement, the Growth Plan, are in conformity with the general intent of the TOP, represent good planning and are in the public interest.

[35] The Tribunal considered the information available to Council and Council's provisional support of the draft OPA and ZBA.

[36] The Tribunal finds that the draft OPA and ZBA included as Attachment 1 satisfies the required legislative tests and are approved in principle with reasons that include the following:

1. This proposed intensification will make efficient use of municipal services and infrastructure within an existing serviced settlement area;
2. The site is in proximity to public transit and will be transit supportive;
3. The draft OPA is appropriate and reflects the evolving context and built form of the immediate area; and
4. The draft ZBA includes provisions that will permit compatible intensification through a minimum separation between the towers, balcony regulations, building heights, setbacks and step backs to transition appropriately with the surrounding area.

INTERIM ORDER

[37] **THE TRIBUNAL ORDERS** that,

1. The appeal is allowed, in part, upon confirmation, satisfaction or receipt of those prerequisite matters identified below and the draft Official Plan Amendment and draft Zoning By-law Amendment found in Attachment 1 are approved in principle,
2. The issuance of the Final Order is withheld contingent upon confirmation from the Parties that the following prerequisite matters have been satisfactorily addressed.
 - a) The final form and content of the Official Plan Amendment and Zoning By-law Amendments are satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;
 - b) The Owner has addressed all outstanding issues raised by Engineering and Construction Services as they relate to the Official Plan and Zoning By-law Amendment application as set out in their memo dated September 30, 2022, or as may be updated, in response to further submissions filed by the owner, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
 - c) In the event that the updated Functional Servicing Report, identifies any required improvements to municipal infrastructure to support the development, the Owner has entered into a financially secured agreement(s) with the City requiring the Owner to design, financially secure, construct and make operational any upgrades or required improvements, prior to the issuance of any above grade building permit, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and

- d) City Council has approved the Rental Housing Demolition Application (21 111463 STE 12 RH) in accordance with Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006, which allows for the demolition of the one (1) existing rental dwelling unit on the site.

3. The Site Plan appeal is adjourned *sine die*.

“Astrid J. Clos”

ASTRID J. CLOS
MEMBER

Ontario Land Tribunal

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

ATTACHMENT 1

Authority: Ontario Land Tribunal Decision issued on ~, 2023 and Order issued on ~, 2023 in OLT-22-002432

CITY OF TORONTO

BY-LAW XXX-2023 (OLT)

To adopt Amendment No. XXX to the Official Plan for the City of Toronto with respect to the lands municipally known in the year 2022 as 175-195 St. Clair Avenue West and 273 Poplar Plains Road.

Whereas authority is given to the Ontario Land Tribunal, under the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this by-law;

The Official Plan of the City of Toronto, as amended, is further amended by the Ontario Land Tribunal as follows:

1. The attached Amendment No. **XXX** to the Official Plan is adopted pursuant to the Planning Act, as amended.

Ontario Land Tribunal Decision issued on ~, 2023 and Order issued on ~, 2023 in OLT-22-002432

City of Toronto By-law No. XXX-2023 (OLT)

AMENDMENT NO. XXX TO THE OFFICIAL PLAN

**LANDS MUNICIPALLY KNOWN IN THE YEAR 2022 AS 175-195 ST. CLAIR
AVENUE WEST AND 273 POPLAR PLAINS ROAD**

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

1. Chapter 7, Site and Area Specific Policy 221 is amended by adding a new policy, Policy 5, as follows:
 5. 175-195 St. Clair Avenue West and 273 Poplar Plains Road

Exemptions

5. The lands municipally known as 175-195 St. Clair Avenue West and 273 Poplar Plains Road are exempt from policies 1. (c), (d), (i) and (j) of Site and Area Specific Policy 221, if a residential building with a central element and two taller east and west elements is developed on the lands. The central element is to have a maximum height of 7 storeys. The west element is to have a maximum height of 14 storeys and the east element is to have a maximum height of 12 storeys. The two taller elements are to be separated by a minimum distance of 38.0 metres.

CITY OF TORONTO**BY-LAW ###-2023(OLT)**

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 175-195 St. Clair Avenue West and 273 Poplar Plains Road.

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas 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; and

The Ontario Land Tribunal Orders:

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 amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines from a zone label of R (d2.0) (x825) to a zone label of R (d2.0) (XXXX) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number (XXXX) so that it reads:

Exception R (XXXX)

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 175-195 St. Clair Avenue West and 273 Poplar Plains Road, 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 (U) below:
- (B) Despite Regulations 10.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 150.25 metres and the elevation of the highest point of the **building** or **structure**;

- (C) Despite Regulation 10.10.40.10(1) the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 3 of By-law [Clerks to insert By-law ##];
- (D) Despite Regulations 10.5.40.10(2) to (4), Regulations 10.10.40.10(8) to (10), and (C) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law [Clerks to insert By-law ##]:
- (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 6.5 metres;
 - (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (D)(i) above, inclusive of a mechanical penthouse, by a maximum of 6.5 metres;
 - (iii) architectural features, parapets, and elements and **structures** associated with a **green roof**, insulation and waterproofing, by a maximum of 2.5 metres;
 - (iv) **building** maintenance units and window washing equipment, by a maximum of 3.0 metres;
 - (v) planters, **landscaping** features, railings, divider and screens, by a maximum of 2.0 metres; and
 - (vi) trellises, pergolas, and unenclosed **structures**, by a maximum of 3.0 metres;
 - (vii) boiler, plumbing and garbage chute vents may project beyond the permitted maximum height for a mechanical penthouse outlined in D(ii) by a maximum of 1.5 metres;
- (E) Despite Regulation 10.5.40.70(1) and 10.10.40.30(1), and Clause 10.10.40.70, the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law [Clerks to insert By-law ##];
- (F) Despite Clause 10.5.40.60 and (E) above, the following elements may encroach into the required minimum **building setbacks** as follows:
- (i) decks, porches, and projecting balconies, by a maximum of 2.0 metres;
 - (ii) canopies and awnings, by a maximum of 4.0 metres;

- (iii) exterior stairs, access ramps and elevating devices, by a maximum of 3.5 metres;
 - (iv) cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 0.5 metres;
 - (v) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 1.5 metres;
 - (vi) window projections, including bay windows and box windows, by a maximum of 0.5 metres;
 - (vii) dormers and eaves, by a maximum of 1.0 metres; and
 - (viii) air conditioners, satellite dishes, antennae, vents, garbage shafts and pipes, by a maximum of 2.5 metres;
- (G) Despite (F)(i) above, balcony encroachments into the required minimum **building setbacks** or projections beyond **main walls**, as shown by heavy black lines on Diagram 3 of By-law [**Clerks to supply by-law #**], are not permitted on:
- (i) the south **main wall** of the “east building” below the 6th **storey**; and
 - (ii) the south **main wall** of the “central podium” below the 6th **storey**; and
 - (iii) For the purposes of this exception:
 - (a) “east building” means the portion of the **building** on the east portion of the lands, as indicated on Diagram 3 of By-law [**Clerks to supply by-law #**];
 - (b) “central podium” means the portion of the **building** between the “east building” and “west building” as indicated on Diagram 3 of By-law [**Clerks to supply by-law #**];
- (H) In addition to (E), (F) and (G) above, balconies on the south main wall of the east building and central podium shall have a maximum depth of 2.0 metres, except for terraces at the 3rd storey which shall have a maximum depth of 3.1 metres from the south main wall (excluding planters which may extend an additional 2.5 metres from the south main wall);
- (I) Despite Regulations 10.5.50.10(4) and (5),

- (i) a minimum of ## percentage of the area of the **lot** must be for **landscaping**; and
 - (ii) a minimum of ## percentage of the **landscaping** required by (G)(i) above, must be **soft landscaping**;
- (J) Despite Regulations 10.5.80.40(3) and 10.10.80.40(2), **vehicle** access to a **parking space** is not required to be taken from a flanking **street**;
- (K) Despite Regulation 10.5.100.1(4), a **driveway** may have a maximum total width of 7.5 metres;
- (L) Despite Regulation 10.10.40.40(1), the permitted maximum residential **gross floor area** of all **buildings** and **structures** on the **lot** is 28,000 square metres;
- (M) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided and maintained on the **lot** in accordance with the following:
 - (i) a minimum of 0.0 **parking spaces** for each **dwelling unit** for residential occupants;
 - (ii) **parking spaces** for residential occupants of the **building** must be provided at a maximum rate of:
 - (a) 0.5 **parking spaces** for each one bedroom **dwelling unit**;
 - (b) 0.8 **parking spaces** for each two bedroom **dwelling unit**;
 - (c) 1.0 **parking spaces** for each three or more bedroom **dwelling unit**;
 - (iii) a minimum of 2.0 plus 0.01 **parking spaces** for each **dwelling unit** for residential visitors;
 - (iv) at a maximum rate of 1.0 per **dwelling unit** for the first five **dwelling units**, and at a maximum rate of 0.1 per **dwelling unit** for the sixth and subsequent **dwelling units** for residential visitors;
- (N) Despite Regulation 200.5.1.10(2)(A)(iv), a maximum of 10 percent of the total required **parking spaces** may be obstructed as described in Regulation 200.5.1.10(2)(D) without being required to provide additional width for the obstructed sides of the **parking space**;
- (O) Despite Regulation 230.5.10.1(5), **bicycle parking spaces** for **dwelling**

units must be provided and maintained on the **lot** in accordance with the following:

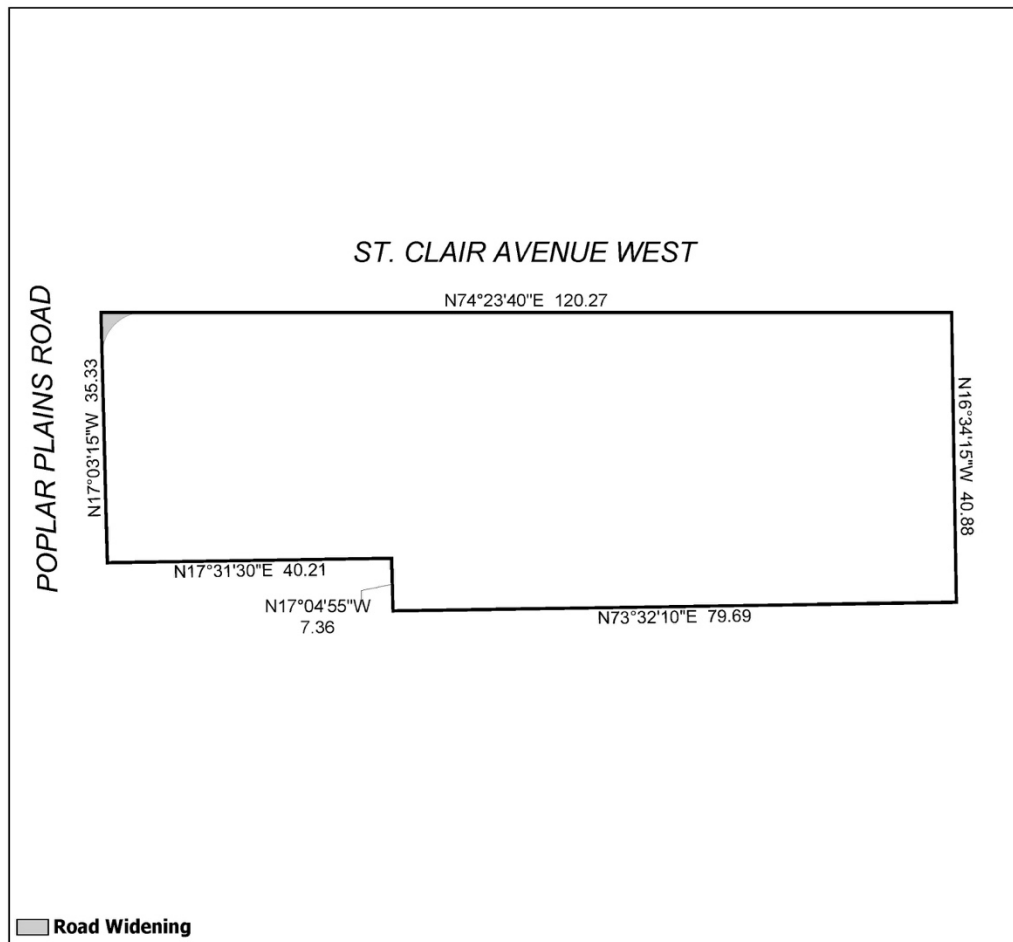
- (i) a minimum of 0.9 “long-term” **bicycle parking spaces** per **dwelling unit**; and
 - (ii) a minimum of 0.1 “short-term” **bicycle parking spaces** per **dwelling unit**;
- (P) Despite Regulation 230.5.1.10(4), if a **stacked bicycle parking space** is provided where any portion of a bicycle is situated above or below any portion of an adjacent bicycle, the minimum required width of each is 0.45 metres and the minimum required length is 1.8 metres;
- (Q) Despite Regulation 230.5.1.10(10), both “long-term” and “short-term” **bicycle parking spaces** may be located in a **stacked bicycle parking space**;

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

- 5.** Despite any severance, partition or division of the lands, the provisions of this By-law will apply as if no severance, partition or division occurred.

Ontario Land Tribunal Order and Decision issued on ~, 20~, in Tribunal Case No. OLT-22-002432

City of Toronto By-law No. ____ - 2023



175-195 St. Clair Avenue West and 273 Poplar Plains Road

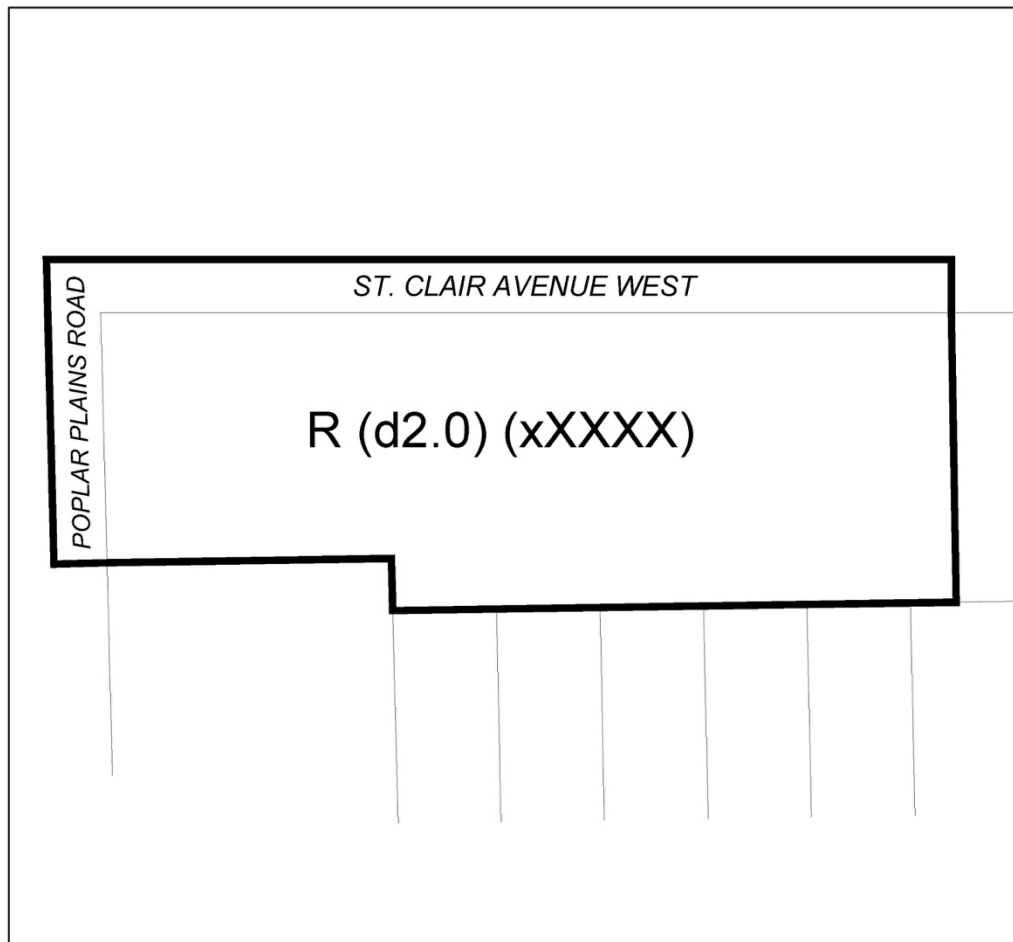
Diagram 1

File #20 220123 STE 12 OZ



Not to Scale

City of Toronto By-law No. ____ - 2023



175-195 St. Clair Avenue West and 273 Poplar Plains Road

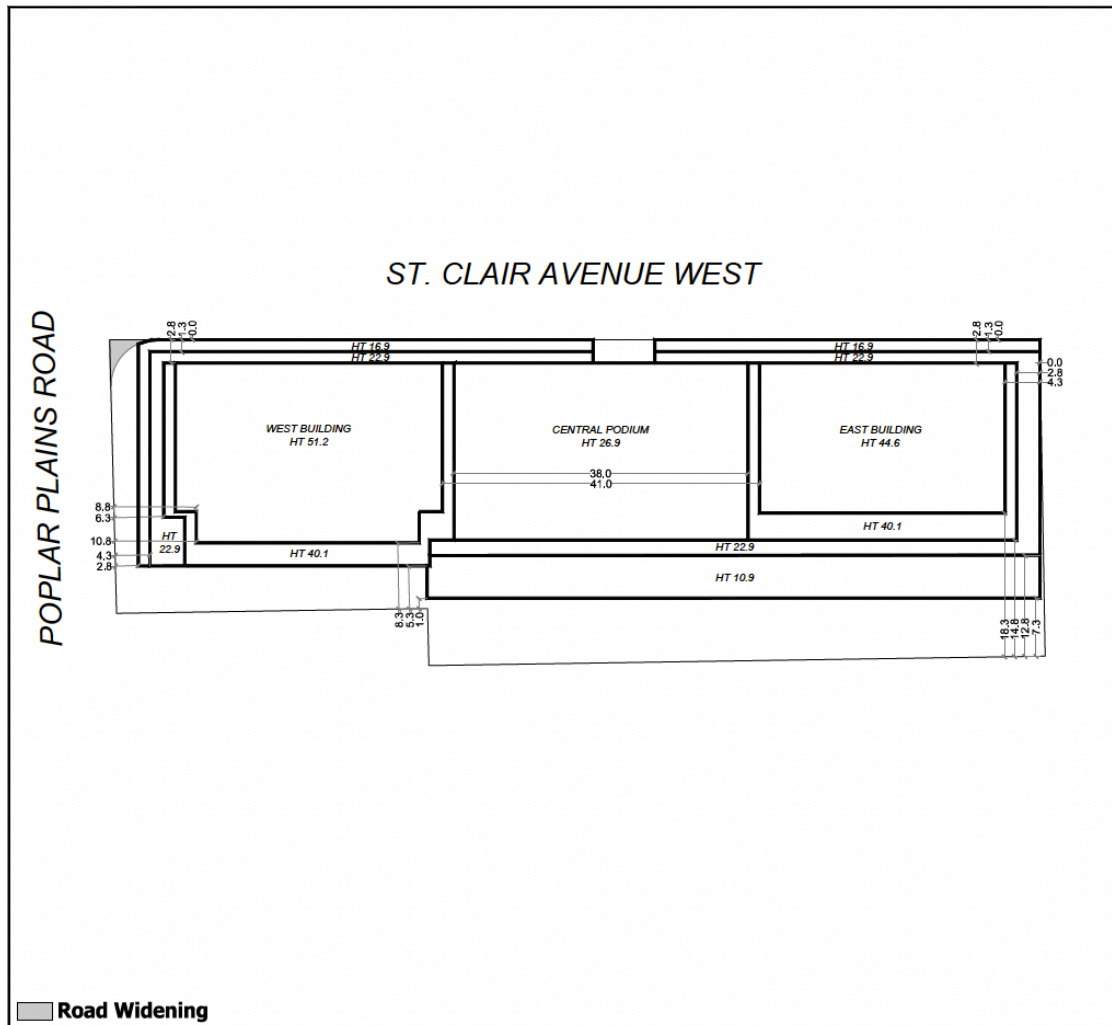
Diagram 2

File #20 220123 STE 12 OZ



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175-195 St. Clair Avenue West and 273 Poplar Plains Road

Diagram 3

File #20 220123 STE 12 OZ



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