

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: May 06, 2025

CASE NO(S): OLT-24-000556

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

Applicant and Appellant:	H&R Properties Limited
Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	To permit the development of a 22-storey residential building
Reference Number:	23 180580 WET 02 OZ
Property Address:	710 The West Mall (Formerly 70 Dixfield Drive)
Municipality/UT:	Toronto/Toronto
OLT Case No.:	OLT-24-000556
OLT Lead Case No.:	OLT-24-000556
OLT Case Name:	H&R Properties Limited v. Toronto (City)

Heard: February 10, 2025, by Video Hearing

APPEARANCES:

Parties

H&R Properties Limited

City of Toronto

Counsel

Sarah Kagan

Adam Ward

DECISION DELIVERED BY JENNIFER GOLD AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] The Tribunal converted a second Case Management Conference (“CMC”) in this matter to a Settlement Hearing as a result of a resolution reached between the Parties. This matter is an appeal under s 34(11) of the *Planning Act* (“Act”) by H & R Properties Limited (“Appellants”). The Appeal arises following a refusal by the City of Toronto (“City”) of the Appellant’s Application concerning a Zoning By-law Amendment (“ZBA”) to permit the development of a 22-storey residential building at the property municipally known as 710 The West Mall (“Subject Site”).

[2] In support of the Settlement, the Tribunal received a Draft Order and the Affidavit of Talia Ocean sworn February 4, 2025. Ms. Ocean’s Affidavit was entered into evidence as **Exhibit 1**. A joint document book was entered as **Exhibit 2** and a document entitled “Visual Evidence” as entered as **Exhibit 3**.

[3] At the Settlement Hearing, Ms. Ocean’s Curriculum Vitae and Acknowledgement of Expert’s Duty were reviewed and the Tribunal qualified Ms. Ocean to provide evidence in land use planning.

[4] The Subject Site is an irregular rectangular shaped lot municipally known as 710 The West Mall, located north of The West Mall, east of Dixfield Drive, and approximately 120 metres (“m”) west of Highway 427, in the Etobicoke District of the City of Toronto.

SUBJECT SITE CONTEXT

[5] The Subject Site is located on lands subject to a previous 2018 ZBA (By-law No. 1210-2018) approval, which permitted the existing 12-storey rental apartment building located at 70 Dixfield Drive (west of the Subject Site), the recently constructed three-storey townhouses at 62 Dixfield Drive (north of the Subject Site), and a six-storey

residential building on the Subject Site (710 The West Mall). These three lots were established through a severance application in 2020. Despite the severance, Zoning By-law No.1210-2018 is structured to continue to apply to the entirety of the original Subject Site (previously known as 70 Dixfield Drive).

[6] The Subject Site occupies an area of approximately 6,191 sq. m. ("m²"), with a frontage of approximately 70.18 m on The West Mall (east lot line) and a north/south depth of approximately 95.1 m abutting the interior northeast side lot line. The Subject Site is currently occupied by surface parking and an outdoor pool which shares amenities between residents of the existing apartment building at 70 Dixfield Drive.

[7] At the north limit of the Subject Site is an existing pathway and landscaped area abutting a surface parking lot which was recently constructed as part of the townhouse redevelopment at 62 Dixfield Drive. The application does not propose to change the zoning or any of the project landscaped components secured as part of the 2018 rezoning approval, as it relates to 62 and 70 Dixfield Drive. For this reason, and for the purposes of this application, a "limit of development" boundary has been delineated and is noted on the site plan drawing, which excludes this recently constructed landscape area. The "limit of development" boundary establishes a reduced overall site area of 4,292.9 m² which represents only the lands which will be impacted by the subject proposal.

Surrounding Area Context

[8] The City of Toronto Official Plan ("City OP") designates the Subject Site as *Apartment Neighbourhoods* on Map 14 - Land Use Plan, where tall residential buildings are permitted. Adjacent lands in all directions are similarly designated *Apartment Neighbourhoods*.

[9] The surrounding area contains a mix of existing and approved low- to tall, residential buildings with existing and approved heights ranging from two- to 20- storeys

in the immediate area and approved heights of up to 22-storeys, located within 350 m of the Subject Site.

[10] The Subject Site has excellent access to surface transit routes which connect to TTC subway stations, feeding into the *Downtown* and other areas of the City and beyond.

Settlement Proposal

[11] The Settlement Proposal seeks to demolish the existing surface parking and outdoor pool and construct a new 22-storey rental apartment building. The proposed building will have a height of 74.25 m to the top of the mechanical penthouse. This represents a minor 1.75 m reduction in metric height in order to respect the Lester B. Pearson flight path.

[12] In total, 23,737.2 m² of Gross Floor Area ("GFA") is proposed. This equates to an overall Floor Space Index ("FSI") of 3.83 times the area of the site, based on the net site area of 6,191 m².

[13] Overall, the proposed building includes 294 rental dwelling units, comprised of the following unit mix:

- i. One-Bedroom: 156 (53%)
- ii. Two-Bedroom: 109 (37%)
- iii. Three-Bedroom: 29 (10%)

[14] Despite the unit mix noted above, and as stated in the Settlement Proposal, while the unit mix is subject to change, a minimum of 10% three-bedrooms, and 15% two-bedrooms or larger (equaling a minimum of 25% 'larger units') will be maintained.

[15] The proposed building is a V-shape with grade related units on the ground floor of the east elevation. The building features a revised eight-storey podium, deploying a

variety of setbacks at the fourth and fifth level. The tower portion begins above the eighth level, occupying a floorplate of 779 m².

[16] The proposal employs a variety of appropriate setbacks, building setbacks, architectural details, building articulation and building materials/cladding. The following setbacks and setbacks are proposed from the property lines:

Floors 1-8 (Podium):

- North lot line (side yard):
 - o setback a minimum of 39.15 m, stepping back 2.05 m at level four
- Northeast lot line (facing 714 The West Mall):
 - o setback a minimum of 5.7 m, stepping back 1.8 m at level four
- East lot line (facing The West Mall):
 - o setback 4.5 m - 7.5 m, stepping back up to three m at level five
- Southwest lot line (facing existing driveway):
 - o setback 12.24 - 16.43 m
- West lot line (front yard):
 - o setback 7.5 m - 27.78 m

Floors 9-22 (Tower):

- North lot line (side yard):
 - o setback a minimum of 59.0 m
- Northeast lot line (facing 714 The West Mall):
 - o setback 13.0 m
- East lot line (facing The West Mall):
 - o setback 9.3 - 9.8 m
- Southwest lot line (facing existing driveway):
 - o setback up to 31.58 m
- West lot line (front yard):
 - o setback a minimum 15.4 m, and up to 29.59 m

[17] The tower component is situated above the southeast portion of the podium, further away from the townhouses and *Neighbourhoods* located to the north and southwest. The proposed building is located over 90 m from the *Neighbourhoods* to the southwest and over 60 m from the *Neighbourhoods* to the north.

[18] The separation distance between the tower and the building located to the east at 714 and 716 The West Mall is over 39 m to the closest building face. Due to the U-shape of the adjacent building, the separation distance is over 100 m to its centre-point.

[19] The separation distance between the tower and the building located to the south at 625 and 627 The West Mall is over 60.0 m to the nearest building face and over 100 m to its centre-point of the U-shaped building.

[20] The separation distance between the proposed tower and the existing 12-storey building located at 70 Dixfield Drive is a minimum of 31.0 m and the distance between the townhouses at 62 Dixfield Drive is approximately 49.0 m.

[21] The tower floorplate for the tower is proposed at 779m². This floorplate size is appropriate given the large size of the Subject Site, the very generous setbacks and landscaping on site, the adequate tower separation distances between the adjacent towers, and the existing context of the area having very large tower floor plate sizes surrounding the Subject Site.

[22] The ground floor is configured as follows:

- a) The lobby entrance is located on the west side of the proposed development addressing the existing driveway from The West Mall, with direct access from the sidewalk. The elevators are located adjacent to the amenity area and residential lobby. In addition, the ground floor has access to the rear loading area; and
- b) There are grade-related dwelling units fronting the northeast and east facades of the proposed building. Each unit is accessible from the internal corridor on the ground floor and features outdoor patios generally facing east.

[23] Residential Amenity space is provided as follows:

	Levels 1	Level 2	Level 9	Existing Amenity (70 Dixfield Drive)	Total
Indoor	382.76 m ²	177.33 m ²	224.61 m ²	134.20 m ²	784.70 m²
Outdoor	378.51 m ²		766.40 m ²		1,144.91 m²
Total	761.27 m²	177.33 m²	991.01 m²	134.20 m²	1,929.61 m²

[24] The revised development includes an indoor and outdoor amenity space centrally located at the front of the podium building. The existing outdoor pool has been relocated internally within the ground floor. Additional indoor and outdoor amenities are provided on the ground floor including a gym and a multipurpose room, equaling a total of 761.27 m². Additional amenity space is also provided on levels two and nine, equaling a total combined amenity provision of 1,929.61 m² for the building. The pool and outdoor amenity space at-grade is to be shared with residents of 70 Dixfield Drive, as secured through the Zoning By-law No. 1210-2018 and the related Section 37 Agreement. The detailed design of the amenity areas will be developed through the Site Plan approvals process.

[25] Driveway access to and from the loading and underground parking garage is to be provided from the existing driveway, at the southwest boundary of the Subject Site. The loading/servicing operations and garage entrance consolidates driveway access and minimizes the driveway length such that additional landscaping can be provided along all boundaries of the Subject Site.

[26] The Settlement Proposal includes one (1) Type "G" loading space. All back-of-house operations are internalized into the proposed building so that these activities are not visible from the street or sidewalk.

[27] 225 vehicular parking spaces, including 15 visitor spaces are provided and distributed through three (3) levels of underground parking. 13 of the 225 spaces will be allocated towards residents of 70 Dixfield Drive in order to maintain the parking rate established through Zoning By-law No.1210-2018. The parking rate established through Zoning By-law No.1210-2018 as it relates to 70 and 62 Dixfield Drive will continue to be maintained despite this proposal implementing the updated City of Toronto parking standards of Zoning By-law No.89-2022 for the Subject Site.

[28] 221 bicycle parking spaces are provided including 21 visitor spaces at-grade, and the remainder are distributed throughout the underground levels.

[29] The proposal employs a variety of appropriate setbacks, building stepbacks, architectural details, building articulation and building materials/cladding to create a residential building sensitively and compatibly designed for its context. The proposal also includes a revised podium design which reduces the base building height on the north and northeast (interior side facing 714 The West Mall) portions of the building from 11-storeys, down to eight-storeys.

Applications Required to Implement the Settlement Proposal

[30] The Subject Site is designated *Apartment Neighbourhoods* where tall residential buildings are permitted and therefore, an Official Plan Amendment is not required.

[31] The Subject Site is zoned under the former Etobicoke Zoning Code Chapters 320 and 324, as amended by site specific Zoning By-law No. 1211-2018 as *Fifth Density Residential* ('R5'). The Subject Site is also zoned under the City's Zoning By-law No.569-2013, as amended by By-law No. 1210-2018 as *Residential Apartment* ('RA'). Zoning By-law No.1211-2018 and 1210-2018 implement the prior approval of the original Subject Site. The proposed ZBA proposes to amend the City's Zoning By-law No. 569-2013, as amended by the Zoning By-law No. 1210-2018 in order to implement the proposal on the Subject Site. Should the City determine that an amendment to the former Etobicoke Code is also required, the Parties will prepare such an instrument accordingly.

[32] The proposed ZBA instrument in its current draft form applies only to the Subject Site, as compared to the entire area governed under Zoning By-law No.1210-2018 (formerly known as 70 Dixfield Drive). No changes to the standards relating to the other existing buildings are proposed. The Parties submitted a draft ZBA subject to the City's review to ensure it appropriately implements the Settlement Offer and plans. Zoning standards related to permitted setbacks, maximum density (GFA), building projections, and building height have been incorporated into the proposed ZBA to permit the

proposed development.

EVIDENCE AND ANALYSIS

[33] Ms. Ocean provided the Tribunal with her opinion that the Settlement Plan has regard for matters of provincial interest, is consistent with the *Provincial Policy Statement 2024* (“PPS”), and the City OP. In addition, Ms. Ocean considered the City of Toronto’s Tall Building Guidelines of May 2013, the Growing Up Guidelines, and the Pet-Friendly Guidelines.

Act

[34] The proposed development has regard for the applicable matters of provincial interest, as follows:

- The proposed development will contribute to the efficient use of transportation, and sewage and water services;
- Redevelopment of the subject site represents the orderly development of a safe and healthy community;
- The development will add a range of rental residential units to the existing stock of housing;
- The Subject Site is an appropriate location of growth and development;
- The design is sustainable, will support public transit and is pedestrian oriented; and
- The built form includes a well-designed streetscape that is accessible and attractive, contributing to a vibrant sense of place.

[35] In view of the foregoing, the Tribunal accepts Ms. Ocean's uncontroverted evidence that the proposed development and ZBA application has regard for s. 2 of the Act.

Provincial Planning Statement (PPS), 2024

[36] Ms. Ocean provided a detailed review of the relevant sections of the PPS and how the Settlement Proposal was consistent with, and implements the policies of the PPS. In summary, she explained that the Settlement Proposal is consistent with the PPS by:

- Accommodating a compact, intensified, transit-supportive, pedestrian-oriented urban form. The proposed development is also supportive of alternative modes of active transportation such as walking and cycling;
- Making more efficient use of and optimizing the land base and infrastructure, in a location that will be well served by *frequent transit*;
- By introducing new and more rental housing, the housing policies relating to providing a mix of housing options and densities are satisfied and advanced. This will contribute to achieving a more 'complete community', which will complement the existing buildings in the area and will contribute to the evolution and maturation of the neighborhood;
- The 2024 PPS policies encourage intensification in appropriate locations. The Subject Site is an appropriate infill site, located in an area where often high rise and high-density developments conventionally co-exist comfortably and compatibly with lower forms of development. This redevelopment proposal will provide new rental dwelling units, through a building design which contributes to the public realm in a positive fashion;

- The proposal contributes to the Provincial goal of building at least 1.5 million homes by 2031; and
- The proposed built form has appropriately responded to the existing and evolving character of the neighbourhood, including the provision of generous setbacks.

City of Toronto Official Plan (City OP)

[37] The City OP, adopted by City Council in November 2002, was ultimately approved by the Ontario Municipal Board through a series of Decisions, the first of which was dated July 6, 2006. The Subject Site is designated *Apartment Neighbourhoods* on Map 14 of the City OP, a designation where tall apartment buildings are permitted. The Subject Site is adjacent to *Apartment Neighbourhoods* lands to the north, east, west, and south. In Ms. Ocean's opinion, the height, scale and overall design of the proposed 22-storey building is appropriate in this context, and is in keeping with the existing and planned character of this part of the City.

[38] The additional height of this proposal as compared to the 2018 approval, is responsive to the latest and more recent Provincial and City policy announcements promoting increased housing supply and providing rental housing on a suitable underutilized site. The existing and approved buildings in the surrounding area range in height and some include large slab buildings, up to 22-storeys in height.

[39] The Subject Site is located within a primarily residential community with excellent access to surface transit routes. The neighbourhood will continue to evolve as a complete community, and as an excellent place to create more housing, given the *Apartment Neighbourhoods* land use designation, existing built form of the immediate area, the service amenities, and the access to transit. In addition, the Subject Site is a large urban site which enables a proposal that provides appropriate setbacks,

stepbacks, and separation distances between the buildings while offering generous amenity space to serve the residents.

[40] Section 3.2.1 of the City OP provides policy direction concerning the provision of housing, stating that "current and future residents must be able to access and maintain adequate, affordable and appropriate housing". The City OP references City initiatives to encourage the production of new rental housing.

[41] The proposed development is an example of the private sector adding to the supply of rental housing on an underutilized site. The site has considerable areas of vacant space to accommodate new residential buildings. The site is within walking distance of public transit, schools, parks and many community and cultural facilities. Many of the proposed dwelling units are two-and three-bedroom units that can accommodate families, respond to the overall city-wide need for family-sized rental housing and meet the stated goal in the OP of keeping families in the City. From a planning policy perspective, Ms. Ocean opined that it is highly desirable to locate additional rental housing on this site.

[42] Ms. Ocean opined that the Settlement Proposal conforms with City OP including the Healthy Neighbourhoods Policies (Sections 2.3.1 and 4), Apartment Neighbourhoods Policies (Section 4.2), Public Realm and Built Form Policies (Section 3.1) Housing Policies (Sections 1.2 and 3.2.1). Regarding conformity with the Housing Policies, Ms. Ocean opined that the Settlement Proposal;

increases the rental housing stock within the area and in turn, provides a greater choice of housing opportunities in this highly desirable neighbourhood. The inclusion of a significant number of two-and three-bedroom units resulting in a minimum of 25% of the units providing options for families that choose to live in this central location, close to frequent transit and a wide range of services.

Tall Building Guidelines, May 2013

[43] Ms. Ocean also enumerated how the Settlement Proposal addresses the relevant statements of the Tall Buildings Guidelines, May 2013. The Tall Buildings Guidelines, May 2013, primarily illustrates how the public realm and built form policy objectives of the City OP can be achieved within a tall building development and within the area surrounding a tall building site. The Guidelines provide specific and often measurable directions relating to important building and site elements for individual tall building infill proposals. Many of the important directions from the Tall Buildings Guidelines, May 2013, have been incorporated into the Settlement Proposal.

Growing Up: Planning for Children in New Vertical Communities

[44] The Growing Up Guidelines seeks to enhance the experience of children in the City. Such objectives include: promotion of independent mobility, access to community infrastructure, parks and schools. At the building scale, consideration is given to adequately accommodating and supporting resident interaction through well designed common spaces, increasing the number of larger units and encouraging the design of amenity spaces that are functional and flexible. At the dwelling unit scale, the guidelines focus on the size, function, and form of a dwelling unit in order to provide space for the social functions of larger households."

[45] The Growing Up Guidelines establish parameters to guide the design of buildings for families through the promotion and provision of "larger units", including two and three-bedroom units of adequate size to support family functions. The guidelines identify a minimum of 25% large units, of which 10% should be three-bedroom units and 15% should be two-bedroom units. The guidelines also recommend optimum dwelling unit sizes.

[46] The proposed development contains 27% two-bedroom units and 10% three-bedroom units for a total of 37% two- and three-bedroom units, thereby exceeding the minimum suggested distribution targets for larger units. Within the two- and three-bedroom units, there is a range of unit sizes. While this unit mix is subject to change as the proposal progresses to the Site Plan stage, the recommended guideline mix will be maintained. In Ms. Ocean's opinion, and at this stage, this proposal has had an appropriate level of regard for the Growing Up Guidelines.

Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings

[47] The Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings direct that the appropriate size and range of pet amenities in a proposed building be closely considered together with the allocation and configuration of other amenities. These amenities should also be determined in conjunction with an assessment of current and future anticipated usage, existing and future demographics, and existing neighbourhood facilities. Finally, the unit scale looks at choices in materials, unit layout, indoor space, outdoor patio space and storage that can enhance a pet's environment and meet day-to-day needs.

[48] The Settlement Proposal includes outdoor open space which can be utilized for pet relief, as well as indoor and outdoor amenity space which through the process, and at the Site Plan application stage, will consider specific programming to have appropriate regard for the Pet Friendly Guidelines.

PARTICIPANT STATEMENTS

[49] The Tribunal received Participant Statements from Jelena Tomasevic, Aleksandar Tomasevic, and York Condominium Corporation No. 202. After the first CMC and prior to the Settlement Hearing, the Tribunal received a Party status request

from York Condominium Corporation No. 281, but no one was in attendance on behalf of York Condominium Corporation No. 281 to address this request.

[50] Ms. Ocean addressed the concerns raised in the Participant Statements and concluded that the Settlement Proposal is an appropriate development for this location and will be compatible with the existing and planned context of the Subject Site. The issues raised and the positions taken by the Participants were taken into consideration by the Tribunal in making its findings in this Decision.

FINDINGS

[51] The Tribunal accepted Ms. Ocean's uncontroverted evidence that the Settlement proposal represents good planning, has regard for matters of provincial interest, is consistent with the PPS, conforms to the City OP and has appropriate regard for the applicable guidelines. The Settlement Proposal will provide an appropriate level of intensification and has been designed in such a way to compliment the neighbourhood context.

ORDER

[52] **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 [53] below and the Zoning By-law Amendment, set out in **Attachment 1** to this Interim Order, is hereby approved in principle.

[53] The Final Order approving the Zoning By-law Amendment is withheld pending confirmation from the Parties that the following conditions have been satisfied:

- a. The form and content of the Zoning By-law Amendment is satisfactory to the Executive Director, Development Review Division, and the City Solicitor;

- b. The Owner has submitted a revised Transportation Impact Study, including all requested revision to the satisfaction of the General Manager, Transportation Services; the study shall address all previously identified concerns, including the provision of tangible Transportation Demand Management measures, as well as pedestrian safety measures and traffic calming measures, if warranted by post-development traffic conditions; the Transportation Demand Management measures shall include but are not limited to, the promotion of active and public transportation, car-share facilities, and incentives for reducing single occupancy vehicle trips;
- c. The Owner has addressed all outstanding issues identified within the Engineering and Construction Services correspondence, dated December 27, 2023, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- d. The Owner has submitted a revised Functional Servicing and Stormwater Management Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and such report shall determine the stormwater runoff, sanitary flow and water supply management resulting from the development and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development, and/ or any upgrades that may be required;
- e. The Owner has submitted a revised Hydrological Assessment Report, 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 to the Chief Engineer and Executive Director,

Engineering and Construction Services and the General Manager, Toronto Water;

- f. Should it be determined that updates are required to the infrastructure to support the development according to the Transportation Impact Study and/or the accepted Functional Servicing and Stormwater Management Report, a Holding Provision shall be included in the final form of site specific Zoning By-law Amendment, and the Holding Provision is not to be lifted until such time as the owner has made satisfactory arrangements with the City for the design and construction of any improvements to the municipal infrastructure, including entering into appropriate agreement(s) with the City and the provision of the financial securities, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and General Manager, Transportation Services;
- g. The Owner has submitted an application to injure or remove Trees and it has been accepted by the General Manager or Parks, Forestry and Recreation;
- h. The Owner has submitted a Community Services and Facilities Study to the satisfaction of the Executive Director, Development Review; and
- i. The Noise and Vibration Report has been peer reviewed at the cost of the Appellant and the report has been revised to the satisfaction of the Executive Director, Development Review.

[54] The Tribunal may be spoken to in the event any matter or matters should arise in connection with the implementation of this Order.

“Jennifer Gold”

JENNIFER GOLD
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

City of Toronto By-law No. ____ 2024

Authority: Ontario Land Tribunal Decision issued on [date, 2024] and Ontario Land Tribunal Order issued on [date] in Tribunal File [OLT-24-000556]

CITY OF TORONTO

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

To amend Zoning By-law No. 569-2013, as amended by By-law 1210-2018, with respect to lands known municipally in the year 2023 as 710 The West Mall.

Whereas the Ontario Land Tribunal, by its Decision issued on [date] and its Order issued on [date], in respect of Tribunal File [OLT-24-000556], 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 2023 as 710 The West Mall; 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 Council of the City of Toronto enacts:

1. This by-law applies to the lands delineated by heavy lines on Diagram 1 and Diagram 2 attached to and forming part of this By-law.
2. The words highlighted in bold type in this By-law have the same meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined in heavy lines to RA(XXX), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by adding to Article 900.7.10 Exception number XXX as follows:

[assigned exception number] **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:

City of Toronto By-law No. _____

- (A) On 710 The West Mall, as shown on Diagram 1 of By-law [Clerks to supply by-law #], a **building** or **structure** may be constructed, used or enlarged in compliance with (B) to (N) below:
- (B) For the purpose of this exception, the **lot** is shown in heavy line on Diagram 1 of By-law [Clerks to supply by-law #];
- (C) No provisions of By-law 1210-2018 shall apply to the **lot**;
- (D) The **gross floor area** of all **buildings** on the **lot** must not exceed 24,500 square metres;
- (E) **Building** height is measured from the Canadian Geodetic Datum of 148.00 metres, as identified on Diagram 3 of By-law [Clerks to insert by-law #];
- (F) Despite regulation 15.10.40.10, the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 3 of By-law [Clerks to insert By-law ##];
- (G) Despite 15.5.40.10 and (F) above, the following elements of a building may project above the permitted maximum building height as shown on Diagram 3 as follows:
 - i. a mechanical penthouse by a maximum of 5.0 metres;
 - ii. **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** and a machine room with elevator overrun may project beyond the mechanical penthouse by a maximum of 3.0 metres;
 - iii. architectural features, ornamental elements, and equipment used for the functional operation of the **building**, including electrical, utility, mechanical and ventilation equipment, as well as enclosed stairwells, roof access, maintenance equipment storage, cooling towers, heating, cooling or ventilating equipment, chimneys, and vents may project beyond the mechanical penthouse by a maximum of 3.0 metres;

City of Toronto By-law No. _____

- iv. **building** maintenance units and window washing equipment, by a maximum of 3.0 metres;
 - v. trellises, pergolas, landscaping features, fences, awnings, lightning rods, light fixtures, divider screens on a balcony and/or terrace, and unenclosed elements or **structures** providing safety or wind protection of rooftop amenity by a maximum of 3.0 metres;
 - vi. **structures** associated with a **green roof**, may project above the permitted height limit for the mechanical penthouse as set out in the sections above by a maximum of 1.5 metres;
- (H) Despite regulation 15.10.40.70, the required minimum building setbacks are as shown in metres on Diagram 3 of By-law [Clerks to insert By-law ##];
- (I) Despite (H) above, the following elements of a **building** may encroach into a required **building setback** or **building** separation distance as follows:
- i. canopies, awnings, screens landscape and ornamental features by a maximum of 3.0 metres;
 - ii. balconies or platforms by a maximum of 2.0 metres;
 - iii. stair enclosures, cornices, lighting features, trellises, eaves, window sills, guardrails, balustrades, railings, and vents by a maximum of 1.5 metres;
 - iv. satellite dishes, eaves, screens, landscape and ornamental features, trellises, cabanas, lightning rods, window washing equipment, light fixtures, antennae and flag poles by a maximum of 1.0 metre;
- (J) Resident Parking spaces shall be provided on the lot in accordance with Regulation 200.5.10.1(1) and Table 200.5.10.1 as follows:
- i. a maximum of 1.0 for each bachelor dwelling unit;
 - ii. a maximum of 0.9 spaces for each one bedroom dwelling unit;

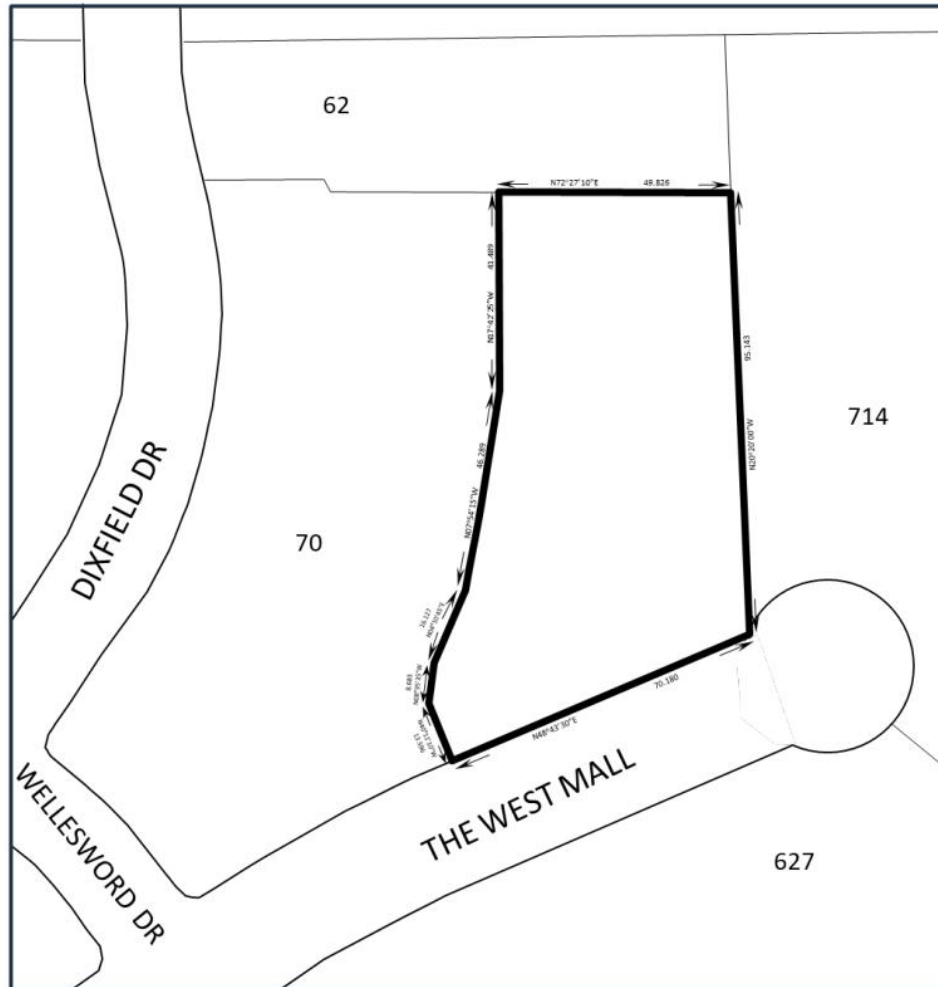
City of Toronto By-law No. _____

- iii. a maximum of 1.0 spaces for each two bedroom dwelling unit;
and
 - iv. a maximum of 1.2 spaces for each three or more bedroom dwelling unit;
- (K) Despite Regulation 200.5.10.1(1) and (2) and Table 200.5.10.1, visitor **parking spaces** must be provided and maintained on the **lot** in accordance with the following:
- i. a minimum of 15 residential visitor **parking spaces**;
- (L) **Bicycle parking spaces** shall be provided on the **lot** in accordance with following:
- i. a minimum of 200 long-term **bicycle parking spaces**; and
 - ii. a minimum of 21 short-term **bicycle parking spaces**;
- (M) In addition to regulation 230.5.1.10(10), both **short-term** and **long-term bicycle parking spaces** may also be located in a **stacked bicycle parking space** arrangement, in any combination of vertical, horizontal or stacked positions, may be located indoors or outdoors, may be located in a secured room or enclosure or area on any floor of a building, may be located below, or above established grade, and may be located more than 30 metres from a pedestrian entrance
- (N) Regulation 10.5.50.10(4) with respect to **landscaping** requirements on the **lot**, do not apply;
- (O) Despite any existing or future severance, partition, or division of the **lot**, the provisions of this by-law must apply to the whole of the **lot** as if no severance, partition or division occurred.

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

Ontario Land Tribunal Decision issued on [date] and Ontario Land Tribunal Order effective on [date] in File OLT-24-000556.

City of Toronto By-law No. _____

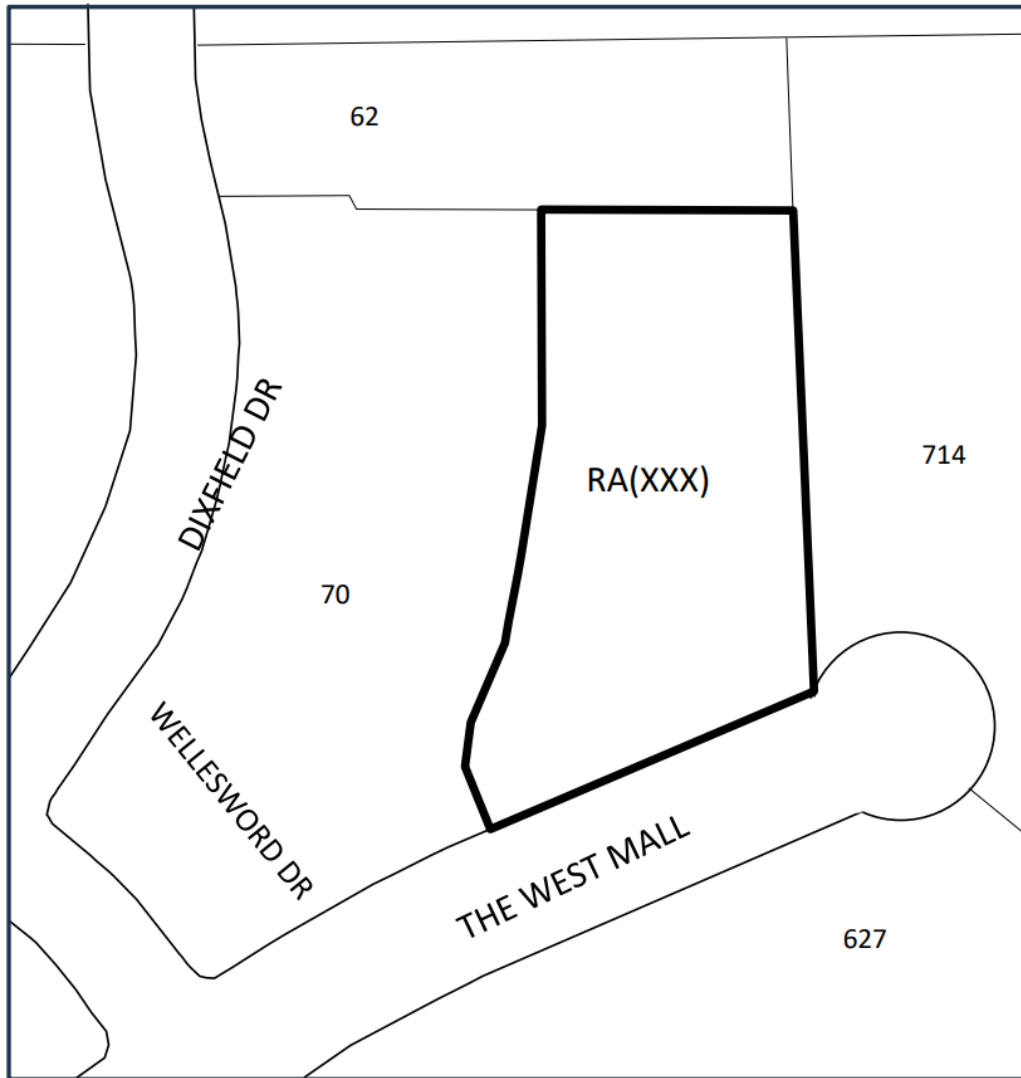


710 The West Mall
FILE #

Diagram 1

↑
Not to Scale

City of Toronto By-law No. _____



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