

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: June 22, 2017

CASE NO(S): PL151208

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

Applicant and Appellant:	H-M Apartment Moccasin Inc.
Subject:	Request to amend the Official Plan - Failure of the City of Toronto to adopt the requested amendment
Existing Designation:	Neighbourhoods
Proposed Designated:	Apartment Neighbourhoods
Purpose:	To permit the proposed development of one 10-storey residential apartment building and two 4-storey apartment buildings
Property Address/Description:	40 Moccasin Trail And 50 Green Belt Drive
Municipality:	City of Toronto
Approval Authority File No.:	13 173059 NNY 34 OZ
OMB Case No.:	PL151208
OMB File No.:	PL151208
Case Name:	H-M Apartment Moccasin Inc. 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:	H-M Apartment Moccasin Inc.
Subject:	Application to amend Zoning By-law Nos. 7625 and 569-2013 - Neglect of the City of Toronto to make a decision
Existing Zoning:	Multiple-Family Dwellings Fifth Density Zone (RM5) (Zoning By-law No. 7625); Residential Multiple Dwelling Zone (RM) (Zoning By-law No. 569-2013)
Proposed Zoning:	Multiple-Family Dwelling Sixth Density Zone (RM6) (Zoning By-law No. 7625); Residential Apartment Zone (RA) and Open Space Zone (O) (Zoning By-law No. 569-2013)
Purpose:	To permit the proposed development of one

Property Address/Description:
Municipality:
Municipality File No.:
OMB Case No.:
OMB File No.:

10-storey residential apartment building and
two 4-storey apartment buildings
40 Moccasin Trail And 50 Green Belt Drive
City of Toronto
13 173059 NNY 34 OZ
PL151208
PL151209

Heard: May 30, 2017 in Toronto, Ontario

APPEARANCES:

Parties

H-M Apartment Moccasin Inc.
City of Toronto

Counsel

M. Flowers and R. Li (student-at-law)
S. Haniford

DECISION DELIVERED BY HUGH S. WILKINS

INTRODUCTION

[1] On May 23, 2013, H-M Apartment Moccasin Inc. (the “Appellant”) applied to the City of Toronto (the “City”) for an amendment to the City’s Official Plan (the “Official Plan”) and amendments to Zoning By-law Nos. 7625 and 569-2013 in relation to the Appellant’s proposal to redevelop lands at 50-60 Green Belt Drive and 40 Moccasin Trail (the “subject property”).

[2] The City did not make decisions on the applications within the statutory timelines and the Applicant appealed to the Ontario Municipal Board (the “Board”) in December 2015.

[3] Since the filing of the Official Plan and Zoning By-law Amendment applications, the proposed development has undergone various revisions. The currently proposed project is an eight-storey residential apartment building on Green Belt Drive and a four-storey residential apartment building on Moccasin Trail. The project would replace

existing rental apartment housing.

[4] In March 2017, the City and Appellant reached an agreement on a revised project proposal. City Council gave its support to it, subject to the following conditions being addressed to the satisfaction of the City (Exhibit 7):

- a. The Board Order for the Official Plan amendment and Zoning By-law amendment appeals is to be withheld pending the following:
 - i. Confirmation from the City Solicitor that the final form and content of the Official Plan amendment and Zoning By-law amendments are satisfactory to the City Solicitor, the Chief Planner and the Executive Director, City Planning and the Executive Director of Engineering and Construction Services and that they, amongst other matters, provide for the securing of the rental housing matters, including amongst other appropriate matters, rental housing replacement, securing of rents and tenant assistance;
 - ii. Confirmation from the City Solicitor that the [Appellant] has at its expense:
 - a. Provided a Functional Servicing Report, Stormwater Management Report and Hydrogeological Report satisfactory to the Executive Director, Engineering and Construction Services and the General Manager, Transportation Services; and
 - b. Designed and provided financial securities for any upgrade or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report, Stormwater Management Report, and Hydrogeological Report to support the development, all to the satisfaction of the Executive Director, Engineering and Construction Services and the General Manager, Transportation Services, should it be determined that improvements or upgrades are required to support the development, according to the Functional Servicing Report, Stormwater Management Report and Hydrogeological Study, accepted by the Executive Director, Engineering and Construction Services and the General Manager, Transportation Services;
 - iii. The by-laws and the Section 37 Agreement [as described below] shall require the [Appellant] at no cost to the City to design, financially secure, construct and make operational, any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report, Stormwater Management Report, and Hydrogeological Report to support the development, all to the satisfaction of the Executive Director, Engineering and Construction Services, the General Manager, Transportation Services and the City Solicitor;
 - iv. The by-laws and the Section 37 Agreement shall require that prior to the issuance of any above-grade building permit for all or any part of the site, including for clarity, any conditional above-grade building permit, the owner shall

construct, complete and make operational any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report, Stormwater Management Report, and Hydrogeological Report to support the development, all to the satisfaction of the Executive Director, Engineering and Construction Services, the General Manager, Transportation Services and the City Solicitor;

- v. Confirmation from the City Solicitor that the implementation of the Functional Servicing Report, Stormwater Management Report and Hydrogeological Report accepted by the Executive Director, Engineering and Construction Services and the General Manager, Transportation Services either does not require changes to the proposed amending by-laws or any such required changes have been made to the proposed amending by-laws to the satisfaction of the Chief Planner and Executive Director, City Planning, the City Solicitor and the Executive Director, Engineering and Construction Services;
- vi. Confirmation from the City Solicitor that the [Appellant] has entered into an Agreement with the City pursuant to Section 37 of the Planning Act, that is satisfactory to the Chief Planner and Executive Director, City Planning, the City Solicitor and the Executive Director, Engineering and Construction Services and the City Solicitor and that such Agreement has been registered to the satisfaction of the City Solicitor, such Agreement (and Zoning By-law amendment) to include amongst other matters at the [Appellant's] expense, the securing of the rental housing replacement, rents and tenant assistance, that the [Appellant] shall pay to the City prior to the first above grade building permit issuing for the site the sum of \$300,000, indexed from the date of the Board Decision issuing in accordance with City practice, such funds to be used by the City for the capital improvements to Moccasin Trail Park in the vicinity of the site and the existing entrance to the park, and to be secured in the Zoning By-law amendment and other matters referred to in City Council's decision and the report (March 21, 2017) from the City Solicitor;
- vii. Confirmation from the City Solicitor that the City Council has made a decision on the application under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act 2006 to demolish the 83 existing residential rental dwelling units at 40 Moccasin Trail and 50-60 Greenbelt Drive (File 13 173075 NNY 34 RH);
- viii. Confirmation from the City Solicitor that the conditions of the Toronto and Region Conservation Authority have been appropriately incorporated in the Zoning By-law Amendment in such other instruments, and secured in an appropriate agreement, to the satisfaction of the Toronto and Region Conservation Authority.

[5] On April 8, 2017, the Appellant informed the Board that a settlement of the appeals had been agreed by the Appellant and the City. It requested on consent that the scheduled hearing dates commencing in May 2017 be cancelled and a settlement conference be held on May 30, 2017 for the Board to consider the proposed settlement.

[6] As requested, a settlement conference was convened on May 30, 2017. The Board heard evidence from Michael Goldberg, whom the Board qualified to provide opinion evidence in the area of land use planning, and from James Bacchus, whom the Board qualified to give opinion evidence in the area of transportation planning. Both the witnesses testified on behalf of the Appellant in support of the settlement.

[7] None of the participants who were granted status at the Board's pre-hearing conferences in July and October 2016 attended the settlement conference apart from Patricia Browne who indicated that she supported the settlement and only wished to observe the proceeding. The Appellant informed the Board that the participant Joe Catalano and Don Mills Residents Inc. had expressed to the City their support of the revised development proposal (Exhibit 1B, Tabs 31 and 32). It also stated that the participant, Luis Blanco, had stated to the Appellant that his concerns have been addressed (Exhibit 8).

[8] In his testimony, Mr. Goldberg described the location of the subject property and history of the proposed development. He stated that the subject property is composed of two sites. One is on the east side (the "East Block") and the other is on the west side (the "West Block") of Nob Lane. He said the East Block would be an "L"-shaped, eight-storey residential building with 194 dwelling units located at 50-60 Green Belt Drive. He said the West Block would be a "U"-shaped, four-storey residential building with 100 rental dwelling units, of which a minimum of 67 shall be rental replacement dwelling units, located at 40 Moccasin Trail. He described public consultations and the process that was undertaken in reaching the proposed settlement, including the establishment of a working group comprised of the City Councillor, City Planning staff, the Appellant and a select group of neighbours. He said the existing buildings on the subject property are a three-storey, 34-unit rental apartment building with 15 units currently occupied on the site of the West Block, and a three-storey, 49-unit rental apartment building on the site of the East Block, which is currently vacant. He said that under the project proposal, these building would be demolished.

[9] Mr. Goldberg stated that the area in which the subject property is located has a mixture of residential and employment uses. He said it includes three large employment properties, two townhouse subdivisions, two apartment buildings (eight and nine storeys), and single detached dwellings. He described the setbacks, shadow and view impacts, and the parking, vehicle access, servicing and loading, outdoor amenity, and height characteristics of the Appellant's proposed buildings and stated that both the City and the working group were satisfied with these aspects of the project. He noted that the proposed development would be subject to site plan approval, if the proposed Official Plan and Zoning By-law Amendments were granted.

[10] Mr. Goldberg stated that the existing buildings provide 83 rental units, while the proposed development would offer 67 replacement rental units. He said the composition of the bedrooms in the proposed development differs from those in the existing buildings, noting that the replacement units would include a greater number of two- and three-bedroom family units. He referred to a "Rental Demolition and Replacement Terms Sheet" prepared by the City, which indicates that although the number of rental dwelling units will be reduced, the total number of rental unit sleeping areas in the West Block will equal the existing number on the subject property (Exhibit 1B, Tab 37).

[11] Mr. Goldberg reviewed the City Council's conditions for agreeing to the proposed development (Exhibit 7), noting that they require technical reports on stormwater management, functional servicing and hydrogeology to be completed and implemented and allow for further alterations to the draft Official Plan and Zoning By-law Amendments to address the outcomes of those reports. He said that the conditions envision the drafting and execution of an agreement between the City and the Appellant under s. 37 of the *Planning Act*, which would require the securing of rental housing replacement, rent and tenant assistance and the payment by the Appellant to the City of \$300,000 for capital improvements to the nearby Moccasin Trail Park and the entrance to that park. He said that the working group supported the use of s. 37 funds as proposed. Mr. Goldberg also stated that the conditions require that the Appellant comply

with the Toronto and Region Conservation Authority's ("TRCA's") conditions of approval of the proposed development (Exhibit 1B, Tab 33), which are that:

- a. the [Appellant] acknowledges that all of the lands below the Long Term Stable Top of Bank and within the 10 metre setback of the Long Term Stable Top of Bank will be placed in an open space/hazard land zoning category; and
- b. the [Appellant] agrees to convey to the TRCA for a nominal sum all of the lands identified above for Open Space and valley land purposes.

[12] Mr. Goldberg opined that the proposed development is consistent with the Provincial Policy Statement, 2014 (the "PPS") and conforms to the Growth Plan for the Greater Golden Horseshoe, 2006 (the "Growth Plan"). He said that these instruments encourage and promote a range in mix of housing, the efficient and optimal use of land and infrastructure, and intensification and redevelopment (where appropriate). He said the proposed development facilitates meeting these goals. He also stated that based on his review of revisions to the Growth Plan, which are to come into effect in July 2017, the proposed development conforms to them as well.

[13] Mr. Goldberg also opined that the proposed development conforms to the Official Plan. He stated that the subject property is currently designated under the Official Plan as being in a "Neighbourhood" area and that the proposed Official Plan Amendment would designate it to have a site-specific exception to that Neighbourhoods designation to permit the proposed height, rental housing and other aspects of the proposed development. Referring to para. 2.3.1 of the Official Plan, Mr. Goldberg stated that the proposed development respects the existing physical character of the area and reinforces the stability of the neighbourhood. He said the proposed development conforms to the built form, housing, environment and neighbourhoods policies in the Official Plan. He said the height, massing, scale and dwelling type of the proposed development respects and reinforces the existing physical character of the area.

[14] Regarding rental housing issues, he referred to the City's conditions for agreeing to the proposed settlement which require the securing of rental housing replacement and rent and tenant assistance. He stated that the City supports the proposed number

and composition of rental replacement units. He noted that the proposed development will include a significant number of affordable and mid-range rental units.

[15] Mr. Goldberg also opined that the proposed development conforms to the Central Don Mills Secondary Plan. He said the proposed development conforms to the Secondary Plan's policies on family housing, a balanced housing mix, and rental housing. He said the proposed development will be of a much higher standard than the existing buildings and will protect tenant's tenure and provide a range of rental units and sizes.

[16] Mr. Goldberg stated that the Appellant seeks to have the subject property rezoned from Residential Multiple Dwelling Zone 5 ("RM5") to Residential Multiple Dwelling Zone 6 ("RM6") under Zoning By-law 7625 for the East Block and to have site specific exceptions added to that zoning for the West Block. The zoning under Zoning By-law No. 569-2013 would be maintained as Residential Multiple Dwelling Zone ("RM"), but with site-specific exceptions for each Block. He stated that designated lands in the East Block buffering the valley to the north would be zoned Open Space 1 ("O1") under Zoning By-law No. 7625 and Open Space – Natural Zone ("ON") under Zoning By-law No. 569-2013 in accordance with the TRCA's conditions noted above. He said these changes would address the number of dwelling units, gross floor area, building height, building envelopes, landscaping, setbacks, parking, rental housing and other aspects of the proposed developments.

[17] Mr. Goldberg opined that the proposed development and amendments to the Official Plans and zoning represent good planning and that it is in the public interest to approve the amendments and grant the appeals subject to the conditions set out by the City.

[18] In his testimony on transportation planning issues, Mr. Bacchus reviewed the traffic studies that were completed regarding the proposed development. He stated that the studies analyzed existing traffic levels, the expected contributions to traffic from the proposed development and the expected contributions from other possible future

developments in the area. He said they found that there is ample transportation capacity to accommodate the proposed development and other proposed developments in the area. He said the City had reviewed the studies and accepted their findings. Mr. Bacchus also stated that he was satisfied that the proposed parking for the development is sufficient and that the proposed loading areas and access to the subject property are appropriate. He said that he undertook further analyses to address concerns raised by the participant Mr. Blanco regarding access to the subject property and traffic impacts in the area and that upon reviewing this further work, Mr. Blanco was satisfied that his concerns were addressed (Exhibit 8). He said the site plan for the proposed development would address transportation details as well. Mr. Bacchus concluded that the proposed development represents good transportation planning.

[19] The parties submitted that the proposed development with the City's conditions represents good planning and effectively addresses concerns raised by neighbours and the City, including those regarding housing, height and setbacks. The Appellant argued that the proposed development provides an opportunity to re-develop the subject property and maintain significant rental housing at the site. The parties requested that the Board allow the appeals in part and approve the draft Zoning By-law and Official Plan amendments in principle, but withhold its final order until the City's conditions are satisfied. In order to avoid delays in having the process move forward, the Appellant requested on consent that the Board's decision be made effective immediately under Rule 107 of the Board's *Rules of Practice and Procedure*.

[20] Having considered the uncontradicted evidence of Mr. Goldberg and Mr. Bacchus, and having regard for the City's conditions as approved by City Council, the Board finds that the proposed amendments to Zoning By-law Nos. 7625 and 569-2013 and the Official Plan, as set out in the Attachments 1, 2, and 3 of this Decision, are consistent with the PPS and conform to the policies of the Growth Plan, the Don Mills Secondary Plan and the Official Plan. The Board finds that they represent good planning and are in the public interest.

[21] The Board allows the Zoning By-law Amendment and Official Plan Amendment appeals in part and approves, in principle the draft Zoning By-law Amendments and the draft Official Plan Amendment, but withholds its final order until the conditions set out by City Council (and found in Attachment 4 to this Decision) are satisfied.

ORDER

[22] The Board orders that:

1. the Zoning By-law Amendment and the Official Plan Amendment appeals are allowed in part and the draft Zoning By-law Amendments set out in Attachments 1 and 2 to this Decision and the draft Official Plan Amendment set out in Attachment 3 to this Decision are approved in principle;
2. the Board's order respecting the Zoning By-law Amendment and Official Plan Amendment appeals and its approval of the draft Zoning By-law Amendments and Official Plan Amendment are withheld pending the satisfaction of the conditions set out in Attachment 4 to this Decision;
3. as soon as possible after the satisfaction of the conditions set out in Attachment 4 to this Decision, the parties will file the final draft Zoning By-law Amendments and Official Plan Amendment with the Board and indicate to the Board what, if any, changes have been made from the drafts set out in Attachments 1, 2, and 3 to this Decision;
4. the Board retains jurisdiction over determining the final form and content of the Zoning By-law Amendments and Official Plan Amendments;
5. a status update telephone conference call will be held on Friday, November 17, 2017 at 9 a.m. at which time the parties will update the Board on progress made and address the issue of whether a final deadline is required for the satisfaction of the conditions set out in Attachment 4 to this Decision. The

Board case coordinator will forward call-in details for the call to the parties;

6. pursuant to Rule 107 of the Board's *Rules of Practice and Procedure*, this Decision is effective as of May 30, 2017.

"Hugh S. Wilkins"

HUGH S. WILKINS
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

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ATTACHMENT 1

May 29, 2017

Authority: Ontario Municipal Board Order issued ____ in Board Case No. PL151208

CITY OF TORONTO

BY-LAW No. ~2017

**To amend the former City of North York Zoning By-law No. 7625, as amended,
with respect to the lands municipally known in the year 2017 as
40 Moccasin Trail and 50 - 60 Green Belt Drive**

Whereas the Ontario Municipal Board, pursuant to its Order issued on ____ in Board Case No. PL151208 upon hearing the appeal of the owner, under Section 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, deems it advisable to amend former City of North York By-law No. 7625, as amended, with respect to the lands known municipally as 40 Moccasin Trail and 50 - 60 Green Belt Drive; and

Whereas pursuant to Section 37 of the *Planning Act*, the council of a municipality may, in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height and density of development otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services and matters as are set out in the By-law; and

Whereas subsection 37(3) of the *Planning Act*, provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in the height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters as hereinafter set forth; and

Whereas the increase in the height and density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by the By-law, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owner of such lands and the City of Toronto; and

Whereas the City of Toronto has required the owner of the aforesaid lands to enter into one or more agreements having been executed dealing with certain facilities, services and matters in return for the increase in height and density in connection with the aforesaid lands as permitted by this By-law:

The Ontario Municipal Board Orders:

1. Schedules "B" and "C" of By-law 7625 of the former City of North York, as amended, are hereby further amended in accordance with Schedule "1" of this By-law.
2. Section 64.20-A of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

64.20(XXX) RM6(XXX)**DEFINITIONS**

- (a) For the purpose of this exception “Apartment House Dwelling” shall mean a building containing more than four (4) dwelling units, each having access from an internal corridor system and / or direct access at grade for grade-related units.
- (b) For the purpose of this exception “Building Height” shall mean the vertical distance between the Established Grade and the highest point of the roof surface, exclusive of all accessory components such as but not limited to, mechanical penthouse, tower structures, exit stairways, cupolas, steeples, antennae, parapets, railings, landscape open structures, architectural features and ornamental structures and mechanical equipment and screens.
- (c) For the purpose of this exception “established grade” for the purpose of establishing “building height” shall mean a geodetic elevation of 139.4 metres for the West Block and a geodetic elevation of 138.3 metres for the East Block.
- (d) For the purpose of this exception “West Block” and “East Block” shall mean those lands shown as West Block and East Block on Schedules RM6(XXX)A and RM6(XXX)B.
- (e) “Site” shall mean the lands zoned RM6(XXX) for the purpose of paragraph (u) of this exception.

PERMITTED USES

- (f) The only permitted uses on the West Block and East Block shall be:
 - (i) Apartment house dwellings and uses accessory thereto, including recreational facilities and amenity areas; and,
 - (ii) Temporary sales office

EXCEPTION REGULATIONS

- (g) Dwelling units
 - (i) The total number of units on the West Block and East Block combined shall not exceed 294 dwelling units.
 - (ii) The West Block shall have a maximum of 100 dwelling units.
 - (iii) the East Block shall have a maximum of 194 dwelling units.
- (h) Gross Floor Area
 - (i) The total gross floor area of all buildings on the West Block and East Block combined shall be a maximum of 32,100 m².
 - (ii) The maximum gross floor area for the West Block shall be 12,300 square metres.
 - (iii) The maximum gross floor area for the East Block shall be 19,800 square metres.

- (i) The provisions of Sections 16.2.2 and 20-A2.2 (lot coverage) shall not apply.
- (j) Building Height
 - (i) The provisions of Sections 20-A.2.6 and 16.2.6 (building height) shall not apply. The maximum building heights shall not exceed the maximum heights in metres and storeys as set out on Schedules RM6(XXX)A and RM6(XXX)B.
 - (ii) A penthouse or other roof structure which is used only as an ornament or to house the mechanical equipment of the building:
 - (A) does not constitute a storey and shall be disregarded in calculating the height of the building;
 - (B) shall not exceed a height of 5.0 metres; and,
 - (C) shall cover no more than 50% of the roof area within the building footprint identified on Schedules RM6(XXX)A and RM6(XXX)B.
- (k) Building Envelopes
 - (i) The maximum above ground building envelopes excluding parking garages and mechanical structures shall be as set out on Schedules RM6(XXX)A and RM6(XXX)B.
 - (ii) No buildings except for permitted projections as set out in subsection (iii) below shall be permitted beyond the building envelopes as set out on Schedules RM6(XXX)A and RM6(XXX)B.
 - (iii) Permitted projections outside of building envelopes
 - (A) Canopies, balconies, balcony support columns, roof slab projections, porches and decks shall be permitted to project outside the building envelope a maximum of 3.0 metres.
 - (B) Belt courses, chimney breasts, cornices, eaves or gutters, pilasters and sills, columns and piers shall be permitted to project outside the building envelopes a maximum of 1.2 metres.
 - (C) Exterior stairways and ramps and other supporting structural elements are permitted to project outside the building envelopes.
 - (iv) Below grade structures will be located a minimum 0.0m from the lot line.
- (l) Landscaping

The provisions of Section 15.8 (Landscaping) shall not apply
- (m) The provisions of Section 16.2.1 and 20-A2.1 (lot area) shall not apply.
- (n) The provisions of Section 16.2.3 and 20-A2.3 (street and lot frontage) shall not apply.
- (o) The provisions of Section 16.2.5 (floor area) shall not apply
- (p) Yard Setbacks
 - (i) The minimum yard setbacks for buildings and structures above ground level shall be as

shown on Schedules RM6(XXX)A and RM6(XXX)B.

(q) Recreational Amenity Area

- (a) For an apartment house dwelling a minimum of 2.0m² of indoor private recreational amenity area per dwelling unit shall be provided in the same building.
- (b) For an apartment house dwelling a minimum of 2.0m² of outdoor private recreational amenity area per dwelling unit shall be provided on the same lot.

(r) Parking Requirements

- (i) Parking spaces shall be provided at the following rates:
 - (A) Minimum 0.8 parking spaces for a studio/bachelor dwelling unit;
 - (B) Minimum 0.9 parking spaces for a one (1) bedroom dwelling unit;
 - (C) Minimum 1.0 parking spaces for a two (2) bedroom dwelling unit;
 - (D) Minimum 1.2 parking spaces for a three (3) or more bedroom dwelling unit;
 - (E) For residential visitors, minimum 0.20 parking spaces per dwelling unit.

(s) Bicycle Parking

- (i) For an apartment house dwelling, bicycle parking spaces shall be provided at an overall rate of 0.75 spaces per dwelling unit:
 - (A) Long-term bicycle parking spaces shall be provided at a minimum rate of 80% of total bicycle parking required;
 - (B) Short-term bicycle parking spaces shall be provided at a minimum rate of 20% of total bicycle parking required.
- (ii) Long term bicycle parking shall be bicycle parking spaces for use by the occupants, residents or tenants of a building and can be provided within resident storage lockers within the same building.
- (iii) Short term bicycle parking shall be bicycle parking spaces for use by visitors to a building.

(t) Loading Spaces

- (i) The West Block shall provide a minimum of 1 loading space with minimum dimensions of 4.0 metres by 13.0 metres and providing a minimum 6.1 metres in vertical clearance.
- (ii) The East Block shall provide a minimum of 1 loading space with minimum dimensions of 4.0 metres by 13.0 metres and providing a minimum 6.1 metres in vertical clearance.

(u) Division of Lands

Notwithstanding any land transfers or dedications, severance or division of the Site subject to this exception, the regulations of this exception shall continue to apply to the whole of the Site.

OTHER

- (v) The existing buildings and existing uses located within the buildings existing on the date of enactment of the By-law shall continue to be permitted so long as that portion of the building has not been demolished.
- (w) Within the lands shown on Schedule “1” attached to this By-law, no person shall use any land or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
 - (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

SECTION 37 AGREEMENT

- (x) Pursuant to Section 37 of the *Planning Act* and subject to compliance with the provisions of this By-law, the increase in height and density of development on the lands is permitted in return for the provision by the owner of the following facilities, services and matters to the City at the owner's sole expense, in accordance with an agreement or agreements, in a form satisfactory to the Chief Planner and Executive Director, City Planning Division and the City Solicitor and such agreement(s) shall be registered against title to the lands as outlined in heavy lines on Schedules RM6(XXX)A and RM6(XXX)B to secure the following facilities, services or matters:
 - (i) The owner is to provide a financial contribution to the City of \$300,000, with such amount to be indexed annually in accordance with any increases in the Construction Price Index, to be used for capital improvements to Moccasin Trail Park in the vicinity of the site and the existing entrance to the park. The financial contribution is to be paid prior to the first above grade building permit.
 - (ii) The owner, at no cost to the City, shall design, financially secure, construct and make operational, any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report, Stormwater Management Report and Hydrogeological Report to support the development, all to the satisfaction of the Executive Director of Engineering and Construction Services and the General Manager of Transportation Services and the City Solicitor.
 - (iii) Prior to of the issuance of above-grade building permits for the buildings, the owner shall construct, complete and make operational any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report, Stormwater Management Report and Hydrogeological Report to support the development, all to the satisfaction of the Executive Director of

Engineering and Construction Services and the General Manager of Transportation Services and the City Solicitor.

- (iv) The entire rental dwelling building consisting of 100 rental units, including 67 replacement rental dwelling units, shall be provided and maintained as rental housing units for at least 20 years, beginning with the date that each unit is occupied and until the owner obtains all necessary approvals removing the requirement for the replacement rental units to be maintained as rental units.
- (v) No application may be submitted for condominium or for any other conversion to non-rental housing purposes, or for demolition without providing for replacement during the 20 year period for any of the rental housing units.
- (vi) The owner shall provide 100 rental units in the West Block comprising a mix of rental replacement and new units with various rent levels that include affordable, mid-range and high-end rents.
- (vii) The owner shall provide and maintain sixty-seven (67) replacement rental housing units on the site for a period of at least 20 years, comprising forty-two (42) affordable units and twenty five (25) mid-range rent level units in accordance with the following:

Unit Type	Affordable	Mid-Range
Bachelor	0	
1 bedroom	12	
1 bedroom + interior bedroom	0	8
2 bedroom	26	12
2 bedroom + interior bedroom	0	4
3 bedroom	4	1
TOTAL	42	25

- (viii) Floor areas for all 67 replacement rental units shall not be less than 89% of the combined floor areas for the existing rental units (not less than 5227m²) and comprise the following:
 - Twelve (12) one-bedroom units shall have a minimum floor space of 54 m², with six (6) above 58 m² and three (3) above 62 m²
 - Forty-six (46) two-bedroom units, of which thirty-eight (38) shall have all sleeping areas with a window on an exterior wall, and further,
 - Two (2) shall be not less than 67 m²
 - Thirteen (13) shall be not less than 74 m²
 - Fifteen (15) shall be not less than 76 m²
 - Thirteen (13) shall be not less than 81 m²
 - Three (3) shall be not less than 85 m²

-
- There shall be at least nine (9) three-bedroom units, of which five (5) shall have all sleeping areas with a window on an exterior wall, and further,
 - One (1) shall be not less than 94 m²
 - Four (4) shall be not less than 98 m²
 - Three (3) shall be not less than 108 m²
 - One (1) shall be not less than 120 m²
 - All units shall have access to a balcony, private terrace or patio.
 - The GFA measurements shall be carried out in accordance with Tarion Builder Bulletin No. 22
- (ix) The owner shall provide tenant relocation assistance in accordance with a more detailed Tenant Relocation and Assistance Plan to be included in the agreement or agreements, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the General Manager, Shelter Support and Housing Administration, for tenants in the existing buildings on the lands, and that requires at least:
- The right to return to a replacement affordable housing unit on the site for all tenants who have to be relocated due to redevelopment.
- (x) Provision of at least five (5) months' notice to tenants prior to having to move.
- (xi) The owner shall enter into one or more agreements with the City pursuant to Section 37 of the *Planning Act* to secure the matters provided for in section (x). Until such time as the agreement is executed by the owner, in a form satisfactory to the City Solicitor, and is registered on title to the entire site to the satisfaction of the City Solicitor, none of the provisions as set out in this By-law shall apply.
- (xii) Building permit issuance with respect to the lands to which this By-law applies shall be dependent upon satisfaction of the provisions in this By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.
- (xiii) Wherever in the By-law a provision requires the execution and registration of an agreement entered into with the City pursuant to Section 37 of the *Planning Act* in accordance with the provisions of section (x) hereof, then once such agreement has been executed and registered, the increase of height and density shall continue to be effective notwithstanding any subsequent release or discharge of any part of such agreement."
3. Section 64.20-A of By-law No. 7625 of the former City of North York is amended by adding Schedules RM6(XXX)A and RM6(XXX)B attached to this By-law.
 4. Section 64.37 of By-law 7625 of the former City of North York is amended by adding the following subsection:

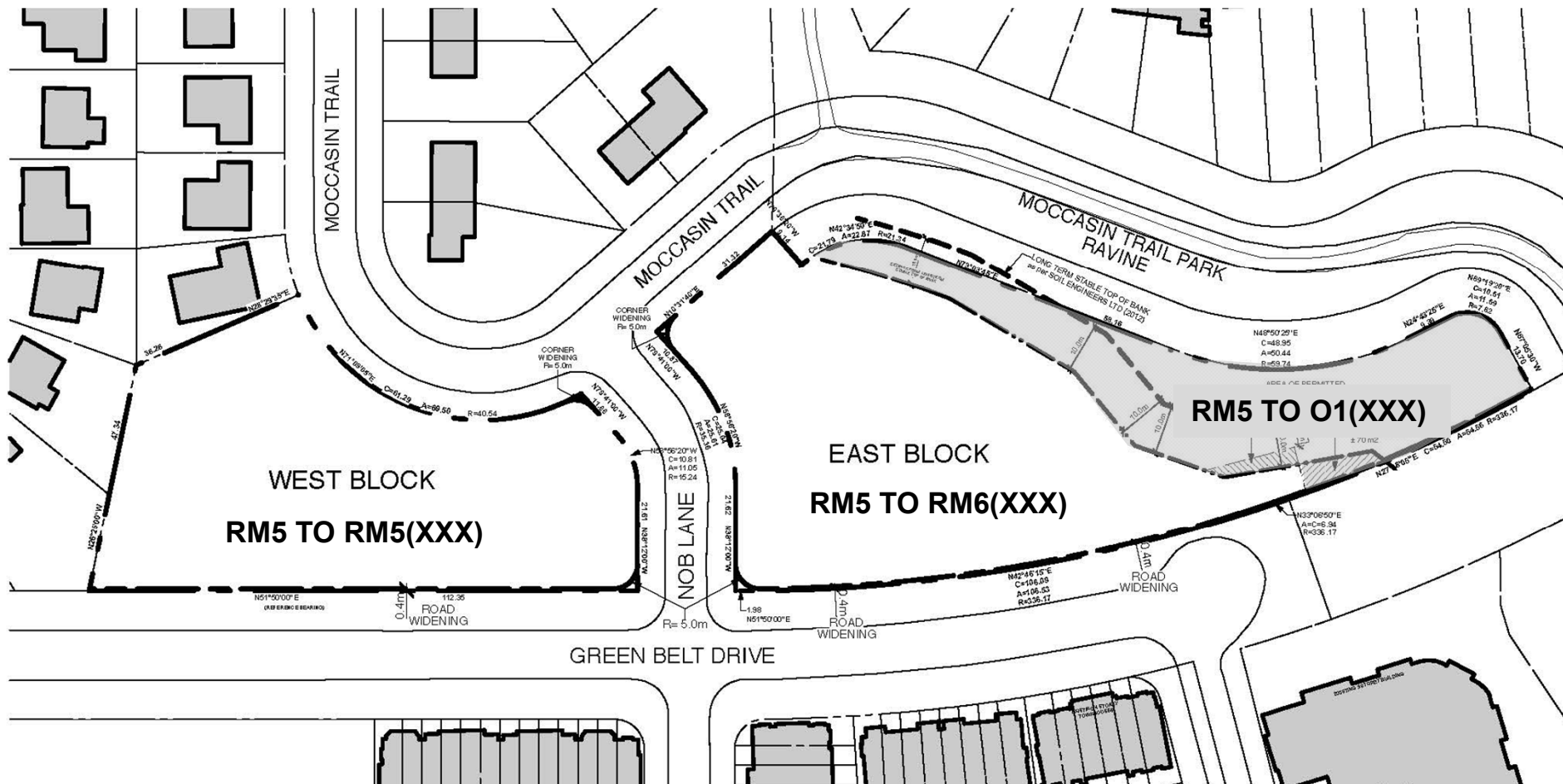
64.37(XXX) O1(XXX)**PERMITTED USES**

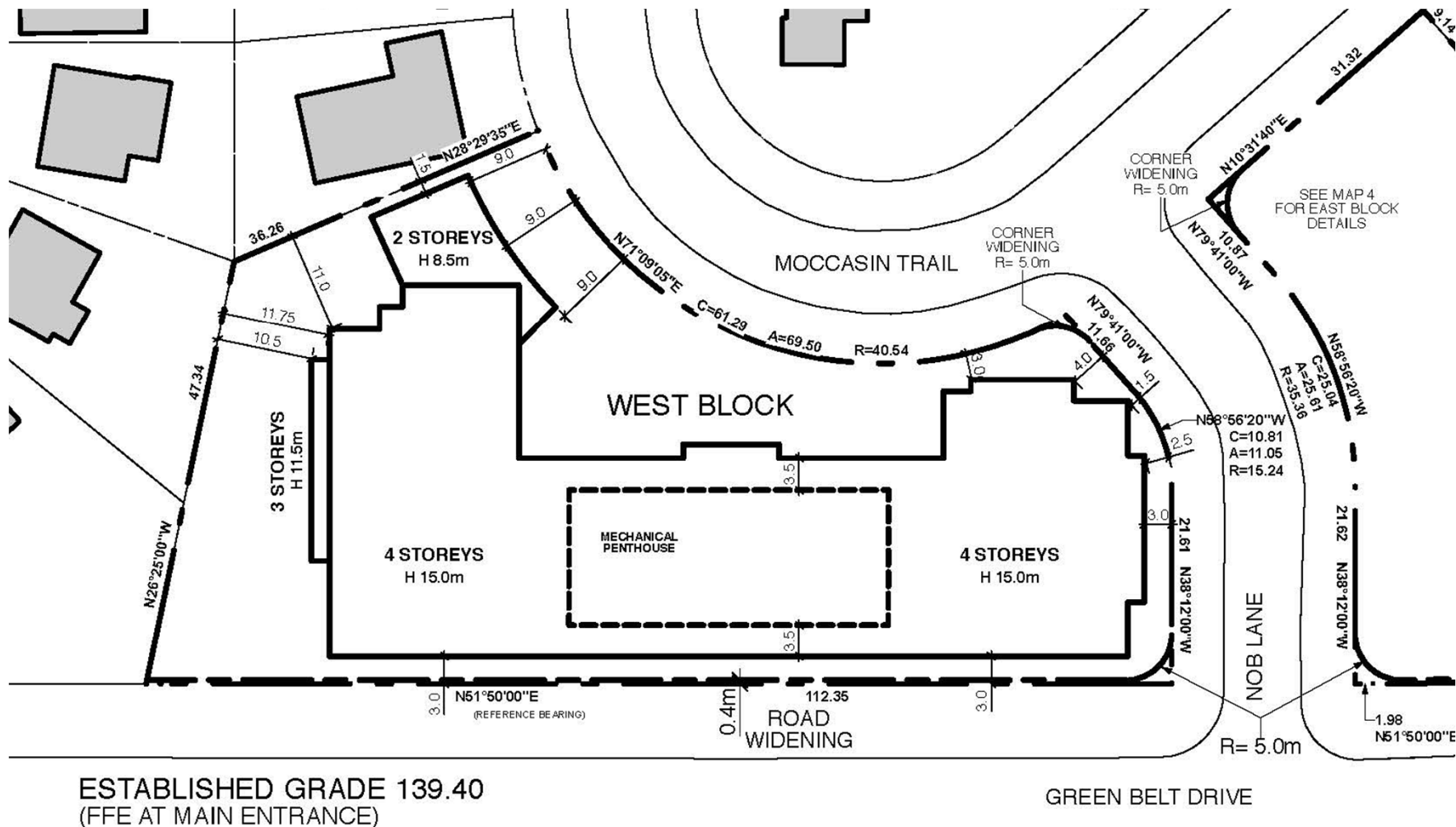
- (a) The only permitted use shall be landscaping associated with the O1(XXX) zone.

EXCEPTION REGULATIONS

- (b) The maximum gross floor area shall be 0.0 m².

PURSUANT TO THE ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD
ISSUED ON _____ UNDER BOARD CASE NO. PL151208







Not to Scale

ATTACHMENT 2

May 29, 2017

Authority: Ontario Municipal Board ~ by OMB decision and OMB Order ~, 2017
Approved by OMB: ~ 2017

CITY OF TORONTO

BY-LAW No. ~2017

**To adopt Amendment No. ~ to the Official Plan for the City of Toronto
respecting the lands known municipally in the year 2017 as
50 – 60 Green Belt Drive and 40 Moccasin Trail**

WHEREAS the Ontario Municipal Board, pursuant to its Order issued _____ in Board File No. PL151208 upon hearing the appeal of the owner, under Section 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, deems it advisable to amend the City of Toronto Official Plan;

The Ontario Municipal Board Orders:

1. The attached Amendment No. ~ to the Official Plan is hereby adopted pursuant to the Planning Act, as amended.
2. This By-law shall come into force and take effect on the day of issuance of the final OMB Order.

AMENDMENT NO. ~ TO THE OFFICIAL PLAN

LANDS MUNICIPALLY KNOWN IN THE YEAR 2017 AS
50 - 60 Green Belt Drive and 40 Moccasin Trail

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

1. Map 20, Land Use Plan, is amended by adding a site specific exception to the Neighbourhoods designation for the lands known municipally as 50 - 60 Green Belt Drive and 40 Moccasin Trail, as shown on the attached Schedule "A"
2. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. XXX for the lands known municipally in 2017 as 50-60 Green Belt Drive and 40 Moccasin Trail as follows:

XXX. Notwithstanding Policy 4.1.1 an eight storey apartment shall be permitted on the "East Block".

XXX. Notwithstanding Policy 3.2.1.6 (b) (i), the "West Block" of the development shall have at least 100 rental dwelling units provided on the site, of which a minimum of 67 shall be rental replacement dwelling units comprising a new unit mix of 12 one-bedroom units, 46 two-bedroom units of which a maximum of 8 may have a bedroom without a window on an exterior wall, and 9 three-bedroom units of which a maximum of 4 may have a bedroom without a window on an exterior wall. The total floor area of the rental replacement component shall comprise not less than 5200 metres squared.

XXX. Notwithstanding Policy 3.2.1.6 (b) (i), the replacement of a similar mix of Affordable and Mid-range rents as the previous rental units is not required for the redevelopment of the lands, provided that at least 42 units are provided at Affordable Rents and 24 units are provided at Mid-range Rents from the date of first occupancy to at least 10 years from that date.



ATTACHMENT 3

40 Moccasin Trail & 50 Green Belt Drive: PL151208

Conditions to be Satisfied Prior to the Issuance of the Board's Order

1. Confirmation from the City Solicitor that the final form and content of the Official Plan Amendment and Zoning By-law Amendments, are satisfactory to the City Solicitor, the Chief Planner and Executive Director, City Planning and the Executive Director of Engineering and Construction Services and that they, amongst other matters, provide for the securing of the rental housing matters, including amongst other appropriate matters, rental housing replacement, securing of rents and tenant assistance;
2. Confirmation from the City Solicitor that the Owner has at its expense:
 - a. Provided a Functional Servicing Report, Stormwater Management Report and Hydrogeological Report satisfactory to the Executive Director, Engineering and Construction Services and the General Manager, Transportation Services; and
 - b. Designed and provided financial securities for, any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report, Stormwater Management Report, and Hydrogeological Report to support the development, all to the satisfaction of the Executive Director, Engineering and Construction Services and the General Manager, Transportation Services, should it be determined that improvements or upgrades are required to support the development, according to the Functional Servicing Report, Stormwater Management Report, and Hydrogeological Study, accepted by the Executive Director, Engineering and Construction Services and the General Manager, Transportation Services;
3. The by-laws and the Section 37 Agreement shall require the owner at no cost to the City to design, financially secure, construct and make operational, any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report, Stormwater Management Report, and Hydrogeological Report to support the development, all to the satisfaction of the Executive Director, Engineering and Construction Services, the General Manager, Transportation Services and the City Solicitor;
4. The by-laws and the Section 37 Agreement shall require that prior to the issuance of any above-grade building permit for all or any part of the site, including for clarity, any conditional above-grade building permit, the owner shall construct, complete and make operational any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report, Stormwater Management Report, and Hydrogeological Report to support the development, all to the satisfaction of the Executive Director, Engineering

and Construction Services, the General Manager, Transportation Services and the City Solicitor;

5. Confirmation from the City Solicitor that the implementation of the Functional Servicing Report, Stormwater Management Report and Hydrogeological Report accepted by the Executive Director, Engineering and Construction Services and the General Manager, Transportation Services either does not require changes to the proposed amending by-laws or any such required changes have been made to the proposed amending by-laws to the satisfaction of the Chief Planner and Executive Director, City Planning, the City Solicitor and the Executive Director, Engineering and Construction Services;
6. Confirmation from the City Solicitor that the owner has entered into an Agreement with the City pursuant to Section 37 of the Planning Act, that is satisfactory to the Chief Planner and Executive Director, City Planning, the Executive Director of Engineering and Construction Services and the City Solicitor and that such Agreement has been registered to the satisfaction of the City Solicitor, such Agreement (and Zoning By-law amendment) to include amongst other matters at the owners expense, the securing of the rental housing replacement, rents and tenant assistance, that the owner shall pay to the City prior to the first above grade building permit issuing for the site the sum of \$300,000.00, indexed from the date of the Board Decision issuing in accordance with City practice, such funds to be used by the City for capital improvements to Moccasin Trail Park in the vicinity of the site and the existing entrance to the park, and to be secured in the Zoning By-law amendment and other matters referred to in City Council's decision and the report (March 21, 2017) from the City Solicitor;
7. Confirmation from the City Solicitor that the City Council has made a decision on the application under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act 2006 to demolish the 83 existing residential rental dwelling units at 40 Moccasin Trail and 50-60 Green Belt Drive (File 13 173075 NNY 34 RH); and
8. Confirmation from the City Solicitor that the conditions of the Toronto and Region Conservation Authority have been appropriately incorporated in the Zoning By-law Amendment in such other instruments, and secured in an appropriate agreement, to the satisfaction of the Toronto and Region Conservation Authority.

EXPLANATORY NOTE TO BY-LAW _____

The attached Zoning By-law changes the zoning on lands located at 40 Moccasin Trail and 50 – 60 Green Belt Drive, located in the City of Toronto, formerly the City of North York, from Residential Multiple Dwelling Zone (RM) to Residential Multiple Dwelling Zone Exception No RM (x____) as shown on Schedule “1” to this by-law. A portion of the lands will be rezoned from Residential Multiple Dwelling Zone (RM) to Open Space Zone (ON) to reflect the valley lands portion of the site.

The attached zoning by-law must be read in conjunction with City of Toronto Zoning By-law 569-2013.

The Residential Multiple Dwelling Zone (RM) Exception No. RM(x____) applies to both the east and west blocks as depicted on Schedule "1". Site specific zoning provisions provide regulations relating to gross floor area, lot coverage, height, and setbacks.

Draft Zoning By-law Amendment

Approval: Ontario Municipal Board

CITY OF TORONTO

BY-LAW No. ____-2017

To amend Zoning By-law No. 569-2013 of the City of Toronto, as amended, with respect to certain lands municipally known as 40 Moccasin Trail and 50 – 60 Green Belt Drive.

WHEREAS the Ontario Municipal Board, pursuant to its Order issued _____ in Board Case No. PL151208 upon hearing the appeal of the owner, under Section 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, deems it advisable to amend City of Toronto Zoning By-law No. 569-2013, as amended;

The Ontario Municipal Board 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, 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 to RM(x____) and ON as shown on Diagram 2 attached to this By-law;
4. Zoning By-law 569-2013, as amended, is further amended by amending the Lot Coverage Overlay Map in Section 995.30.1 for the lands subject to this By-law, from lot coverage label of __% to __% as shown on Diagram 3 attached to this By-law;
5. Zoning By-law 569-2013, as amended, is further amended by amending the Height Overlay Map in Section 995.20.1 for the lands subject to this By-law, from a height label of HT10.5, ST3 to HT15.0, ST4 for the West Block and HT28.5, ST8 for the East Block as shown on Diagram 4 attached to this By-law;
6. Section 900.6.10 (Exceptions for RM Zone) of By-law No. 569-2013 is amended by adding the following subsection:

(###)Exception RM (x____)

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing Bylaws and Prevailing Sections.

Site Specific Provisions (West Block):

- (A) The maximum number of **dwelling units** is 100;
- (B) The maximum **gross floor area** is 9,950 m²;
- (C) The maximum **building** height for a **building** on the West Block is 4 **storeys** and 15.0 m;
- (D) Despite Regulation 10.5.40.10(3), mechanical penthouse and rooftop equipment and facilities are permitted to extend a maximum of 5.0 m above the maximum building height;
- (E) Established Grade is the Canadian geodetic elevation of 139.40 metres.
- (F) Despite Regulation 10.80.40.70, the required minimum **building setbacks** are shown on Diagram 5 of By-law ____ (clerks to insert);
- (G) Despite Regulation 10.80.40.70, canopies, balconies, balcony support columns, roof slab projections, porches and decks shall be permitted to project outside the building envelope a maximum of 3.0 metres, and not beyond the property line;
- (H) Despite Regulation 10.80.40.70, belt courses, chimney breasts, cornices, eaves or gutters, pilasters and sills, columns and piers shall be permitted to project outside the building envelope a maximum of 1.2 metres;
- (I) Despite Regulation 10.80.40.70, exterior stairways and ramps and other supporting structural elements are permitted to project outside the building envelope;
- (J) Below grade structures will be located a minimum 0.0m from the lot line;
- (K) Despite Regulation 5.10.30.20, the **front lot line** is Green Belt Drive;
- (L) Despite Regulation 10.80.30.40(1), the maximum **lot coverage** is 62%;
- (M) All setbacks are calculated on the existing lot area before any land transfers to the City or external agencies; and
- (N) Regulations 10.5.40.10, 10.5.40.11, 10.5.40.60, 10.5.40.70, 10.5.50.10, 10.80.30.10, 10.80.30.20, 10.80.40.10 do not apply.

Site Specific Provisions (East Block):

- (O) The maximum number of **dwelling units** permitted is 194;
- (P) The maximum **gross floor area** is 17,050 m²
- (Q) The maximum **building** height of a **building** on the East Block is 8 **storeys** and 28.5 m;
- (R) Despite Regulation 10.5.40.10(3), mechanical penthouse and rooftop equipment and facilities are permitted to extend a maximum of 6.5m above the maximum building height;
- (S) Established Grade is the Canadian geodetic elevation of 138.30 metres;
- (T) Despite Regulation 5.10.30.20, the **front lot line** is Green Belt Drive;

- (U) Despite Regulation 10.80.40.70, the required minimum **building setbacks** are shown on Diagram 6 of By-law ____ (clerks to insert);
- (V) Despite Regulation 10.80.40.70, canopies, balconies, balcony support columns, roof slab projections, porches and decks shall be permitted to project outside the building envelope a maximum of 3.0 metres, and not beyond the property line;
- (W) Despite Regulation 10.80.40.70, belt courses, chimney breasts, cornices, eaves or gutters, pilasters and sills, columns and piers shall be permitted to project outside the building envelope a maximum of 1.2 metres;
- (X) Despite Regulation 10.80.40.70, exterior stairways and ramps and other supporting structural elements are permitted to project outside the building envelope;
- (Y) Despite Regulation 10.80.30.40(1), the maximum **lot coverage** is 42%;
- (Z) All setbacks are calculated on the existing lot area before any land transfers to the City or external agencies; and
- (AA) Regulations 10.5.40.10, 10.5.40.11, 10.5.40.60, 10.5.40.70, 10.5.50.10, 10.80.30.10, 10.80.30.20, 10.80.40.10 do not apply

Site Specific Provisions (Open Space Lands):

- (BB) The lands identified on Diagram 2 to be rezoned from RM5 to ON(x____) shall be used only for landscaping purposes.

SECTION 37 AGREEMENT

- (CC) Pursuant to Section 37 of the *Planning Act* and subject to compliance with the provisions of this By-law, the increase in height and density of development on the lands is permitted in return for the provision by the owner of the following facilities, services and matters to the City at the owner's sole expense, in accordance with an agreement or agreements, in a form satisfactory to the Chief Planner and Executive Director, City Planning Division and the City Solicitor and such agreement(s) shall be registered against title to the lands as outlined in heavy lines on Schedules RM6(XXX)A and RM6(XXX)B to secure the following facilities, services or matters:
 - (i) The owner is to provide a financial contribution to the City of \$300,000, with such amount to be indexed annually in accordance with any increases in the Construction Price Index, to be used for capital improvements to Moccasin Trail Park in the vicinity of the site and the existing entrance to the park. The financial contribution is to be paid prior to the first above grade building permit.
 - (ii) The owner, at no cost to the City, shall design, financially secure, construct and make operational, any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report, Stormwater Management Report and Hydrogeological Report to support the development, all to the satisfaction of the Executive Director of Engineering and Construction Services and the General Manager of Transportation Services and the City Solicitor.
 - (i) Prior to the issuance of any above-grade building permits for the buildings, the owner shall construct, complete and make operational any upgrades or required

improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report, Stormwater Management Report and Hydrogeological Report to support the development, all to the satisfaction of the Executive Director of Engineering and Construction Services and the General Manager of Transportation Services and the City Solicitor.

- (iv) The entire rental dwelling building consisting of 100 rental units, including 67 replacement rental dwelling units, shall be provided and maintained as rental housing units for at least 20 years, beginning with the date that each unit is occupied and until the owner obtains all necessary approvals removing the requirement for the replacement rental units to be maintained as rental units.
- (v) No application may be submitted for condominium or for any other conversion to non-rental housing purposes, or for demolition without providing for replacement during the 20 year period for any of the rental housing units.
- (vi) The owner shall provide 100 rental units in the West Block comprising a mix of rental replacement and new units with various rent levels that include affordable, mid-range and high-end rents.
- (vii) The owner shall provide and maintain sixty-seven (67) replacement rental housing units on the site for a period of at least 20 years, comprising forty-two (42) affordable units and twenty five (25) mid-range rent level units in accordance with the following:

Unit Type	Affordable	Mid-Range
Bachelor	0	
1 bedroom	12	
1 bedroom + interior bedroom	0	8
2 bedroom	26	12
2 bedroom + interior bedroom	0	4
3 bedroom	4	1
TOTAL	42	25

- (viii) Floor areas for all 67 replacement rental units shall not be less than 89% of the combined floor areas for the existing rental units (not less than 5227m²) and comprise the following:

- Twelve (12) one-bedroom units shall have a minimum floor space of 54 m², with six (6) above 58 m² and three (3) above 62 m²
- Forty-six (46) two-bedroom units, of which thirty-eight (38) shall have all sleeping areas with a window on an exterior wall, and further,
 - Two (2) shall be not less than 67 m²
 - Thirteen (13) shall be not less than 74 m²
 - Fifteen (15) shall be not less than 76 m²

- Thirteen (13) shall be not less than 81 m²
 - Three (3) shall be not less than 85 m²
 - There shall be at least nine (9) three-bedroom units, of which five (5) shall have all sleeping areas with a window on an exterior wall, and further,
 - One (1) shall be not less than 94 m²
 - Four (4) shall be not less than 98 m²
 - Three (3) shall be not less than 108 m²
 - One (1) shall be not less than 120 m²
 - All units shall have access to a balcony, private terrace or patio.
 - The GFA measurements shall be carried out in accordance with Tarion Builder Bulletin No. 22
- (ix) The owner shall provide tenant relocation assistance in accordance with a more detailed Tenant Relocation and Assistance Plan to be included in the agreement or agreements, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the General Manager, Shelter Support and Housing Administration, for tenants in the existing buildings on the lands, and that requires at least:
- The right to return to a replacement affordable housing unit on the site for all tenants who have to be relocated due to redevelopment.
- (x) Provision of at least five (5) months' notice to tenants prior to having to move.
- (xi) The owner shall enter into one or more agreements with the City pursuant to Section 37 of the *Planning Act* to secure the matters provided for in section (x). Until such time as the agreement is executed by the owner, in a form satisfactory to the City Solicitor, and is registered on title to the entire site to the satisfaction of the City Solicitor, none of the provisions as set out in this By-law shall apply.
- (xii) Building permit issuance with respect to the lands to which this By-law applies shall be dependent upon satisfaction of the provisions in this By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.
- (xiii) Wherever in the By-law a provision requires the execution and registration of an agreement entered into with the City pursuant to Section 37 of the *Planning Act* in accordance with the provisions of section (x) hereof, then once such agreement has been executed and registered, the increase of height and density shall continue to be effective notwithstanding any subsequent release or discharge of any part of such agreement."

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

