

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: August 12, 2022 **CASE NO(S):** OLT-22-003152
EFFECTIVE DATE: August 4, 2022 (Formerly PL171216)

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

Applicant/Appellant: KS Eglinton Square Inc. and KS Engelhart GP Inc.
Subject: Request to amend the Official Plan – Failure to adopt the requested amendment
Description: To permit a complete mixed-use community, which includes the provision of a range of housing forms, new commercial uses as well as the retention of the existing commercial shopping centre.
Reference Number: 16 230579 ESC 35 OZ
Property Address: Various Addresses
Municipality/UT: Toronto/Toronto
OLT Case No.: OLT-22-003152
Legacy Case No.: PL171216
OLT Lead Case No.: OLT-22-003152
Legacy Lead Case No.: PL171216
OLT Case Name: KS Eglinton Square Inc. v. Toronto (City.)

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

Applicant/Appellant: KS Eglinton Square Inc. and KS Engelhart GP Inc.
Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description: To permit a residential and mixed use development consisting of 5 blocks with a variety of uses, including stacked townhouses, mid-rise and tall buildings
Reference Number: 17 242390 ESC 35 OZ
Property Address: Various Addresses

Municipality/UT: Toronto/Toronto
 OLT Case No.: OLT-21-001557
 Legacy Case No.: PL171216
 OLT Lead Case No.: OLT-22-003152
 Legacy Lead Case No.: PL171216

Heard: August 4, 2022 by Telephone Conference Call

APPEARANCES:

Parties

Counsel

KS Eglinton Square Inc.; and KS Engelhart GP Inc.	Adam Brown Jessica Smuskowitz
City of Toronto	Amanda Hill Daniel Elmadany
Metro Ontario Real Estate Limited	Conner Harris

DECISION DELIVERED BY BRYAN W. TUCKEY AND ORDER OF THE TRIBUNAL

[1] The Tribunal completed this written decision with respect to a proposed settlement for the above noted matter. KS Eglinton Square Inc. and KS Engelhart GP Inc. (“Applicant”) has filed Appeals against the City of Toronto (“City”) for its failure to make a decision on an Official Plan Amendment (“OPA”) pursuant to s. 22(7) and a Zoning By-law Amendment (“ZBA”) pursuant to s. 34 (11) of the *Planning Act* (“Act”). The property is known municipally as 1 through 70 Eglinton Square, 1431 and 1437 Victoria Park Avenue and 14, 18, 22 and 26 Engelhart Crescent in the City (“subject lands”).

[2] The subject lands currently contain a shopping mall with surface parking and four apartment buildings. The Applicant intends to redevelop the subject lands in phases and the OPA and ZBA are required in order to facilitate the proposed mixed-use development.

[3] The effect of the two planning instruments under appeal is to provide for a comprehensive and complete mixed-use redevelopment plan in order to allow a mixed-use development and to permit an increased height and density on the subject lands. The proposed development would be phased and integrated within a public and privately owned road system and along with publicly and privately owned park and open space areas (“development”).

[4] The three parties were all represented at a Telephone Conference Call as noted above. The purpose of this call is to ensure the Tribunal has all the materials required to write a decision and to clarify any matter the Tribunal may have.

[5] Counsel for the Applicant, Adam Brown advised the Tribunal that the Applicant has reached a full settlement (“proposed settlement”) with the City. The details of the proposed settlement are found in the Affidavit of Benjamin Larson.

[6] The Tribunal has the following information before it in support of the proposed settlement and this written decision.

1. an Affidavit of a qualified land use planner, Mr. Benjamin Larson;
2. draft OPA in a suitable form for the Tribunal to review and approve;
3. draft ZBA in a suitable form for the Tribunal to review and approve;
4. a draft order for consideration of the Tribunal; and
5. a confirmation that City Council approved the proposed settlement at its December 15, 2021 meeting (CC38.9). The conditions of Council are included in the planning instruments.

[7] The Tribunal has two planning instruments for consideration in this written decision:

1. an OPA to the Official Plan for the City of Toronto (“City OP”). The OPA proposes a Site and Area Specific Policy (“SASP”) that provides specific policy guidance with respect to implementing the proposed settlement. The development will be phased.; and
2. a Zoning By-law Amendment (“ZBA”) to bring the subject lands into City-wide Zoning By-law No. 569-2013, as amended as an exception zone category. Details of the content of this ZBA are found in Mr. Larson’s Affidavit (Tab D). The ZBA is very comprehensive in content and applies to the entirety of the subject lands. It includes a series of site specific provisions including building heights, maximum Gross Floor Areas (“GFA”), a maximum number of dwelling units, provisions for a day nursery along with retail/service commercial, amenity and service use located at grade along with the requisite zone provisions.

BACKGROUND, SUBJECT PROPERTY AND AREA ANALYSIS

[8] The subject lands currently contain the existing Eglinton Square Shopping Centre (“shopping centre”) along with requisite surface parking. The subject lands also contain multiple three story apartment buildings along the north side of Engelhart Crescent. It has a total site area of 6.711 hectares (“ha”).

[9] The subject lands are presently surrounded by established commercial and industrial properties and low-rise residential homes to the South. It is located within the Golden Mile along the Eglinton Avenue East Corridor, which provides a range of retail, service-commercial and office uses serving the traveling public. The general area is comprised mainly of large-format retail buildings and surface parking with low-rise commercial and industrial buildings to the north and south of Eglinton Avenue East.

[10] The subject property is well served by active transportation options. The options include: the planned Gatineau Hydro Corridor Trail improvements, a new Eglinton Crosstown Light Rail Transit higher order transit station, along with new streets and

pedestrian and cycling connections to better connect transit users with the new employment, retail, residential and institutional uses in the area.

[11] Surrounding land uses are North - an existing park and a commercial plaza with surface parking located at 1880 Eglinton Avenue East; East - an existing grocery store with surface parking, a large commercial-industrial building and an outdoor storage area associated with an industrial use; South - a low-rise residential neighborhood which includes single detached homes and walk up apartments that are within a 'Neighbourhoods' designation and a mix of non-residential uses along the east side of Victoria Park Avenue; and West - a mix of commercial retail and service commercial uses and a cluster of predominantly mid-rise apartment buildings.

[12] The proposed development has had a long history which is summarized as follows. The Applicant filed a privately initiated OPA with the City in September, 2016. The intention of this OPA was to provide a preliminary framework for a mix of tall buildings ranging from 25 to 40 storeys as well as low-rise townhomes at the south end of the subject lands. The proposed development would retain and build around the existing shopping centre. The OPA was appealed to the Tribunal in November 2017, in October 2017, the Applicant submitted a ZBA in support of and to implement the original OPA. In June 2021 the ZBA was appealed to the Tribunal.

[13] In December 2019, the Applicant provided a 'without prejudice' settlement offer and formal revisions to the proposed OPA to the City. Notable revisions included the demolition/redevelopment of the shopping centre, the removal of the block of existing rental apartments along the south side of Engelhart Crescent, and a proposed density of 4.95 Floor Space Index ("FSI"). These changes resulted in more flexibility in building placement and allowed the Applicant to integrate a new street network as well as new public parks.

[14] On December 15, 2021, City Council endorsed the proposed settlement offer as modified with a series of directions found in CC38.9. It is this proposed settlement that is the subject of the Tribunal's written decision.

PROPOSED SETTLEMENT

[15] Mr. Larson opined that the proposed settlement provides for a comprehensive and complete mixed-use redevelopment of the subject lands. This is obtained through a phased redevelopment of the subject lands. The proposed settlement will revitalize the subject lands with a comprehensive and transit supportive mixed-use development which will contribute toward the establishment of a complete community. It maintains the intent of the Golden Mile Secondary Plan's – OPA 499 ("GMSP") vision, goals, and objectives.

[16] The main components of the proposed settlement include the following;

1. a series of new public streets and right-of-way widenings are provided in keeping with the GMSP;
2. two public parks are proposed on the subject lands which when combined reflect a total of 20% of the site area (net any conveyances for public streets and right-of-way widenings) The two public parks will be a minimum of 2,858 square metres ("sq m") and 7,277 sq m respectively;
3. the public street network serves to develop the subject lands into multiple development blocks that will accommodate a mix of uses in new buildings;
4. a total GFA of 265,007 sq m consisting of 256,550 sq m of residential GFA and 4,909 sq m of non-residential GFA. The total FSI is 3.95 with a maximum number of 3,638 dwelling units;
5. seven new buildings are distributed across the three development blocks with a diversity of built forms consisting of six tall buildings ranging in height from 22 to 46 storeys and two mid-rise buildings ranging in height from six to 11 stories. Angular planes were used to assist in achieving appropriately scaled streetwall heights that respect the adjacent planned right-of-way widths where appropriate. The tall buildings are all slender in

size (with a maximum 750 sq m gross construction area for tower floor plates) and incorporate 25 to 28 metre (“m”) separation distances between them. A well-defined six storey podium serves to define Eglinton Avenue East, Eglinton Square and Victoria Park Avenue. Buildings situated along the new internal public streets also have appropriately scaled streetwalls ranging from four to six storeys in height.

6. Proposed retail and commercial uses are predominantly located along Eglinton Avenue East, Eglinton Square and Victoria Park Avenue frontages; and
7. the Applicant has agreed to provide community benefits which include a 929 sq m childcare centre, 85 affordable rental housing units consisting of 30 affordable rental units and 55 market rental units distributed throughout the subject lands along with a cash contribution.

[17] The proposed settlement is the subject of a comprehensive transportation planning analysis which includes the requirements found in the GMSP. These studies concluded that there is capacity in the existing and proposed transportation network to accommodate the proposed settlement. Municipal servicing has also been the subject of extensive technical analysis of both the City’s existing and planned municipal infrastructure. These studies concluded that the proposed settlement can be accommodated by existing and planned infrastructure including new municipal infrastructure as the public street network is created and expanded as development is phased across the subject lands.

[18] A complete series of architectural plans in support of the proposed settlement are found in ‘Exhibit C’ of Mr. Larson's witness statement.

LAND USE PLANNING POLICY

[19] Mr. Larson in his Affidavit took a very comprehensive view and review of all relevant planning policy, economic development, and urban design objectives. After

doing so for this application, he prepared a comprehensive Affidavit in support of the proposed settlement. The OPA and ZBA applications are also supported by a multi-disciplinary project team.

Provincial Policy

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

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

1. promoting efficient development and land use patterns that sustain healthy, livable, and safe communities;
2. focus growth and development in settlement areas;
3. development is in an appropriate location and promotes opportunities for transit-supportive development. Promotes appropriate development standards to facilitate intensification, redevelopment, a compact urban form, while avoiding or mitigating public health and safety risks;
4. accommodation of an appropriate range of residential and other uses and accommodating a significant supply and range of housing options through intensification and redevelopment. Directing new housing to locations where appropriate infrastructure in public services are or will be available;
5. the integration of land use planning, growth management, transit supportive development. Providing a suitable range of recreation, parks and open space while encouraging a sense of community by promoting

well designed built form and conserving features that help define local character;

6. promotes densities and mix of land uses which result in the efficient use of land and infrastructure;
7. supports active transportation and are transit supportive. Provides infrastructure and public service facilities in an efficient, coordinated, and cost-effective manner that considers impacts from a changing climate;
8. identify appropriate areas for intensification with appropriate development standards and directing development to locations that have an appropriate level of infrastructure and public service facilities; and
9. supporting long-term prosperity by optimizing the use of land resources, infrastructure, and public service facilities.

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

[23] Mr. Larson in his Affidavit outlined how the proposed settlement conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (“Growth Plan”) as amended. The Growth Plan establishes a comprehensive growth management strategy for municipalities in the Greater Golden Horseshoe. Relevant policy considerations found in Mr. Larson’s Affidavit include:

1. the subject lands are designated “Mixed Use Areas” in the City OP and is located within a Protected Major Transit Station Area (“PMTSA”). The subject property is also located within the boundaries of the GMSP which provides an overarching framework for land use, development capacity, a new street network and a parks and open space system;
2. important policies relate to the creation of complete communities and optimizing the use of land and infrastructure. A diverse range and mix of

housing options that are convenient to a range of transportation facilities, provide for a more compact built form and vibrant public realm are encouraged;

3. municipalities are directed to undertake integrated planning in order to manage forecasted growth to the horizon of the growth plan. Integrated planning will assist in providing an urban form that will optimize infrastructure particularly along transit and transportation corridors, in an effort to support the achievement of complete communities through a more compact built form;
4. supports intensification to make efficient use of land and infrastructure is promoted. Prioritize intensification and higher densities in strategic growth areas to make efficient use of land an infrastructure and support transit viability;
5. assists in the development of a complete community with a diverse mix of land uses;
6. provides for a complete community by promoting a compact built form that is integrated in the community and with adjacent land uses;
7. helps ensure economic development and competitiveness of the Greater Golden Horseshoe by integrating and aligning land use planning and economic development goals and strategies; and
8. makes efficient use of available infrastructure to accommodate growth

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

Municipal Policy

City of Toronto Official Plan

[25] Mr. Larson advised the Tribunal that the City OP broadly guides land use and development throughout the City. It is based on steering growth and change to parts of the City that can and should accommodate it while protecting 'Neighborhoods' and greenspace from development pressures

[26] The subject lands are designated 'Mixed-Use Areas' within the City OP and are situated on an Avenue within the overall City structure. It is located within a PMTSA and is adjacent to 'Neighborhoods' designated lands to the south.

[27] City OP policy as it applies to the subject lands, permits a broad range of commercial, residential, institutional uses in single-use or mixed-use buildings, as well as parks and open spaces. Development is intended to create a balance of a high-quality urban environment that reduces automobile dependency, meets the needs of the local community, and provides opportunities for new jobs and homes on underutilized lands.

[28] Mr. Larson noted that the City OP sets out a number of strategies and objectives to assist in meeting its desired outcome within Mixed Use Areas that include:

1. building new neighborhoods by providing a comprehensive planning framework to reflect the City's OP City-wide goals in keeping with the context of the Plan.
2. using municipal land, infrastructures, and services efficiently. Directing planning for new development in the context of reducing auto dependency and creating a multi-modal approach to address the transportation demands and impacts of new development;
3. concentrating jobs and people in areas well served by surface transit and rapid transit stations;
4. promoting mixed use development to increase opportunities for living close to work and to encourage walking and cycling for local trips;

5. offering opportunities for people of all means to be affordably housed;
6. facilitating social interaction, public safety, and cultural and economic activity. Acknowledges the importance of the public realm and high quality urban design in creating great communities and building a great City;
7. promoting quality architectural, landscape and urban design in each of the character areas, and ensures that sidewalk and boulevards are designed to promote safe, attractive, interesting, and comfortable spaces for pedestrians in order to support the development of sustainable, economically vibrant, and complete communities;
8. provides direction on built form and building typologies. New development is intended to fit harmoniously within the new planned context including buildings to be massed and located to frame adjacent streets, a series of set back policy directions, active grade uses, a transition of scale to low-rise areas and ensuring connections/access to adjacent sidewalks, streets, parks, and open spaces.
9. the vision of the GMSP is for a vibrant public realm as a key structural element for its successful implementation with existing, new, and reconfigured/widened streets that link to new parks and a series of open spaces.
10. improving air quality with an energy efficiency and reducing greenhouse gas emissions; and
11. protecting neighborhoods, adjacent land uses, and green spaces from the effects of nearby development.

[29] Mr. Larson is of the opinion that the OPA and ZBA support and conform to the policies of the City OP.

Zoning By-law Amendment

[30] The subject lands are zoned District Commercial Zone DC-39-71-111-112-113-114 and Apartment Residential Zone A-8-22-44-64-83-115 in the former Scarborough Employment Districts Zoning By-law No. 8978. The DC zoning permits a wide range of retail, employment, and commercial uses while the A zoning permits residential apartment buildings, group homes, and multiple family dwellings with specific GFA, parking and other performance standards.

[31] By-law No. 8978 has been superseded with respect of the subject lands by the City-wide Zoning By-law No. 569-2013 (“By-law 569-2013”) as amended. Therefore, an amendment to the former Scarborough By-law is not required.

[32] Under By-law 569-2013 the subject lands are zoned CR 0.1 (c0.1; r0.0) SS3 (x471) which permits Apartment Buildings, Mixed-Use Buildings and Townhomes and RA (au99.0) (x475) which permits Apartment Buildings and other related uses.

[33] The proposed ZBA would rezone the subject lands to an Exception CR (791) Zone in keeping with City practices. The ZBA establishes provisions for such matters such as location of buildings, maximum heights of buildings, tower setbacks, tower separation and setbacks, minimum required parking and loading requirements and minimum amount of two and three bedroom units. There are a series of exception regulations and other salient applicable regulations. The ZBA also has a series of Holding Provisions along with Section 37 requirements and outlines the various obligations of the Applicant.

Golden Mile Secondary Plan – OPA 499

[34] The GMSP provides more specific along with additional land use planning policy guidance that are in conformity with the general objectives and policies of the City OP. At the time of the submission of the original OPA, the subject lands were not located within a Secondary Plan Area. City Council has adopted OPA 499, and the proposed settlement has been informed by the vision, objectives, and policies set forth in the GMSP.

[35] The GMSP defines a range of development densities, an overall built form strategy, locations of new parks, potential privately owned publicly accessible spaces (“POPS”) and public art locations along with a series of future public road alignments. It also includes policies encouraging and promoting a diverse range of housing to accommodate a range of household types, sizes, and incomes.

[36] It is Mr. Larson's opinion that the policies of the GMSP are relevant, and the proposed settlement has had appropriate regard to the GMSP.

[37] In conclusion, Mr. Larson is of the opinion that the proposed settlement represents good planning and is in the public interest. The proposed OPA and ZBA have appropriate regard to s.2 of the Act, are consistent with the PPS, conform to the Growth Plan, as amended, conform with the policies of the City OP and the SASP which provides for additional detailed policies to further implement the GMSP, thus having appropriate regard for OPA 499 – GMSP. The Tribunal agrees.

OTHER CONSIDERATIONS

City Guidelines Relating to the Proposed Settlement

[38] Mr. Larson when questioned at the Telephone Conference Call (in addition to those found in the Affidavit) brought to the attention of the Tribunal a number of City Guidelines that are relevant to the proposed settlement. These guidelines are not statutory policy documents but serve to compliment and detail City OP policy. The planner advised the Tribunal that the proposed settlement has had appropriate regard for the following City guidelines:

1. Golden Mile Urban Design Guidelines
2. Tall Building Guidelines;
3. Mid-Rise Guidelines; and

4. Growing up - Planning for Children in New Vertical Communities.

Section 37

[39] The City and the Applicant have come to an agreement on a series of Section 37 Community Benefits that are detailed in Schedule A – Section 37 Provisions in the ZBA. The Community Benefits will be secured in a Section 37 Agreement prior to the issuance of any building permit. Community Benefits include: the provision of affordable housing units; a childcare centre, parkland dedication, POPS and mid block connections, and transportation demand management measures, a cash contribution, along with other matters as specified.

Metro (Grocery Store Lands)

[40] The east/west street that extends through the southern portion and the north/south street located along the border of the subject lands and the Metro property were noted by Mr. Larson. Both street alignments are of particular interest to the lands owned by Metro Ontario Real Estate Ltd. located to the east of the subject lands. Mr. Harris, Counsel for Metro Ontario Real Estate Ltd., advised the Tribunal that the Applicant has agreed to consult with his client with respect to the location of the proposed streets and their alignments when either the draft plan of subdivision or site plan application is being prepared. Mr. Brown confirmed that this consultation would happen at the appropriate time.

Relationship between the Proposed SASP and OPA 499

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

TRIBUNAL FINDINGS

[42] The Tribunal accepts the content of the Affidavit of Mr. Larson in its entirety and finds the OPA and ZBA (as put forward in the proposed settlement) meet all the relevant policy tests of s. 2 of the Act, the PPS, the Growth Plan, all relevant foundational policies of the City OP, and meets the intent of By-law No. 569-2013. The development represents good planning and is in the public interest. The Tribunal agrees that the proposed settlement has had appropriate regard for the relevant City Guidelines and OPA 499 – GMSP.

[43] The Tribunal finds that the City has extremely well established planning policy for the subject lands and surrounding area and has followed a careful, complete, and comprehensive planning review of the proposed settlement, the OPA and ZBA. The Tribunal is satisfied with the efforts of the City and all Applicants involved, to create a vision for the Golden Mile that has the potential to be truly remarkable. It is an extraordinary City Building venture and the policies found in the proposed SASP provide a complete and comprehensive basis on which to guide development.

[44] The Tribunal understands this is an early step in its implementation and long term commitment is required by all involved. This commitment is demonstrated through the Affidavit outlining the efforts of all Parties to come to the proposed settlement.

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

- a. the subject lands are within “Mixed Use Areas” and a “Protected Major Transit Station Area” within the City where intensification is promoted. It is along the route of the new higher order Eglinton Crosstown Light Rail Transit route and will be served by a transit station;
- b. represents a comprehensive, well-organized development and land use pattern that serves to make efficient use of land and infrastructure;

- c. accommodates an appropriate range of residential and other uses and provides a significant supply and range of housing options through intensification and redevelopment. The proposed settlement will add a total of 3,638 much needed additional dwelling units in the City;
- d. serves to integrate land use planning, growth management, transit supportive development as it offers excellent transit-oriented development being within walking distance of an Eglinton Crosstown Light Rail Transit station;
- e. promotes densities and mix of land uses which result in the efficient use of land and infrastructure. It is appropriately scaled and sized to ensure a balance between the priority of intensification without resulting in negative built form impacts by providing an appropriate transition and buffer to adjacent land uses;
- f. contributes to the creation of complete communities and optimizes the use of land and infrastructure; with a diverse mix of land uses by promoting a compact built form that is integrated into the community and with adjacent land uses;
- g. helps to ensure economic development and competitiveness of the City;
- h. serves to integrate and align land use planning and economic development goals and strategies; and
- i. makes efficient use of available infrastructure to accommodate growth.

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

[47] The Tribunal is presented with a draft OPA and ZBA. The proposed settlement and planning instruments were presented to the City Council on December 15, 2021.

City Council accepted the 'without prejudice' settlement offer subject to a series of conditions which have been included in either the OPA or ZBA. The Tribunal conducted its review of the proposed settlement on August 4, 2022 during the telephone hearing and was then satisfied with the evidence and made its findings and determined that the Final Order should issue to allow the Appeals in part and approve the instruments. It is therefore appropriate that this Order is effective as of August 4, 2022 in keeping with Rule 24.3 of the Tribunal's – *Rules of Practice and Procedure*.

[48] The Tribunal finds that should any part of the Official Plan Amendment No. 499 in Tribunal Case No. OLT-22-002510 come into force and effect as it applies to the lands subject of this Order, the City and Applicant may seek revisions to delete, amend or revise policies and/or mapping, which are duplicative or similar to amendments to the City OP contained in OPA No. 499 and any such amended Order will be effective on the date of this Order.

ORDER

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

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

Order will be effective on the effective date of this Order.

[51] **THE TRIBUNAL ORDERS THAT**, pursuant to Rule 24.3 of the Tribunal's *Rules of Practice and Procedure*, notwithstanding the eventual date of the formal issuance of this Order, it shall be, and was, effective as of **Thursday, August 4, 2022** which is the date that the Tribunal received and considered the evidence in support of the request for the Final Order in this proceeding and determined that the Appeals should be allowed and the amending instruments should be approved.

"Bryan W. Tuckey"

BRYAN W. TUCKEY
MEMBER

Ontario Land Tribunal

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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”
OFFICIAL PLAN AMENDMENT**

Authority: Ontario Land Tribunal Decision and
Order effective on [DATE] in Tribunal File No.
OLT-22-003152

CITY OF TORONTO

BY-LAW XXX-2022(OLT)

To approved Amendment 492 to the Official Plan for the City of Toronto with respect to the lands municipally known in the year 2021 as 1 to 70 Eglinton Square, 1431 and 1437 Victoria Park Avenue, 14, 18, 22 and 26 Engelhart Crescent and 64-68 Harris Park Drive.

Whereas the Owner of the lands known municipally in the year 2021 as 1 to 70 Eglinton Square, 1431 and 1437 Victoria Park Avenue, 14, 18, 22 and 26 Engelhart Crescent and 64-68 Harris Park Drive appealed a proposed official plan amendment to the Ontario Land Tribunal pursuant to Section 22(7) of the Planning Act, R.S.O. 1990, c. P.13, as amended; and

Whereas the Ontario Land Tribunal, by its Decision and Order effective on [date], 2022 in File OLT-22-003152 approved amendments to the Official Plan for the City of Toronto with respect to the lands;

The Ontario Land Tribunal Orders:

1. The attached Amendment 492 to the Official Plan is hereby in force pursuant to the Planning Act, as amended.

Ontario Land Tribunal Decision and Order effective on [DATE] in Tribunal File OLT-22-003152.

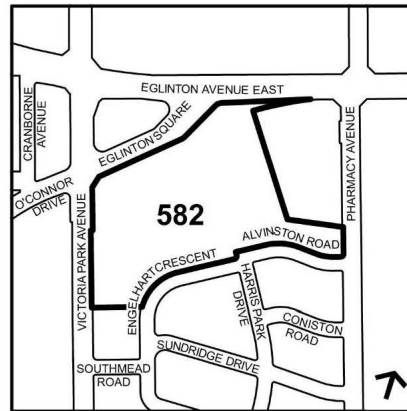
AMENDMENT 493 TO THE OFFICIAL PLAN**LANDS MUNICIPALLY KNOWN IN THE YEAR 2021 AS
1 TO 70 EGLINTON SQUARE, 1431 AND 1437 VICTORIA PARK AVENUE, 14, 18, 22
AND 26 ENGELHART CRESCENT AND 64-68 HARRIS PARK DRIVE**

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

1. Map 20, Land Use Plan, is amended by redesignating a portion of the lands municipally known in the year 2021 as 1 to 70 Eglinton Square, 1431 and 1437 Victoria Park Avenue, 14, 18, 22 and 26 Engelhart Crescent and 64-68 Harris Park Drive from *Mixed Use Areas* to *Parks and Open Space Areas – Parks*, as shown on the attached Schedule 'I'.
2. Chapter 7, Site and Area Specific Policies, is amended by adding the following policy and associated maps:

"582. 1 to 70 Eglinton Square, 1431 and 1437 Victoria Park Avenue and 14, 18, 22 and 26 Engelhart Crescent**A. INTERPRETATION**

- 1) Site and Area Specific Policy ("SASP") No. 582 is intended to be read with the policies of the Official Plan and any Secondary Plan applicable to the Site. In the event of any conflict between the Official Plan or any applicable Secondary Plan with this SASP, this SASP shall prevail.
- 2) The lands subject to this Site and Area Specific Policy shall be referred to as the "Site".
- 3) Given the size of the Site, the prominent location of the Site at the intersection of Victoria Park Avenue and Eglinton Avenue East, being the historic commercial gateway and landmark entrance to the Golden Mile area, this SASP recognizes this Site and the planned context for this Site. The heights, densities, built form, built form relationships, transportation system and policy framework established in this SASP shall not be interpreted to be appropriate in other areas in the Golden Mile area.

**B. LAND USE AND DENSITY**

- 1) The land use policies and development criteria for land use found in Chapter 4 of the Official Plan will apply. The following additional policies apply and in case of conflict, the policies of SASP No. 582 will prevail.
- 2) The maximum gross Floor Space Index will not exceed 3.95 times the area of the Site, and development will be consistent with the policies of this Site and Area Specific Policy, and the Official Plan, including any applicable Secondary Plan policies. Any gross floor area used for community services and facilities that may be provided on Site shall be excluded from the calculation of Floor Space Index for the purposes of this policy.
- 3) Eglinton Square Shopping Centre may remain during the first phase(s) of redevelopment and will reinforce the Site's continued role as a mixed use retail centre and neighbourhood hub.
- 4) All phase(s) of development will be co-ordinated with the street and block network to ensure the future extension of O'Connor Drive is protected for.
- 5) Active at-grade commercial uses, including retail and service uses, restaurants, office uses are encouraged at locations identified on Map 3: Active Commercial Uses at Grade. Entrances to residential lobbies are strongly discouraged along Eglinton Avenue East and Victoria Park Avenue, but may be permitted if they cannot be located at other alternative locations (such as side streets). Entrances to residential lobbies and other non-residential uses are generally permitted along all other public streets identified on Map 1: Structure.
- 6) Development will not be required to provide a minimum of 10% of the gross floor area of the development as non-residential uses, provided that a breakdown of uses is provided in the zoning by-law amendments.

C. TRANSPORTATION NETWORK

- 1) The planned street network is identified on Map 1: Structure, and will comprise of the following components:
 - i. Street A, the potential extension of O'Connor Drive, will have a minimum right-of-way width of 27 metres, and subject to Policy C. 2) and C. 4) and Policy I. 13) and I. 14)
 - ii. Street B will have a right-of-way width of 23 metres between Eglinton Avenue East and Street A, to support dedicated cycling facilities and enhanced streetscape;
 - iii. Street C will have a right-of-way width of 20 metres between Street A and Eglinton Avenue East, of which 14.5 metres will be provided on this Site;

- iv. A 3-metre widening of Victoria Park Avenue to achieve a minimum right-of-way width of 36 metres to support transit priority measures and a potential higher order transit corridor as may be required by the City; and;
and
 - v. A 3-metre widening of Eglinton Avenue East to achieve a minimum right-of-way width of 43 metres.
- 2) The exact location, alignment and design of public streets will be refined through the development application review process, a Municipal Class Environmental Assessment (“EA”), or a Draft Plan of Subdivision process at the discretion of the City. For clarity, a Municipal Class EA will not be required to determine the exact location, alignment and design of Streets B and C.
 - 3) Street A, Street B, and Street C will be public streets and will be dedicated through a Draft Plan of Subdivision. Conceptual streets are shown on Map 1: Structure.
 - 4) The approved EA study for the street network will inform the future transportation network direction for the Site. The transportation network identified through the EA Study or Draft Plan of Subdivision may detail additional requirements than what is contemplated on Map 1: Structure, where necessary, amendments to this Site and Area Specific Policy may be required to address an approved EA, while achieving the density permitted by Policy B. 2) of this SASP.
 - 5) Priority pedestrian locations shown on Map 4: Pedestrian Network are areas where pedestrians are anticipated to cross streets or areas with high volumes of existing and/or anticipated pedestrian traffic where an enhanced pedestrian network is required. At these locations, shorter pedestrian crossings will be achieved through the implementation of wider sidewalks, corner extensions at intersections, or other appropriate measures.
 - 6) Mid-block pedestrian connections are pedestrian connections with or without vehicular accesses through an individual block connecting the streets or parks adjacent to the block. Safe, generously-scaled and comfortable mid-block pedestrian connections on individual blocks extend the mobility network and may be provided at potential locations identified on Map 4: Pedestrian Network.
 - 7) Cycling infrastructure and facilities will be planned and provided through site development, with bicycle parking along cycling routes and bike-share facilities as identified on Map 5: Cycling Network. Bicycle boxes and/or other infrastructure designs will be provided, where appropriate, to secure safer turning movements for cyclists at Cycling Interchanges identified on Map 5: Cycling Network.
 - 8) Shared Mobility Hubs are defined as single service points for bike-share, ride-share and/or car-share facilities at locations identified on Map 6: Transit and Travel

Demand Management Plan, and such Shared Mobility Hubs will be integrated in development or accessible on adjacent blocks, where appropriate.

D. PARKLAND

- 1) New public parkland will be required to support and meet the needs of residents and employees of the Site and broader community. Two new parks as identified on Map 1: Structure will be provided:
 - i. Park A will be a public park with generous street frontages on Street A and Street B, generally provided in the location identified as Block "A";
 - ii. Park B will be a public park with generous street frontages on Pharmacy Avenue and Alvinston Road, generally provided in the location identified as Block "B" and to be conveyed in the first phase of development, with the exception of the private driveway that runs on the south side of the existing mall on the Site, whereby such lands forming part of Park B are intended to be conveyed when Park A is conveyed to the City; and
 - iii. The total area of Park A and Park B will be no less than 20% of the Site area, excluding Public Streets "A", "B", and "C" and existing widenings of Victoria Park Avenue and Eglinton Avenue East, as conveyed to the City.

E. PUBLIC REALM

- 1) POPS and Public Art will be generally encouraged, and while conceptually shown at the locations identified on Map 1: Structure, any POPS and/or Public Art that may be provided will be determined through a Zoning By-law Amendment application for the Site
- 2) Development will minimize shadow impact on public sidewalks, existing and new parks, as well as open spaces such as POPS and outdoor amenity spaces.

F. BUILT FORM

Building Type & Height

- 1) The greatest building heights shall be located closest to the intersection of Eglinton Square and Eglinton Avenue East, which forms part of the historic gateway to, and a landmark location for, the Golden Mile area and transition down to adjacent blocks, and to the surrounding areas.
- 2) Tall buildings will only be permitted in the Tall Building Zone with the maximum heights in storeys identified on Map 2: Built Form. The location of tall buildings are approximate.

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- 3) Tall buildings with a maximum height of 25 storeys and a minimum 8 metre setback from the street line along the north side of the O'Connor Drive extension will be permitted at the north east corner of the extension of O'Connor Drive and Victoria Park Avenue intersection. For clarity, the 8-metre setback is the total of a 3-metre building setback at grade and a 5-metre tower step back above the base building;
 - 4) Mid-rise buildings will be provided at the priority locations identified on Map 2: Built Form with the identified maximum heights.
 - 5) Mid-rise buildings will generally fall beneath with a 45 degree angular plan from the adjacent street lines that the buildings or building masses front onto, at a height of 80 percent of the planned Right-of-Way widths of streets;
 - 6) Development will generally fall beneath the 45 degree angular plane measured from the Neighbourhoods boundary on the west side of Cranborne Avenue and the north side of Bartley Drive.
 - 7) Mechanical penthouses, access stairs and rooftop amenity areas will not be considered a storey for the purposes of determining building height, provided they limit impacts in accordance with applicable policies.

Alternative Tall Building and Mid-rise Building Locations

- 8) Upon completion of the approved EA, should the public realm framework for the Site need to be adjusted due to an alternative location of the potential O'Connor Drive extension, shown as Street A shown on Map 1: Structure, notwithstanding Policies F. 2) and F. 3) tall building and mid-rise building locations may be adjusted without the need for an Official Plan Amendment, provided that the intent of the public realm, built form, density, heights, angular planes and other relevant policies this Site and Area Specific Policy, the Official Plan and any applicable Secondary Plan is achieved.

Base Building Heights

- 9) Minimum and maximum base building heights for tall buildings and mid-rise buildings as shown on Map 2: Built Form will be provided to define and support the different roles, functions, and characteristics of the adjacent streets, parks and open spaces, and to support an overall pedestrian friendly scale environment.

Setbacks and Stepbacks

- 10) Development will provide minimum setbacks from streets, and parks and open spaces, and property lines as follows:
 - i. A minimum 5.0 metre setback along the east and west sides of Street B;

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- ii. A minimum 3.0 metre setback along all other public streets;
 - iii. A minimum 6.0 metre setback from all Parks, with exception of existing low-rise residential buildings which may be a minimum of 4.0 metres from Parks.
- 11) For all mid-rise buildings, a minimum 3-metre stepback will be provided above the base buildings along public streets, parks and open spaces.
 - 12) The size of development blocks must have regard for achieving adequate tower separation and placement;
 - 13) The separation distance between the tower portions of tall buildings will be a minimum of 25 metres, between main walls of towers.

Existing Above-grade parking structure

- 14) Existing above-grade parking structures are permitted to remain, however no additions to the existing above-grade parking structures are permitted. As development proceeds, these structures will be replaced with underground parking or above grade parking structures wrapped with active uses on all sides of the buildings and on all floors.

G. HOUSING

- 1) Despite Policy 3.2.1.9(b), the provision of 20% of the residential dwelling units as affordable housing units is not required, provided that through the zoning by-law amendment review process 85 of the new residential dwelling units are secured as affordable housing units for a finite period of 15 years for 30 units and 30 years for 55 units.
- 2) Prior to any development of the Site, a Housing Plan will be required that identifies in each phase of residential development: the percentage of units that will be two and three bedrooms in size, and how the required affordable housing will be delivered based on policy G. 1), including the phasing of affordable housing on the Site.
- 3) To achieve a balanced mix of unit types, and to support the creation of housing suitable for families, development containing more than 80 new residential units will include larger units, as follows:
 - i. A minimum of 10 per cent of the total number of units will be 3-bedroom units; and
 - ii. An additional minimum of 25 per cent of the total number of units have at least 2-bedrooms.

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- 4) The minimum requirements for larger units may be reduced where the development of the Site includes:
- i. Social housing or other publicly-funded housing; or
 - ii. Specialized housing such as residences owned or operate by a post-secondary institution or a health centre institution or other entities to house students, patients or employees, or people with special needs.
- 5) In addition to the plans/drawings and studies/reports identified in Official Plan Policy 5.5.2 and Schedule 3 of the Official Plan that are required for planning applications, a Housing Plan shall be submitted with the Draft Plan of Subdivision application for the Site and will be required under section 51(18) of the *Planning Act*.

H. COMMUNITY SERVICES AND FACILITIES

- 1) New and/or expanded community services and facilities will be required to support and meet the needs of residents and employees of the Site and broader community. Community services and facilities will be identified and reviewed by the City through the development review process, in order of priority, with the provision of:
- i. New, expanded or retrofitted space for one of more community facilities on-site;
 - ii. New, expanded or retrofitted space off-site within an appropriate distance from the Site; and/or
 - iii. A contribution toward a specific community service facility that meets identified needs.
- 2) If development of the Site has the effect of removing the existing public library, the public library will be replaced on the Site or on a nearby site satisfactory to the City.

I. IMPLEMENTATION

Draft Plan of Subdivision

- 1) Prior to any development of all or any part of the Site, and prior to the issuance of any below-grade permit for any part of the Site, a Draft Plan of Subdivision application will be required to be approved for the entirety of the Site, subject to Policy I. 12) of this SASP and/or Policy I. 13) to Policy I. 15) of this SASP.

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- 2) A Subdivision Agreement will be entered into and registered on the entirety of the Site to implement the structure plan contained in this Site and Area Specific Policy, subject to Policy I. 1) of this SASP, and other related matters, and will include securing a satisfactory Housing Plan and resulting affordable housing based on policy G. 1) as contemplated by this Site and Area Specific Policy and subsection 51(17) of the *Planning Act*.
 - 3) The phasing of development and required infrastructure for the Site, including the provision of new public streets, municipal services, transportation infrastructure, and parkland will be addressed and secured through a Draft Plan of Subdivision.
 - 4) The expansion of the street network into a finer grid of streets will occur incrementally over time, and phasing of the transportation system, including related improvements and municipal servicing infrastructure, will occur in an integrated manner and be secured in a Subdivision Agreement, and such Subdivision Agreement will provide for phasing of the transportation system and municipal servicing infrastructure over time.
 - 5) Any development shall coordinate and implement any required infrastructure upgrades and/or improvements with the City, and other landowners (where appropriate), including the provision of new municipal and transit infrastructure where required to support development. This may also include the cost-sharing agreements between landowners, where appropriate.
 - 6) In accordance with subsection 51(18) of the *Planning Act*, the City will require that:
 - i. a Municipal Class EA Study, or such study satisfactory to the City, being a Transit Corridor Study, for Victoria Park Avenue, has commenced; and
 - ii. a Municipal Class EA Study including the street network on the Site has commenced, or as may be permitted by Policy C. 2) of this SASP, a Draft Plan of Subdivision for the street network on this Site has been submitted.

These above-noted studies may be conducted and funded by the City and/or jointly with the owner of the Site, and/or other landowners. Should the owner of the Site proceed in advance of the commencement of the Transit Corridor Study identified in I. 6) i., funding based on the owner's proportionate share may be provided by the owner of the Site and secured in a manner satisfactory to the City in support of such study. For greater certainty, commencement does not mean the Municipal Class Environmental Assessment Study and/or Transit Corridor Study, where applicable, has been completed.

Zoning By-law Amendment(s)

- 7) Zoning By-law Amendments may include provisions to set aside space dedicated to community services and facilities, if applicable, for the Site.

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- 8) Development will be sequenced to ensure appropriate transportation infrastructure, municipal servicing infrastructure and community services and facilities, including parkland, are available to accommodate proposed development on the Site.
- 9) In addition to the plans/drawings and studies/reports required for the submission of a complete application for development as identified in Policy 5.5.2 and Schedule 3 of the Official Plan, the following are required for any Zoning By-law Amendment application:
- i. A Context Plan for the Site which addresses the phasing of the development blocks and Park shown on Map 1: Structure, the layout and design of existing and proposed public realm elements, built form elements and their impact, and relationship with the existing and potential future development in the areas adjacent to the Context Plan Area for adoption by City Council as an Implementation plan for the Site under Policy 5.3.2.1. of the Official Plan; and
 - ii. A Multi-Modal Transportation Impact Study ("MMTIS"), which will identify the demands and impacts of development and include a Transportation Demand Management ("TDM") strategy and/or other mitigating measures to accommodate travel generated by the development. The MMTIS will include reporting on monitoring outcomes of earlier phases on transit, cycling, pedestrian, and vehicular traffic patterns, and any recommended refinements to TDM strategies and transportation network design. The MMTIS must demonstrate prior to the approval of any zoning by-law amendment, that there is sufficient transportation capacity available to accommodate additional site generated trips or measures that can be undertaken to accommodate the additional trips through TDM strategies or contribution to infrastructure improvements, including the potential for higher order transit along Victoria Park Avenue.
- 10) A Phasing Plan identifying, among other matters, the orderly progression of development blocks, associated municipal infrastructure and public streets, community services and facilities, if applicable, and affordable housing based on policy G. 1). Phase 1 of the development of the Site may preserve the existing shopping centre and may include Block F, if determined to be appropriate.

The Potential O'Connor Drive Reconfiguration and Extension

- 11) Development will not preclude and will protect for Street A, the potential O'Connor Drive extension. An approved EA will determine the final alignment of Street A. Where an approved EA determines that the alignment is not in compliance with Street A as shown on Map 1: Structure, in accordance with the policies of this Plan, development of the Site will not preclude the realignment in the EA.

- 12) If the EA process is not substantially complete to identify the preferred alignment of the O'Connor Drive reconfiguration and extension prior to the enactment of any zoning by-law amendment for the Site, there shall be a Holding (H) symbol pursuant to Section 36 of the *Planning Act* on part of the Site, in particular Blocks D and E as it relates to the O'Connor Drive extension and substantial completion of the Environmental Assessment identifying the preferred alignment of the O'Connor Drive reconfiguration and extension where such Holding (H) symbol may be lifted the earlier of the substantial completion of the EA identifying the preferred alignment and/or such other event as may be identified in the Zoning By-law Amendment for the Site.

Development Block Phasing and Subdivision of Site

- 13) No other Blocks identified on Map 1, except Blocks C, F, (and Block D in the event that the Holding (H) symbol is lifted) may proceed with development until there is an approved Draft Plan of Subdivision and registered subdivision agreement on the Site. This policy does not apply to prevent conveyance of Block A or Block B related to the Public Park.

Interim and Ultimate Municipal Servicing

- 14) Development on Blocks F and C (and Block D in the event that the Holding (H) symbol is lifted) may be permitted to connect to municipal services on Victoria Park Avenue, Eglinton Avenue East and Eglinton Square as required in interim conditions, in the sole discretion of, and to the satisfaction of General Manager, Toronto Water, and Chief Engineer and Executive Director, Engineering & Construction Services, prior to the completion of the new public streets subject to the existing municipal sewer system having sufficient capacity, and subject to feasibility to relocate existing municipal infrastructure to public streets, or creating new easements to accommodate the flows confirmed by an accepted Functional Servicing Report, and the current site is a contributory to those municipal sewers. Changing existing drainage patterns will not be permitted.
- 15) Development on Blocks F and C (and Block D in the event that the Holding (H) symbol is lifted) may be permitted to utilize private lands in order to connect to municipal services, subject to an agreement between landowners and, if required at the sole discretion of the City, easement(s) granted in favour of the City. The Phasing Plan will be required to identify the anticipated timelines when the private sewers will be removed and the buildings will be reconnected to municipal sewers in compliance with the approved Ultimate Servicing Plans at the sole cost and expense of the owner(s) of the Site, and at no cost to the City. The ultimate servicing for the development shall be in compliance with the Master Servicing Plan for Golden Mile Area.
- 16) The Phasing Plan will be required to identify upgrades to municipal servicing infrastructure in each phase of development and, where required, any cost sharing

agreements for such upgrades. The removal of any City-approved private sewer(s) and reconnection to the municipal sewers for the buildings at each phase shall be at the sole cost and expense by the owner(s) of the Site, and at no cost to the City.

ATTACHMENTS

Schedule 1: Designation of a portion of the lands from *Mixed Use Areas* to *Parks*.

Map 1: Structure

Map 2: Built Form

Map 3: Active Commercial Uses at Grade

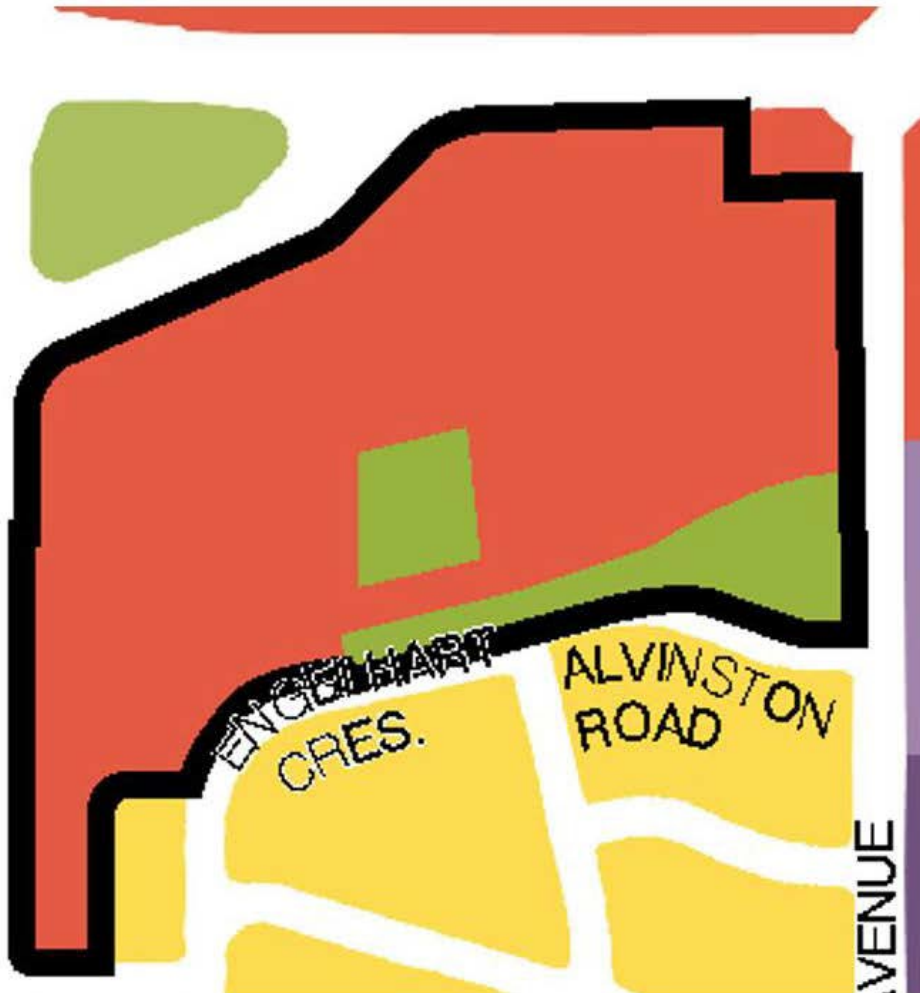
Map 4: Pedestrian Network

Map 5: Cycling Network

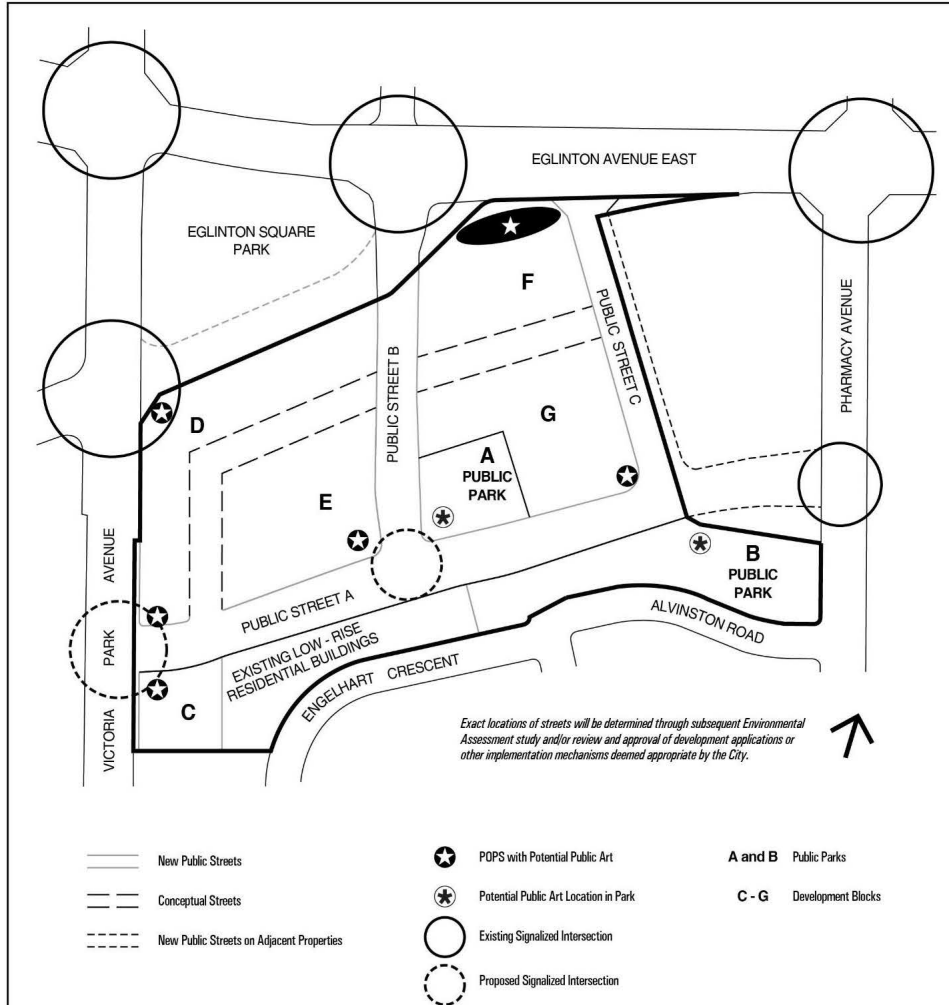
Map 6: Transit and Travel Demand Management Plan"

3. Chapter 7, Map 31, Site and Area Specific Policies is amended by adding the lands municipally known in 2021 as 1 to 70 Eglinton Square, 1431 and 1437 Victoria Park Avenue, 14, 18, 22 and 26 Engelhart Crescent and 64-68 Harris Park Drive, as shown on the map above as Site and Area Specific Policy 582.

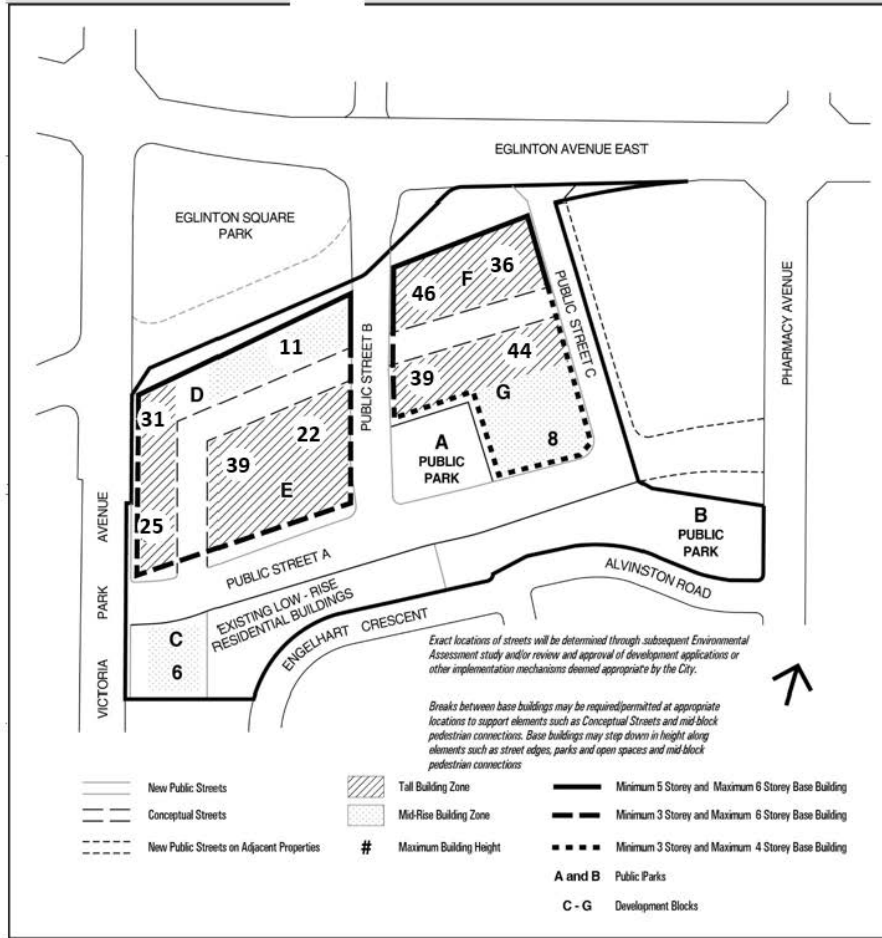
Schedule 1: Designation of a portion of the lands from *Mixed Use Areas* to *Parks*



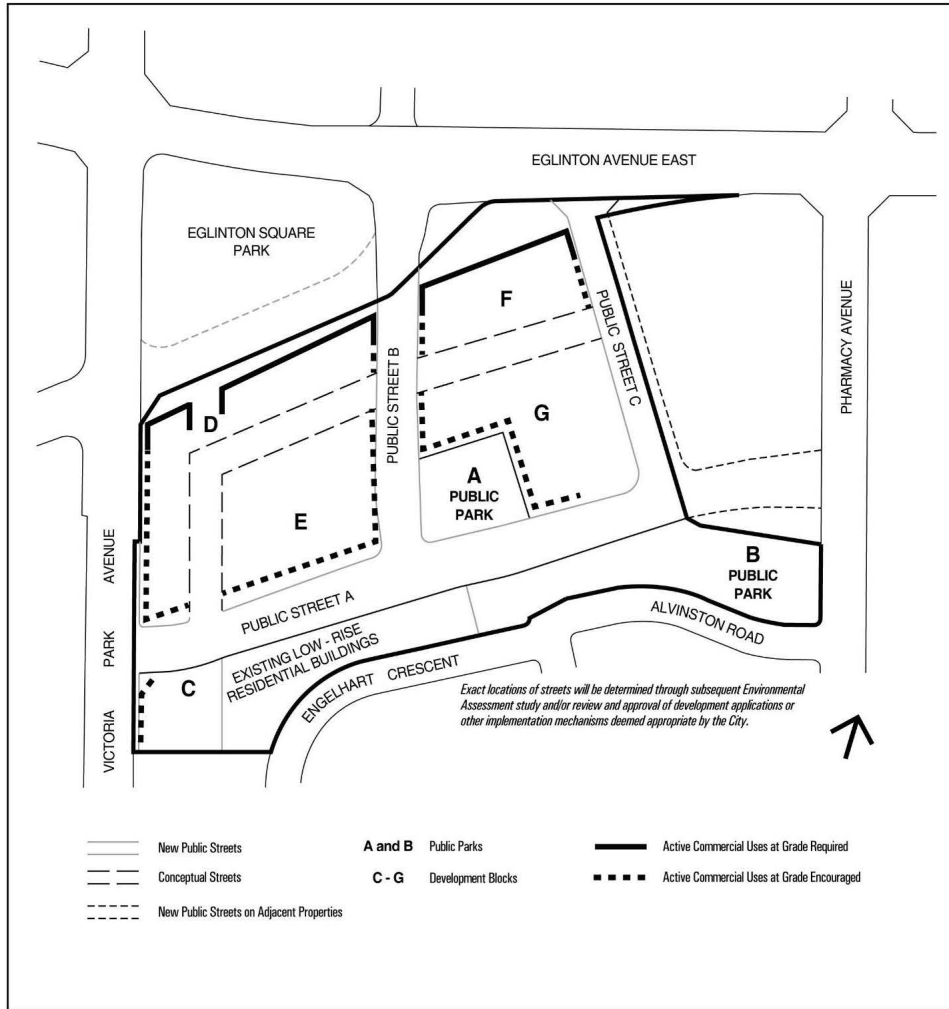
Map 1: Structure



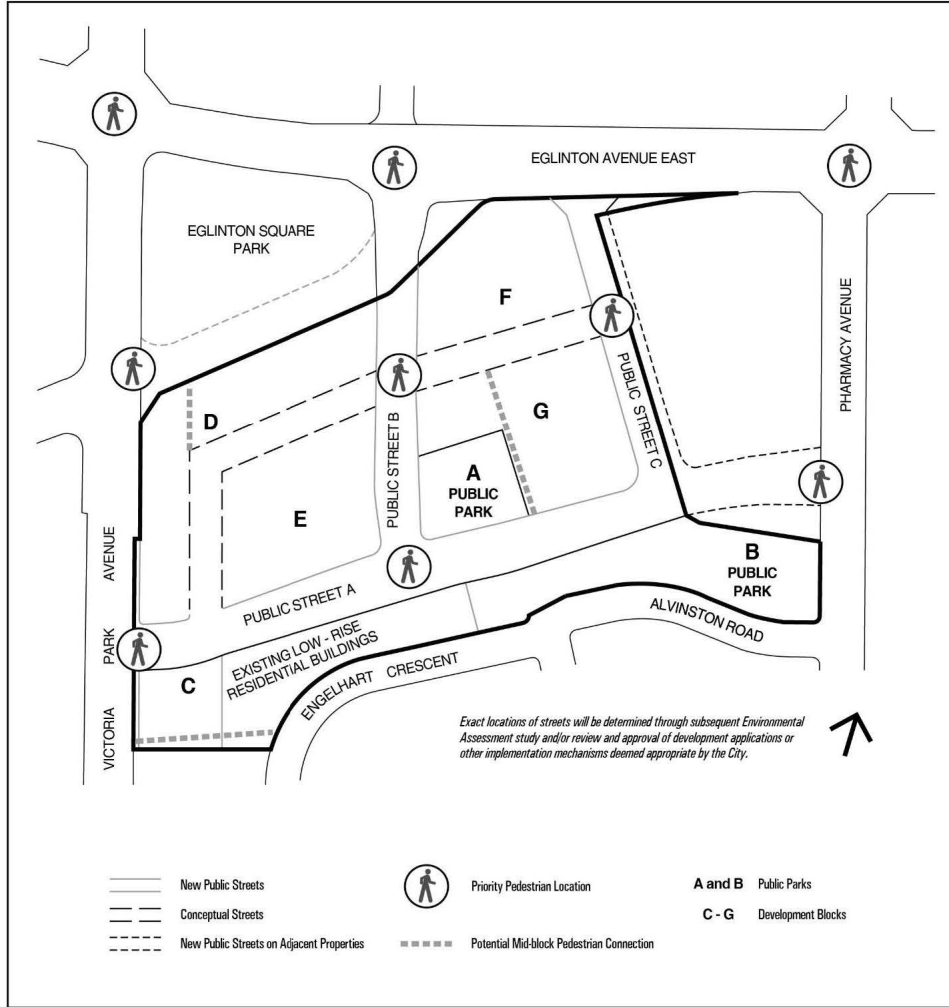
Map 2: Built Form



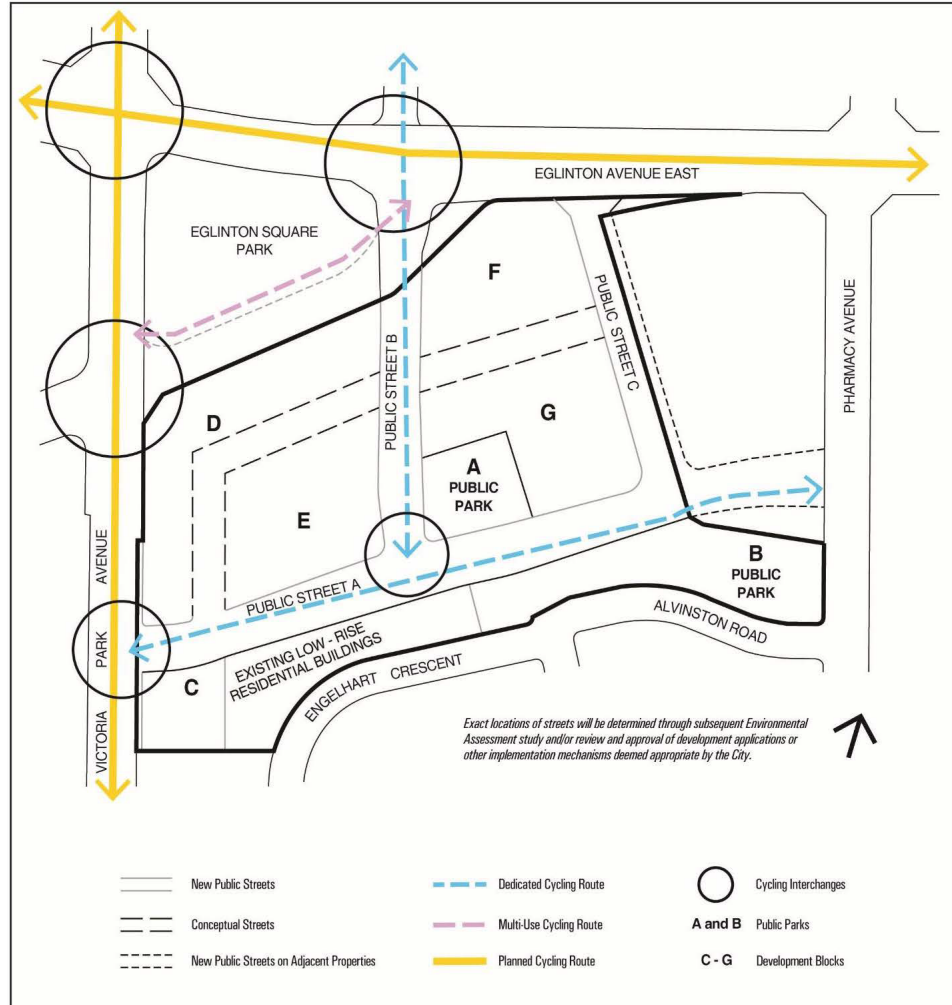
Map 3: Active Commercial Uses at Grade



Map 4: Pedestrian Network



Map 5: Cycling Network



Map 6: Transit and Travel Demand Management Plan



**ATTACHMENT “2”
ZONING BY-LAW AMENDMENT**

Authority: Ontario Land Tribunal Decision and Order
effective on [DATE] in File OLT-22-003152

CITY OF TORONTO

BY-LAW XXXX-2022 (OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 1-70 Eglinton Square, 1431 & 1437 Victoria Park Avenue, 14, 18, 22 & 26 Engelhart Crescent

Whereas the Ontario Land Tribunal, by its Decision and Order effective on [DATE] in hearing an appeal under 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, ordered the amendment of Zoning By-law 569-2013, as amended, with respect to lands municipally known in the year 2021 as 1-70 Eglinton Square, 1431 & 1437 Victoria Park Avenue, 14, 18, 22 & 26 Engelhart Crescent; and

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

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

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

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

Whereas subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the 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 density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto; and

The Ontario Land Tribunal Orders:

1. The lands subject to this By-law as outlined by the heavy black lines on Diagram 1 attached to this By-law.
2. The land comprises the lands delineated by the dashed lines on Diagram 4, Diagram 5, Diagram 6, Diagram 7, and Diagram 8 attached to and forming part of this By-law and identified as Block 1, Block 2, Block 3, Block 4, Block 5, and Block 6.
3. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
4. 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 as outlined in heavy black lines and adding the zone labels identified on Diagram 2 attached to this By-law, as follows:
 - (A) OR for Block 3 and Block 4;
 - (B) (H) CR 0.1 (c0.1; r0.0) SS3 (x791) for Block 1;
 - (C) CR 0.1 (c0.1; r0.0) SS3 (x791) for Block 2 and 5; and
 - (D) RA (au99.0)(x475) for Block 6.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands outlined by heavy black lines on Diagram 3 attached to this By-law to the Policy Areas Overlay Map in Section 995.10.1, and applying the following Policy Area label to these lands: PA4, as shown on Diagram 3 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 791 so that it reads:

Exception CR (791)

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 1-70 Eglinton Square, 1431 & 1437 Victoria Park Avenue, 14, 18, 22 & 26 Engelhart Crescent, if the requirements of By-law law [Clerks to supply by-law ##], including Section # and Schedule A, are complied with, a **building** or **structure** on Block 1, Block 2 and Block 5, may be constructed, used or enlarged in compliance with Regulations (B) to (CC) below;

- (B) For the purposes of By-law this exception, reference to Block 1, Block 2, Block 3, Block 4, Block 5, and Block 6 are as identified on Diagram 4 attached to By-law [Clerks to supply by-law ##] and reference to **building 1A, building 1B, building 1C, building 1D, building 1E, building 2A, building 2B, building 2C, building 2D, building 2E, and building 5A** are the **buildings** within such Blocks as identified on Diagram 5, Diagram 6, Diagram 7, and Diagram 8 attached to By-law [Clerks to supply by-law ##];
- (C) For the purpose of this exception:
- (i) "lot" is defined as the lands outlined by black lines collectively Block 1, Block 2, Block 3, Block 4, Block 5, and Block 6 as identified on Diagram 2 attached to By-law [Clerks to supply by-law ##]; and
- (ii) "lot line" is defined to include the boundary of any of Block identified on Diagram 2 attached to By-law [clerks to supply by-law #];
- (D) Despite Regulations 40.5.40.10(1) and (2), the height of a **building or structure** on Block 1, Block 2 and Block 5 is the vertical distance between the Canadian Geodetic Datum as identified below and the elevation of the highest point of the **building or structure** as follows:
- (i) On Block 1, the Canadian Geodetic Datum elevation is:
- a. 162.00 metres for **building 1A**;
 - b. 162.15 metres for **building 1B**;
 - c. 162.15 metres for **building 1C**;
 - d. 162.20 metres for **building 1D**;
 - e. 162.20 metres for **building 1E**;
- (ii) On Block 2, the Canadian Geodetic Datum elevation is:
- a. 161.98 metres for **building 2A**;
 - b. 161.98 metres for **building 2B**;
 - c. 161.98 metres for **building 2C**;
 - d. 161.98 metres for **building 2D**;
 - e. 161.98 metres for **building 2E**;
- (iii) On Block 5, the Canadian Geodetic Datum elevation is:
- a. 160.27 metres for **building 5A**;
- (E) Despite Clause 40.10.30.40, the permitted maximum lot coverage, is 65% for Block 1, 60% for Block 2 and 75% for Block 5;

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- (F) Despite Regulation 40.10.40.10(3), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 6, Diagram 7, and Diagram 8 of By-law [Clerks to insert By-law ##];
- (G) Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is the number following the letters 'ST' as shown on Diagram 6, Diagram 7 and Diagram 8 of By-law [Clerks to insert By-law ##]; and
- (i) For the purposes of this exception, the following do not constitute a **storey**:
- a. a mechanical penthouse;
 - b. an **amenity space** on the same level as a mechanical penthouse;
 - c. a mezzanine level located above the first **storey** and below the second **storey** of a **building**;
 - d. the second level of any at grade **dwelling units** on Block 1, Block 2 and Block 5, which contains two levels;
- (H) Despite Regulations 40.5.40.10 (3) to (8), and (F) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 6, Diagram 7, and Diagram 8 of By-law [Clerks to insert By-law ##]:
- (i) **structures** and elements related to outdoor flooring and roofing assembly, safety railings, guard rails, railings, parapets, terraces, planters, balustrades, bollards, stairs, **ancillary structures**, retaining walls, and ornamental or architectural features, to a maximum of 2.0 metres;
 - (ii) elements on the roof of the **mixed use building** or **structure** used for **green roof** technology and related roofing material, to a maximum of 2.0 metres;
 - (iii) equipment used for the functional operation of the **building**, such as electrical, utility, mechanical and ventilation equipment, garbage chutes, emergency generators and lighting fixtures, to a maximum of 2.5 metres;
 - (iv) elevator overrun, acoustical barriers, landscape features, privacy screens, terrace dividers, covered stairs or stair enclosures, and fences, to a maximum of 2.75 metres;
 - (v) cabanas and trellises, to a maximum of 3.6 metres;
 - (vi) wind mitigation features, to a maximum of 3.0 metres; and

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- (vii) window washing equipment, lightning rods, decorative lighting canopy and public art features;
- (I) Despite Regulation 40.5.40.10(8)(A) and (F) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 6, Diagram 7, and Diagram 8 of By-law [Clerks to insert By-law ##]:
- (i) equipment, **structures** or parts of a **building** listed in Regulation 40.5.40.10(4) located on the roof of a tower portion of a **building** on each block may exceed the permitted maximum height for that **building** by 7.0 metres and the total area of all equipment, **structures**, or parts on the roof of the tower portion of that **building** may not exceed 500 square metres, measured horizontally;
- (J) Mid-rise **buildings** on Block 5 will be located beneath the 45-degree angular planes, originating from the adjacent **street** property line, being Victoria Park Avenue, starting at a height of 28.8 metres for **building** 5A; and
- (K) For the purposes of this By-law [Clerks to supply by-law ##], a "tower"
- (i) is the portions of a **building** which collectively enclose the entirety of a **storey** higher than 24.0 metres above the average grade, and where the maximum gross construction area of any **storey** located above 24.0 metres, excluding balconies, does not exceed 750 square metres; and
- (ii) excludes Building 1A and Building 5A;
- (L) Despite Regulations 40.10.40.40(1), the permitted maximum **gross floor area** on Block 1, Block 2, and Block 5 identified on Diagram 4 must not exceed 261,460 square metres and is subject to the following:
- (i) a maximum of 121,152 square metres of **gross floor area**, of which a minimum of 2,287 square metres of **gross floor area** must be provided for non-residential uses on Block 1, excluding the gross floor area required in (Q) below;
- (ii) a maximum of 133,862 square metres of **gross floor area**, of which a minimum of 1,218 square metres of **gross floor area** must be provided for non-residential uses on Block 2;
- (iii) a maximum of 6,626 square metres of **gross floor area**, of which a minimum of 474 square metres of **gross floor area** must be provided for non-residential uses on Block 5;

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- (iv) any **gross floor area** associated with **public parking** uses shall not be calculated towards the required minimum non-residential **gross floor area** specified in Provision (L)(i), (ii), and (iii) above for non-residential uses;
 - (M) In addition to the **building** elements listed in Regulation 40.5.40.40(3), the **gross floor area** of a **mixed use building** is also reduced by the areas in a **building** used for:
 - (i) Areas that are open to the inside of a **building** associated with **building entrances**, and interior **amenity space**;
 - (ii) Hallways and elevator vestibules in the **basement**; and,
 - (iii) Electrical, utility, mechanical and ventilation rooms on any level of the **building**, not located within a **dwelling unit**;
 - (N) Despite Regulation 40.10.20.40(1), **dwelling units** are permitted in a **building** or **structure** and the maximum number of **dwelling units** on the lands shall be 3,638;
 - (O) For the provision of **dwelling units** permitted in (N) above, each **building** on Block 1, Block 2, and Block 5 will include:
 - (i) a minimum of 25 per cent must be two-bedroom **dwelling units**; and
 - (ii) a minimum of 10 per cent must be three-bedroom **dwelling units** or larger;
 - (P) Despite Provision (O) above, where the **building** shares a common above ground component that connects two or more **buildings**, the requirements of (O)(i) and (ii) may be distributed between those connected **buildings** with a common above ground component;
 - (Q) A minimum of 929 square metres of **gross floor area** will be provided as **day nursery** uses on Block 1;
 - (R) In addition to the exclusions listed in Regulation 40.5.40.40(1),(2), (3), and (4) the **gross floor area** of a **building** is also reduced by:
 - (i) the **day nursery** required by **Schedule A** of this By-law; and
 - (ii) a library;
 - (S) Despite regulation 40.10.40.50(1), Block 1, Block 2 and Block 5 must each provide **amenity space** at a minimum rate of 4.0 square metres for each **dwelling unit**, of which:

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- (i) at least 2.0 square metres for each **dwelling unit** is indoor **amenity space**;
 - (ii) at least 40.0 square metres is outdoor **amenity space**;
 - (iii) required outdoor **amenity space** may be provided in a location which is not adjoining or directly accessible to the indoor amenity space;
 - (iv) no more than 25% of the outdoor component may be a green roof; and,
 - (v) required **amenity space** may be distributed and shared within the block that the **building** is located within, provided the location of the **amenity space** enables access occupants of the **building** of the required **amenity space**;
- (T) Despite Regulations 40.10.40.70(3) and 40.10.40.80(2) the required minimum **building setbacks** and minimum separation of **main walls** must be provided as shown on Diagram 5 , Diagram 6, Diagram 7, and Diagram 8 of By-law [Clerks to supply by-law ##];
- (U) Despite Clause 40.10.40.60 and (T) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) public art features and **landscaping**;
 - (ii) Cladding and architectural features, up to a maximum of 1.0 metre;
 - (iii) balconies, up to a maximum of 1.8 metres;
 - (iv) wind mitigation features, up to a maximum of 3.0 metres; and
 - (v) awnings and canopies may encroach a maximum of 2.7 metres into the required **building** setbacks identified, if no part of the canopy, awning or similar structure is more than 5.0 metres above the elevation of the ground directly below it;
- (V) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** shall be provided and maintained on each of Block 1, Block 2 and Block 5 in accordance with the following:
- (i) a minimum rate of 0.5 **parking spaces** must be provided for each **dwelling unit**;
 - (ii) a minimum rate of 0.1 visitor **parking spaces** must be provided for each **dwelling unit**;

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- (iii) a minimum of 1.0 **parking spaces** must be provided for each 100 squares metres of **gross floor area** for permitted non-residential uses, excluding the **day nursery** on Block 1; and
 - (iv) **parking spaces** required for any **building** may be provided on each block in which the **building** is located;
 - a. For the purposes of this exception, each **building** within each block may not meet the requirements of (V)(i) to (iii) provided that the last **building** to be constructed on the Block will collectively, with all **buildings** on the Block, meet the minimum requirements set out in (V)(i) to (iii) for the subject Block;
- (W) Despite Regulations 200.5.10.1(6) and 200.10.1 and (V) above, **parking spaces** required for non-residential uses and for **dwelling unit** visitors may be:
- (i) shared on a non-exclusive basis within each Block,
 - (ii) provided within a **public parking** facility, only for **parking spaces** required for non-residential uses and for **dwelling unit** visitors, and/or
 - (iii) located within the same Block;
- (X) Despite Regulation 200.5.1.10(2)(A)(ii) and Provisions (V) and (W) above;
- (i) a minimum of 4 of the required **parking spaces** in (V) above must be provided for the exclusive use of the **day nursery** in a **building** on Block 1 during its hours of operations;
 - (ii) the **parking spaces** under (i) above must have a minimum width of 3.9 metres;
- (Y) 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 for each **building** and that the maximum reduction permitted be capped by the application of the following formula:
 - a. four (4) multiplied by the total number of **dwelling units** divided by 60, and rounded down to the nearest whole number;
 - (ii) "car-share" or "car-sharing" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit

car-sharing organization and such car-share motor vehicles are made available to at least the occupants of the building or short-term rental, including hourly rental; and

- (iii) "car-share **parking space**" means a parking space exclusively reserved and signed for a car used only for car-share purposes;
- (Z) Despite (V) above, the total minimum number of vehicle **parking spaces** required on a lot may be reduced at a rate of 1 vehicle **parking space** for every 5 **bicycle parking spaces** provided in excess of the minimum number of **bicycle parking spaces** required, if the reduction of vehicle **parking spaces** is not greater than 20% of the total minimum vehicle **parking spaces** required;
- (AA) Despite Regulation 200.15.1(1), (3) and (4), accessible **parking spaces** must be provided on each Block as follows:
 - (i) An accessible parking space must have the following minimum dimensions:
 - a. length of 5.6 metres;
 - b. width of 3.4 metres; and
 - c. vertical clearance of 2.1 metres;
 - (ii) The entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
 - (iii) Accessible **parking spaces** must be the **parking spaces** closest to a barrier free:
 - a. entrance to the **building** for which the accessible **parking spaces** are required;
 - b. passenger elevator that provides access to the first **storey** of the **building**; and
 - c. and shortest route from the required entrances in (AA)(iii)a. and b.
- (BB) Despite Regulations 220.5.10.1(2), (3), (4), (5), and (8), **loading spaces** must be provided in accordance with the following:
 - (i) a required minimum of one (1) Type 'G' **loading space** must be provided Building 1A;
 - (ii) a required minimum of one (1) Type 'G' **loading space** and one (1) Type 'C' **loading space** must be provided as shared between building 1B and building 1C;

- (iii) a required minimum of one (1) Type 'G' **loading space** and one (1) Type 'C' **loading space** must be provided as shared between building 1D and building 1E;
 - (iv) a required minimum of one (1) Type 'G' **loading space** and one (1) Type 'C' **loading space** must be provided as shared between building 2A and building 2B;
 - (v) a required minimum of one (1) Type 'G' **loading space** and one (1) Type 'C' **loading space** must be provided building 2C;
 - (vi) a required minimum of one (1) Type 'G' **loading space** and one (1) Type 'C' **loading space** must be provided as shared between building 2D and building 2E;
 - (vii) a required minimum of one (1) Type 'G' **loading space** must be provided building 5A;
- (CC) Despite 230.5.1.10(10), "short-term" **bicycle parking spaces** may also be located in a **stacked bicycle parking space**;

Prevailing By-laws and Prevailing Sections: (none apply)

7. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.
8. 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 date of passing of this By-law until the '(H)' symbol has been removed.
 - (B) An amending by-law to remove the '(H)' symbol may be enacted by City Council when the following conditions have been fulfilled to the satisfaction of the City Solicitor, the Chief Planner and Executive Director, City Planning and the Chief Engineer and Executive Director, Engineering and Construction Services, the General Manager, Transportation Services, and Council:
 - (i) the selection of the public street alignment as it relates to the O'Connor Drive reconfiguration and extension and substantial completion of the Municipal Class Environmental Assessment, under the *Environmental Assessment Act*, identifying the alignment of the O'Connor Drive extension;
 - (ii) it has been demonstrated to the satisfaction of the General Manager, Transportation Services that the development subject of the Zoning By-

law can proceed without impacting the final determination of the public street alignment for O'Connor Drive.

- (C) Despite (B)(i) and (ii) above, if the City has not removed the '(H)' symbol by December 31, 2023, the Owner can make an application to remove the '(H)' symbol demonstrating that the '(H)' symbol can be lifted, and the '(H)' symbol shall be lifted unless City Council identifies an extraordinary circumstance that justifies the '(H)' symbol not being lifted, which circumstance shall not include a delay by the City or any of its consultants with respect to (B)(i) or B(ii) above.

9. Section 37 Requirements

- (A) Pursuant to Section 37 of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18, as amended, came into force, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands on Diagram 2 of By-law [Clerks to supply ##] in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18, as amended, came into force, that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent upon satisfaction of the same;
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all applicable provisions of Schedule A are satisfied; and
- (D) Once the agreement or agreements securing the facilities, services and matters set out in Schedule A have been executed and registered, the provisions of Schedule A shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.

Ontario Land Tribunal Decision and Order effective on [INSERT] in Tribunal File OLT-22-003152.

SCHEDULE A
Section 37 Provisions

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

Community Benefits

Affordable Housing

1. The Owner shall provide, on such terms and conditions as specified in the Section 37 Agreement, a minimum of 85 affordable housing rental units, based on 100 percent Average Market Rent and an affordability period as specified in Clause 2 below, with these affordable housing rental units being provided on the lands, including the following:
 - (A) A minimum of 6 New Affordable Rental Units in Building 5A, secured for a Thirty (30) Year Period;
 - (B) A minimum of 17 New Affordable Rental Units in Building 2A and/or Building 2B, secured for a Thirty (30) Year Period;
 - (C) A minimum of 30 New Affordable Rental Units in Building 2C, Building 2D, Building 2E and/or any Building on Block 1, secured for a Fifteen (15) Year Period;
 - (D) A minimum of 32 Affordable Rental Units in Building 2C, Building 2D, Building 2E and/or any Building on Block 1, secured for a Thirty (30) Year Period;
 - (E) The affordable rental housing units required in 1. (c) and (D) above may be provided in Building 2A, Building 2B or Building 5A, where the Chief Planner is advised of such in writing;
 - (F) the affordable rental housing units will be made available for residential occupancy on terms and conditions as specified in the Section 37 Agreement;
 - (G) the affordable housing units must be grouped in no less than 6 contiguous units within each **building**; and

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- (H) the unit types and sizes, with such unit sizes be to the satisfaction of the Chief Planner and Executive Director, City Planning, as specified in the Section 37 Agreement.
2. The affordable housing rental housing units shall consist of the following affordability periods:
- (A) A minimum of thirty (30) affordable rental housing units shall be maintained as affordable housing for a minimum of fifteen (15) year period; and
 - (B) A minimum of fifty-five (55) rental housing units shall be maintained as affordable housing for a minimum of thirty (30) year period.

Child Care Centre

3. The Owner, at its sole cost and expense, shall design, construct, finish, Commission, Hand-over and convey to the City a non-profit licensable **day nursery** of a minimum size of 1,300 square metres of interior and exterior space combined, in a manner that is more particularly set out in Section 6 of this Agreement, that can accommodate approximately 62 child care spaces (10 Infants, 20 Toddlers, 32 Preschoolers) generally comprising interior areas and exterior areas (in reasonable proximity to the interior areas) including the associated outdoor play area, all appliances (major and minor), all situate within the base of a **building** on Block 1 along a public **street**, together with access to and egress from, the adjacent public street and from and to the parking spaces described in below (the "**Child Care Centre**"), including the following:
- (A) prior to the earlier of residential occupancy of the building in which the Child Care Centre is located and/or registration of any condominium for the building in which the Child Care Centre is located, the Child Care Centre shall be conveyed to the City, at no cost to the City, in fee simple, in an acceptable environmental condition to the satisfaction of the Executive Director, Corporate and Real Estate Management and City Solicitor;
 - (B) dedicated two (2) vehicular drop-off and pick-up parking space locations exclusive to the Child Care Centre, and the two (2) designated parking spots for staff, visitors and daily delivery of the Child Care Centre drop-off and pick-up locations, if such access to the parking at grade is restricted, such access cards and/or vouchers for accessing the parking must be provided to the General Manager, Children's Services and/or Child Care Operator by the Owner; and
 - (C) the details of the other matters as described in these provisions, such as timing, location, obligations and any such matters to implement the Child Care Centre, will be finalized between the owner and the City and will be substantially in accordance with the City of Toronto's Child Care Development Guidelines and to the satisfaction of the Executive Director, Corporate and Real Estate

Management, the General Manager, Children's Services, and the Chief Planner and Executive Director, City Planning, in consultation with the City Solicitor; and

- (D) on, or prior to, the conveyance of the Child Care Centre, the City and the owner enter into, and register on title to, the appropriate lands an Easement and Cost Sharing Agreement for nominal consideration and at no cost to the City, that is in a form satisfactory to the City Solicitor; the Easement and Cost Sharing Agreement shall address and/or provide for the integrated support, use, operation, maintenance, repair, replacement and reconstruction of certain shared facilities, and the sharing of costs, in respect thereof, of portions of the subject lands to be owned by the City and the owner as they pertain to the Child Care Centre, and the development to be constructed within the base building of the development.
4. Prior to the issuance of the first Above-Grade Building Permit for the building in which the Child Care Centre will be located, on Block 1 on the Lands:
- (A) the Owner shall provide a cost estimate for the design, construction and Hand-over of the Child Care Centre; and
- (B) Upon approval of the cost estimate by the Executive Director, CREM and the General Manager, Children's Services, the Owner shall provide one or more Letters of Credit in an amount(s) sufficient to guarantee 120% of the estimated cost of the design, construction and Hand-over of the Child Care Centre.
5. Prior to conveyance of the Child Care Centre to the City, the Owner shall make a one-time cash contribution in the amount of Two Hundred Thousand Dollars (\$200,000.00), subject to Upward Indexing in accordance with the Construction Price Index, calculated from the effective date of this By-law to the date of payment towards the following at the discretion of the General Manager, Children's Services:
- (A) Child Care Centre Replacement Reserve Fund to be used towards start-up operating costs, to replace appliances and large equipment due to wear and tear and to support ongoing financial viability; and
- (B) play-based toys, furnishings and equipment in accordance with provincial and City standards based on an inventory list provided by the Child Care Centre Operator and/or the General Manager, Children's Services which will be finalized and approved by the General Manager, Children's Services.

Cash Contribution

6. Upon the this By-law becoming final and binding with all appeal and request for review periods having expired, the Owner shall pay to the City the sum of **FOUR MILLION DOLLARS** (\$4,000,000.00) in Canadian funds (herein referred to as the "**Cash Contribution**") and the Cash Contribution shall be used by the City for the purpose of

community benefits to be determined by the Ward Councillor in consultation with the Chief Planner.

7. The Cash Contribution shall be indexed upwards in accordance with the Construction Price Index, calculated from thirty (30) days from the effective date of issuance of the Order of the Tribunal on this By-law for the Development of the Lands to the date payment by the Owner of the Cash Contribution is made to the City.
8. In the event the Cash Contribution has not been used for its intended purpose within three (3) years of this By-law coming into full force and effect, the Cash Contribution may be redirected for another purpose, at the discretion of the Chief Planner, in consultation with the Ward Councillor, provided that the purposes are identified in the City's Official Plan and will benefit the local community.

Matters Required to Support the Development

Existing Rental Units on Block 6

9. The Owner agrees that improvements to the satisfaction of the Chief Planner to the existing low-rise apartment buildings south of the O'Connor Drive extension on Block 6 in accordance with Policy 3.2.1.5 of the Official Plan, will be completed prior to the issuance of an above-grade **building** permit for Building 5A.
10. As part of the Site Plan Application for Building 5A, the Owner agrees that the improvements to the existing low-rise **apartment buildings** on Block 6 will be identified through the Housing Issues Report to the satisfaction of the Chief Planner.

Metrolinx

11. Prior to the issuance of each **building** permit for all or any part of Block or **building** on the Lands, the Owner shall:
 - (A) complete a Metrolinx technical review(s) of the Development on each Block and/or each **building** on the Lands, as may be required by Metrolinx,
 - (B) provide any and all requisite information as may be required by Metrolinx;
 - (C) obtain Metrolinx's written acknowledgement that the Owner has satisfied all of the conditions arising out of the Technical Review review(s) including the entry into any agreements with the Metrolinx and/or the City, if applicable.

Street A, Street B and Street C

12. Prior to the issuance of an above-grade **building** permits for Building 1A, except for a structural permit, Street A and Street B must be constructed (to base course asphalt) and conveyed to the City and any temporary services to Block 2 through Block 1 are removed

and re-established in Street B to service Block 2 unless an interim condition is approved at the sole discretion of the City in accordance with SASP 582 Policy 13, 14 and 15.

13. Prior to the issuance of an above-grade **building** permits for Building 1B, except for a structural permit, Street A and Street B shall be constructed (to base course asphalt) and conveyed to the City and any temporary services to Block 2 through Block 1 are removed and re-established in Street B to service Block 2 unless an interim condition is approved at the sole discretion of the City in accordance with SASP 582 Policy 13, 14 and 15.
14. Prior to the issuance of an above-grade **building** permits for Building 1C, except for a structural permit, Street A connecting Victoria Park Avenue up to the western point of Building 1D shall be constructed (to base course asphalt) and conveyed to the City and provided no portion of any **building** is established on any temporary services traversing Block 1 to Block 2 to service Block 2, unless an interim condition is approved at the sole discretion of the City in accordance with SASP 582 Policy 13, 14 and 15.
15. Prior to the issuance of an above-grade **building** permits for Building 1D and Building 1E, except for a structural permit, Street A connecting Victoria Park Avenue to Pharmacy Avenue shall be constructed (to base course asphalt) and conveyed to the City and provided no portion of any **building** is established on any temporary services traversing Block 1 to Block 2 to service Block 2, unless an interim condition permitting a portion of Street A on the Lands to be constructed and conveyed to the City is approved in the sole discretion of, and to the satisfaction of the General Manager, Toronto Water, and Chief Engineer.
16. Prior to the issuance of an above-grade **building** permits for Building 2A, except for a structural permit, Street A and the portion of Street C on the Lands shall be constructed (to base course asphalt) and conveyed to the City unless an interim condition is approved at the sole discretion of the City in accordance with SASP 582 Policy 13, 14 and 15.
17. Prior to the issuance of an above-grade **building** permits for Building 2B, except for a structural permit, Street A and Street B shall be constructed (to base course asphalt) and conveyed to the City unless an interim condition is approved at the sole discretion of the City in accordance with SASP 582 Policy 13, 14 and 15.
18. Prior to the issuance of an above-grade **building** permits for Building 2C, except for a structural permit, Street A connecting Victoria Park Avenue to Pharmacy Avenue and Street B shall be constructed (to base course asphalt) and conveyed to the City and any temporary services to Block 2 through Block 1 are removed and re-established in Street B to service Block 2, unless an interim condition permitting a portion of Street A on the Lands to be constructed and conveyed to the City is approved in the sole discretion of, and to the satisfaction of the General Manager, Toronto Water, and Chief Engineer.
19. Prior to the issuance of an above-grade **building** permits for Building 2D and Building 2E, except for a structural permit, Street A connecting Victoria Park Avenue to Pharmacy Avenue and Street C shall be constructed (to base course asphalt) and conveyed to the

City, unless an interim condition permitting a portion of Street A on the Lands to be constructed and conveyed to the City is approved in the sole discretion of, and to the satisfaction of the General Manager, Toronto Water, and Chief Engineer.

Parkland Dedication

- 20.** Prior to the issuance of the first Above-Grade Building Permit for any Building on any part of the Lands, the Owner shall:
- (A) convey, in fee simple to the City, a minimum of 7,277.2 square metres of land for public park purposes in the general location identified on Diagram 4 of this By-law, excluding the remaining lands on Block 4 for an existing driveway (the “**Block 4 Parkland**”) to the satisfaction of General Manager, PFR and where the Block 4 Parkland shall partially satisfy the Owner’s Statutory Parkland Dedication requirement;
 - (B) convey the Block 4 Parkland free and clear above-grade and below-grade of all physical obstructions and easements, encumbrances, unless otherwise permitted in writing by the General Manager, PFR or as otherwise permitted by this Agreement, and free and clear of all title encumbrances including, but not limited to all easements, rights-of-way, leases, charges, and encroachments, including surface and subsurface easements, to the satisfaction of General Manager, PFR and the City Solicitor; and
 - (C) complete the environmental obligations outlined in the Section 37 Agreement to the satisfaction of General Manager, PFR.
- 21.** Prior to the later of the (i) issuance of the first above-grade **building** Permit for the first of Building 2C, Building 2D or Building 2E, and (ii) prior to or concurrently with the construction and conveyance of either Street A or Street B, the Owner shall:
- (A) convey, in fee simple to the City, a minimum of 2,858.6 square metres of land for public park purposes in the general location identified on Diagram 4 of this By-law, including the remaining lands on Block 4 for an existing driveway (the “**Block 3 Parkland**”) to the satisfaction of General Manager, PFR and where the Block 3 Parkland shall partially satisfy the Owner’s Statutory Parkland Dedication requirement;
 - (B) convey the Block 3 Parkland free and clear above-grade and below-grade of all physical obstructions and easements, encumbrances, unless otherwise permitted in writing by the General Manager, PFR or as otherwise permitted by this Agreement, and free and clear of all title encumbrances including, but not limited to all easements, rights-of-way, leases, charges, and encroachments, including surface and subsurface easements, to the satisfaction of General Manager, PFR and the City Solicitor; and

- (C) complete the environmental obligations outlined in the Section 37 Agreement to the satisfaction of General Manager, PFR.

POPS and Midblock Connection

22. The Owner shall provide the following privately owned publicly accessible open spaces on the lands shown on Diagram 1 of this By-law, whereby as a pre-approval condition to Site Plan Approval for each Building or Block as specified in the Section 37 Agreement, the owner shall convey to the City, for nominal consideration, easement(s) along the surface of the lands, to the satisfaction of the City Solicitor, which shall constitute the privately owned publicly accessible open spaces and any required public access easements to connect the privately owned publicly accessible open spaces to adjacent privately owned publicly accessible open spaces and/or public rights-of-way, where necessary; and the owner shall own, operate, maintain and repair the privately owned publicly accessible open spaces and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the privately owned publicly accessible open spaces at all times of the day and night, 365 days of the year; and the specific location, configuration and design of the privately owned publicly accessible open spaces shall be determined in the context of a site plan approval for each building and/or block pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City:
- (A) A minimum of 1,464.9 square metres north of Building 2A and Building 2B on the lands, with the specific size, location, configuration and design to be determined to the satisfaction of the Chief Planner at the time of and through the Site Plan Approval process for Building 2A and Building 2B ("**Eglinton POPS**");
- (B) A minimum of 1,016.7 square metres on Block 1, between Building 1A and Building 1B on the lands, with the specific size, location, configuration and design, including the timing which may occur of a phased basis associated with the development of Building 1A and Building 1B, to be determined to the satisfaction of the Chief Planner at the time of and through the Site Plan Approval process for Block 1. ("**Eglinton Square POPS**");
- (C) If the 23 metre north-south public street the location of which is shown generally on Diagram 4 of the Zoning By-law Amendment, does not connect directly to Eglinton Square and instead connects directly to Eglinton Avenue East, the location of these additional lands will become a POPS with the specific size, location, configuration and design, will be determined to the satisfaction of the Chief Planner at the time of and through the Site Plan Approval process. ("**Street B POPS**").
23. The Owner shall provide public access easements to provide access to and through the lands shown on Block 2 adjacent to Block 3 of this By-law for the mid-block connection(s) and private street to the satisfaction of the Chief Planner and Executive Director, City Planning, with the exact location, design and timing of delivery of the

vehicular and pedestrian easement to be determined in the context of a Site Plan Approval; the owner shall own, operate, maintain and repair the public easement area and install and maintain a sign, at its own expense, stating that members of the public shall be entitled to use the public easement at certain times of the day and night, and the owner may restrict other uses of this space, so long as they do not unreasonably obstruct pedestrian movement of persons of all ages and abilities with such matters determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City.

Transportation Demand Management

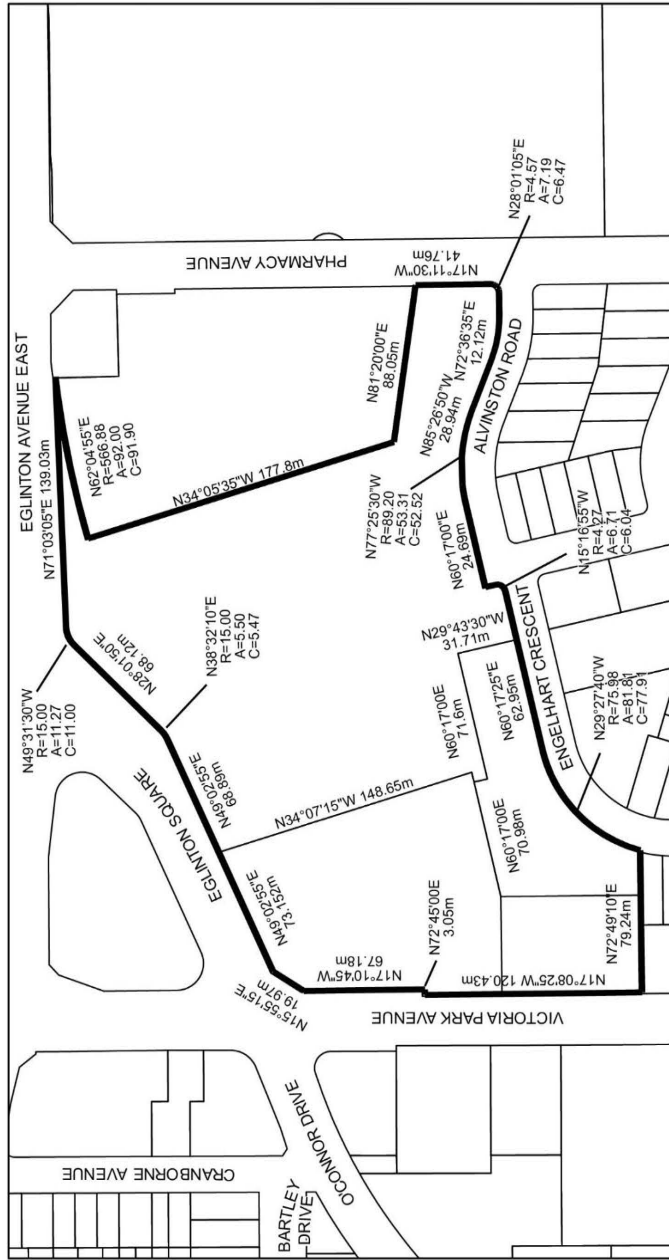
24. Prior to the issuance of an Above-Grade Building Permit for Building 2A and Building 2B, the Owner shall pay to the City a Financial Security for the future implementation of a minimum of three (3) bike-share stations, at locations as may be determined by the Chief Planner and the General Manager, Transportation, and the Owner shall thereafter implement the bike-share stations at the locations so specified and Financial Security for each bike-share station will be returned to the Owner as each bike-share station is implemented.
25. Prior to the issuance of the first Above-Grade Building Permit for any of Building 2C, Building 2D, Building 2E and any Building on Block 1, the Owner shall pay to the City a Financial Security for the future implementation of a minimum of seven (7) bike-share stations, at locations as may be determined by the Chief Planner and the General Manager, Transportation, and the Owner shall thereafter implement the bike-share stations at the locations so specified and Financial Security for each bike-share station will be returned to the Owner as each bike-share station is implemented.
26. Prior to the issuance of each and every above-grade **building** Permit for each Building on Block 1 and each Building on Block 2, the Owner shall pay to the City a Financial Security for the future implementation of a bike repair station per Building on the Lands, and thereafter provide evidence of installation in a form satisfactory to the General Manager, Transportation for such Financial Security to be returned to the Owner as each bike-repair station is installed in each **Building**.
27. Prior to the issuance of the first Above Grade **building** Permit for any **building** on Block 1 and for any **building** on Block 2, the Owner shall provide a financial contribution of a Forty Thousand Dollars (\$40,000.00), subject to Upward Indexing, calculated the effective date of issuance of the Order of the Tribunal on this By-law to the date of payment, for the future Monitoring Program for the transportation network in the Golden Mile Area.
28. Prior to the issuance of the first Above Grade Building Permit for any Building on Block 1, Building 2C, Building 2D and Building 2E, the Owner shall provide a financial contribution of a Two Hundred Thousand Dollars (\$200,000.00), subject to Upward Indexing, calculated the effective date of issuance of the Order of the Tribunal on this

By-law to the date of payment, for the future Victoria Park Avenue and Warden Avenue Transit Study.

Other Matters

29. Prior to the issuance of Site Plan Approval for any part of the lands, the owner shall provide a Design Brief, to the satisfaction of the Chief Planner and Executive Director, City Planning.
30. The owner will construct and maintain the lands in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each **building** on the lands.
31. The requirements for a construction management plan to be provided at site plan approval, including but not limited to, noise, dust, size and location of staging areas, location and function of gates, dates of significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, coordination with adjacent on-going development construction, parking and laneway uses and access, refuse storage, site security, site supervisor contact information, any required coordination with Metrolinx regarding the Eglinton Crosstown LRT, and a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services as set out in the Section 37 Agreement.
32. The Section 37 Agreement shall identify the implementation of, and/or mitigation measures listed, in any the reports, studies and plans accepted by the City submitted by the owner and any such implementation measures secured in the appropriate agreements.
33. The appropriate agreement(s) shall identify the conditions and matters as identified in memorandums provided to the City on behalf of Metrolinx as it relates to the Eglinton LRT, utility companies Toronto District School Board, Toronto District Catholic School Board, and the Toronto and Region Conservation Authority based on their review of the development applications, all of which are identified satisfactory to the Chief Planner and Executive Director, City Planning and secured in the appropriate agreement(s), the Section 37 Agreement and conditions of Site Plan Approval (where appropriate), satisfactory to the City Solicitor.
34. As part of the first site plan application and prior to any site plan approval on any part of the site, the owner shall provide a revised landscape plan and soil volume plan for the entire Development Site, including streetscape cross-sections, all satisfactory to the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services, and the Director, Urban Forestry.

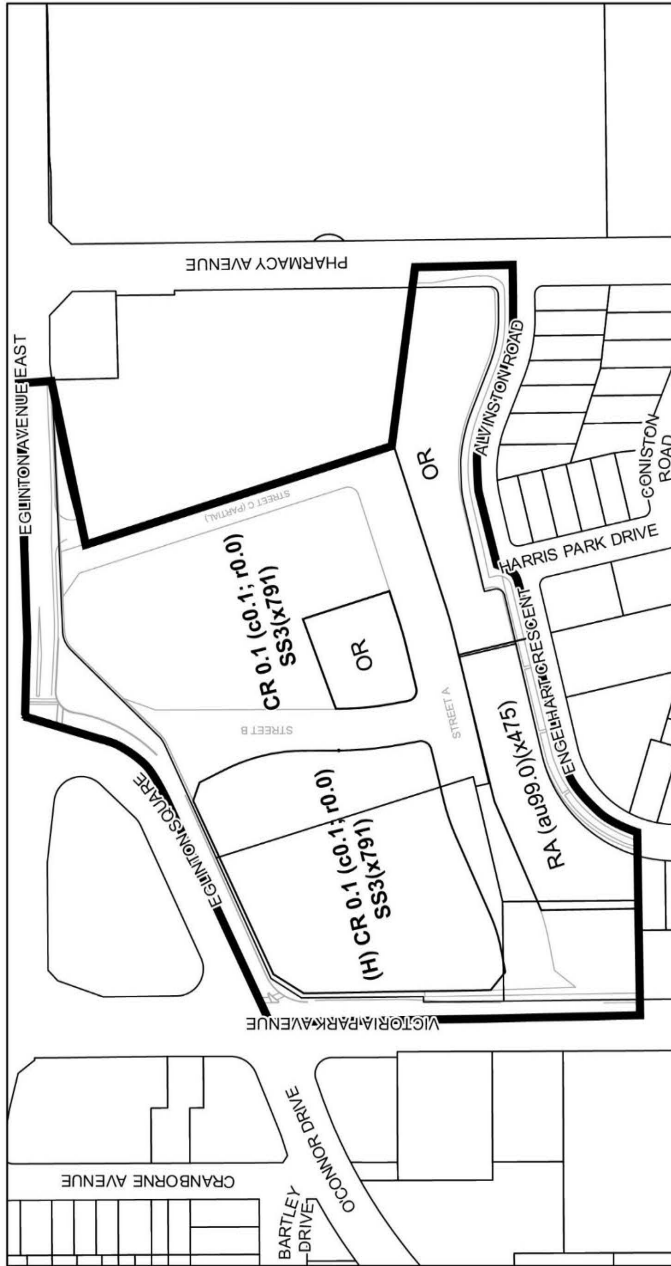
- 35.** As part of the first site plan application and prior to any site plan approval on any part of the lands, the owner shall provide a Public Utilities Plan for the lands to ensure, among other matters, that above ground and underground utilities and streetscape elements, such as street trees, sidewalk locations are located at appropriate locations for all new and existing streets and such plan should be submitted as a separate grayed out underlay and underlay on the Landscape Plan required above, for the entire lands, all satisfactory to the Chief Planner and Executive Director, City Planning.



Toronto
Diagram 1

1-70 Eglinton Square, 1431 & 1437 Victoria Park Avenue,
14, 18, 22 & 26 Engelhart CrescentSquare
File # 17 242390 ESC 35 0Z

City of Toronto By-law 569-2013
Not to Scale
08/04/2022



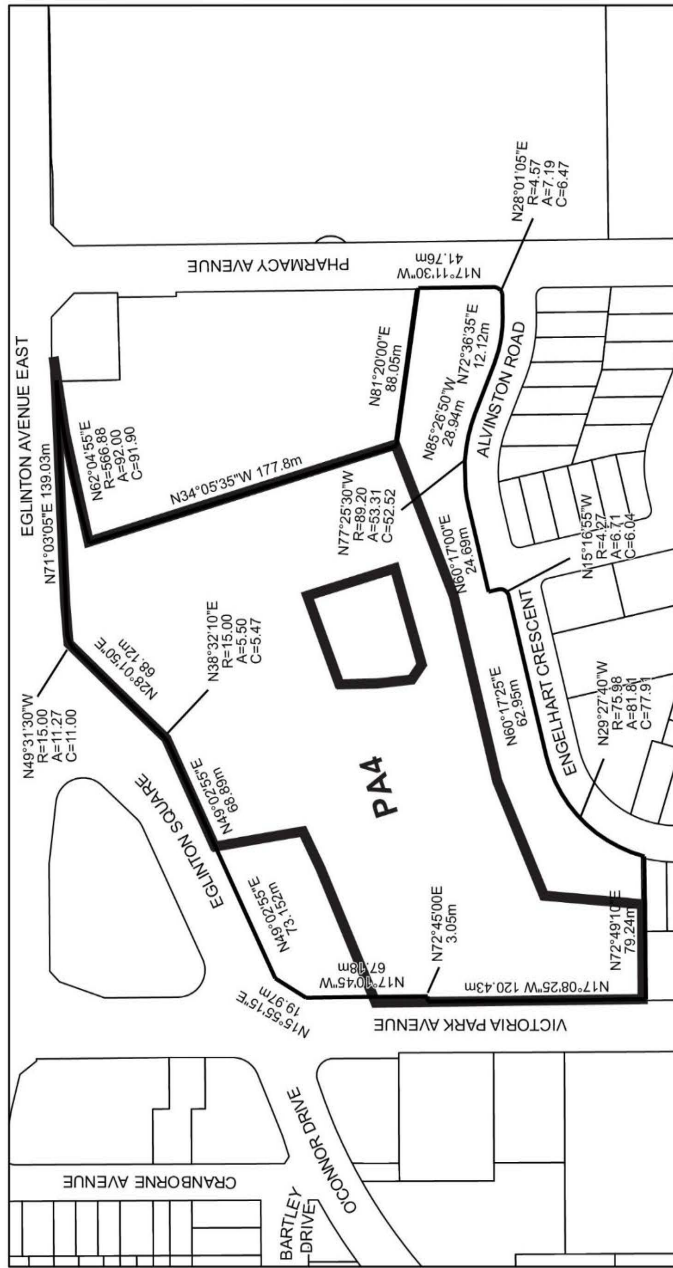
Toronto
 Diagram 2

1-70 Eglinton Square, 1431 & 1437 Victoria Park Avenue,
 14, 18, 22 & 26 Engelhart Crescent Square

File # 17 242390 ESC 35 0Z



City of Toronto By-law 569-2013
 Not to Scale
 08/04/2022



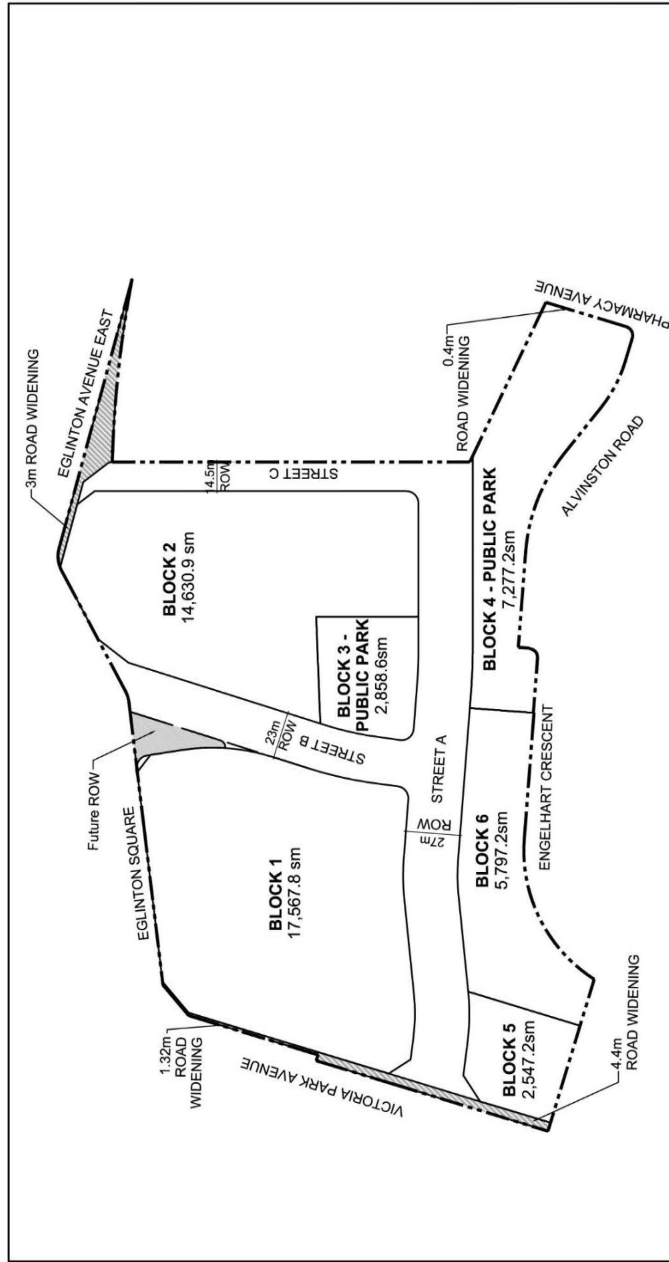
Toronto
Diagram 3

1-70 Eglinton Square, 1431 & 1437 Victoria Park Avenue,
 14, 18, 22 & 26 Engelhart Crescent Square

File # 17 242390 ESC 35 0Z



City of Toronto By-law 568-2013
 Not to Scale
 08/04/2022

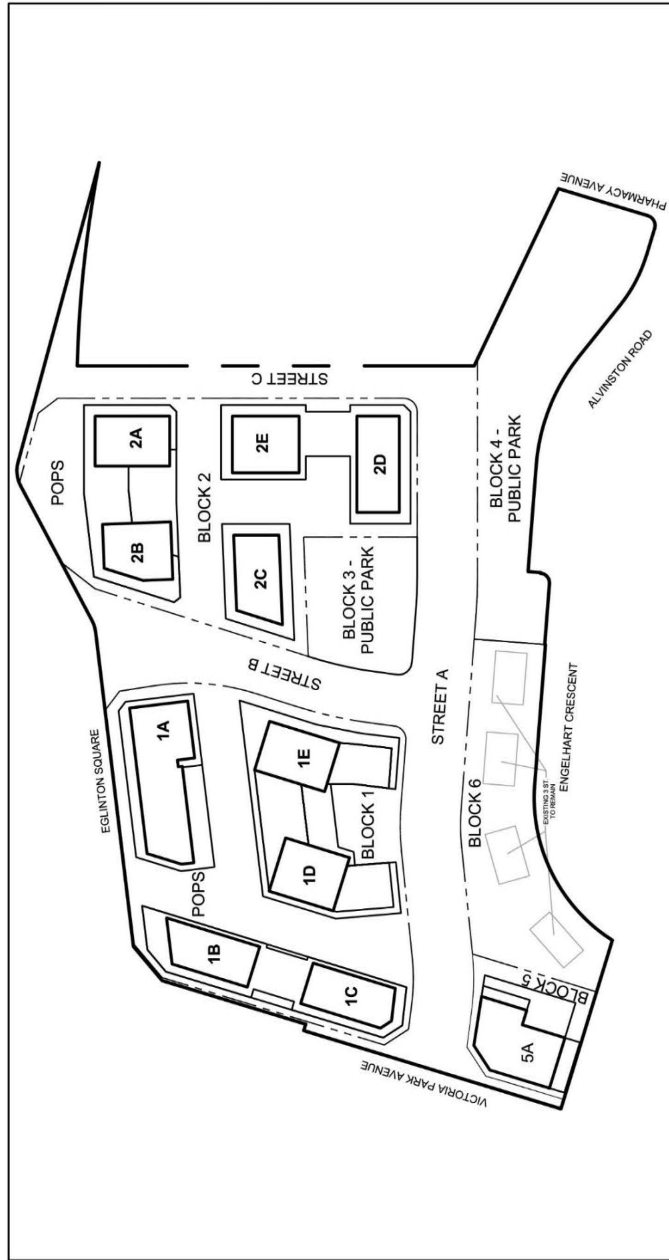


Toronto
Diagram 4

1-70 Eglinton Square, 1431 & 1437 Victoria Park Avenue,
 14, 18, 22 & 26 Engelhart Crescent/Square

File # 17 242390 ESC 35 0Z

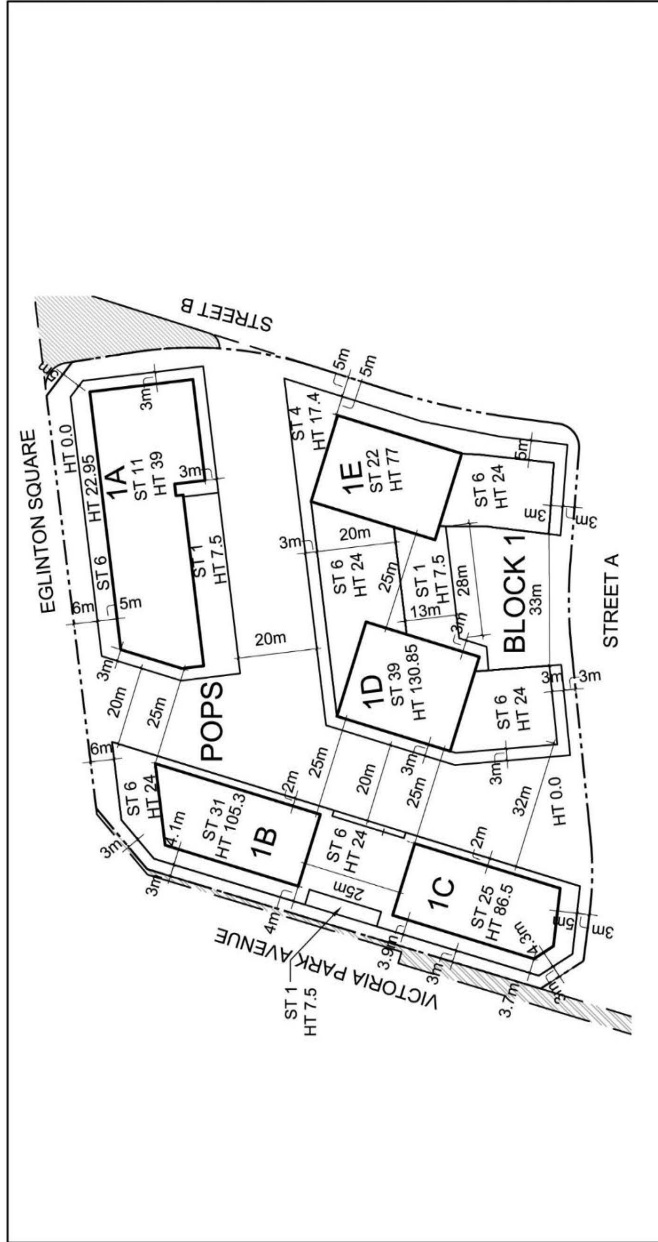
City of Toronto By-law 589-2013
 Not to Scale
 08/04/2022



**1-70 Eglinton Square, 1431 & 1437 Victoria Park Avenue,
14, 18, 22 & 26 Engelhart CrescentSquare**
File # 17 242390 ESC 35 0Z

Toronto
Diagram 5

City of Toronto By-law 569-2013
Not to Scale
08/04/2022

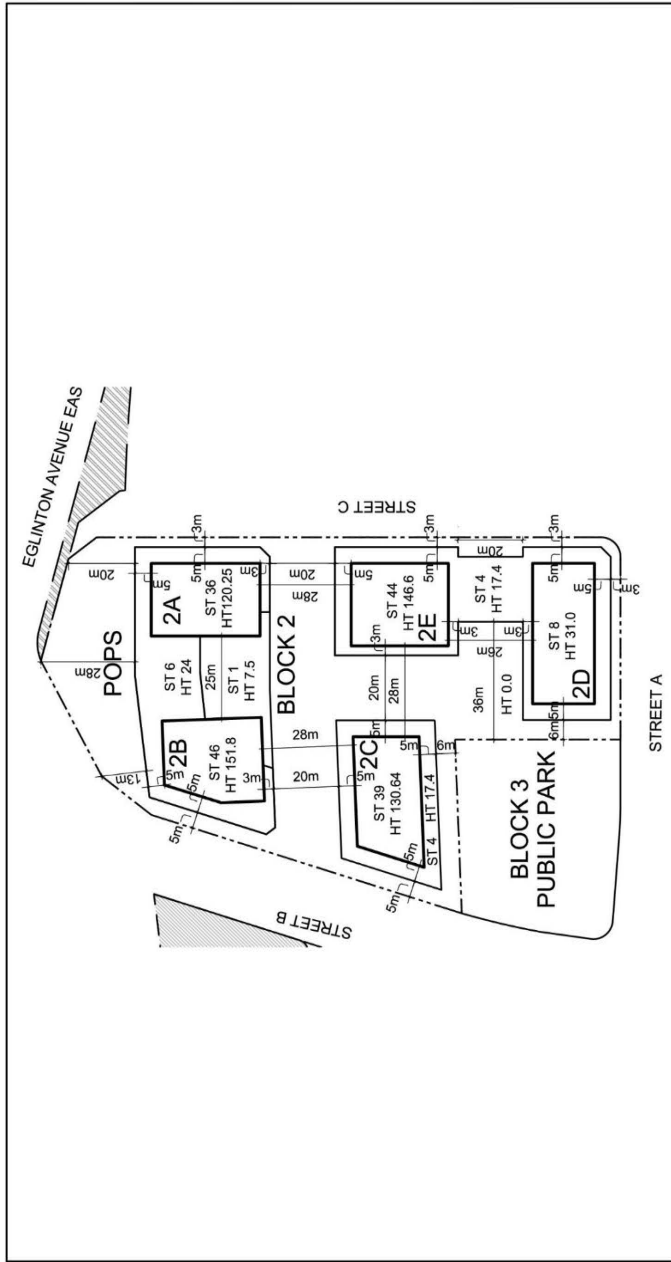


Toronto
Diagram 6

1-70 Eglinton Square, 1431 & 1437 Victoria Park Avenue,
 14, 18, 22 & 26 Engelhart Crescent Square

File # 17 242390 ESC 35 0Z

City of Toronto By-law 569-2013
 Not to Scale
 08/04/2022



Toronto
 Diagram 7

1-70 Eglinton Square, 1431 & 1437 Victoria Park Avenue,
 14, 18, 22 & 26 Engelhart Crescent Square

File # 17 242390 ESC 35 0Z

City of Toronto By-law 589-2013
 Not to Scale
 08/04/2022

