

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: February 26, 2024

CASE NO(S).:

OLT-22-004740

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

Appellant/Applicant: Streetside Capital Holdings Inc., Shivani Ruparell, 2126754 Ontario Inc.
Subject: Request to amend the Official Plan – Failure to adopt the requested amendment
Description: To facilitate the development of two, 14-storey mixed- use buildings
Reference Number: 22 108032 NNY 18 OZ
Property Address: 6167 Yonge Street, 10 Newton Drive, and 9 Madawaska Avenue
Municipality: City of Toronto
OLT Case No.: OLT-22-004740
OLT Lead Case No.: OLT-22-004740
OLT Case Name: Streetside Capital Holdings Inc. v. Toronto (City)

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

Appellant/Applicant: Streetside Capital Holdings Inc., Shivani Ruparell, 2126754 Ontario Inc.
Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description: To facilitate the development of two, 14-storey mixed-use buildings
Reference Number: 22 108032 NNY 18 OZ
Property Address: 6167 Yonge Street, 10 Newton Drive, and 9 Madawaska Avenue
Municipality: City of Toronto
OLT Case No.: OLT-22-004741
OLT Lead Case No.: OLT-22-004740

Heard: December 4, 2023 and January 24, 2024
by Written Hearing

APPEARANCES:

Parties

Streetside Capital Holdings Inc.,
Shivani Ruparell, 2126754 Ontario Inc.
City of Toronto

Counsel

Rodney Gill
Matthew Lakatos-Hayward *in absentia*
David Bronskill *in absentia*
Ray Kallio

DECISION DELIVERED BY S.L. DIONNE ON JANUARY 24, 2024 AND INTERIM ORDER OF THE TRIBUNAL

[Link to Order](#)

INTRODUCTION

[1] This Decision arises from a settlement hearing on appeals filed by Streetside Capital Holdings Inc. et al (“Applicant”) in respect of a non-decision of the Council of the City of Toronto (“City”) of applications seeking an amendment to the City of Toronto Official Plan, 2006, as amended (“COP”) and an amendment to Zoning By-law No. 596-2013, as amended (“ZBL”). The appeals are filed pursuant to s. 22(7) and s. 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, (“Act”).

[2] The affected lands are two separate sites: Site A, located on the northeast corner of Yonge Street and Newton Drive, and Site B, located on the southeast corner of Yonge Street and Newton Drive, collectively referred to herein as the “Subject Sites”.

[3] On February 11, 2022, the Applicant submitted applications for amendments to the COP and the ZBL, along with an application for site plan approval, to permit the redevelopment of the Subject Sites for two 14-storey mixed-use residential buildings.

The application for site plan approval is not before the Tribunal.

[4] On July 19, 2022, the City adopted the Yonge Street North Secondary Plan (“YNSNP”) by way of OPA No. 615, which affects the Subject Sites and is under separate appeal(s) to the Ontario Land Tribunal [Case No. OLT-22-004346]. The Applicant has appealed OPA No. 615.

[5] The Parties have reached a settlement (“Settlement Proposal”) with respect to the proposed development on the Subject Sites and the Applicant has agreed to withdraw its appeal of OPA No. 615.

[6] City Council approved the Settlement Proposal, in principle, on November 8, 2023.

[7] The Parties are seeking the Tribunal’s approval, in principle, of the Settlement Proposal and have filed with the Tribunal a draft Official Plan Amendment (“OPA”) and a draft Zoning By-law Amendment (“ZBA”) to facilitate the re-development of the Subject Sites. The Tribunal has marked the OPA as **Exhibit 1** and the ZBA as **Exhibit 2**.

[8] The Tribunal notes that there are no Participants in this matter.

[9] The Tribunal acknowledges receipt of the Affidavit of Graig Uens, a Registered Professional Planner, sworn December 1, 2023 and marked as **Exhibit 3**. The Tribunal has reviewed Mr. Uen’s Curriculum Vitae and signed Acknowledgement of Expert’s Duty, is satisfied with his credentials and experience, and has qualified him to provide expert opinion evidence in the area of land use planning in this matter.

[10] The Tribunal accepts and relies on the opinion evidence of Mr. Uens as provided in a fulsome Affidavit, wherein he describes the two Sites and their surrounding area context, application history and the proposed development. Mr. Uens outlines his expert opinion on the Settlement Proposal in the context of applicable Provincial and

Municipal planning policy, including matters of Provincial Interest, and he outlines his recommendation to the Tribunal that the Settlement Proposal be approved in principle, subject to certain conditions.

[11] The Tribunal allows the appeal in part and approves the Settlement Proposal in principle contingent upon the fulfilment of the conditions discussed herein, for the reasons set out below.

SUBJECT SITES AND SURROUNDING AREA

[12] Site A is municipally known as 6167 Yonge Street, 10 Newton Drive, and 9 Madawaska Avenue in the City of Toronto (formerly North York). Site A has a total area of 4,338 square metres ("sqm") and approximate frontages of 75 metres ("m") on Yonge Street, 56 m on Newton Drive, and 59 m on Madawaska Avenue. The portion referred to as 6167 Yonge Street is currently used as a car dealership. The portion referred to as 10 Newton is also used for the car dealership commercial operations in what was once a detached dwelling. There is a two-storey commercial building on the portion referred to as 9 Madawaska.

[13] Site B has no assigned municipal address and an area of 2,150 sq m. It has approximate frontages of 37 m on Yonge Street and 55 m on Newton Drive. It is currently used as additional surface parking for the car dealership operations.

[14] The surrounding area is generally comprised of low-rise, small-scale commercial uses and automobile-oriented commercial uses along both sides of Yonge Street to the north and south. The surrounding area to the east is a low-rise residential neighbourhood comprised of predominantly single detached dwellings.

[15] The surrounding area is undergoing re-development and intensification. For example, to the west, a 13-storey mixed-use development has been approved on lands

municipally known as 6150-6160 Yonge Street, 9-11 Pleasant Avenue, and 18 Goulding Avenue. A current proposal for re-development of a large commercial shopping centre located to the northwest, commonly known as Centrepont Mall which is subject of appeal to the Ontario Land Tribunal, is yet another example.

SETTLEMENT PROPOSAL

[16] The Settlement Proposal contemplates the re-development of the Subject Sites for a pair of 14-storey mixed-use buildings, one on each of Site A and Site B, containing a total of 459 dwelling units in accordance with the plans found at Exhibit C of Mr. Uens' affidavit (**Exhibit 3**). Each building is proposed to include retail uses along the ground floor facing Yonge Street. The proposal also includes a public parkland dedication situated on the eastern portion of Site B, having a minimum area of 430.8 square metres.

[17] The Settlement Proposal plans prepared by ARCADIS, titled Project No: 135144 and dated October 5, 2023 are found at Exhibit C of Mr. Uens' Affidavit. These plans include site plans, ground floor plans, building elevations, building cross-sections, and detailed site statistics for each of Site A and B.

[18] The proposed statistics for each Site are as summarized as follows:

	Site A	Site B
Total GFA	20,543 sqm	8,911 sqm
Com. GFA	510 sqm	211 sqm
Res. GFA	20,033 sqm	8,700 sqm
FSI	8.3	4.6
Height	14 Storeys (51.3m)	14 Storeys (51.3m)
Total Units	316	143

Studio Units	9	10
1 bedroom	209	89
2 bedrooms	64	29
3 bedrooms	34	15
Vehicle Parking	87	34
Bike Parking	316	154
Indoor / Outdoor Amenity Area	632 sqm indoor 344 sqm outdoor	286 sqm indoor 169 sqm outdoor
Loading Space	1 Type G	1 Type G

[19] The Settlement Proposal would be implemented by way of approval of the OPA and ZBA (**Exhibits 1 and 2**).

[20] The Subject Sites are currently subject to two land use designations under the COP. Those portions along the Yonge Street frontage are designated Mixed-Use Areas and the rear portions are designated Neighbourhood. The portion referred to as 9 Madawaska Avenue is subject to a Site and Area Specific policy (“SASP”) 70. The OPA would have the effect of introducing a new SASP, applicable to the whole of the Subject Sites to permit a 14-storey mixed-use building and associated underground parking garage on each of Site A and Site B, and also re-designating the eastern portion of Site B from Neighbourhood to Parks to recognize the introduction of public parkland.

[21] The Subject Sites area currently zoned CR 1.0 (c1.0; r1.0) SS3(x87) pursuant to Zoning By-law 569-2013, as amended. The ZBA is intended to introduce new site-specific provisions to implement the re-development in accordance with the plans attached as **Exhibit 3**, Exhibit C. The ZBA establishes performance standards related to building height of 51.3 metres, gross floor area of residential and non-residential uses, minimum building setbacks, encroachments, angular plane, access locations,

parking, and minimum indoor and outdoor amenity space areas.

[22] Additionally, the ZBA regulates that Site A will include a minimum of 64 dwelling units to contain two-bedrooms and a minimum of 34 dwelling units to contain three-bedrooms. Site B will include a minimum of 24 dwelling units to contain two-bedrooms and a minimum of 15 dwelling units to contain three-bedrooms.

[23] Mr. Uens advises that the Settlement Proposal is a result of collaborative sessions with City Planning Staff and input from the community consultation meeting, and that, in his opinion, the Settlement Proposal fits appropriately in its surrounding context and aligns with the City's various growth, urban design and housing priorities.

[24] It is Mr. Uens' uncontroverted expert opinion that the Settlement Proposal to be implemented through the OPA and ZBA is consistent with the Provincial Policy Statement 2020 ("PPS"), conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 ("Growth Plan"), conforms to the City of Toronto Official Plan, as amended, and aligns with the City's various guidelines.

[25] Further, it is Mr. Uens' expert opinion that the Settlement Proposal represents good planning and is in the public interest.

ANALYSIS AND FINDINGS

[26] The Tribunal accepts and relies on the affidavit evidence of Mr. Uens in its entirety. On that basis, the Tribunal finds that the Settlement Proposal is consistent with the PPS, conforms with the Growth Plan 2020, and conforms with all relevant foundational policies of the City OP, as amended.

[27] The Tribunal finds that the City has well-established planning policy for the Subject Sites and surrounding area and has followed a comprehensive planning review of the Settlement Proposal. The Applicant has presented detailed plans which are used

as a basis for the necessary OPA and ZBA changes. These plans are found in **Exhibit 3**, Exhibit C.

[28] The Tribunal is satisfied that the OPA and ZBA are appropriate to facilitate the re-development of the Subject Properties for the provision of much needed housing supply in a manner that fits within its local context. The Tribunal agrees that the Proposed Settlement has had appropriate regard for the relevant City Guidelines.

[29] In making its decision on the appeal before it, the Tribunal has had regard to matters of Provincial Interest as set out in s.2 of the Act, and is satisfied that the Settlement Proposal will facilitate development that contributes to the:

- f) efficient use of communication, transportation, sewage and water services and waste management services;
- h) orderly development of safe and healthy communities;
- i) provision of social, cultural and recreational facilities by way of the parkland dedication;
- j) provision of a full range of housing in the neighbourhood by way of a variety of dwelling units offering one, two and three bedrooms;
- q) promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; and,
- r) promotion of built form that is well-designed in that it is contextually appropriate and provides transition to the adjacent properties.

[30] The Tribunal has had regard for the decision of City Council, and the information and materials before it. The Tribunal acknowledges City Council's consent to the

Settlement Proposal.

[31] The Tribunal finds that the six (6) conditions put forward by the Parties in this Hearing are appropriate and must be met by the Applicant. These conditions are found in the Interim Order of this Tribunal.

[32] In conclusion, the Tribunal finds that the Proposed Settlement as illustrated in **Exhibit 3**, being a series of plans prepared by ARCADIS, is an appropriate and desirable addition to the City, represents good land use planning, is consistent or in conformity with and meets the objectives of all requisite planning policy, and is in the public interest.

INTERIM ORDER

[33] **THE TRIBUNAL ORDERS THAT** the Appeals are allowed, in part, on an interim basis, contingent upon confirmation, satisfaction or receipt of those pre-requisite matters identified in paragraph [34] below, and the Official Plan Amendment and Zoning By-law Amendment set out in Attachments 1 and 2, respectively, to this Interim Order, are hereby approved in principle.

[34] The Tribunal will withhold the issuance of its Final Order contingent upon written confirmation from the City Solicitor of the following pre-requisite matters:

- a. The Tribunal has received and approved the Official Plan Amendment in a final form, confirmed to be satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor;
- b. The Tribunal has received and approved the Zoning By-law Amendment in a final form satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;
- c. The Tribunal is advised that the Applicant has submitted a Functional Servicing Report, Stormwater Management Report, Hydrogeological Report and associated plans, for review and acceptance to the

satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

- d. The Tribunal is advised that in the event the Functional Servicing Report, Stormwater Management Report, and/or Hydrogeological Report identify any required upgrades to existing municipal infrastructure to support the development, the Applicant has agreed to enter into a financially secured agreement(s) with the City requiring the Applicant to design, financially secure, construct and make operational, any upgrade or required improvements, prior to the issuance of final site plan approval for any development on the lands, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- e. The Tribunal has been advised that the Applicant has submitted a revised Transportation Demand Management Plan to the satisfaction of the Chief Planner and Executive Director, City Planning, and the General Manager, Transportation Services and that such matters arising from such study be secured if required; and,
- f. the Tribunal is advised that the Applicant has withdrawn its appeal of the Yonge Street North Secondary Plan (OPA 615) (By-law 1016-2022) to the Tribunal [Ontario Land Tribunal Case Number OLT-22-004346].

[35] The Panel Member will remain seized for the purposes of reviewing and approving the final draft of the Official Plan Amendment and Zoning By-law Amendment and the issuance of the Final Order.

[36] If the Parties do not provide confirmation that all contingent pre-requisites to the issuance of the Final Order as set out in paragraph [34] above have been satisfied, and do not request the issuance of the Final Order, by **Friday, August 02, 2024**, the Parties shall provide a written status report to the Tribunal by that date, as to the timing of the expected confirmation and submission of the final form of the Official Plan and Zoning By-law Amendments and issuance of the Final Order by the Tribunal.

[37] The Tribunal may, as necessary, arrange the further attendance of the Parties by Telephone Conference Call to determine the additional timelines and deadline for

the submission of the final form of the instruments, the satisfaction of the contingent pre-requisites and the issuance of the Final Order.

“S. L. Dionne”

S. L. DIONNE
MEMBER

Ontario Land Tribunal

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

ATTACHMENT 1

Authority: Ontario Land Tribunal Decision issued on XXXXX and Ontario Land Tribunal

Order issued on XXXXXX in Tribunal File OLT XXXXX

CITY OF TORONTO**Bill XXX****BY-LAW XXX(OLT)**

To adopt an amendment to the Official Plan for the City of Toronto with respect to the lands municipally known in the year 2024 as 6167 Yonge Street, 10 Newton Drive, and 9 Madawaska Avenue

Whereas after hearing the appeal under subsection 22(7) of the Planning Act, R.S.O. 1990 c. P.13, as amended, and pursuant to its Order in respect of Board File OLT-22004740, issued on XXXXX 2024, the Ontario Land Tribunal deems it advisable to amend the City of Toronto Official Plan;

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

1. The attached Amendment XXX to the Official Plan is hereby adopted pursuant to the Planning Act, as amended.

Ontario Land Tribunal Order issued on XXXX 2024 in Board File OLT-22-004740

(Seal of the City)

City of Toronto By-law No. ~~-2024

AMENDMENT NO. XXX TO THE OFFICIAL PLAN**LANDS MUNICIPALLY KNOWN IN THE YEAR 2024 AS
6167 YONGE STREET, 10 NEWTON DRIVE, AND 9 MADAWASKA AVENUE**

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

1. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy **XXX** for the lands known municipally in 2024 as 6167 Yonge Street, 10 Newton Drive, And 9 Madawaska Avenue as follows:

XXX. 6167 Yonge Street, 10 Newton Drive, And 9 Madawaska Avenue

- (a) a 14-storey (46-metre plus mechanical space) mixed-use building and associated underground parking garage is permitted.



2. Official Plan Land Use Map 16 is amended by redesignating a portion of the subject site from 'Neighbourhoods' to 'Parks' as shown on Schedule 'A'.

Schedule 'A'



 **TORONTO** City Planning
Official Plan

6167 Yonge Street, 10 Newton Drive,
and 9 Madawaska Avenue

File # 22 108032 NNY 18 OZ

 Neighbourhoods
 Apartment Neighbourhoods

 Mixed Use Areas
 Parks


Not to Scale

ATTACHMENT 2

Authority: Ontario Land Tribunal Decision issued on XXXXX, 2024 in Tribunal File OLT-22-004740

CITY OF TORONTO

BY-LAW XXX-2024(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2024 as 6167 Yonge Street, 10 Newton Drive, and 9 Madawaska Avenue

Whereas the Ontario Land Tribunal, in its Decision issued on XXXXX, 2024 and its Order issued on XXXX, 2024, in file OLT-22-004740, in hearing an appeal under Section 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 the lands municipally known in the year 2024 as 6167 Yonge Street, 10 Newton Drive, and 9 Madawaska Avenue; and

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

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, as amended, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.1 respecting the lands outlined by heavy black lines from a zone label of CR 1.0 (c1.0; r1.0) SS3 (x87) to a zone label of **CR (x XXX)** as shown on Diagram 1 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.X.X. Exception Number **XXX** so that it reads:

(XXX) Exception CR XXX

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 lands municipally known as 6167 Yonge Street, 10 Newton Drive, and 9 Madawaska Avenue if the requirements of By-law [Clerks to insert By-law number] are complied with, a building or structure may be constructed, used or enlarged in compliance with Regulations (B) to (Y) below;
- (B) Despite regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 189.90 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite regulation 40.5.40.70(1), a **building** or **structure** may be no closer than 3.0 metres from the original centreline of a **lane**;
- (D) Despite regulation 40.10.40.40(1), the permitted maximum floor space index for both residential and non-residential uses on the area shown as "Site A" on Diagram 1 of By-law [Clerks to insert By-law number] is 8.4.
- (E) Despite regulation 40.10.40.40(1), the permitted maximum floor space index for both residential and non-residential uses on the area shown as "Site B" on Diagram 1 of By-law [Clerks to insert By-law number] is 4.7.
- (F) Despite regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** located on "Site A" is the number in metres following the letters "HT" as shown on Diagram 3A of By-law [Clerks to insert By-law number];
- (G) Despite regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** on "Site B" is the number in metres following the letters "HT" as shown on Diagram 3B of By-law [Clerks to insert By-law number];
- (H) Despite regulation 40.10.40.10(5), the required minimum height of the first **storey** on Site A and Site B, as measured between the floor of the first **storey** and second **storey**, is 4.5 metres;
- (I) Despite regulations 40.5.40.10(3) to (8), and (E) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagrams 3A and 3B of By-law [Clerks to insert By-law number]:

- (i) equipment used for the functional operation of the **building**, including electrical, utility, mechanical and ventilation equipment, by a maximum of 6.0 metres;
 - (ii) **structures** that enclose, screen, or cover the equipment, **structures** and parts of a **building** listed in (i) above, excluding a mechanical penthouse, by a maximum of 4.0 metres;
 - (iii) enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 3.0 metres;
 - (iv) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 2.0 metres;
 - (v) **building** maintenance units and window washing equipment, by a maximum of 4.0 metres;
 - (vi) planters, **landscaping** features, guard rails, patios, and divider screens on a balcony and/or terrace, by a maximum of 2.5 metres;
 - (vii) antennae, flagpoles and satellite dishes, by a maximum of 4.0metres; and
 - (viii) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to **amenity space**, by a maximum of 4.0 metres;
- (J) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on “Site A” as shown on Diagram 1 is 21,000 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 20,400 square metres;
 - (ii) the permitted maximum **gross floor area** for non-residential uses is 600 square metres;
- (K) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on “Site B” as shown on Diagram 1 is 9,200 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 8,950 square metres;
 - (ii) the permitted maximum **gross floor area** for non-residential uses is 250 square metres;
- (L) Despite regulation 40.10.40.50(1) and (2), on “Site A” on Diagram 1, **amenity space** must be provided at the following rate:

- (i) A minimum of 632 square metres of indoor **amenity space**; and
 - (ii) A minimum of 344 square metres of outdoor **amenity space**;
- (M) Despite regulation 40.10.40.50(1) and (2), on “Site B” on Diagram 1, **amenity space** must be provided at the following rate:
 - (i) A minimum of 286 square metres of indoor **amenity space**; and
 - (ii) A minimum of 169 square metres of outdoor **amenity space**;
- (N) In addition to the elements listed in regulation 40.5.40.40(3) that reduce **gross floor area**, the following elements will also apply to reduce the **gross floor area** of a **building**:
 - (i) All parking, loading and bicycle parking, and associated circulation areas at the ground level and below;
 - (ii) Storage rooms, electrical, utility, mechanical, and ventilation rooms at and above the ground level; and,
 - (iii) Open-to-below areas that have no surface on which to stand within the building at and below the second floor.
- (O) Despite regulations 40.10.40.70(2) and 600.10.10(1)(A), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law [Clerks to insert By-law number];
- (P) Despite regulation 40.10.50.10 (3), no soft landscape strip is required abutting a lot in the Residential zone category;
- (Q) Despite regulation 40.10.40.80 (2), and 600.10.10(1)(B) and (C), the required separation of **main walls** are as shown in metres on Diagram 3 of By-law [Clerks to insert By-law number];
- (R) Despite Clause 40.10.40.60, and regulations 600.10.10(1)(D), (E) and (F), and (K) and (M) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
 - (i) decks, porches, and balconies, by a maximum of 2.0 metres, provided the balconies are above the 8th storey;
 - (ii) canopies and awnings, by a maximum of 2.0 metres;
 - (iii) architectural features, such as a pilaster, decorative column, cornice, sill, or belt course by a maximum of 1.0 metres;

- (iv) window projections, including bay windows and box windows, by a maximum of 1.0 metres;
 - (v) Patios to a maximum of 4.0 metres;
 - (vi) eaves, by a maximum of 1.0 metres; and,
 - (vii) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 1.0 metres;
- (S) Despite regulation 200.15.1(1), an accessible **parking space** must have the following minimum dimensions:
- (i) length of 5.6 metres;
 - (ii) width of 3.4 metres; and
 - (iii) vertical clearance of 2.1 metres;
- (T) Despite regulation 200.15.1(4), an accessible **parking space** must be located within 30.0 metres of an entrance to a **building**.
- (U) Regulations 40.10.20.100 (1) and (9), 40.10.40.1 (6), and Clause 40.10.50.10 regarding the location of certain uses, access and **landscaping** in relation to a **lot** in the Residential Zone category or Residential Apartment Zone category do not apply.
- (V) Despite regulation 40.10.40.1(1), residential use portions of a **building** may be located at the same level as non-residential use portions of the **building**;
- (W) On “Site A” the provision of **dwelling units** is subject to the following:
- (i) A minimum of 64 **dwelling units** must contain two bedrooms;
 - (ii) A minimum of 34 **dwelling units** must contain three or more bedrooms;
 - (iii) any **dwelling units** with 3 or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above;
- (X) On “Site B” the provision of **dwelling units** is subject to the following:

- (iv) A minimum of 24 **dwelling units** must contain two bedrooms;
 - (v) A minimum of 15 **dwelling units** must contain three or more bedrooms;
 - (vi) any **dwelling units** with 3 or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above;
- (Y) 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.

Prevailing By-laws and Prevailing Sections: (None Apply)
Enacted and passed on [Clerks to insert date].

[full name],
Speaker

[full name],
City Clerk

(Seal of the City)

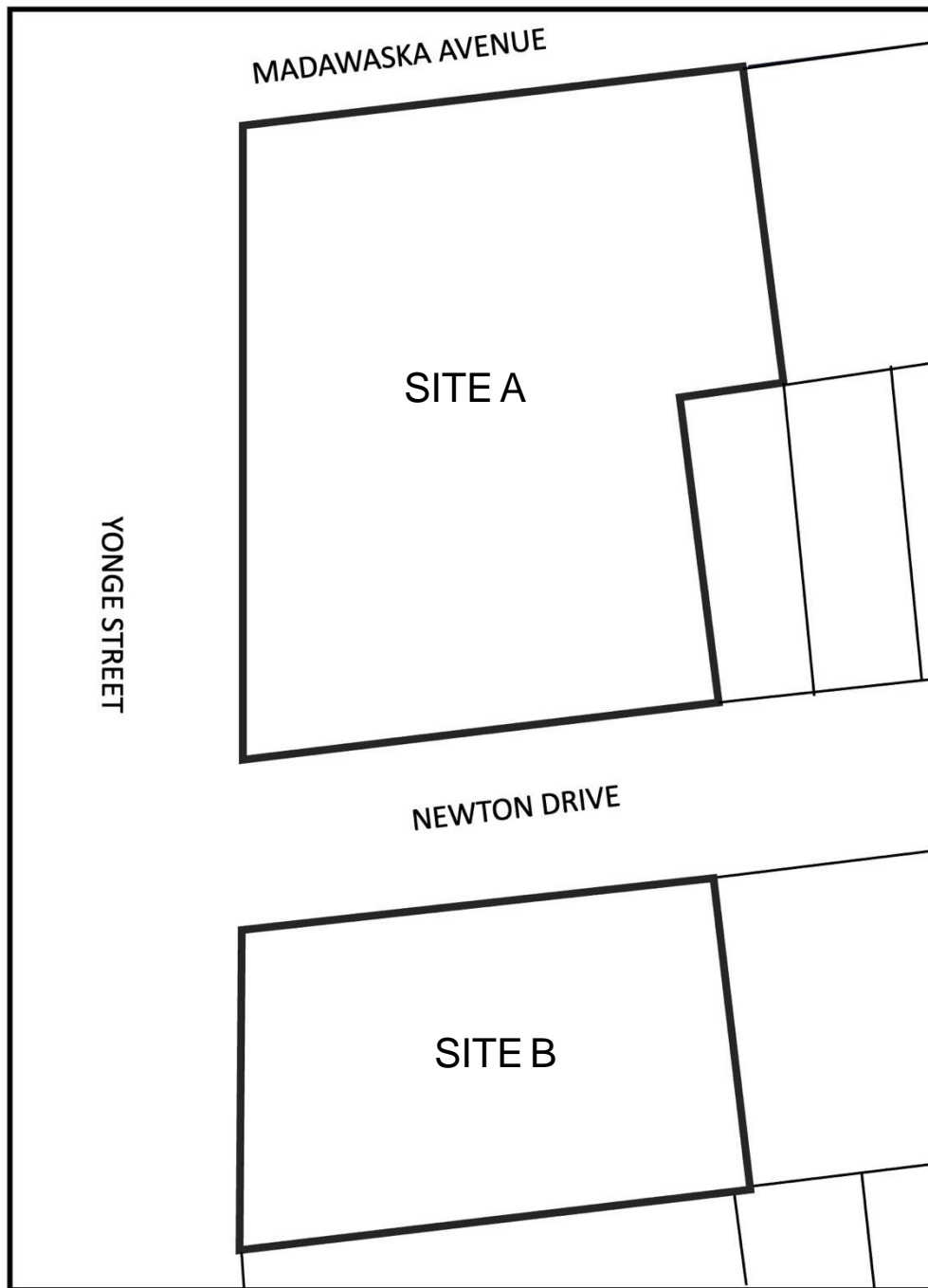


Diagram 1

6167 Yonge Street, 10 Newton
Drive, and 9 Madawaska Avenue

File #



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

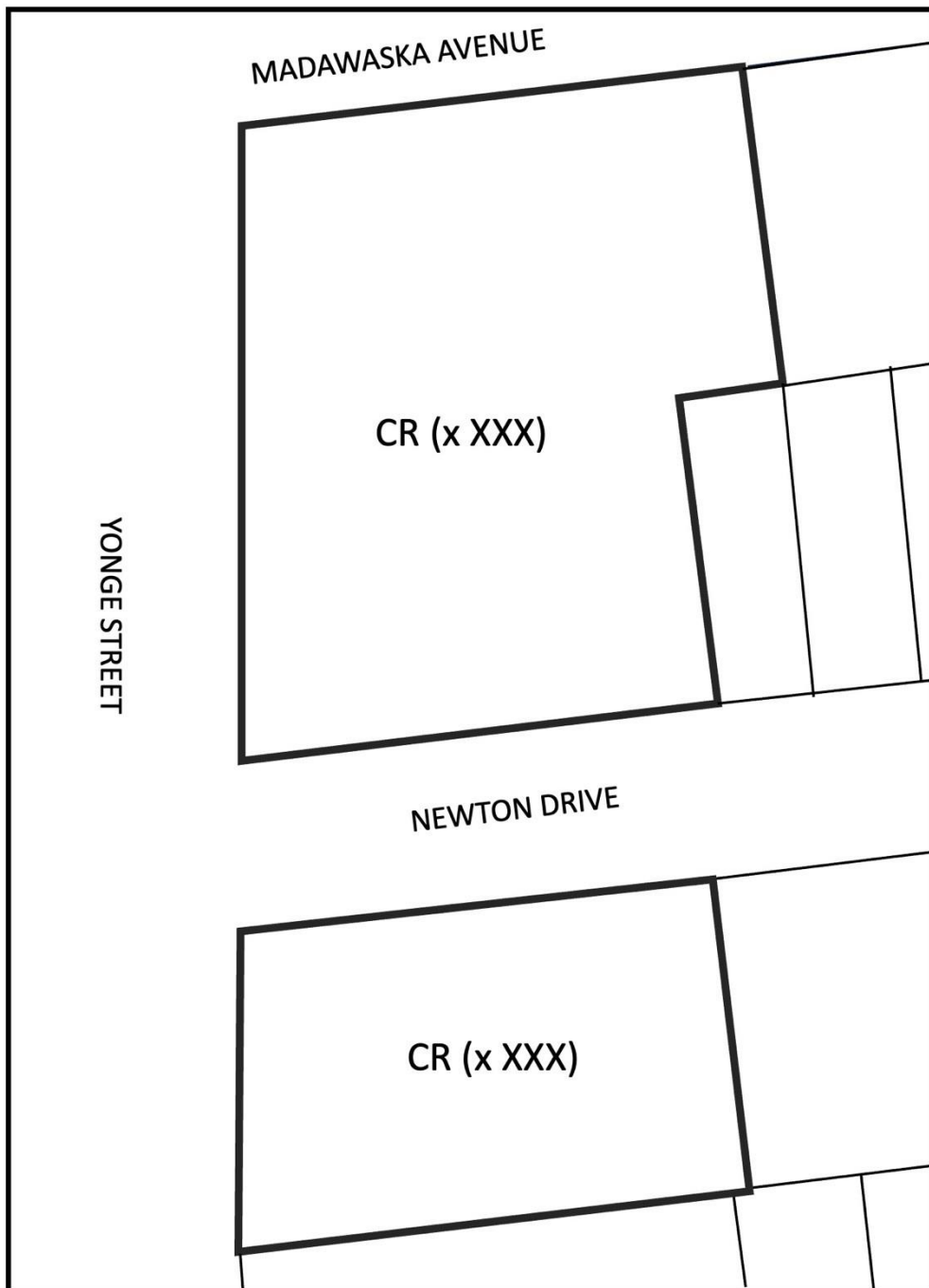


Diagram 2

6167 Yonge Street, 10 Newton
Drive, and 9 Madawaska Avenue

File #



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

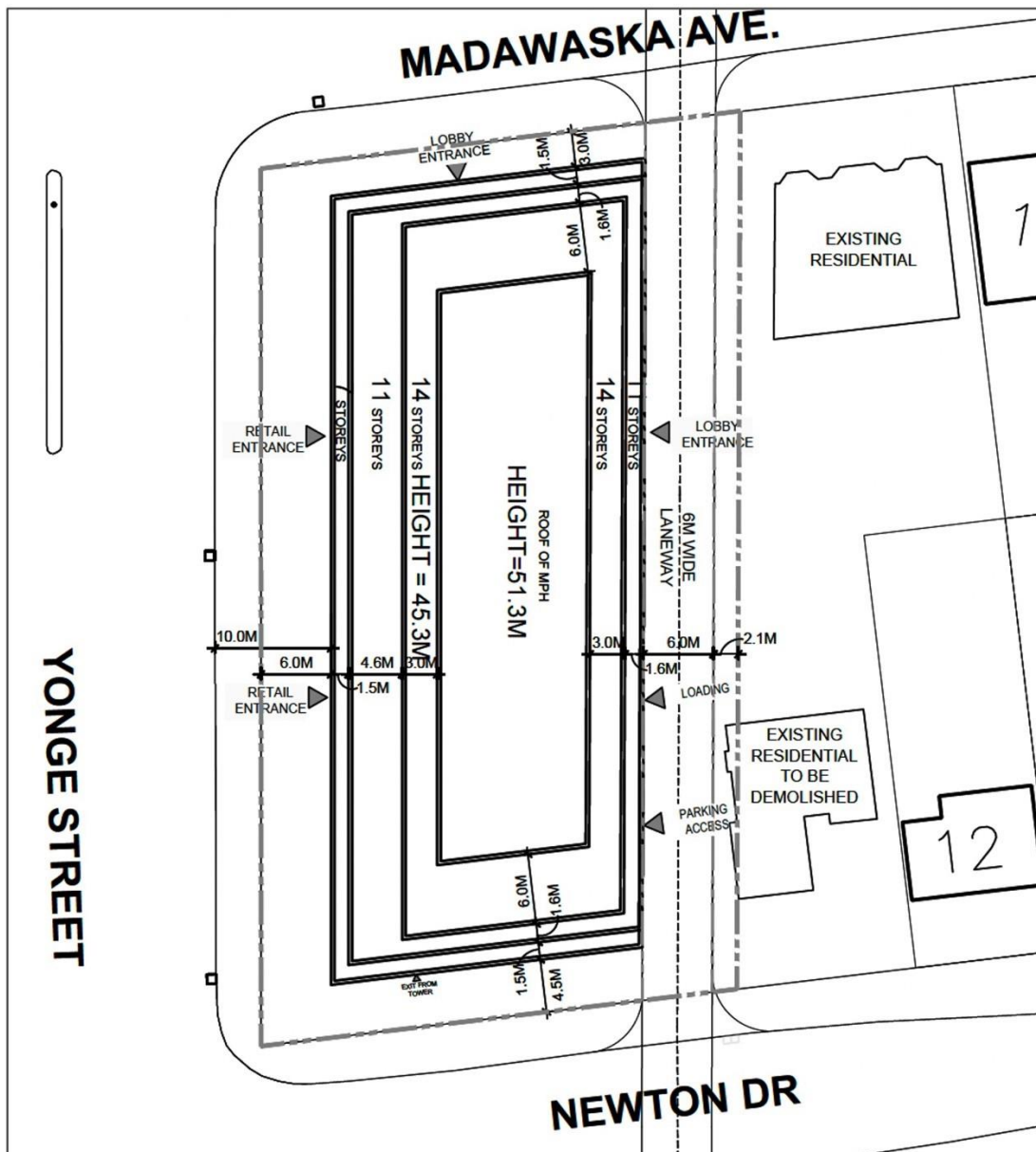


Diagram 3A

6167 Yonge Street, 10 Newton
Drive, and 9 Madawaska Avenue

File #

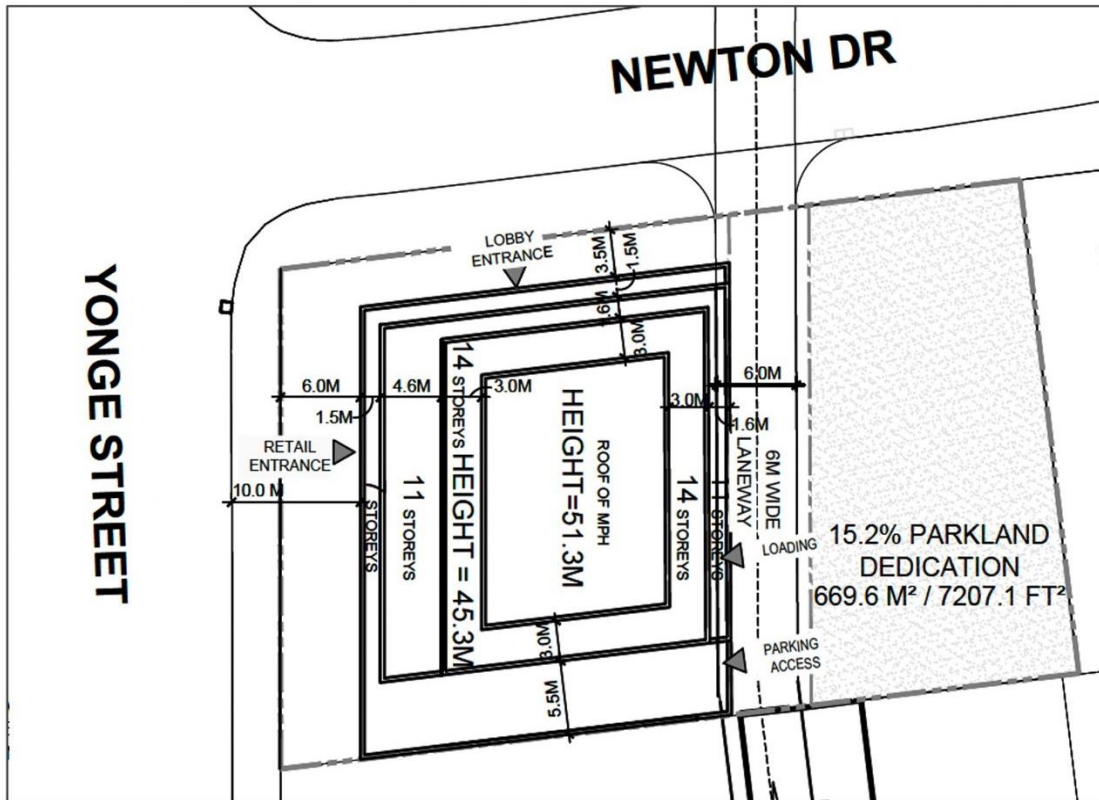


Diagram 3B

6167 Yonge Street, 10 Newton
Drive, and 9 Madawaska Avenue

File #



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