

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: April 20, 2026

CASE NO(S).:

OLT-23-001176

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

Applicant and Appellant:

Westchester Limited

Subject:

Application to amend the Zoning By-law –
Refusal or neglect to make a decision

Description:

To permit the redevelopment of the site with
six residential towers in four separate
buildings

Reference Number:

22 207468 WET 07 OZ

Property Address:

33 Walsh Avenue

Municipality/UT:

Toronto/Toronto

OLT Case No.:

OLT-23-001176

OLT Lead Case No.:

OLT-23-001176

OLT Case Name:

Westchester Limited v. Toronto (City)

Heard:

March 24, 2026 by video hearing

APPEARANCES:

Parties

Counsel

Westchester Limited

N. Ast, C. Tanzola

City of Toronto

M. Lafortune, J. Amey

Greater Toronto Airport Authority

C. Barnett

**MEMORANDUM OF ORAL DECISION DELIVERED BY S. DEBOER ON MARCH 24,
2026 AND INTERIM ORDER OF THE TRIBUNAL**

[Link to Order](#)

INTRODUCTION

[1] The Tribunal scheduled a hearing in accordance with Rule 12 of the Tribunal's *Rules of Practice and Procedure* to review the proposed settlement and related Zoning By-law Amendment ("ZBA") planning instrument between Westchester Limited ("Appellant") and the City of Toronto ("City"). The proposed ZBA planning instrument would amend the City's Zoning By-law 569-2013 ("ZBL") to facilitate the development of the lands municipally known as 33 Walsh Avenue and 2717-2745 Weston Road ("Subject Lands"). The planning instrument would develop the Subject Lands to permit six residential towers in four separate buildings.

LEGISLATIVE FRAMEWORK

[2] When considering appeals filed pursuant to s. 34(11) of the Act, the Tribunal must have regard to matters of provincial interest as set out in s. 2 of the Act. Decisions of the Tribunal affecting planning matters must be consistent with the applicable policies of the Provincial Planning Statement, 2024 ("PPS 2024"), and in this matter, conform to the City's Official Plan ("COP"). The planning instrument before the Tribunal must also have regard to the City's Mid-Rise Building Design Guidelines, 2024, and to the City's Tall Building Design Guidelines.

SUBJECT LANDS AND SURROUNDING AREA

[3] The Subject Lands are comprised of 11 land parcels and are located in the Humber River-Black Creek area, within the Pelmo Park-Humberlea Neighbourhood. The Subject Lands are currently vacant with approximately 210 metres ("m") of frontage along Weston Road and 315 m of frontage along Walsh Avenue. The Subject Lands are irregularly shaped and have an approximate area of 2.44 hectares.

[4] Surrounding the Subject Lands are a range of land uses including residential,

industrial, commercial and environmental lands. Abutting the Subject Lands are Weston Road to the west, Walsh Avenue to the north and east, and Highway 401 to the south.

[5] To the north of the Subject Lands are a community of low-rise single detached residential dwellings. Northeast of these dwellings is a school (St. Simon Catholic School). There is also a U-Haul rental facility located across the street from the Subject Lands at the intersection of Walsh Avenue and Weston Road, adjacent to a three-storey residential building.

[6] To the east of the Subject Lands are a used car dealership, beside which is a cluster of industrial uses including an auto repair facility, self-storage building, and warehouses. Similar uses and commercial stores continue further eastward along Wilson Avenue, towards the Highway 400 and Highway 401 interchange. Wilson Avenue currently terminates at the Subject Lands.

[7] To the south of the Subject Lands is the Highway 401 and Weston Road interchange, with Highway 401 running east-west to the south of the site. Beyond the highway is a large commercial plaza containing a mix of retail uses. Commercial retail uses are also located on the west side of Weston Road south of Highway 401 followed by low-rise residential uses.

[8] To the west of the Subject Lands is Weston Road, across from which is the Humber River and its associated natural buffer area. Further west is a residential community of predominantly low-rise single detached dwellings and the Pine Point Park, abutting Highway 401, which offers an outdoor pool, soccer field and tennis club.

[9] The Subject Lands are serviced by multiple public bus routes, is located 4.5 kilometres from the Weston GO Station and approximately 7.5 kilometres from the Wilson TTC Transit station.

HISTORY OF THE APPLICATION

[10] The Appellant began the application process with a pre-Application meeting with City Planning Staff in August of 2022. Applications for the Zoning By-law Application (“ZBA”) and the Site Plan Application (“SPA”) were submitted to the City on September 22, 2022. The two Applications were deemed complete by the City on October 14, 2022. Comments concerning the Applications from various City departments and agencies were received between October 2022 and November 2023. On December 13, 2022, an in-person public community meeting was held to receive public comments on the applications. On October 4, 2023, the Applications were brought before a public Community Consultation Meeting. As a decision was not made on the Applications by City Council within the statutory timelines, the Applicant filed appeals to the Tribunal due to Council’s failure to make a decision on the Applications.

[11] The Tribunal held two Case Management Conferences (“CMCs”) on February 6, 2024, and May 17, 2024, respectively. The results of the CMCs were that the SPA was adjourned *sine die*, the Greater Toronto Airport Authority (“GTAA”) was granted Party Status, two Participant Status requests were approved, and a 15-day hearing was scheduled for the ZBA beginning on February 18, 2025. The Parties participated in mediation beginning in the fall of 2024. As a result of the mediation, a formal settlement offer was presented to the City on December 4, 2024. At the City Council meeting of December 17 and 18, 2024, Council accepted the settlement offer which included certain pre-conditions. As a result of the settlement between the Appellant and the City, the Appellant then proceeded with formal discussions with the GTAA regarding their concerns with the proposal. As a result of these discussions, an agreement was reached that addressed the GTAA’s concerns as they relate to the proposed planning instrument. The changes from the initial ZBA application to the final form for the planning instrument before the Tribunal can be seen the table listed below:

	Statistic	Initial Submission	Plans at Time of Appeal	Settlement Plans
Height (Storeys)	Building A	Base Building: 6 and 10 Total Height: 14	Base Building: 4 Total Height: 28	Base Building: 8 Total Height: 14
	Building B	Base Building: 6 and 10 Total Height: 23	Base Building: 12 Total Height: 34 and 34	Base Building: 8 Total Height: 29 and 34
	Building C	Base Building: 6 and 10 Total Height: 21	Base Building: 4 Total Height: 22 and 22	Base Building: 4 Total Height: 16 and 24
	Building D	Base Building: 6 and 8 Total Height: 25	Base Building: 12 (4 along Walsh Avenue) Total Height: 30 and 32	Base Building: 8 (4 along Walsh Avenue); 9 storey connecting component along Weston Road Total Height: 29 and 32
	Building E and F	Base Building: 12 Total Height: 30 and 40	N/A	N/A
Non-Residential GFA	766 square metres ("m ² ")	791 m ²	1,000 m ²	
GFA	165,767 m ²	184,771 m ²	168,418 m ²	
Total Units	2,452	2,757	2,670	
Density (FSI)	Net: 7.04 Gross: 6.81	Net: 8.63 Gross: 7.56	Net: 7.87 Gross: 6.89	
Parkland	2,479 m ² <i>Located at the northwest corner of the Subject Lands.</i>	2,142 m ² <i>Located at the northeast corner of the Subject Lands.</i>	2,142 m ² <i>Located at the northeast corner of the Subject Lands.</i>	

[12] Highlights of the changes to the planning instrument include a total of 2,670 dwelling units with a total Gross Floor Area ("GFA") of 168,418 square metres ("sq m") with a gross floor space index of 6.89 and net floor space index of 7.87. A total of non-residential floor space was increased to 1,000 sq m, and 2,142 sq m would be dedicated to parkland on the Subject Lands. Building 'A' has a total building height of 14 storeys with a base building of eight storeys. Building 'B' has total height of 29 storeys

and 34 storeys per tower respectively with a base building height of eight storeys. Building 'C' has a total building height of 16 and 24 storeys per tower respectively, with a base building height of four storeys. Building 'D' has a total building height of 20 and 32 storeys per tower respectively with a base building height of eight storeys with a nine-storey connecting component along Weston Road.

[13] The planning instrument includes a new public road with a 16.5 m right-of-way, commencing at the terminus of Wilson Avenue and connecting to Walsh Avenue. This roadway will be conveyed to the City through the SPA process. The settlement offer includes a monetary contribution of \$500,000.00 for providing public art in accordance with the City's applicable public art program.

THE HEARING

Submissions

[14] Prior to the commencement of the hearing, the Tribunal received the following documents and marked said documents as exhibits to the hearing:

Exhibit 1: Affidavit of Ryan Guetter and related planning documents; comprising 215 pages

Exhibit 2: Visual Evidence Package; comprising 23 pages

Planning Evidence

[15] The Appellant presented Mr. Guetter to provide oral evidence along with his Affidavit. Based on the Tribunal's review of the *curriculum vitae* presented in **Exhibit 1**, the Tribunal qualified Mr. Guetter to provide expert opinion evidence in the area of land use planning.

Section 2 of the Act

[16] It was Mr. Guetter's opinion that the planning instrument has regard for matters of provincial interest as per s. 2 of the Act. Mr. Guetter opined that the planning instrument will provide for the efficient use of existing municipal infrastructure including water and sewage services. The planning instrument will help promote the orderly development of safe and healthy communities in an area that has been deemed as an appropriate location for growth. The planning instrument will promote a well-designed built form, resolves planning conflict issues, encourages a sense of place, will support public transit and will be oriented to pedestrians.

PPS 2024

[17] Mr. Guetter continued with his opinion that the proposed planning instrument is consistent with the applicable policies of the PPS 2024. The planning instrument will contribute 2,670 new residential units with a mix of 1-bedroom, 2-bedroom, and 3-bedroom units. The planning instrument will provide for new housing options in an area that has predominantly low-rise dwelling forms. The planning instrument will provide a density that will support the efficient use of the Subject Lands, while making use of the existing infrastructure and public transit services.

[18] Mr. Guetter opined that the proposed planning instrument will provide for a development within a built-up area along major arterial roads and use existing transit services. The planning instrument supports the creation of a complete community with the integration of non-residential uses such as parkland and commercial services.

[19] Mr. Guetter continued with his opinion that the planning instrument is consistent with PPS policy 3.4 regarding airports by ensuring that the maximum height of 258.66 m Above Sea Level ("ASL") are maintained, eliminating the potential of any aviation safety hazard or conflict with the GTAA operations. The Subject Lands straddle the 30 Noise

Exposure Forecast (“NEF”), and the GTAA agrees with the Appellant’s Noise Consultant that the proposed planning instrument will not result in any conflicts with the 30 NEF contour line.

COP

[20] It was Mr. Guetter’s opinion that the planning instrument will allow the proposed development to make use of the existing municipal infrastructure and provide a mixed-use development with proposed retail at grade along Weston Road. Mr. Guetter continued with his opinion that the proposed planning instrument conforms to the relevant policies of the COP, including Section 2.3.1 pertaining to an in-fill development on an underutilized parcel of land. The proposed planning instrument conforms to Section 3.1.1 relating to the public realm as the proposed development will establish new development blocks of an appropriate size and mid-block pedestrian connectors while integrating a public road extension and providing for a street-oriented development.

[21] Mr. Guetter continued to opine that the proposed planning instrument conforms to Section 3.1.3 of the COP as the proposed development will provide for non-residential ground floor uses. The proposed development will fit within the existing context as the proposed buildings will provide for appropriate variation in height and setbacks along the arterial road connections.

[22] Concerning Section 3.1.4 of the COP related to tall buildings, it was Mr. Guetter’s opinion that the proposed buildings include a base building with appropriate street proportion and pedestrian scale of four storeys and eight storeys, the floor plate size of the towers is limited to 800 m², and generally a minimum 25 m separation distance has been provided.

[23] As for Section 3.2 of the COP, Mr. Guetter opined that the proposed planning instrument includes a variety of dwelling unit sizes with a minimum of 15% of the units being two-bedroom units and 10% being three-bedroom units.

[24] Section 4.2 of the COP speaks to building transitions, and it was Mr. Guetter's opinion that the proposed planning instrument conforms to this policy by providing appropriate setbacks from the surrounding land uses while minimizing the impact on adjacent streets and existing residences. Due to the size of the Subject Lands, the proposed planning instrument will be able to accommodate the proposed buildings. The proposed planning instrument before the Tribunal is an appropriate compact infill development while providing a public road extension and new parkland that can serve the existing and future residents.

[25] Pertaining to Special Area Specific Policy No. 67, Mr. Guetter stated that the proposed settlement includes the provision for up to \$500,000.00 for public art and the preconditions that the monetary payment and location of the public art be located on the Weston Road Frontage.

[26] It was Mr. Guetter's opinion that the revised planning instrument that is before the Tribunal clearly demonstrates that it conforms to the applicable policies to the COP.

ZBL

[27] In Mr. Guetter's opinion, the existing ZBL permits a range of residential uses including apartment buildings, retail uses and parks. The ZBL sets out site-specific provisions for the Subject Lands which currently permit redevelopment with a multi-unit residential building with low- to midrise built forms. As a result of this, a ZBA is required to facilitate the proposed development to provide for site-specific development standards for the new buildings and to rezone a portion of the Subject Lands to Open Space - Recreation (OR) to recognize the parkland. Mr. Guetter stated that the Subject

Lands will remain zoned as Residential Apartment and establish a new exception to recognize site-specific regulations based on the Settlement Proposal. The site-specific regulations include establishing the maximum lot coverage and building height, minimum building setbacks and stepbacks, maximum setback and height encroachments, minimum required amenity space, minimum building separation distances, minimum landscape requirements for the lot, minimum requirements for unit mix, minimum and maximum parking requirements, loading space requirements, and minimum bicycle parking spaces. As a result of these new site-specific regulations, it was Mr. Guetter's opinion that the ZBA meets the general intent and purpose of the ZBL.

City of Toronto Mid-Rise Building Design Guidelines, 2024 ("Mid-Rise Guidelines")

[28] Mr. Guetter stated that the Mid-Rise Guidelines identify that mid-rise buildings in the City may vary in height between 5 and 14-storeys for residential and mixed uses. However, additional heights may be considered on deep lots, provided the development fits with the existing and planned context, maintains an overall mid-rise building scale with good street proportion, meets sun/shadow performance standards, provides appropriate setbacks and stepbacks, and provides appropriate transition in scale. Mr. Guetter continued with his opinion that the proposed mid-rise building has appropriate regard for the surrounding context north of Walsh Avenue as well as the proposed public parkland and public street extension. Mr. Guetter opined that the proposed Mid-Rise building has adequate regard for the applicable performance standards contained within the 2024 Mid-Rise Guidelines and that the proposed mid-rise building is appropriate for the Subject Lands.

Tall Building Design Guidelines ("TBDG")

[29] As for the TBDG, it was Mr. Guetter's opinion that the settlement proposal and the proposed planning instrument has appropriate regard for the surrounding area and

context including adjacent land use, street network, transit, pedestrian circulation and landscaping. The proposed planning instrument includes a comprehensive plan for the Subject Lands as per Section 1.2 of the TBDG. The proposed planning instrument demonstrates that the proposed buildings will run parallel to the adjacent roadways and include private balconies, an outdoor amenity space and multiple rooftop amenity areas, creating ample opportunities for private amenity space as per Section 2.5 of the TBDG. Mr. Guetter continued with his opinion that as per Section 3.1 of the TBDG, the base building is four-storeys along Walsh Avenue to provide a lower scale base building across from the lower-scale neighbourhood to the north. The base building is eight-storeys along Weston Road, to provide for variation and recognize the site context of Weston Road, as different than Walsh Avenue. It was Mr. Guetter's opinion that as per Section 3.2 of the TBDG, the tower floor plates are 800 sq m, which is a minor increase from the 750 sq m floor plate identified in the Tall Building Guidelines. This increased floor plate can be appropriately accommodated with larger separation distances between the towers and thus has appropriate regard to the TBDG.

Participant Statement

[30] Mr. Guetter opined that the proposed planning instrument has taken into consideration the Participant Statements of Salvatore Castiglione, and Anthony Perruzza. It was his opinion that their general concerns have been addressed through the provision of an on-site parkland dedication, non-residential GFA, and the future 16.5 m public road dedication connecting Walsh Avenue to Wilson Avenue.

Conclusions and Recommendations

[31] It was Mr. Guetter's opinion that the settlement proposal before the Tribunal has regard for matters of provincial interest as per s. 2 of the Act. The settlement proposal is consistent with the PPS 2024 and conforms with the applicable policies of the COP and general intent and purpose of the ZBL. The proposed planning instrument has given

appropriate regard to the Mid-Rise Guidelines and to the TBDG. It is Mr. Guetter's opinion that the appeal should be allowed, in part, and the ZBA should be approved in principle, subject to the preconditions as set out in the City's Council Resolution concerning the ZBA.

ANALYSIS AND FINDINGS

[32] Having received the uncontroverted evidence and expert opinion of Mr. Guetter, and the Tribunal receiving the uncontested opinions of the Parties in support of the appeal before the Tribunal, the Tribunal accepts the evidence of Mr. Guetter, and the Tribunal is satisfied that the proposed planning instrument meets the statutory tests.

[33] The Tribunal finds that the settlement proposal is a matter of provincial interest as per Section 2 of the Act as it will provide needed density housing within a *settlement area*. The Tribunal finds that the settlement proposal will make an appropriate use of underutilized lands in the City while maximizing the use of municipal services and public transit. The proposed planning instrument is consistent with the applicable policy framework of the PPS 2024 as the proposal will help promote efficient land use and promote an intensification that is in a compact form while making use of existing municipal services.

[34] The Tribunal finds that the proposal, as presented, has demonstrated its conformity to the applicable policies of the COP and general intent and purpose of the ZBL. The Tribunal finds that the proposed planning instrument has given appropriate regard to the Mid-Rise Guidelines and to the TBDG.

[35] The Tribunal finds that the proposal is designed to fit harmoniously within the existing neighbourhood and will provide an appropriate amount of residential density on underutilized lands adjacent to two arterial roads within the City.

[36] The Tribunal finds that the proposed planning instrument has met the NEF 30 guidelines, and the proposed planning instrument will not result in any conflicts with the NEF 30 contour line.

[37] The Tribunal finds that the ZBA represents good land use planning and should be approved in principle. The Tribunal finds that the preconditions as set out in the City Council Resolution are appropriate and should be attached as the preconditions that need to be satisfied before a Final Order can be given by the Tribunal.

INTERIM ORDER

[38] **THE TRIBUNAL ORDERS THAT** the appeal is allowed, in part, on an interim basis, contingent upon confirmation, satisfaction or receipt of those pre-requisite matters identified in paragraph [39] below, and the Zoning By-law Amendment set out in **Attachment 1** to this Interim Order, is hereby approved in principle.

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

- a) The final form and content of the draft Zoning By-law Amendment is to the satisfaction of the City Solicitor and the Executive Director, Development Review.
- b) The owner has addressed all outstanding issues identified within the Engineering and Construction Services Part I – Re-zoning Application correspondence, dated November 22, 2023, or as revised, to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services.
- c) The owner has submitted a revised Functional Servicing and Stormwater Management Report to determine the stormwater runoff, sanitary flow, and water

supply demand resulting from the proposed development, and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development to the satisfaction of the Chief Engineer and Executive Director Engineering and Construction Services.

d) The owner has submitted a revised Traffic Impact Study including Transportation Demand Management (TDM), vehicular access, parking, loading, and driveway locations appropriate to pedestrian safety and the public park, demonstrating conformance with City's Complete Streets Guidelines and Development Infrastructure Policy and Standards, to the satisfaction of the General Manager, Transportation Services, the Chief Engineer and Executive Director of Engineering and Construction Services, the Chief Planner and Executive Director, City Planning, and the Executive Director, Development Review.

e) Should it be determined that upgrades are required to the infrastructure to support the development according to the accepted Functional Servicing and Stormwater Management Report and/or the Transportation Impact Study, that a Holding Provision be included in the final form of the Zoning By-law Amendment and the Holding Provision not to be lifted until such a time as the owner has made satisfactory arrangements, including entering into appropriate agreement(s) with the City for design and construction financial securities to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services, and the General Manager, Transportation Services.

f) The owner has submitted a revised Hydrological Assessment Report, and Hydrological Review Summary Form, Servicing Report Groundwater Summary Form and Foundation Drainage Summary Form to determine the quality and quantity of groundwater that may be required to be discharged to the City sewage works as a result of a proposed development and comply with

Foundation drainage policy and guidelines to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and the General Manager, Toronto Water.

g) The owner has addressed all outstanding issues identified in the Toronto Transit Commission Memorandum, dated October 11, 2022, or as revised, to the satisfaction of the Chief Executive Officer, Toronto Transit Commission, the General Manager, Transportation Services, and the Executive Director, Development Review.

h) The owner has submitted revised Landscape and Planting Plans, including a soil volume plan to meet TGS requirements, to the satisfaction of the General Manager, Parks, Forestry and Recreation, Chief Planner, City Planning, and the Executive Director, Development Review.

i) The owner has submitted an Energy Strategy Report to the satisfaction of the Executive Director, Environment and Climate.

j) The submitted Air Quality and Land Use Compatibility Assessment, and Transportation Noise and Vibration Assessment, both dated August 31, 2022 and authored by Gradient Wind Engineers and Scientists, have been peer reviewed by a third-party consultant retained by the City at the owner's expense to confirm there are no negative impacts on the proposed development or surrounding uses, and the owner agrees to implement any necessary air quality, noise, vibration or land use compatibility control measures and recommendations identified through the peer review, with the control measures to be secured through the Site Plan Control process, to the satisfaction of the Executive Director, Development Review.

k) The owner has submitted a revised Shadow/Study which includes testing on

March 21, June 21 and September 21, to the satisfaction of the Chief Planner and Executive Director, City Planning, Executive Director, Development Review, and the General Manager, Parks, Forestry and Recreation.

l) The owner has submitted a revised Pedestrian Level Wind Study including a Wind Tunnel Study, and changes in design and massing necessary to address unacceptable wind impacts on the public park, public realm, entrances, and amenity areas have been made to the satisfaction of the Chief Planner and Executive Director, City Planning, and Executive Director, Development Review.

m) The owner has provided revised plans and statistics to demonstrate a minimum of 15 percent 2-bedroom units and a minimum of 10 percent 3-bedroom units are included in the proposed development per the City's Growing Up Urban Design Guidelines, to the satisfaction of the Chief Planner and Executive Director, City Planning, and the Executive Director, Development Review.

n) The owner has mapped the existing 30 NEF/NEP contour line in relation to the proposed development, and has worked with the Greater Toronto Airports Authority to ensure that any residential dwellings units that may be located within the 30 NEF/NEP contour line are subject to conditions and/or warning clauses registered on title, as appropriate, to be secured through the Site Plan Control process, to the satisfaction of the Greater Toronto Airports Authority, and the Executive Director, Development Review.

o) The owner has provided revised plans to demonstrate that public art will be provided per Site and Area Specific Policy 67, up to a value of \$500,000.00, to be secured through the Site Plan Control process for the Phase that the public art is located within, to the satisfaction of the Chief Planner and Executive Director, City Planning and Executive Director, Development Review.

p) The owner has provided revised plans and statistics to demonstrate adequate size, location, configuration, and phasing of the public road, including any required road widening identified in the accepted TIS, with road conveyance to be secured through the Site Plan Control to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services.

q) The owner has provided revised plans and statistics to demonstrate adequate size, location, and configuration of the on-site parkland dedication, with conveyance to be secured prior to the issuance of the first above grade building permit for the first Phase of site development, to the satisfaction of the General Manager, Parks, Forestry and Recreation.

In addition, the Owner and the Greater Toronto Airports Authority have advised that:

r) The owner has registered the noise restrictions on title as required by the agreement with the Greater Toronto Airports Authority.

[40] This Member will remain seized for the purposes of reviewing and approving the final draft of the Zoning By-law Amendment and the issuance of the Final Order.

[41] If the Parties do not submit the final drafts of the Zoning By-law Amendment, and provide confirmation that all other contingent pre-requisites to the issuance of the Final Order set out in paragraph [39] above have been satisfied, and do not request the issuance of the Final Order, by **Friday, October 30, 2026**, the Applicant and the City 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 draft Zoning By-law Amendment and issuance of the Final Order by the Tribunal.

[42] 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 instrument(s), the satisfaction of the contingent prerequisites and the issuance of the Final Order.

“S. deBoer”

S. DEBOER
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 [date] and Ontario Land Tribunal Order issued on [date] in Tribunal File OLT-23-001176

CITY OF TORONTO

BY-LAW [Clerks to insert By-law number]

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2024 as 33 Walsh Avenue.

Whereas the Ontario Land Tribunal, by its Decision issued on [date] and its Order issued on [date], in respect of Tribunal File OLT-23-001176, upon hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P13, as amended, determined to amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2024 as 33 Walsh Avenue; and

Whereas the Ontario Land Tribunal has the authority pursuant to Section 34 of the Planning Act, as amended, to pass this By-law; and

The Ontario Land Tribunal Orders:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, 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 990.10 respecting the lands outlined by heavy black lines from a zone label of RA (f30.0; a1375) (x220) to a zone label of RA (f30.0; a1375) (xXXX) and OR as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569 -2013, as amended, is further amended by amending the Height Overlay Map in Section 995.20 to include the lands zoned RA (f30.0; a1375) (xXXX) subject to this By-law, applying maximum storey labels as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569 -2013, as amended, is further amended by amending the Lot Coverage Overlay Map in Section 995.30 for the lands zoned RA (f30.0; a1375) (xXXX) subject to this By-law, from a lot coverage label of 35% to a lot coverage label of 50% as shown on Diagram 4 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by deleting Article 900.7.10 Exception Number 220 and adding Article 900.7.10 Exception Number XXX so that it reads:

(XXX) Exception RA 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 33 Walsh 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 (Q) below;
- (B) For the purposes of this exception, the lot shall refer to those lands delineated by a heavy black line on Diagram 1 of the By-law [Clerks to insert By-law number], excluding the lands zoned as OR on Diagram 2 of the By-law [Clerks to insert By-law number];
- (C) Despite Article 800.5(275), the front lot line shall be defined as the lot line dividing the lot from Walsh Avenue;
- (D) Despite Regulation 15.10.20.40(1), a **dwelling unit** is permitted in a **mixed use building** or an **apartment building**;
- (E) Despite regulation 15.10.20.20(1) and 15.10.20.100 (13) a **Retail Store**, is permitted in the RA zone if it complies with the following specific conditions:
 - (i) It may not be above the first **storey of a building**;
 - (ii) Access may be from within and/or outside of a **building**; and,
 - (iii) There may be no outside display of goods.
- (F) Despite regulation 15.10.30.40, the permitted maximum lot coverage shall be 50% as shown on Diagram 4 of By-law XXXX-20XX. For the purposes of the above, the lot shall be based on the lands identified on Diagram 1 on an overall basis, prior to conveyance of any road or road widening, or public park to a public authority.
- (G) Despite regulation 15.10.40.10(1), the maximum permitted geodetic height for all **buildings and/or structures** on the lot shall be 258.66 metres above sea level and the maximum permitted storeys for all **buildings and/or structures** shall be as shown following the letters "ST" on Diagram 3 of By-law XXXX-20XX.
- (H) Despite (G) above and regulations 15.5.40.10(2) to (6), the following **building elements and structures** are permitted to project beyond the maximum permitted geodetic height for all buildings and the maximum permitted storeys for all **buildings and structures** as shown on Diagram 3 of By-law XXXX-20XX and the area and coverage restrictions for rooftop **building elements**

and **structure** projections do not apply, and no building elements or structures are permitted above 258.66 metres above sea level:

- (i) guard rails, railings, bollards, balustrades, eaves, roof drainage, balcony and terrace guards, fences, skylights, railings, planters, cornices, seating areas, retaining walls, balcony and terrace dividers, decorative screens, privacy screens, access ramps and ramps to underground, safety and wind protection/mitigation features, parapets and elements of a **green roof** and **solar energy** devices may project by a maximum of 3.0 metres;
 - (ii) ornamental elements, landscape elements, structures used for outside **amenity space** or open air recreation; including pools and associated equipment, light monitors, light fixtures, pergolas, architectural features and trellises may project by a maximum of 6.6 metres;
 - (iii) canopies, awnings, and related architectural elements by a maximum of 8.0 metres;
 - (iv) Exoskeleton structures, stairs, stair towers and enclosures, roof access, flues, vents, air intakes, antennas, satellite dishes and cellular arrays may project by a maximum of 7.2 metres;
 - (v) **building** elements and **structures** such as window washing equipment including Building Maintenance Unit (BMU) and cranes may project beyond the maximum height limits in metres as shown on Diagram 3 of By-law XXXX-20XX;
 - (vi) mechanical penthouse, perimeter walls, mechanical equipment, indoor **amenity space**, washrooms, enclosures of mechanical equipment and unenclosed heating equipment may project by a maximum of 6.0 metres;
- (I) Despite regulation 15.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 169,000 square metres and a minimum non-residential **gross floor area** of 1,000 square metres shall be provided on the lands zoned RA (f30.0; a1375) (xXXX) within Buildings B, C and/or D, as identified on Diagram 5;
- (J) Despite regulation 15.10.40.50(1) (A), (B) and (C), an **apartment building** or **mixed-use building** must provide **amenity space** at a minimum rate of 4.0 square metres for each dwelling unit, of which:
- (i) at least 2.0 square metres for each **dwelling unit** is **indoor amenity space** located at or above established grade; and,
 - (ii) no more than 50% of the outdoor component may be a green roof;
- (K) Despite regulations 15.10.40.70(1) to (4), the required minimum **building setbacks** are as shown in metres on Diagram 5 of By-law XXXX-20XX.

- (L) Despite (L) above and Clause 15.5.40.60, the following elements may encroach into the required minimum **building setbacks** as follows:
- (i) elements and features such as eaves, window sills, damper equipment to reduce building movement, architectural flues, pillars and satellite dishes may encroach a maximum of 2.0 metres into any required building setback;
 - (ii) elements and features such as balconies, platforms, balcony frames, and architectural balcony features may encroach a maximum of 2.0 metres into any required building setback;
 - (iii) elements and features such as pergolas, cabanas, guardrails, balustrades, railings, decorative/acoustic doors and screens, light fixtures, awnings and canopies may encroach a maximum of 3.0 metres into any required building setback;
- (M) Despite regulation 15.10.40.80(1), if a **residential building** has **main walls** where a line projected outward at a right angle from one of the **main walls** intercepts another **main wall** of the same **building**, the required minimum above-ground separation distance between those **main walls** between podium levels is 5.0 metres.
- (N) Despite regulation 15.10.40.80(2), if two or more **residential buildings** are located on the same lot, has **main walls** where a line projected outward at a right angle from one of the **main walls** intercepts another **main wall** of a **building** the required minimum above-ground separation distance
- (i) for any portion of the buildings with a height equal to or less than 33.5 metres
 - a. 5.5 metres if there are no openings to dwellings in one or more of those main walls; and,
 - b. 6.5 metres if each main wall has an opening to a dwelling unit;
 - (ii) for any portion of the buildings with a height greater than 33.5 metres, the minimum tower separation distance shall be as shown on Diagram 5 and elements and features such as balconies, platforms, balcony frames, and architectural balcony features may encroach a maximum of 2.0 metres into any required separation distance between towers.
- (O) Despite regulation 15.5.50.10(1), the lot must have:
- (i) a minimum of 30% of the area of the lot for landscaping; and
 - (ii) a minimum of 40% of the landscaping area required in (i), above, must be soft landscaping

- (P) Despite regulation 200.5.1(2), and 200.5.10.1 and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) There shall be no minimum residential parking requirement per **dwelling unit**;
 - (ii) The maximum residential parking requirement per **dwelling unit** shall be:
 - a. 0.8 for each bachelor **dwelling unit** up to 45 square metres and 1.0 for each bachelor dwelling unit greater than 45 square metres;
 - b. 0.9 for each one bedroom **dwelling unit**;
 - c. 1.0 for each two bedroom **dwelling unit**; and
 - d. 1.2 for each three or more bedroom **dwelling unit**.
 - (iii) A minimum of 2.0 plus 0.05 **parking spaces** for each **dwelling unit** for the use of residential visitors;
 - (iv) The maximum residential visitor parking requirement shall be:
 - a. at a maximum rate of 1.0 per **dwelling unit** for the first five **dwelling units**; and
 - b. at a maximum rate of 0.1 per **dwelling unit** for the sixth and subsequent **dwelling units**.
 - (v) The provided visitor **parking spaces** may be shared with any permitted non-residential use on a non-exclusive basis.
 - (vi) There shall be no minimum parking requirement for any permitted non-residential use.
 - (vii) The maximum non-residential parking requirement shall be 6.0 for each 100 square metres of **gross floor area**.
- (Q) Despite regulation 220.5.1(2), and 220.5.10.1, a minimum of one Type "G" **loading space** must be provided in each building.
- (R) Despite regulation 230.5.1.10 (4) **bicycle parking spaces** must be provided and maintained in accordance with the following:
- (i) **Stacked bicycle parking spaces** may be provided;
 - (ii) The minimum dimensions of a bicycle parking space is:
 - a) minimum length of 1.8 metres;
 - b) minimum width of 0.45 metres;
- (S) Despite Regulations 230.5.10.1(1) and 230.5.10(5), and Table 230.5.10.1(1), **bicycle parking spaces** must be provided and maintained on the lot in accordance with the following minimum rates:
- (i) 0.68 "long-term" **bicycle parking spaces** for each **dwelling unit**;
 - (ii) 0.07 "short-term" **bicycle parking spaces** for each **dwelling unit**;
- (T) Despite any regulations above or in the By-law the regulations concerning lot coverage, amenity area, and landscaped area shall be considered on an

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City of Toronto By-law [Clerks to insert By-law number]

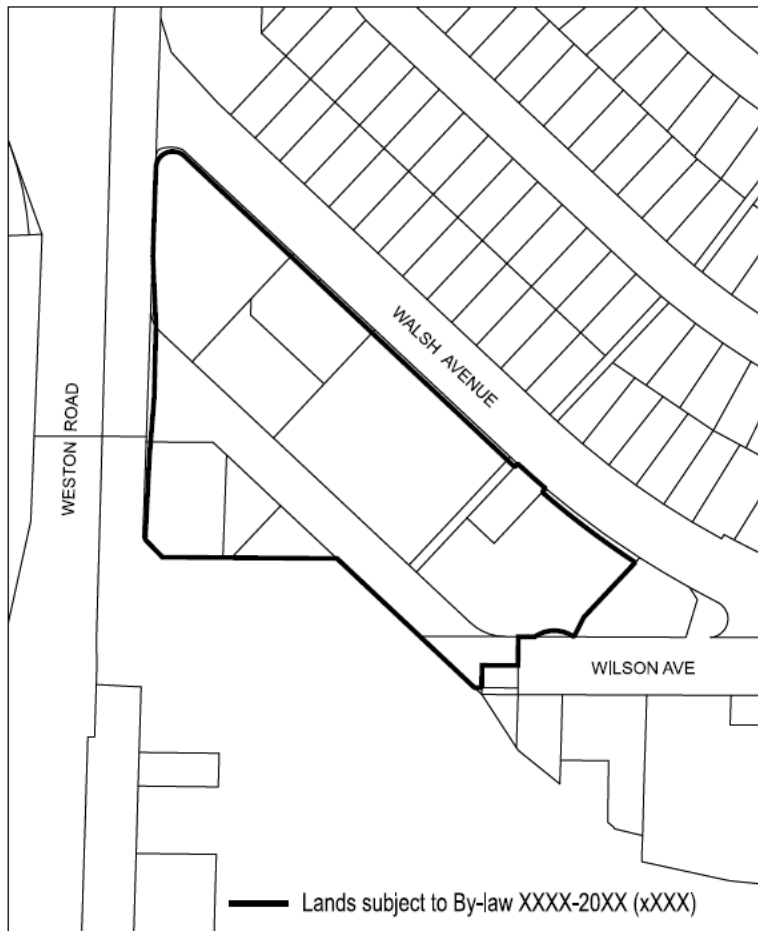
overall basis for the lands zoned according to Diagram 1 regardless of the phasing of development.

- (U) Despite any regulations above or in the By-law the width of the Public Road depicted on Diagram 5 shall be a width of 16.5 metres.

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

Ontario Land Tribunal Decision issued on [date] and Ontario Land Tribunal Order issued on [date] in Tribunal File OLT-23-001176.

DRAFT



City of Toronto City Planning

Diagram 1

33 WALSH AVENUE
(formerly in the CITY OF NORTH YORK)
CITY OF TORONTO

File # 22 207468 WET 07 OZ

City of Toronto By-law 569-2013
Not to Scale
Feb/2026





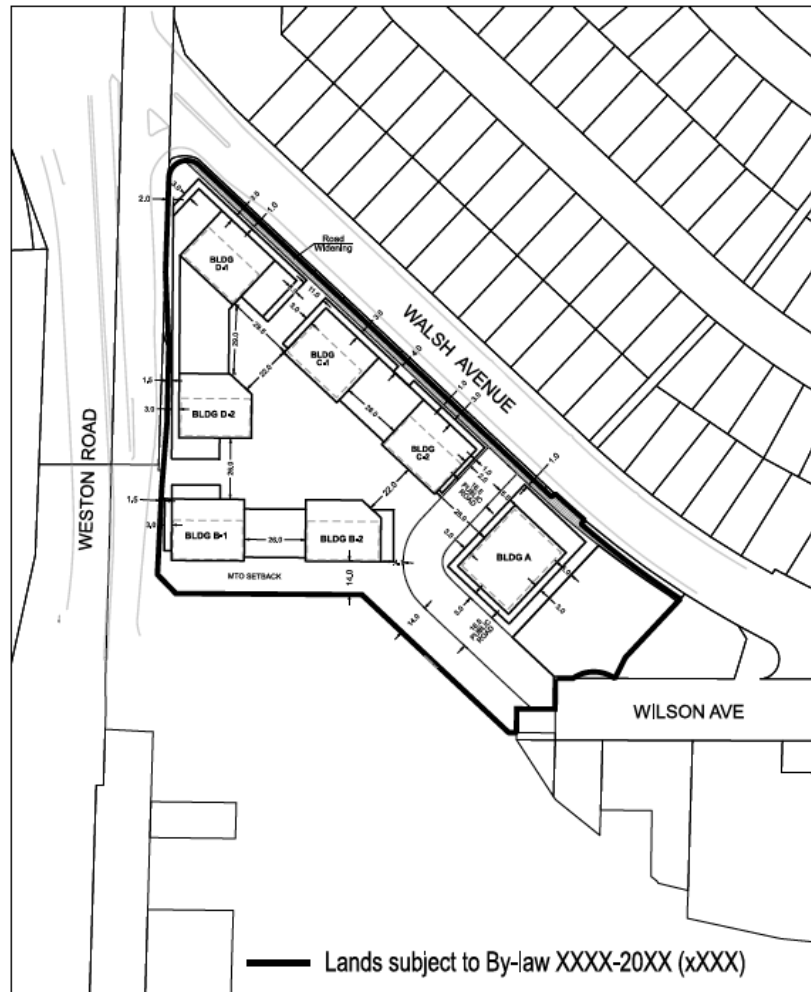


Diagram 5

33 WALSH AVENUE
(formerly in the CITY OF NORTH YORK)
CITY OF TORONTO

File # 22 207468 WET 07 OZ

City of Toronto By-law 569-2013
Not to Scale
Feb/2026

