

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: December 04, 2025

CASE NO(S).:

OLT-24-001074

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

Applicant/Appellant:	MR-V 123 Bellamy Road North Inc.
Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	To permit three additional buildings with 44, 35 and 9-storeys
Reference Number:	24 126134 ESC 21 OZ
Property Address:	123 Bellamy Road
Municipality/UT:	Toronto/Toronto
OLT Case No.:	OLT-24-001074
OLT Case Name:	MR-V 123 Bellamy Road North Inc. v. City of Toronto

Heard: November 21, 2025 by video hearing

APPEARANCES:

Parties

MR-V 123 Bellamy Road North Inc.

City of Toronto

Counsel

R. Gill

D. Abimbola
S. Messina

MEMORANDUM OF ORAL DECISION DELIVERED BY S. deBOER ON NOVEMBER 21, 2025 AND ORDER OF THE TRIBUNAL

[Link to Order](#)

INTRODUCTION

[1] The Tribunal had originally scheduled a nine-day Hearing to hear the merits of the appeals by MR-V 123 Bellamy Road North Inc. (“Appellant”) due to the City of Toronto’s (“City”) failure to approve the proposed Zoning By-law Amendment (“ZBA”) pertaining to the lands municipally known as 123 Bellamy Road North, in the City (“Subject Lands”).

[2] Prior to the commencement of the Hearing, the Tribunal received correspondence advising that the Parties had reached a settlement on the issues and requesting that the merit hearing be converted to a settlement hearing.

[3] In accordance with Rule 12 of the Tribunal’s *Rules of Practice and Procedure*, the Tribunal convened the proceedings as a hearing on the terms of the settlement.

LEGISLATIVE FRAMEWORK

[4] When considering appeals filed pursuant to s. 34(11) of the *Planning Act* (“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 Provincial Planning Statement, 2024 (“PPS 2024”), and in this matter, conform to the City Official Plan (“COP”), the City’s City-wide Zoning By-law No. 569-2013, as amended (“ZBL”), the City-wide Tall Building Design Guidelines (“CWTBDG”), the Mid-Rise Building Design Guidelines, 2024 (“MRBDG”), the Growing Up Guidelines (“GUG”), and the Pet-Friendly Guidelines (“PFG”).

SITE AND SURROUNDING AREA

[5] The Subject Lands are located at the intersection of Eglinton Avenue East and Bellamy Road North, approximately 160 metres (“m”) north of the Eglinton GO Station. The Subject Lands are generally rectangular in shape with a frontage of approximately 75 m along the western property line located on Cedar Brae Boulevard, a frontage of approximately 247 m on Trudelle Street along the north property line, and a frontage of approximately 75 m along Bellamy Road North along the eastern property line. The total land area of the Subject Lands is approximately 1.88 hectares.

[6] Currently on the Subject Lands is a 12-storey rental apartment building with a partial underground parking garage, other surface parking, and a landscaped open space. The rental building contains a total of 250 units of various studio, one-bedroom, two-bedroom, and three-bedroom units. The location of this existing rental building is at the west end of the Subject Lands and will remain on the Subject Lands.

[7] The Subject Lands are located within the Eglinton East Neighbourhood. This area is generally comprised of a mix of apartment neighbourhoods with mid-rise and high-rise apartment complexes and low-rise commercial plazas on the north and south sides of Eglinton Avenue East.

[8] The Subject Lands fall within the Eglinton GO Protected Major Transit Station Area (“PMTSA”), while Bellamy Road North and Eglinton Avenue East both provide for existing surface transit routes that connect with the Eglinton GO PMTSA.

HISTORY OF THE APPLICATION

[9] The Appellant completed a Pre-Application Consultation on May 3, 2023. A second Pre-Application Consultation was held on February 22, 2024.

[10] On April 15, 2024, the Appellant submitted the ZBA, which would permit three additional apartment buildings on the Subject Lands with building heights of 44 storeys, 35 storeys, and nine storeys. The application would keep the existing 12-storey apartment building *in situ*. The overall gross floor area (“GFA”) of the Subject Lands would be 97,115 square metres (“m²”), with 1,172 dwelling units, and a floor space index (“FSI”) of 5.15.

[11] The application was deemed incomplete on May 9, 2024, and the Appellant made a subsequent submission to address the City’s requested items. The City then deemed the application complete on July 9, 2024. On October 2, 2024, a Community Consultation Meeting was held to discuss the application. On October 9, 2024, the Appellant filed an appeal to the Tribunal due to the City’s failure to make a decision within the statutory timelines.

[12] On November 20, 2024, City staff presented a report on the appeal to the Scarborough Community Council, which recommended that the City attend the Tribunal in opposition to the appeal.

On April 25, 2025, the Parties entered into mediation and the mediation resulted in the settlement proposal that is now before the Tribunal (“Proposal”).

SUBMISSIONS

[13] Prior to the commencement of the Hearing, the Tribunal received the following documents and submitted said documents as exhibits to the Hearing:

- Exhibit 1 – Affidavit of David Charezenko and related planning documents, comprising of 585 pages.

Planning Evidence

[14] Mr. Charezenko opined that throughout the mediation process, many changes were made to the proposal, and these agreed upon changes can be seen in the Table listed blow:

	Original Proposal (May 2024)	Settlement Plans (June 2025)
Site Area	1.88 hectares	1.88 hectares
Total Gross Floor Area	97,115 m²	96,305 m²
Proposed	75,251 m ²	74,441 m ²
Existing	21,864 m ²	21,864 m ²
Building Height		
Building A	44 storeys + MPH	39 storeys + MPH
Building B	35 Storeys + MPH	35 storeys + MPH
Building C	9 storeys +MPH	10 storeys + MPH
Density	5.15 FSI	5.15 FSI
Total Units (Proposed)	922	978
Total Units (Existing)	250	250
Overall Unit Count (Proposed)	1,172	1,228
Studio	0	60 (6%)
1-bedroom	478 (52%)	606 (62%)
2-bedroom	345 (37%)	188 (19%)
3-bedroom	99 (11%)	124 (13%)
Amenity Space (Proposed)	4,473m² (4.85m²/unit)	4,553m² (5.14m²/unit)
Amenity Space (Existing)	4,138m²	4,138m²
Indoor Amenity Space (Proposed)	2,233m ² (2.42m ² /unit)	2,315m ² (2.61m ² /unit)
Indoor Amenity Space (Existing)	290m ² (1.16m ² /unit)	290m ² (1.16m ² /unit)
Outdoor Amenity Space (Proposed)	2,240m ² (2.42m ² /unit)	2,238m ² (2.52m ² /unit)
Outdoor Amenity Space (Existing)	3,848m ² (15.3m ² /unit)	3,848m ² (15.3m ² /unit)
Vehicular Parking Spaces		
Proposed	505 spaces	454 spaces
Existing	142 spaces	142 spaces
Total	647 spaces	592 spaces (4 Car Share)
Residential Long-Term	443 spaces	
Residential Short-Term	62 spaces	
Bicycle Parking Spaces (Total)	704 spaces	746 spaces
Residential Long-Term	628 spaces	666 spaces
Residential Short-Term	93 spaces	70 spaces
Eglinton GO/Publicly-accessible	0 spaces	10 spaces
Loading Spaces	2 Type 'G' and 1 Type 'C'	2 Type 'G' and 1 Type 'C'

Section 2 of the Planning Act

[15] It was Mr. Charezenko's opinion that the Proposal before the Tribunal is of provincial interest as the Proposal will provide for the adequate provision and efficient

use of communication, transportation, sewage and water services, and waste management systems. The Proposal will also provide for the orderly development of safe and healthy communities while providing for a full range of housing, including affordable housing. The Subject Lands are an appropriate location for growth and development and will promote a development that is designed to be sustainable and supports public transit due to its location near to a PMTSA.

Provincial Planning Statement, 2024

[16] Mr. Charezenko gave opinion that the Proposal is consistent with the PPS 2024 as it will promote appropriate intensification, development, and an infill development in a compact form that will be well served by public transit. The Proposal before the Tribunal provides for a built form that will fit in harmoniously with the existing neighbourhood and will help the City achieve its intensification objectives. The Proposal will provide new housing stock in the area that is within a PMTSA.

City Official Plan

[17] In Mr. Charezenko's opinion the Proposal conforms to the applicable policies of the COP. Their policies include conforming to the City's growth management strategy, which is contained in Chapter 2 of the COP. The Proposal also conforms to the policies in the COP pertaining to development and intensification surrounding a PTMSA as Eglinton Avenue is identified as a Transit Priority Segment on the Enhanced Surface Transit Network.

[18] Mr. Charezenko continued, opining that the Proposal is located in an area that is targeted for growth but in a context of reducing auto dependency and to make use of the local public transit. The proposed increase in residential density on the Subject Lands will make more use of public transit due to its location within a PMTSA.

[19] Mr. Charezenko continued with his opinion that the Proposal will provide for an appropriate transition in scale between buildings of different heights and the proposed setbacks will fit harmoniously with the surrounding area. The Proposal will provide for adequate amount of outdoor amenity space that will be:

- Be located at or above grade;
- Have access to daylight and access to direct sunlight, where possible;
- Provide comfortable wind, shadow, and noise conditions;
- Be located away from and physically separated from loading and servicing areas;
- Have generous and well-designed landscaped areas to offer privacy and an attractive interface with the public realm;
- Accommodate existing and mature tree growth; and
- Promote use in all seasons.

[20] Mr. Charezenko opined that the Proposal will ensure the building facades will:

- Ensure fit with adjacent building facades;
- Contribute to a pedestrian scale by providing a high quality of design on building floors adjacent to and visible from the public realm;
- Break up long facades in a manner that respects and reinforces the existing and planned context; and

- Ensure grade relationships that provide direct access and views into and from the public realm.

[21] The Subject Lands are designated as 'Apartment Neighbourhoods' in the COP and this designation includes policies focusing on apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service, and office uses that serve the needs of area residents. It was Mr. Charezenko's opinion that the Proposal conforms to these policies by:

- Locating and massing new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the COP through means such as providing setbacks from, and/or stepping down of heights towards, lower scale neighbourhoods;
- Locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale neighbourhoods, particularly during the spring and fall equinoxes;
- Locating and massing new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks, and open spaces;
- Including sufficient off-street motor vehicle and bicycle parking for residents and visitors;
- Locating and screening service areas, ramps, and garbage storage to minimize the impact on adjacent streets and residences;
- Providing indoor and outdoor recreation space for building residents in every significant multi-unit residential development;

- Providing ground floor uses that enhance the safety, amenity, and animation of adjacent streets and open spaces; and
- Providing buildings that conform to the principles of universal design, and, wherever possible, contain units that are accessible or adaptable for persons with physical disabilities.

[22] Mr. Charezenko opined that, even though significant growth is not intended with the 'Apartment Neighbourhoods' designation on a City-wide basis, compatible infill development is permitted based on the following site conditions:

- Meeting the development criteria set out in Section 4.2.2 of the COP;
- Being compatible with the scale, including height and massing, of the existing apartment building(s) on and adjacent to the Subject Lands;
- Providing separation distances between buildings on and adjacent to the Subject Lands so as to achieve adequate sunlight and privacy;
- Maintaining or replacing and improving indoor and outdoor residential amenities on the Subject Lands, including, where achievable, equipping and managing indoor and outdoor amenity space to encourage use by residents;
- Improving upon the quality of landscaped open space and outdoor amenity space for new and existing residents, including the preservation or replacement of significant landscape features and walkways and creating such features where they did not previously exist;
- Providing adequate on-site structured shared vehicular parking for both new and existing development;

- Consolidating and, where achievable, relocating parking and servicing areas where they are not visible from streets, parks, and landscaped open spaces;
- Placing parking ramps within the building, where achievable;
- Providing all residents, including existing residents, with access to the community benefits where additional height and/or density is permitted and community benefits are provided pursuant to Section 5.1.1 of the COP;
- Providing privacy and areas of landscaped open space, and maintaining adequate sunlight to units, outdoor amenity spaces, and open spaces, for both new and existing residents;
- Organizing development on the Subject Lands to frame streets, parks, and open spaces at good proportion, providing adequate sky views from the public realm, and creating safe and comfortable open spaces;
- Promoting grade-related dwellings at the edge of public streets, parks, and landscaped open spaces, where achievable, that front onto and provide pedestrian entrances from those public spaces, and provide a generous pedestrian realm adjacent to public streets;
- Promoting, on the lower floors of mid-rise and tall apartment buildings, grade-related units with front gardens, stoops, and porches that take direct access from public sidewalks, accessible open spaces, and park edges;
- Improving pedestrian access to the buildings from public sidewalks and through the Subject Lands;
- Minimizing curb cuts;

- Improving waste storage and waste diversion facilities, including enclosure of outdoor waste storage areas and enclosed waste storage facilities within a building, where achievable;
- Providing needed improvements, renovations, and retrofits to the existing rental housing to extend the life of the existing building(s) that are to remain; and
- Encouraging improved energy and water efficiency in existing buildings through renovations, retrofits, and changes to management practices.

[23] Mr. Charezenko opined that the Proposal conforms to the provincially approved Official Plan Amendments (“OPAs”) delineating the 120 Major Transit Station Areas (“MTSAs”) and PTMSAs across the City. These OPAs were approved on August 15, 2025, as the Subject Lands are within 200 m of a PMTSA.

City-wide Zoning By-law No. 569-2013

[24] The ZBL zones the Subject Lands as ‘Residential Apartment RA (au.67.0) (x341) (“RA (au.67.0)”). It was Mr. Charezenko’s opinion that the RA (au.67.0) zoning permits dwelling units in a permitted residential building and several non-residential buildings, subject to conditions. Exception RA 341 includes the following performance standards applicable to the Subject Lands:

- The minimum building setback from the front lot line is 25 m, measured from the original centre line of Bellamy Road;
- The minimum building setback from a side lot line or rear lot setback is a distance equal to half the height of the building;
- A maximum of 50% of the GFA of the first floor may be used for dwelling units;

- Amenity space must be provided at a minimum rate of 46 m² plus 0.9 m² per dwelling unit in excess of 50;
- The maximum lot coverage is 33%; and
- The following uses are permitted if they are located on the first floor if the total combined interior floor area does not exceed 47 m²: -Personal Service Shop;
 - i. Dry cleaning laundry pick-up and delivery;
 - ii. Photographic pick-up and delivery;
 - iii. Retail store, if it only sells foods prepared off the premises, soft drinks for consumption off the premises, or drugs, cosmetics, pharmaceuticals, tobaccos, and reading materials; and
 - iv. Recreational uses.

[25] Mr. Charezenko opined that the ZBA before the Tribunal conforms to the performance standards within the RA 341 exception of the ZBL.

City-wide Tall Building Design Guidelines

[26] It was Mr. Charezenko's opinion that the Proposal conforms to the CWTBDG as the guidelines are intended to provide a degree of certainty and clarity of common interpretation. However, these guidelines should afford some flexibility when looked at cumulatively, based on the Proposal. As such, Mr. Charezenko opined that the Proposal does conform to the applicable guidelines, as *inter alia*, the Proposal does provide for a minimum separation distance of 25 m between each building and each building meets the minimum setback requirement of 12.5 m from the side and rear property lines.

Mid-Rise Building Design Guidelines, 2024

[27] Mr. Charezenko opined that there were several changes made to the MRBDG that were intended to simplify construction and make buildings more economical to build. These changes include:

- Increasing the maximum height for mid-rise buildings from 11 storeys to 14 storeys (45 m) adjacent to streets with a 45 m right-of-way width;
- Providing consideration for additional height, taller than the adjacent right-of-way widths, on deep sites;
- Removing the application of both the front and rear angular planes, simplifying building massing, and limiting stepping/terracing, while still requiring certain setback and step backs to ensure appropriate building massing;
- Introducing new, or revising certain, setback and step back requirements to ensure buildings continue to be articulated, and different building elements continue to be defined;
- Reducing or increasing side yard setback based on the context and adjacencies;
- Increasing flexibility in building massing by promoting a performance-based approach rather than prescriptive standards, helping to simplify built form with potential for increased GFA and opportunities for additional residential units; and
- Introducing detailed public realm objectives, including guidance for sidewalk/pedestrian zones, prioritizing new tree planting, and preserving existing mature trees.

[28] Mr. Charezenko opined that the Proposal meets the intent of these guidelines as the Proposal is a mid-rise form that supports a flexible form of intensification without compromising the surrounding area by providing a built-form that fits into the existing and planned context.

Growing Up Guidelines

[29] Mr. Charezenko gave opinion that the intent of the GUG is to provide for a better integration of family-supportive designs for multi-residential developments. There are three separate scales used for these guidelines:

- The Neighbourhood Scale: At the neighbourhood scale, the guidelines focus on children's experience in the City, promoting independent mobility, and access to parks, schools, and community facilities.
- The Building Scale: At the building scale, the guidelines seek to increase the number of larger units, encourage the design of functional and flexible amenities and common spaces, and promote flexible building design for changing unit layouts.
- The Unit Scale: At the unit scale, the guidelines focus on the size of and functionality of spaces to ensure dwelling units can accommodate a family's daily needs. Considerations include providing sufficient room for families to gather and share meals, as well as bedrooms that can comfortably accommodate more than one child.

[30] Mr. Charezenko opined that the Proposal offers more than the minimum unit mix of 10% being three-bedroom units, and a minimum of 15% being two-bedroom units. As such, the Proposal meets the guidelines of the GUG.

Pet-Friendly Guidelines

[31] In Mr. Charezenko's opinion, the PFG are also structured with three scales; the neighbourhood, the building, and the dwelling unit. The neighbourhood scale encourages new developments be able to support the on-site pet population. The building scale provides direction as to the configuration of amenity spaces for pets. The unit scale looks at the total space and storage needs to enhance a pet's environment to meet its day-to-day needs. Mr. Charezenko continued with his opinion that the Proposal will provide for an outdoor area in the rear of the Subject Lands that conforms as an outdoor pet relief area, as well as an outdoor amenity area. As such, the Proposal meets the guidelines of the PFG.

Overall Opinion

[32] It was Mr. Charezenko's overall opinion that the Proposal is supported by the policy directions of the COP and will provide additional housing options by contributing 978 new residential units in an area within a PMTSA.

[33] Mr. Charezenko continued with his opinion that the Proposal has regard to matters of provincial interest, is consistent with the PPS 2024, conforms to the COP, and conforms to the ZBL. The Proposal meets the aforementioned urban design guidelines and the represents good land use planning for an infill development.

[34] It was Mr. Charezenko's opinion that the Tribunal should approve the Proposal, in principle, and withhold the issuance of its Final Order until the Tribunal has been advised by the City Solicitor that the following conditions have been met:

- a. The final form and content of the ZBA are to the satisfaction of the Executive Director, Development Review, and the City Solicitor, in consultation with other appropriate divisions; and

- b. The Owner has, at its sole cost and expense:
 - i. Addressed any comments from the Executive Director, Environment, Climate and Forestry on the updated Arborist Report dated June 19, 2025; and
 - ii. Provided a revised Functional Servicing Report, Stormwater Management Report, Municipal Servicing and Grading Plan, and any other reports or documents deemed necessary in support of the development to the City for review and acceptance by and to the satisfaction of the Director, Engineering Review. These reports shall determine whether the municipal water, stormwater runoff, sanitary and storm sewer systems can support the proposed development and whether upgrades or improvements of the existing municipal infrastructure are required.

ANALYSIS AND FINDINGS

[35] Having received the uncontroverted evidence of Mr. Charezenko, and the uncontested opinions of the Parties in support of the appeals before the Tribunal, the Tribunal accepts the evidence of Mr. Charezenko, and the Tribunal is satisfied that the ZBA meets the statutory tests.

[36] The Tribunal finds that the Proposal is a matter of provincial interest as per s. 2 of the Act as it will provide needed density within a PMTSA. The Tribunal finds that the settlement has demonstrated that it is consistent with the applicable policy framework of the PPS 2024 as the Proposal will help promote efficient land use and intensification that is in a compact form.

[37] The Tribunal finds that the Proposal, as presented, has demonstrated its conformity to the COP and the ZBL, as the Proposal will provide for an appropriate infill

development that is within a PMTSA. The Proposal has demonstrated it will add needed housing options in a neighbourhood that is within a PTMSA.

[38] The Tribunal finds that the Proposal is designed to fit harmoniously within the existing neighbourhood while providing an appropriate amount of residential density within a PMTSA.

[39] The Tribunal finds that the Proposal has demonstrated that it meets the relevant CWTBDG, MRBDG, GUG, and PFG.

[40] The Tribunal finds the settlement, as presented, should be conditionally approved with an Interim Order. The Final Order will be withheld until the Tribunal receives written confirmation from the City Solicitor that the proposed conditions have been met.

ORDER

[41] **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 [42] below, and the Zoning By-law Amendment set out in **Attachment 1** to this Interim Order, is hereby approved in principle.

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

- 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; and

- b. The Owner has, at its sole cost and expense:
- i. Addressed any comments from the Executive Director, Environment, Climate and Forestry on the updated Arborist Report dated June 19, 2025; and
 - ii. Provided a revised Functional Servicing Report, Stormwater Management Report, Municipal Servicing and Grading Plan, and any other reports or documents deemed necessary in support of the development to the City for review and acceptance by and to the satisfaction of the Director, Engineering Review. These reports shall determine whether the municipal water, stormwater runoff, sanitary and storm sewer systems can support the proposed development and whether upgrades or improvements of the existing municipal infrastructure are required.

[43] The 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.

[44] If the Parties do not submit the final draft 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 [42] above have been satisfied, and do not request the issuance of the Final Order, by **Tuesday, March 31, 2026**, the Appellant 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. In the event the Tribunal fails to receive the required status report, and/or in the event the contingent pre-requisites are not satisfied by the date indicated above, or by such other deadline as the Tribunal may impose, the Tribunal may then dismiss the appeal.

[45] 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, the satisfaction of the contingent pre-requisites, 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 issue on [date] and Ontario Land Tribunal Order issued on [date] in Tribunal File OLT- 24- 001074

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 123 Bellamy Road North.

Whereas the Ontario Land Tribunal, by its Decision issued on [date] and its Order issued on [date], in respect of Tribunal File OLT-24-001074, 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 123 Bellamy Road North; 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

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

The 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 9(au67.0) (x341) to a zone label of RA (x 341) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569 -2013, as amended, is further amended by amending the Coverage Overlay Map in Section 995.30 for the lands subject to this By-law, and applying no value.
5. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.[-].[-] Exception Number [-] so that it reads:

(341) Exception RA (x 341)

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 123 Bellamy Road North, 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 (U) below;
- (B) Despite regulations 15.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 161.8 metres and the elevation of the highest point of the **building** or **structure**;
- (C) The **buildings** and **structures** permitted on the **lot** include the "Existing Building", "Building A", "Building B" and "Building C", as shown on Diagram 3 to By-law [Clerks to insert By-law number];
- (D) Despite regulation 15.10.40.10(1), 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];
- (E) The required minimum height of the first **storey** is 4.5 metres, measured between the average elevation of the ground along the **front lot line** and the floor of the second **storey**;
- (F) Despite regulation 15.5.40.10 (3) to (6) and (D) above, the following equipment and **structure** 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 6 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 metres;

- (iii) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 1.2 metres;
 - (iv) **building** maintenance units and window washing equipment, by a maximum of 6 metres;
 - (v) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 2.5 metres;
 - (vi) antennae, flagpoles and satellite dishes, by a maximum of 6 metres; and
 - (vii) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 3 metres;
- (G) Despite regulation 15.5.80.30, surface **parking space** must be at least 1.8 metres from any **main wall** of an **apartment building**
- (H) Despite regulation 15.10.40.40 (1), the permitted maximum **gross floor area** of all **buildings** and **structure** is 96,364 square metres of which: must be provided at the following rate:
- (i) the permitted maximum **gross floor area** for the “Existing Building” is 21,864 square metres; and
 - (ii) the combined permitted maximum **gross floor area** for “Buildings A”, “Building B” and “Building C” is 74,500 square metres;
- (I) Despite regulation 15.10.40.50 (1), a minimum of 8,650 square metres is required **amenity space** which may be located in “Building A, Building B”, “Building C” or the “Existing Building”, and shall be accessible to all residents in all **buildings**;
- (J) Despite regulation 15.10.40.70(1)(2), (3) and (4), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law [Clerks to insert By-law number];
- (i) The minimum **building setback** for building C from a **lot line** that abuts Bellamy Road North **and to the first and second storey** is 4.2 metres
 - (ii) The minimum **building setback** for building C from a **lot line** that abuts Bellamy Road North for the rest of the building is 3 metres.

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- (K) Despite regulation 15.10.40.80(1)(2), the required separation of **main walls** are as shown in metres on Diagram [-] of By-law [Clerks to insert By-law number];
- (L) Regulation and 15.10.40.80(3) with respect to separation from the RD or RS zone does not apply;
- (M) Despite Clause 15.10.40.70 and 15.5.40.60 and (J) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) balconies, by a maximum of 1.8 metres;
 - (ii) deck and porches, by a maximum of 2.1 metres;
 - (iii) canopies and awnings, by a maximum of 3 metres;
 - (iv) exterior stairs, access ramps and elevating devices, by a maximum of 3 metres;
 - (v) cladding added to the original exterior surface of the main wall of the "Existing Building", inclusive of vent, pipes or utility equipment located beneath the cladding, by a maximum of 1 metres;
 - (vi) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 0.5 metres;
 - (vii) window projections, including bay windows and box windows, by a maximum of 0.5 metres;
 - (viii) eaves, by a maximum of 0.5 metres;
 - (ix) dormers, by a maximum of 0.5 metres; and
 - (x) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 2.0 metres;
 - (xi) Wind mitigation features, to a maximum of 3.0 metres;
 - (xii) Public art features, to a maximum of 2 metres.
- (N) Regulation 15.5.50.10(1) with respect to **landscaping** requirements for **apartment buildings**, requires a minimum of 35%
- (O) In addition to the parking requirements set out 200.5.10.1(1) and Table

200.5.10.1, minimum of 4 “car share parking spaces” must be provided on the **lot**;

- (P) Despite regulation 200.5.1.10(2)(A)(iv), a maximum of 10 percent of the required **parking spaces** may be obstructed as described in regulation 200.5.1.10(2)(D) without being required to provide additional width for the obstructed sides of the **parking space**;
- (Q) Despite regulation 200.15.1(4), an accessible parking space must be located within 30 metres of a barrier free entrance to a passenger elevator that provides access to the first storey of a building;
- (R) Despite regulation 200.15.1(1), an accessible **parking space** must have the following dimensions:
 - (i) a length of 5.6 metres;
 - (ii) a width of 3.4 metres;
 - (iii) a vertical clearance of 2.1 metres; and
 - (iv) the entire length of an accessible **parking space** must be adjacent to a 1.5-metre-wide accessible aisle or path;
- (S) Despite regulations 230.5.1.10(9), “long-term” bicycle parking spaces, including those located in a stacked bicycle parking space, may be located anywhere in a building below grade, and above grade up to and including the second storey;
- (T) Despite regulation 230.5.1.10(10), a “short-term” bicycle parking space may be located in a **stacked bicycle parking space**; and
- (U) For the purpose of this exception, each word or expression that is in bold font will have the same meaning as such word or expression as defined in Chapter 800 of Zoning By-law 569-2013, as amended, except for the following:
 - (i) “Building A”, “Building B”, and “Building C” mean the proposed 39-**storey**, 35-**storey** and 10-**storey apartment buildings**, respectively, as shown on Diagram 3 of By-law [Clerks to insert By-law number];
 - (ii) “car-share” or “car sharing” means the practice whereby a number of people share the use of one or more motor **vehicles** and such “car-share” motor **vehicles** are made available to at least the occupants of the **building** for short-term rental, including hourly rental; and
 - (iii) “car-share parking space” means a **parking space** exclusively

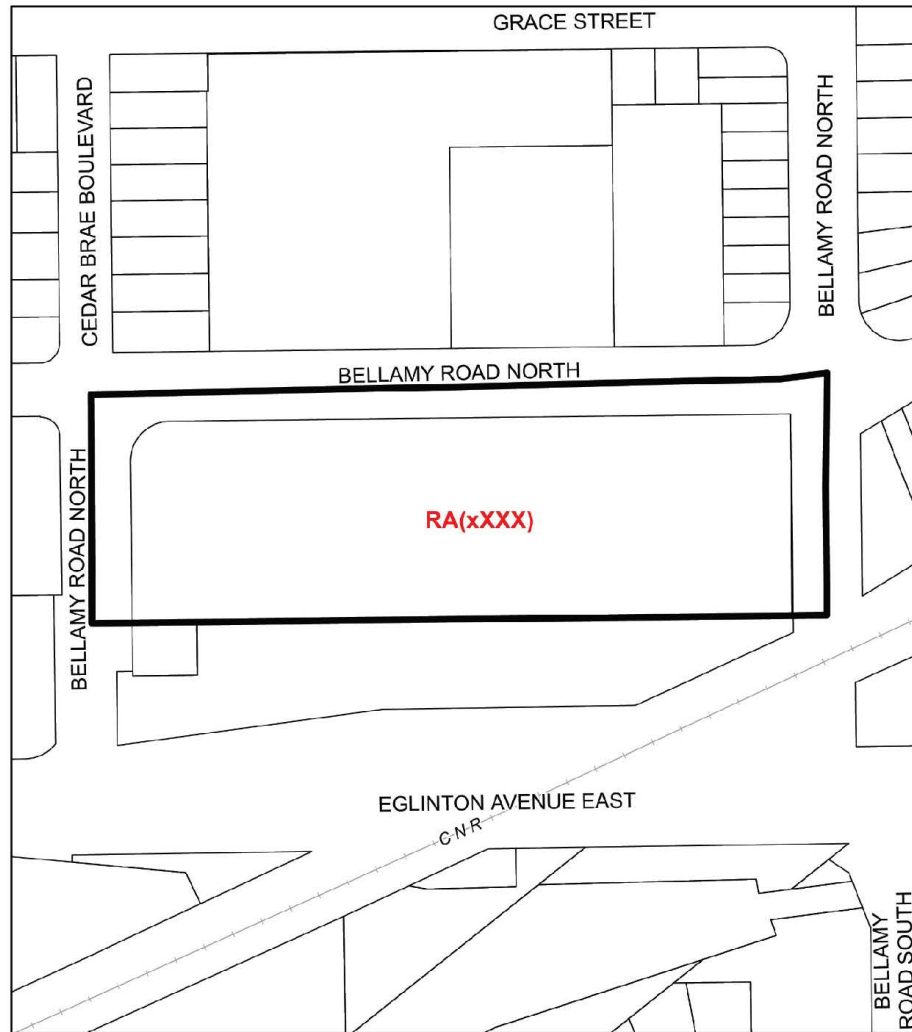
reserved and actively signed for a vehicle used only for “car-share” purposes;

6. Prevailing By-laws and Prevailing Sections: (None Apply);
7. None of the provisions of By-law 569-2013, as amended, or this By-law apply to prevent the erection or use of a temporary sales and/or leasing office or temporary construction office 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 [-]



File # 24 126134 ESC 21 0Z



 **Toronto**
Diagram 2

123 Bellamy Road North

File # 24 126134 ESC 21 0Z


City of Toronto By-law 569-2013
Not to Scale
11/12/2025



File # 24 126134 ESC 21 0Z

