

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: May 04, 2026

CASE NO(S): OLT-24-001142

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

Applicant and Appellant: Gabriele Homes Ltd.
Subject: Request to amend the Official Plan –
Failure to adopt the requested amendment
Description: To permit the development of an 11-storey
mixed-use building.
Reference Number: 15 171595 STE 32 OZ
Property Address: 847-855 Kingston Road
Municipality/UT: City of Toronto
OLT Case No.: OLT-24-001142
OLT Lead Case No.: OLT-24-001142
OLT Case Name: Gabriele Homes Ltd. v. Toronto (City)

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

Applicant and Appellant: Gabriele Homes Ltd.
Subject: Application to amend the Zoning By-law –
Refusal or neglect to make a decision
Description: To permit the development of an 11-storey
mixed-use building.
Reference Number: 15 171595 STE 32 OZ
Property Address: 847-855 Kingston Road
Municipality/UT: City of Toronto
OLT Case No.: OLT-24-001143
OLT Lead Case No.: OLT-24-001142
OLT Case Name: Gabriele Homes Ltd. v. Toronto (City)

Heard: February 03, 2026, by Video Hearing

APPEARANCES:**Parties**

Gabriele Homes Ltd.

City of Toronto

Toronto and Region Conservation
Authority (“TRCA”)**Counsel**Mark Flowers
Alexia Ivo (student at law)

Jessica Braun

Matthew Rutledge

DECISION DELIVERED BY CARMINE TUCCI AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] The matter before the Tribunal is with respect to the appeals filed by Gabriele Homes Ltd. under sections 22(7) and 34(11) of the *Planning Act* (“Act”) to seek approval for an Official Plan Amendment and a Zoning By-law Amendment to facilitate the development of an 11-storey mixed-use building.

[2] The appeals arise from the City of Toronto’s (“City”) failure to render a decision within the prescribed statutory timeframes.

[3] The “subject lands” are municipally known as 847–855 Kingston Road in the City and are located at the southwest corner of Kingston Road and Beech Avenue. The site has an approximate area of 0.15 hectares and is currently developed with a one-storey detached dwelling, a 1.5-storey medical office building, and a one-storey commercial structure.

[4] The surrounding area is characterized by low-rise residential and commercial uses, with a concentration of mid-rise residential buildings located to the east along Kingston Road, contributing to a varied built form context. The subject lands are designated *Neighbourhoods* in the City Official Plan and are zoned “R (d1.0)(x7)” under Zoning By-law No. 569-2013 and “R4 Z1” pursuant to former Zoning By-law No. 438-86.

[5] The proposed development requires an Official Plan Amendment to redesignate the lands to *Mixed Use Areas*, as the current designation limits building heights to a maximum of four storeys. A Zoning By-law Amendment is also proposed to rezone the site to “Commercial Residential (CR)” with site-specific standards to permit increased height, density, and related zoning relief.

[6] The Tribunal heard that the Parties confirmed on consent that a settlement had been reached and was presented for the consideration of the Tribunal (“Settlement Proposal”).

SETTLEMENT EVIDENCE AND SUMMARY OPINION

[7] The Tribunal was presented with the witness statement of Courtney Heron-Monk, a professional Land Use Planner and Senior Associate with Bousfields, in support of the settlement.

[8] The Settlement Proposal consists of a 13-storey mixed-use development featuring a six-storey base, a rooftop amenity level, and an overall building height of 46.7 metres (“m”), inclusive of the mechanical penthouse. The project provides approximately 8,555 square metres (“m²”) of gross floor area, with about 8,177 m² dedicated to residential uses and 378 m² allocated to non-residential space. The proposed development achieves a site density of 5.47 FSI, based on the gross site area of 1,561 m², and 7.47 FSI, based on the net site area of 1,145 m².

[9] The Tribunal was offered a statistical comparison of the Original Proposal (June 2015), the December 2022 Resubmission (December 2022) and the Settlement Proposal (October 2025), as provided below in Table 1.

Table 1

	June 2015	December 2022	Settlement Proposal
Properties	847, 849, 851 and 853 Kingston Road	847, 849, 851, 853 and 855 Kingston Road	847, 849, 851, 853 and 855 Kingston Road
Site Area			
Gross Site Area Ravine Lands	1,272 sq. m. No conveyance	1,561 sq. m. No conveyance	1,561.3 sq. m. 416 sq. m.
Net Development Area			1,145 sq. m.
Building			
Height Storeys	7 storeys (incl. MPH)	11 storeys (incl. MPH)	13 storeys (incl. MPH)
Top of Roof (metres)	24.1	33.2	41.1
Top of MPH (metres)	20.7	38.2	46.7
Gross Floor Area			
Residential GFA Retail	4,296.71 sq.m	6,823 sq. m	8,176.91 sq. m
GFA Total Gross Floor Area	124.22 sq.m 4,420.93 sq.m	371 sq. m 7,195 sq. m	378.06 sq. m 8,554.96 sq. m
Density	3.47 FSI (based on gross site area)	4.6 FSI (based on gross site area)	5.47 FSI (based on gross site area) 7.47 FSI (based on net site area)
Dwelling Units			
Studio	0 (0%)	2 (2%)	6 (5%)
One-bedroom	8 (28%)	56 (57%)	64 (56%)
Two-bedroom	19 (65%)	31 (31%)	33 (29%)
Three-bedroom	2 (7%)	10 (10%)	11 (10%)
Total Units	29	99	114
Amenity Space			
Indoor Amenity Space	54.37 sq. m (1.87/unit)	171.0 sq. m (1.72/unit)	210.57 sq. m (1.84/unit)
Outdoor Amenity Space	110.40 sq (3.80/unit)	104.5 sq. m (1.05/unit)	131.91 sq. m (1.15/unit)*
Total Amenity Space	164.77 sq. m (5.68/unit)	275.5 sq. m (2.77/unit)	342.48 sq. m (3.0/unit) *does not include 3m maintenance buffer

Vehicular Parking			
Residential Occupant	30 spaces	26 spaces	28 spaces
Residential Visitor	1 space	6 spaces	7 spaces
Non-residential	0 spaces	0 spaces	0 spaces
Total Vehicle Parking	31 spaces	32 spaces	35 spaces
Bicycle Parking			
Residential "Long-Term"	26 spaces	89 spaces	85 spaces
Residential "Short-Term"	3 spaces	20 spaces	24 spaces
Commercial "Long-Term"	3 spaces	0 spaces	0 spaces
Commercial "Short-Term"	2 spaces	0 spaces	0 spaces
Total Bicycle Parking	34 spaces	109 spaces	109 spaces
Loading	N/A	1 Type "G" space	1 Type "G" space

Summary of the Settlement Proposal Revisions

[10] The Settlement Proposal revises the December 2022 resubmission with several key improvements related to setbacks, environmental protection, public realm, built form, and project scale:

- **Expanded Setbacks & Environmental Protection**
 - Increased setbacks from the Lake Toe of Slope Stability Crest ("LTSSC") to better address erosion risks and ecological buffering:
 - South setback increased from 6.0 m to 10.0 m.
 - West setback increased to 6.0 m (with a limited 3.8 m exception at the northwest corner), replacing the prior 0 m setback.
 - A new 3.0 m building maintenance buffer adjacent to ravine lands.

- Southeast corner setback increased from 4.0 m to 5.0 m near Glen Stewart Park access.
- Approximately **416 m²** of land (about **26% of the site**) below the LTSSC will be **re-naturalized and conveyed to the City at no cost.**
- **Enhanced Public Realm**
 - Ground-floor setbacks increased along Kingston Road to provide a **consistent 5.2 m sidewalk zone**, improving pedestrian space and streetscape quality.
- **Building Massing and Height**
 - Building height increased from **11 to 13 storeys** (to 46.7 m including mechanical penthouse), including a new mezzanine level.
 - Introduction of a **6-storey base building** that steps back above to reduce visual impact and reinforce Kingston Road's mainstreet character.
 - Upper storeys (Levels 7–12) and Level 13 are progressively stepped back, especially adjacent to the park and ravine, to reduce massing impacts.
 - Level 13 contains amenity space and mechanical elements, with mechanical areas oriented away from the ravine.
- **Increased Density and Housing Yield**
 - Gross floor area increased from ~7,195 m² to ~8,555 m².
 - Density increased from **4.6 FSI to 5.47 FSI**.
 - Residential units increased from **99 to 114**, including:

- 10% three-bedroom units.
 - ~29% two-bedroom units.
- **Amenity Space**
 - Total amenity space of **342.48 m²**:
 - 210.57 m² indoor.
 - 131.91 m² outdoor.
 - Equivalent to **3.0 m² per unit**.
 - **Retail, Access, and Parking**
 - Approximately **416 m² of retail/commercial GFA** at grade, with additional space on the mezzanine.
 - Retail located at Kingston Road and Beech Avenue with views toward the ravine and park.
 - Ground floor also includes residential lobby, services, loading, and access to a **two-level underground parking garage** (with bicycle parking on Level 2).
 - Mezzanine level features double-height retail and loading areas, with residential uses above.

[11] The Settlement Proposal increases building height and density while delivering improved setbacks, environmental protection, public realm enhancements, and a more refined massing strategy, particularly adjacent to the ravine and park.

FINDINGS

[12] On the strength of the uncontradicted expert opinion evidence of Ms. Heron-Monk and upon a review of the applicable provisions of the Act, the Tribunal is satisfied that the proposed Settlement is aligned with the applicable policy framework, represents good planning, and is in the public interest.

[13] The Tribunal finds the Settlement Proposal represents an appropriate and efficient use of the subject lands and establishes a built form that is well integrated with the existing and planned context. It provides adequate separation and buffering to protect and enhance the Glen Stewart Ravine, while ensuring a sensitive transition to adjacent low-rise neighbourhoods.

[14] The proposal supports key provincial and city policy objectives by promoting mixed-use intensification within a built-up area that is well served by existing and planned municipal infrastructure, including transit. The scale and density are appropriate given the site's location along the Kingston Road corridor and its surrounding mix of uses.

[15] The proposed combination of residential and retail/commercial uses, together with enhanced public realm and environmental protection measures, will support the ongoing revitalization of Kingston Road and contribute to a more vibrant, complete, and transit-supportive community.

[16] The development will assist the City in achieving its housing targets by delivering additional housing supply, including a family-oriented unit mix consistent with the *Growing Up Guidelines*, in a transit-accessible location.

[17] The building is appropriately scaled and carefully massed to respond to surrounding mid-rise development, adjacent neighbourhoods, and the ravine lands. The proposal has addressed comments from City staff, other City divisions, and the TRCA,

particularly with respect to built form, massing, natural heritage and hazards, public realm, and transportation.

[18] The Tribunal further agrees that the Settlement Proposal has regard for Provincial interests, is consistent with the Provincial Policy Statement, conforms with the Official Plan subject to the proposed Official Plan Amendment, and has regard to applicable urban design guidelines. Overall, the proposed Official Plan Amendment and Zoning By-law Amendment achieve a balanced implementation of planning policy and represent good planning.

[19] The Tribunal commends the Parties in working collaboratively and engaging in productive discussions to reach a settlement in these proceedings.

INTERIM ORDER

[20] **THE TRIBUNAL ORDERS THAT** the appeals of the Official Plan and Zoning By-law are allowed in part, on an interim basis, contingent upon confirmation, satisfaction, or receipt of those pre-requisite matters identified in Attachment 1. The Official Plan Amendment and the Zoning By-law Amendment, set out respectively at Attachments 2 and 3 to this Interim Order, are hereby approved in principle.

[21] The Tribunal will withhold the issuance of its Final Order contingent upon confirmation of the City Solicitor, that all pre-requisite matters are satisfied.

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

[23] If the Parties do not submit the final drafts of the Official Plan and Zoning By-law Amendments and provide confirmation that all other contingent pre-requisites to the issuance of the Final Order have been satisfied, and do not request the issuance of the

Final Order, by **Friday, September 25th, 2026**, the Applicant, Gabriele Homes Ltd., and the City of Toronto 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 Official Plan and Zoning By-law Amendments and issuance of the Final Order by the Tribunal.

[24] The Tribunal may, as necessary, arrange the further attendance of the Parties by Telephone Conference Call to determine the additional time lines and deadline for the submission of the final form of the instrument(s), the satisfaction of the contingent prerequisites, and the issuance of the Final Order.

“Carmine Tucci”

CARMINE TUCCI
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

The Tribunal withholds its final Order until such time as the Tribunal has been advised by the City Solicitor that:

(a) the final form and content of the Official Plan Amendment and Zoning By-law Amendment are to the satisfaction of the Executive Director, Development Review and the City Solicitor, in consultation with other appropriate divisions;

(b) the Owner has, at its sole cost and expense:

(i) provided a revised Natural Heritage Impact Study, including describing and illustrating necessary buffers/setbacks and proposed enhancement/re-naturalization with a dense mix of native, non-invasive trees and shrubs, to the satisfaction of the Chief Planner and Executive Director, City Planning;

(ii) provided a Ravine Stewardship Plan for the setback, buffer and feature areas located within the property boundary and/or within the lands to be conveyed into public ownership, including illustrating the proposed enhancement/re-naturalization with a dense mix of native, non-invasive trees and shrubs, to the satisfaction of the Chief Planner and Executive Director, City Planning;

(iii) provided a revised Landscape Plan to the satisfaction of the Chief Planner and Executive Director, City Planning;

(iv) provided a revised Public Utility Plan, including Quality Level A data to determine and confirm the location of utilities and tree planting to the satisfaction of the Chief Planner and Executive Director, City Planning and the Executive Director, Environment, Climate and Forestry;

(v) provided a revised Pedestrian Level Wind Study, including a Wind Tunnel Study, to the satisfaction of the Chief Planner and Executive Director, City Planning;

(vi) provided a revised Toronto Green Standard Checklist and Statistics, to the satisfaction of the Chief Planner and Executive Director, City Planning;

(vii) provided a revised Arborist Report and Tree Protection Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning and the Executive Director, Environment, Climate and Forestry;

(viii) submitted a revised Functional Servicing and Stormwater Management Report and a revised Hydrogeological Review, ("Engineering Reports") to the satisfaction of the Director, Engineering Review, Development Review, in

consultation with the General Manager, Toronto Water, who will, in the course of his review of the matter, give consideration to the sensitivity of the creek in the Glen Stewart Ravine;

(ix) secured the design and financial securities in respect of any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Engineering Reports, to support the development, all to the satisfaction of the Director, Engineering Review, Development Review and the General Manager, Toronto Water, should it be determined that improvements or upgrades are required to support the development, according to the Engineering Reports accepted by the Director, Engineering Review, Development Review and the General Manager, Toronto

Water, unless otherwise secured through a holding provision in the by-law;

(x) ensured that implementation of the accepted Engineering Reports does not require changes to the proposed amending By-law or that any required changes have been made to the proposed amending By-law to the satisfaction of the Executive Director, Development Review, the Director, Engineering Review, Development Review and the City Solicitor, including the use of a Holding ("H") symbol regarding any new municipal servicing infrastructure or upgrades to existing municipal servicing infrastructure, as may be required;

(xi) addressed all outstanding issues raised by Development Engineering in the memo dated March 17, 2023, as they relate to the Zoning By-law Amendment application to the satisfaction of the Director, Engineering Review, Development Review;

(xii) provided a Methane Gas Study and Report to the satisfaction of the General Manager, Solid Waste Management Services; and

(xiii) registered or authorized the City to register a section 118 restriction, pursuant to section 118 of the Land Titles Act, on title to the subject lands, to be limited to a restriction on the transfer of the subject lands, to the satisfaction of the Executive Director, Development Review and the City Solicitor, in consultation with the Executive Director, Environment, Climate and Forestry and the General Manager, Parks and Recreation.

ATTACHMENT 2**Draft Official Plan Amendment****ATTACHMENT 2**

NO.: OLT-24-001142

Authority: Ontario Land Tribunal Decision issued on (date) and Ontario Land Tribunal Order issued on (date) in Tribunal File OLT-24-001142

CITY OF TORONTO**BY-LAW No. XXX-2026 (OLT)**

To adopt Amendment No. XXX to the Official Plan of the City of Toronto with respect to the lands municipally known in the year 2025 as 847, 849, 851, 853, 855 Kingston Road.

WHEREAS the Owner of the lands appealed a proposed official plan amendment to the Ontario Land Tribunal pursuant to Section 22(7) of the Planning Act, R.S.O. 1990, c. P.13, as amended; and

WHEREAS the Ontario Land Tribunal, by its Decision issued on (date) in File OLT-24-001142 and the Ontario Land Tribunal Order issued on (date) in File OLT-24-001142 approved amendments to the Official Plan for the City of Toronto with respect to the lands;

The Ontario Land Tribunal Orders:

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

Pursuant to Ontario Land Tribunal Decision issued on (date) and Ontario Land Tribunal Order issued on (date) in Tribunal File OLT-24-001142

City of Toronto By-Law XXX-2026 (OLT)

AMENDMENT NO. XXX TO THE OFFICIAL PLAN

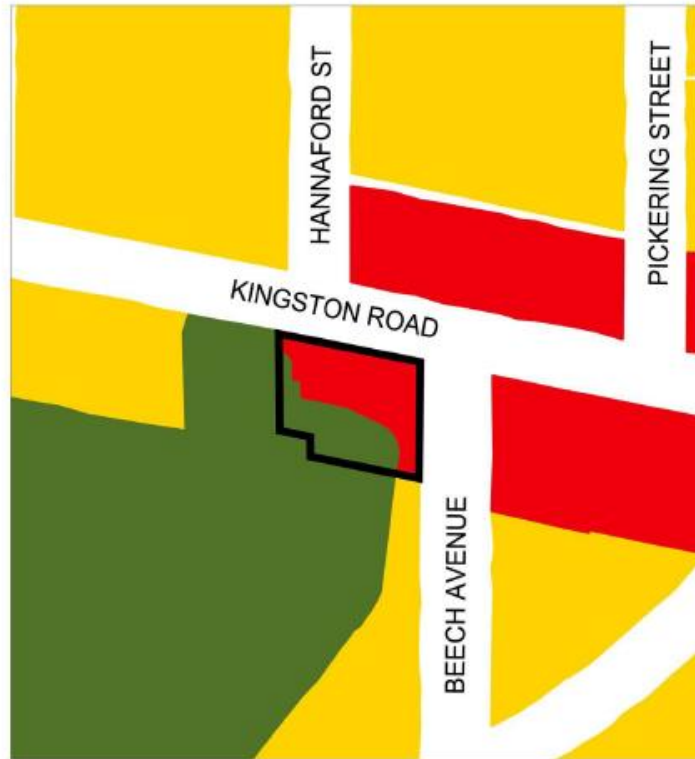
**LANDS MUNICIPALLY KNOWN IN THE YEAR 2025 AS 847, 849, 851, 853,
855 KINGSTON ROAD**

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

1. Map 21, Land Use Plan, is amended by redesignating the lands municipally known as 847, 849, 851, 853 and 855 Kingston Road from *Neighbourhoods* to *Mixed Use Areas* and *Natural Areas*, as shown on the attached Schedule 1.
2. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy XXX for the lands known municipally in 2024 as 847, 849, 851, 853 and 855 Kingston Road, as follows:
 - (A) Despite Policy 3.4.8, a portion of a building within the northwestern area of the lot may be set back a minimum distance of 3.8 metres from the long-term stable top of slope, as determined by the Toronto and Region Conservation Authority.

Draft Zoning By-law Amendment (October 6, 2025)
City of Toronto By-Law XXX-2026 (OLT)

SCHEDULE 1



Official Plan Amendment - Map 21

-  Site Location: From Neighbourhoods to Mixed Use Areas and Natural Areas
-  Neighbourhoods
-  Mixed Use Areas
-  Natural Areas



Pursuant to Ontario Land Tribunal Decision issued on [date] and Ontario Land Tribunal Order issued on [date] in Tribunal File OLT-24-001142

ATTACHMENT 3

Draft Zoning By-law Amendment (October 6, 2025)

ATTACHMENT 3

Authority: Ontario Land Tribunal Decision issued on [date] and Ontario Land Tribunal Order issued on [date] in Tribunal File OLT-24-001143

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 847, 849, 851, 853 and 855 Kingston Road.

Whereas the Ontario Land Tribunal, by its Decision issued on [date] and its Order issued on [date], in respect of Tribunal File OLT-24-001143, 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 847, 849, 851, 853 and 855 Kingston Road;

Whereas the Ontario Land Tribunal has the authority pursuant to Section 34 of the Planning Act, as amended, to approve 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 990.11.10 respecting the lands outlined by heavy black lines from a zone label of R (d1.0) (x7) to a zone label of CR 2.0 (c1.0; r1.5) SS2 (xXXX), ON (xXX) and ON (x13) 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 ##### as follows:

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

(####) Exception CR ####

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 847, 849, 851, 853 and 855 Kingston Road, 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 40.5.40.10(1) and (2), the height of a **building or structure** is the distance between the Canadian Geodetic Datum of 129.45 metres and the elevation of the highest point of the **building or structure**;
- (C) Despite regulation 40.10.20.100(21), an outdoor patio may be located within 30 metres from a lot in the Residential Zone category and may have a maximum size of 230 square metres;
- (D) Despite regulation 40.10.40.10(2), the permitted maximum height of a **building or structure**, including the 'Mechanical Zone', is the number in metres following the letters "HT" as shown on Diagram 3 of By-law [Clerks to insert By-law number];
- (E) Despite regulations 40.5.40.10(3) to (8) and (D) 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) Within the 'Mechanical Zone' as shown on Diagram 3, equipment used for the functional operation of the **building**, including electrical, utility, mechanical and ventilation equipment, as well as amenity space, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 2.5 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 2.5 metres;

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

- (iii) architectural features, parapets, roof membrane, insulation, pavers and elements and **structures** associated with a **green roof**, by a maximum of 2.0 metres;
 - (iv) **building** maintenance units and window washing equipment, by a maximum of 6.0 metres; and
 - (v) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 2.0 metres;
- (F) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 9,000 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 8,550 square metres; and
 - (ii) the permitted minimum **gross floor area** for non-residential uses is 235 square metres;
- (G) 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 two or more bedrooms;
 - (ii) a minimum of 10 percent of the total number of **dwelling units** must have 3 or more bedrooms;
- (H) Despite regulation 40.10.40.50(1), **amenity space** must be provided at the following rates:
- (i) at least 1.8 square metres for each **dwelling unit** as indoor **amenity space**;
 - (ii) at least 1.1 square metres of outdoor **amenity space** for each **dwelling unit**; and
 - (iii) no more than 25% of the outdoor component may be a **green roof**;
- (I) Despite regulation 40.10.40.50(1)(B), outdoor **amenity space** is permitted in a location that is not adjoining or directly accessible to an indoor **amenity space**;

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

- (J) Despite regulations 40.5.40.70(1) and 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];
- (K) Despite regulation 40.5.40.60(1), clause 40.10.40.60(1) and (J) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) decks, porches, and balconies, by a maximum of 2.0 metres;
 - (ii) canopies and awnings, by a maximum of 3.0 metres;
 - (iii) exterior stairs, access ramps and elevating devices, by a maximum of 2.0 metres;
 - (iv) encroachments listed in (i), (ii) and (iii), are not permitted to project into the setbacks abutting the ON (xxx) Zone as shown on Diagram 2;
 - (v) cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 0.5 metres; and
 - (vi) shoring elements and structures, air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 1.0 metres;
- (L) Despite regulations 40.10.90.40(1)(B) and 40.10.100.10(1)(B), **loading space** and vehicular access to the **lot** may be provided from Kingston Road;
- (M) Despite regulation 200.5.10.1(1) and Table 200.5.10.1, the number of **parking spaces** must be provided in accordance with the following:
- (i) a maximum of 0.7 for each bachelor dwelling unit up to 45 square metres and 1.0 for each bachelor **dwelling unit** greater than 45 square metres;
 - (ii) a maximum of 0.8 for each one bedroom **dwelling unit**;
 - (iii) a maximum of 0.9 for each two bedroom **dwelling unit**;
 - (iv) a maximum of 1.1 for each three or more bedroom **dwelling unit**;
 - (v) a minimum of 2 plus 0.05 residential visitor **parking spaces** per **dwelling unit**; and

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

- (vi) 0 parking spaces are required to serve the non-residential use portions of the building;
- (N) Despite regulation 200.5.1.10(2)(D), Electric Vehicle Infrastructure, including electrical vehicle supply equipment or an **energized outlet**, does not constitute an obstruction to a **parking space**;
- (O) Despite regulation 200.5.1.10(13), all areas used for **parking spaces** must have access to a **street** or **lane** that is direct and unobstructed, excluding a gate, moveable barrier or similar security feature in addition to a vehicle elevator;
- (P) Despite regulations 200.15.1(1) and (3), an accessible **parking space** must comply with the following:
 - (i) accessible **parking spaces** must have the following minimum dimensions:
 - a. length of 5.6 metres;
 - b. width of 3.4 metres; and
 - c. vertical clearance of 2.1 metres;
 - (ii) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
- (Q) Despite regulation 230.5.10.1(5), bicycle parking spaces shall be provided as follows:
 - (i) a minimum of 0.7 long-term bicycle parking spaces per unit;
- (R) Despite regulation 230.5.1.10(4), a **stacked bicycle parking space** provided in a horizontal or vertical orientation may have a minimum width of 0.45 metres;
- (S) Despite regulation 230.5.1.10(9), "long-term" **bicycle parking spaces** are permitted to be located on all levels of the **building** and **parking garage** both above and below a Canadian Geodetic Datum elevation of 129.45 metres;

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

- (T) Despite regulation 230.5.1.10(10), required "short-term" **bicycle parking spaces** may be located in a **stacked bicycle parking space** arrangement; and
- (U) Despite regulation 230.40.1.20(2), a "short-term" **bicycle parking space** may be located more than 30 metres from a pedestrian entrance to the **building on the lot.**

5. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.41.10 Exception Number ##### as follows:

(#####) Exception ON #####

Site Specific Provisions:

- (A) Within the portion of the lot zoned ON (xXX) as shown on Diagram 2, the permitted uses and **structures** are limited to:
 - (i) building maintenance and management;
 - (ii) conservation works;
 - (iii) fencing;
 - (iv) passive recreation elements, including walkways and seating areas; and
 - (v) below ground construction shoring and tie-backs ancillary to a building or structure on the **lot.**

6. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.41.10 Exception Number ##### as follows:

(#####) Exception ON (13)

Site Specific Provisions:

- (A) Despite clauses 90.20.20.10 and 90.20.20.20, none of the permitted uses except the following would be permitted with the following conditions:

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

(i) Park

(a) The park use is limited to conservation

(B) Despite regulation 90.20.40.40, no **gross floor area** would be permitted.

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

7. 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.

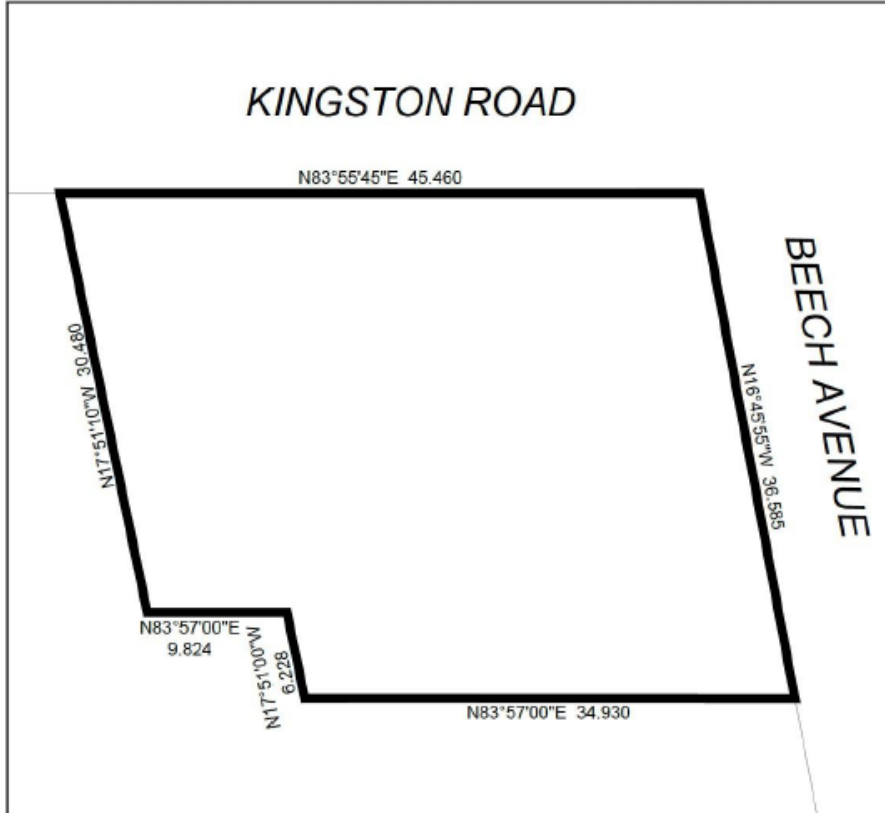
8. Temporary Use(s):

(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 temporary sales office for the purposes of marketing, rental, leasing and sale of **dwelling units** and non-residential uses 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.

(i) A temporary sales office may only be located within the portion of the lot zoned CR (xxx).

Ontario Land Tribunal Decision issued on [date] and Ontario Land Tribunal Order issued on [date] in Tribunal File OLT-24-001143.

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



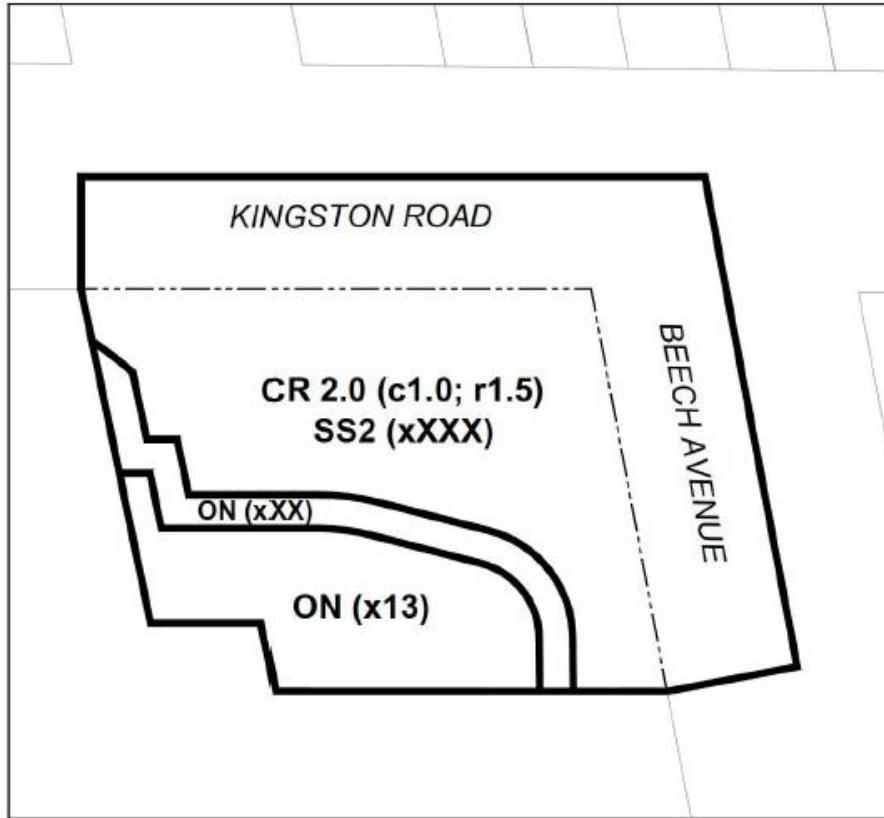
 **Toronto**
Diagram 1

847-855 Kingston Road

File #15 171595 STE 32 OZ


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

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



 **TORONTO**
Diagram 2

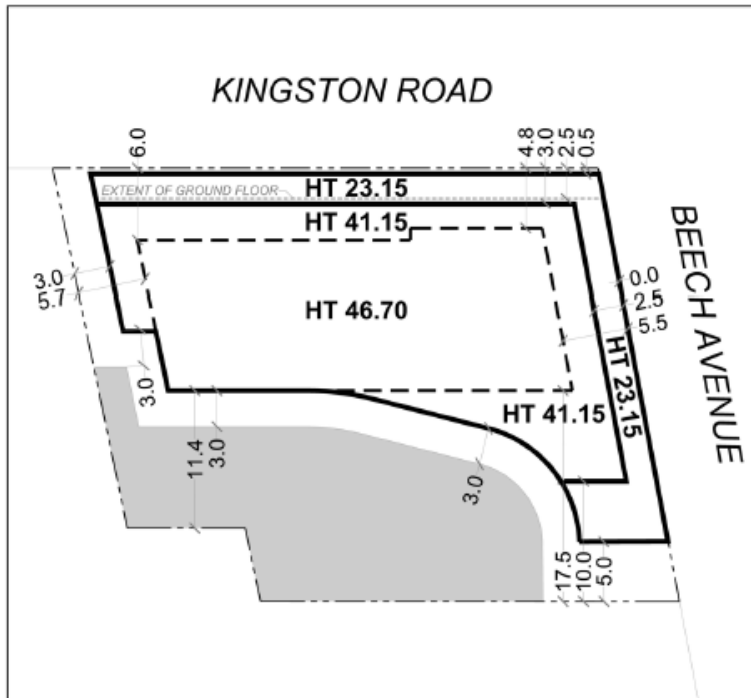
847-855 Kingston Road

File #15 171595 STE 32 OZ


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

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

City of Toronto By-law No. ____ - 2026(OLT)



847-855 Kingston Road

Diagram 3

File #15 171595 STE 32 02

- Lands to be conveyed to the City
- Mechanical Zone
- Extent of ground floor

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