Ontario Land Tribunal
Tribunal ontarien de l'aménagement du territoire

ISSUE DATE: March 19, 2025 **CASE NO.:** OLT-24-000908

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

Applicant/Appellant:	1934 – 1938 Bloor St. W. Ltd. & 1930 Bloor St. W. Ltd.
Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	To permit redevelopment of the Property with a 17-storey mixed-use building.
Reference Number:	24 121126 STE 04 OZ
Property Address:	1930-1938 Bloor Street West and 3, 5 and 21 Quebec Avenue
Municipality/UT:	Toronto
OLT Case No.:	OLT-24-000908
OLT Lead Case No.:	OLT-24-000908
OLT Case Name:	1930 Bloor St. W. Ltd. et al. v. Toronto (City)

BEFORE:

C. I. MOLINARI	)	Friday, the 14th
MEMBER	)	
	)	day of March, 2025

THIS MATTER, in respect of the lands at 1930-1938 Bloor Street West and 3, 5, and 21 Quebec Avenue in the City of Toronto ("City"), having come for a public hearing on November 6, 2024 before the Ontario Land Tribunal ("Tribunal") and the Tribunal having issued a Decision on November 20, 2024; and

THE TRIBUNAL having been advised by the Appellant on February 8, 2025 that a full uncontested settlement had been reached, on consent;

AND THE TRIBUNAL, having qualified Andrew Ferancik to give expert opinion evidence in the area of land use planning, as submitted through his Affidavit sworn on March 5, 2025, and filed with the Tribunal;

AND THE TRIBUNAL, having considered the material filed in support of the settlement, including the opinion evidence of Mr. Ferancik, that the appeal under subsection 34(11) of the *Planning Act* should be allowed, in part, and that the proposed Zoning By-law Amendment should be approved in accordance with the instrument appended as **Attachment 1** to this Order ("Settlement ZBA");

AND THE TRIBUNAL, having accepted the uncontroverted testimony and evidence of Mr. Ferancik, and having found that the redevelopment of the lands will facilitate the intensification of an underutilized site while maintaining appropriate development standards and will contribute to the creation of new housing as well as employment opportunities.

AND THE TRIBUNAL, being satisfied that, in consideration of the evidence of Mr. Ferancik and the revisions resulting in the settlement, the Settlement ZBA has sufficient and proper regard for the relevant matters of provincial interest as set out in s. 2 of the *Planning Act*, is consistent with the Provincial Planning Statement, 2024, and conforms with the policies of the City Official Plan;

THE TRIBUNAL finds that the Settlement ZBA is appropriate, represents good land use planning, is in the public interest and should be approved, subject to the conditions agreed to by the Parties.

NOW THEREFORE

THE TRIBUNAL ORDERS THAT:

1. The appeal is allowed in part, on an interim basis, contingent upon confirmation, satisfaction or receipt of those pre-requisite matters identified below, and the

Zoning By-law Amendment set out in **Attachment 1** to this Interim Order, is hereby approved in principle.

2. The issuance of the Final Order will be withheld contingent upon confirmation by the City Solicitor, that the following pre-requisite matters have been satisfied:

   a. The Tribunal has received, and approved, the Zoning By-law Amendment submitted in a final form, confirmed to be satisfactory to the Executive Director, Development Review and the City Solicitor, including any appropriate holding (H) provisions;

   b. The Tribunal is advised that City Council has approved Rental Housing Demolition Application 24 121138 STE 04 RH under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006, to permit the demolition of the existing rental dwelling units, and the owner has entered into, and registered on title to the lands, one or more agreements with the City, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning, securing all rental housing-related matters necessary to implement City Council's decision including:

      i. replacement of the existing twelve (12) rental dwelling units, including the same number of units, bedroom type and size, and with similar rents; and

      ii. an acceptable Tenant Relocation and Assistance Plan addressing the right for existing tenants to return to a replacement rental unit on the lands at similar rents, the provision of rent gap assistance, and other assistance to lessen hardship, all to the satisfaction of the Chief Planner and Executive Director, City Planning;

   c. The Tribunal is advised that the owner has addressed all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review as they relate to the Zoning By-law Amendment application, and confirmed status of utility locates along Bloor Street West and Quebec Avenue and submitted revised Landscape Plan to the satisfaction of the Supervisor, Tree Protection and Plan Review;

d. The Tribunal is advised that the owner has provided confirmation that the development will be constructed and maintained in accordance with Tier 1, Toronto Green Standard Version 4.0, and the owner will be encouraged to achieve Tier 2, Toronto Green Standard Version 4.0, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the Site Plan Control application;

e. The Tribunal is advised that the owner has submitted a revised Pedestrian Level Wind Study to the satisfaction of the Executive Director, Development Review, with any required wind mitigation measures to be secured through the Site Plan approval process;

f. The Tribunal is advised that the owner has submitted a revised Sun/Shadow Study and supplementary studies to the satisfaction of the Executive Director, Development Review;

g. The Tribunal is advised that the owner has submitted a revised Natural Heritage Impact Study to the satisfaction of the Executive Director, Development Review, with any required mitigation and enhancement measures to be secured through the Site Plan approval process;

h. The Tribunal is advised that the owner has addressed all outstanding issues raised by Transportation Services related to the pedestrian clearway/sidewalk transition along Quebec Avenue between the subject site and the adjacent Toronto Transit Commission High Park Station entrance to the north as they relate to the Zoning By-law Amendment application and the holding provisions if any required in the Zoning By-law amendment as set out in their memo dated April 18, 2024 or as may be updated in response to further submissions filed by the owner, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

i. The Tribunal is advised that the owner has submitted an acceptable Functional Servicing and Stormwater Management Report and associated plans or reports deemed necessary for review and acceptance to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

j. The Tribunal is advised that the owner has provided confirmation of water, sanitary and stormwater, and traffic capacity to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, or the determination of whether holding provisions are required in the Zoning By-law Amendment; and,

k. 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 Owner has entered into a financially secured agreement(s) with the City requiring the Owner 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.

3. The Panel 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.

4. 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 above have been satisfied, and do not request the issuance of the Final Order, by **Thursday, July 31, 2025**, 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.

5. The Tribunal may, as necessary, arrange the further attendance of the Parties by Telephone Conference Call to determine the additional timelines and deadlines for the submission of the final form of the instrument(s), the satisfaction of the contingent prerequisites and the issuance of the Final Order.

“Euken Lui”

EUKEN LUI
ACTING REGISTRAR

Ontario Land Tribunal
Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

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-24-000908

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 2025 as 1930-1938 Bloor St West and 21 Quebec Avenue.

Whereas the Ontario Land Tribunal, by its Decision issued on [date] and its Order issued on [date], in respect of Tribunal File OLT-24-000908, 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 2025 as 1930-1938 Bloor St West and 21 Quebec 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;

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 R (f2.0; d2.0) (x7) to a zone label of CR x.x (x [exception number]) as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number [-] so that it reads:

([assigned exception number]) Exception CR ([assigned exception number])

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 1930-1938 Bloor St West and 21 Quebec

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 111.04 metres and the elevation of the highest point of the **building** or **structure;**

(C) Despite regulation 40.10.40.10(2), 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 number];

(D) Despite regulation 40.10.40.10(5), the required minimum height of the first **storey**, as measured between the floor of the first **storey** and the ceiling of the first **storey**, is 4.0 metres;

(E) Despite Regulation 40.10.40.80(2), the required separation of **main walls** is shown in metres on Diagram 3 of By-law [Clerks to insert By-law ##]

(F) Despite regulations 40.5.40.10(3) to (8) and (C) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law [Clerks to insert By-law number]:

(i) 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, elevator shafts, chimneys, and vents, by a maximum of 3.0 metres;

(ii) **structures** that enclose, screen, or cover the equipment, **structures** and parts of a **building** listed in (i) above, including a mechanical penthouse, by a maximum of 6.0 metres;

(iii) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 5.0 metres;

(iv) **building** maintenance units and window washing equipment, by a maximum of 7.0 metres;

(v) planters, landscaping features, lighting fixtures, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 3.0 metres;

(vi) antennae and other communication equipment, flagpoles and satellite dishes, by a maximum of 5.5 metres; and

(vii) trellises, pergolas, awnings, canopies, bollards, fences, guardrails, pipes, railings, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 3.0 metres;

(G) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 12,700 square metres, of which:

(i) the permitted maximum **gross floor area** for residential uses is 12,300 square metres;

(ii) the permitted maximum **gross floor area** for non-residential uses is 400 square metres;

(H) Regulation 40.5.40.10(5) does not apply to any **building** or **structure**.

(I) Despite regulation 40.10.40.50(1) and (2), **amenity space** must be provided at the following rate:

(i) at least 2.0 square metres for each **dwelling unit** as indoor **amenity space**;

(ii) at least 2.0 square metres of outdoor **amenity space** for each **dwelling unit** of which 250 square metres must be in a location adjoining or directly accessible to the indoor **amenity space**; and

(iii) no more than 30 percent of the outdoor component may be a **green roof**;

(J) For the purposes of this exception, a mechanical penthouse may include indoor amenity space;

(K) Despite Clause 40.10.50.10 no **landscaping** strip, **soft landscaping** strip or fence is required along the part of the **lot line** abutting a lot in the Residential Zone category or Residential Apartment Zone category.

(L) Despite regulation 40.10.40.70(2), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law [Clerks to insert By-law number];

(M) Despite Clause 40.10.40.60 and (I) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:

(i) decks, porches, terraces, balconies, and associated privacy screens by a maximum of 2.0 metres, and there shall be no balcony projections permitted on the east facing building walls;

(ii) canopies and awnings, by a maximum of 2.5 metres;

(iii) exterior stairs, access ramps such as wheelchair ramps, underground garage ramps and their associated structures, and elevating devices, by a maximum of 3.0 metres;

(iv) cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 1.0 metres;

(v) ornamental elements, screens, and architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 1.5 metres;

(vi) window projections, including bay windows and box windows, by a maximum of 1.0 metres;

(vii) lighting fixtures, bicycle parking areas, fences and safety railings, planters, balustrades, bollards, and landscape, by a maximum of 2.0 metres;

(viii) eaves, by a maximum of 1.0 metres;

(ix) a dormer, by a maximum of 1.0 metres; and

(x) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 1.0 metres;

(N) Despite Regulation 40.5.40.60(1), a canopy, awning or similar structure, with or without structural support, may encroach into a required minimum building setback that abuts a **street**, **rear lot line** or **side lot line**, including any part of the canopy, awning or similar structure which is located more than 5.0 metres above the elevation of the ground directly below it.

(O) Despite regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:

(i) a minimum of 3 residential visitor **parking spaces**;

(i) a minimum of zero **parking spaces** are required for non-residential uses;

(ii) a maximum of 0.45 residential occupant **parking spaces** for each dwelling unit; and

(iii) a minimum of 2 **accessible parking spaces**;

(P) Regulation 200.15.10.5 (1)(2)(3) and 200.15.10.10(1)(2), relating to effective parking space calculations for **accessible parking space** does not apply.

(Q) Despite Regulation 200.5.1.10(14), a **parking space** is not required to be equipped with an **energized outlet**;

(R) Despite regulations 200.15.1(1) to (3), an accessible parking space must have the following minimum dimensions:

(i) a length of 5.6 metres;

(ii) a width of 3.4 metres; and

(iii) a vertical clearance of 2.1 metres;

(S) Despite Regulation 200.15.1(4), an accessible parking space may be located along a path that is more than 30 metres from a barrier-free entrance to a building or to a passenger elevator that provides access to the first storey of the building;

(T) Despite regulations 230.5.10.1(1)(3) and (5) and Table 230.5.10.1(1), **bicycle parking spaces** must be provided in accordance with the following minimum rates:

(i) 0.9 "long-term" **bicycle parking spaces** for each **dwelling unit**;

(ii) 0.2 "short-term **bicycle parking spaces** for each **dwelling unit**;

(iii) no "long term" bicycle parking spaces are required for all non-residential uses; and

(iv) no "short-term" bicycle parking spaces are required for all nonresidential uses;

(U) Despite Regulation 230.5.1.10(7), shower and change facilities associated with non-residential uses shall not be required for a mixed use building on the lot;

(V) Despite Regulation 230.5.1.10(12), a bicycle maintenance facility is not required;

(W) In addition to the locations listed in Regulations 220.5.1.10(9)(A(i)(ii) and (iii), “long-term” bicycle parking spaces may also be located in the following locations:

(i) at the ground floor; and,

(ii) below the established grade;

(X) Despite Regulation 230.40.1.20(2) a "short term" bicycle parking space may be located more than 30 metres from a pedestrian entrance, at the following locations:

(i) at the ground floor; and,
(ii) below the established grade;

(Y) The provision of dwelling units is subject to the following:

(i) a minimum of 15 percent of the total number of dwelling units must have 2 or more bedrooms;

(ii) a minimum of 10 percent of the total number of dwelling units must have 3 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;

(iv) if the calculation of the number of required dwelling units in (Y)(i) and (ii) above results in a number with a fraction, the number must be rounded down to the nearest whole number;

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

5. 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.

6. Temporary Use(s):

(A) None of the provisions of Zoning By-law 569-2013, as amended, or this By-law apply to prevent the erection and use of a sales trailer, sales office, and any buildings or accessory structures associated with a sales trailer or sales office use on the lands to which this By-law applies for a period of 3 years from the date this By-law comes into full force and effect, after which this temporary use permission expires.

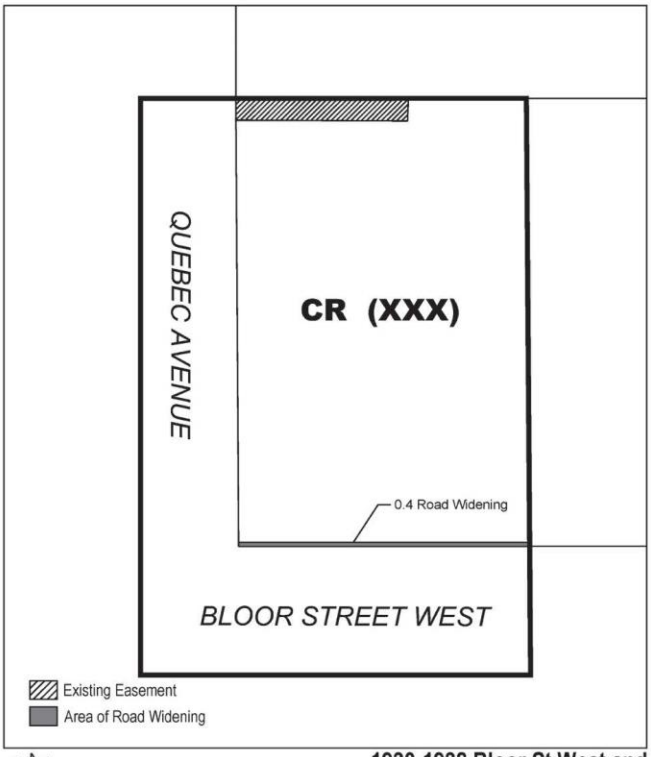
Ontario Land Tribunal Decision issued on [date] and Ontario Land Tribunal Order issued on [date] in Tribunal File OLT-24-000908

TORONTO
Diagram 1

1930-1938 Bloor Street West and
3,5 & 21 Quebec Avenue

File # 24 121126 STE 04 OZ

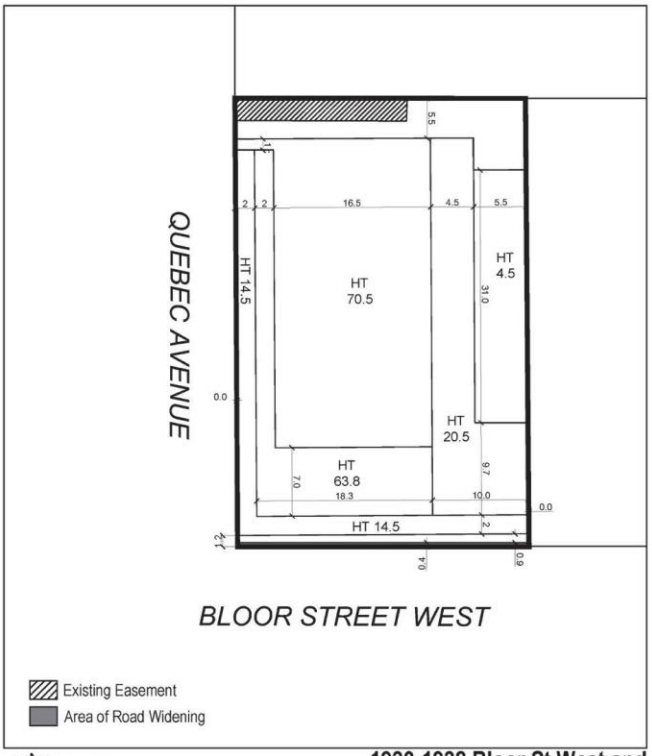
City of Toronto By-law 569-2013
Not to Scale
20/02/2025



TORONTO
Diagram 2

1930-1938 Bloor St West and
3,5 & 21 Quebec Avenue
File # 24 121126 STE 04 OZ

City of Toronto By-law 569-2013
Not to Scale
20/02/2025



TORONTO
Diagram 3

1930-1938 Bloor St West and
3,5 & 21 Quebec Avenue
File # 24 121126 STE 04 OZ

City of Toronto By-law 569-2013
Not to Scale
20/02/2025