

**Local Planning Appeal Tribunal**  
Tribunal d'appel de l'aménagement  
local



**ISSUE DATE:** April 09, 2021

**CASE NO(S):** PL190399

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

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

Applicant and Appellant: Raglan Building Group Inc.  
Subject: Application amend former City of York Zoning By-law No. 1-83 - Refusal of Application by the City of Toronto  
Existing Zoning: RA(x777) in Zoning By-law No. 569-2013 and RM2 in the former City of York Zoning By-law No. 1-83  
Proposed Zoning: Site Specific (To be determined)  
Purpose: To permit a 33-storey residential building  
Property Address/Description: 83 Raglan Avenue  
Municipality: City of Toronto  
Municipality File No.: 19 137322 STE 12 OZ  
LPAT Case No.: PL190399  
LPAT File No.: PL190399  
LPAT Case Name: Raglan Building Group Inc. v. Toronto (City)

**Heard:** February 8, 2021 by Video Hearing

**APPEARANCES:**

**Parties**

**Counsel**

Raglan Building Group Inc.

M. Foderick

City of Toronto

M. Hardiejowski

**MEMORANDUM OF ORAL DECISION DELIVERED BY STEVEN COOKE AND M. RUSSO ON FEBRUARY 8, 2021 AND INTERIM ORDER OF THE TRIBUNAL**

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[1] The matter before the Tribunal is a settlement hearing on an appeal under s. 34 (11) of the *Planning Act* from the City of Toronto's ("City") refusal of a Zoning By-law Amendment ("ZBA") by Ragland Building Group Incorporated ("Appellant") in respect to the lands municipally known as 65, 67, 69, 71, 73, 75, 77, 79, 81, and 83 Raglan Ave. ("Subject Site").

**PARTICIPANT STATEMENT**

[2] A Participant Statement was submitted to the Tribunal by Lori Murphy. Ms. Murphy is an owner of a property that is adjacent to the Subject Site and opposes the proposed development.

[3] In her statement, Ms. Murphy expresses her concerns that the shadowing, wind, access to the public lane way, and construction related issues would negatively impact her home.

**PLANNING EVIDENCE**

[4] Michael Goldberg was qualified by the Tribunal to give expert land use planning evidence and opinion.

[5] The revised proposed development consists of a 28-storey building with 320 dwelling units. The podium has two distinct heights and features. To the south end, the podium is 28 metres ("m") in height to be in line with the neighbouring building and will include a public pedestrian walkway. To the north end, the podium height is 18 m and will contain the garage entrance and exit to the underground parking. Mr. Goldberg explained that the building would consist of 184 one-bedroom, 97 two-bedroom, and 39 three-bedroom apartments.

[6] Mr. Goldberg informed the Tribunal that the proposed building will only be residential units. The Subject Site is located in an Apartments Neighbourhood but as the Subject Site is located within a short distance of St. Clair Avenue West, there is no need for retail to be included in the building.

[7] It is the opinion of Mr. Goldberg that the proposed development conforms with the City's Official Plan ("OP") Neighbourhoods Policy 4.2.2 as the shadow study shows minimal impact to the adjacent Neighbourhoods, the massing of the new building and transition between different developments are appropriate, and includes sufficient off-street vehicle and bike parking.

[8] The Subject Site also falls within Site and Area Specific Policy No. 38 ("SASP 38"). The SASP 38 states "land assembly will be required to allow for the development of more intensive buildings." In the opinions of Mr. Goldberg, the revised proposed development is in conformity with SASP 38.

[9] Mr. Goldberg informed the Tribunal that, as part of the settlement agreement, the Appellant has purchased 1528 and 1530 Bathurst Street for the purpose of creating Privately Owned Public Space ("POPS"). The POPS will not only establish public outdoor space but will create pedestrian connectivity between Raglan Avenue and Bathurst Street at the signalized intersection of Bathurst Street and Tichester Road. Mr. Goldberg stated that the north entrance to the St. Clair West subway station is located on Tichester Road. The creation of the POPS will significantly decrease the pedestrian distance to major public transit for the residents of Raglan Avenue.

[10] In addition to the access to the St. Clair West subway station, the Subject Site is also within walking distance of the St. Clair streetcar line. Mr. Goldberg opined that this supports the use of public transit as desired in the OP policies.

[11] Mr. Goldberg testified that the Subject Site is well served by rapid public transit and is identified as an appropriate location for high density development growth. The Subject Site is located within a Major Transit Station, Higher Order Transit, and Transit-supportive Area. The proposed 28-storey residential apartment is an efficient use of land that is cost effective and optimizes the utilization of existing infrastructure and community facilities. It is Mr. Goldberg's opinion that the proposed development is consistent with the directions of the Provincial Policy Statement 2020 ("PPS") and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2020 ("GP").

[12] In addressing the Participant Statement concerns, Mr. Goldberg stated that in the OP policies for Apartment Neighbourhood state that shadows are to be anticipated. As the parking garage entrance and exit will be on Raglan Avenue, there will be limited impact to the traffic on public lane.

## **ANALYSIS AND FINDINGS**

[13] In determining this matter, the Tribunal accepts and adopts the uncontested land use planning evidence and expert opinions provided by Mr. Goldberg. The Tribunal is persuaded by the evidence that the proposal promotes efficient development of land, accommodates a range of appropriate mixed uses, intensifies uses within the settlement area, and contributes to the range of housing options, and in particular, with the increase in three-bedroom dwelling units as desired by the City.

[14] The Tribunal has considered the concerns raised by the Participant but was not persuaded that the concerns they have raised are either sustainable given the evidence offered in support of the planned development, or otherwise bears relevance to the land use planning merits of the proposal.

[15] The Tribunal finds that the proposal is consistent with the policy direction established by the PPS, and conforms to the relevant directives established by the GP, and as maintained by the OP. The Tribunal is further satisfied that the proposal has due

regard for matters of Provincial interest, is consistent with the principles of good land use planning and is in the greater public interest. More significantly, the proposal furthers the goals and objectives of the Provincial planning regime to increase housing opportunities.

## **ORDER**

[16] The Tribunal orders that the appeal is allowed in part and Zoning By-law Nos. 1-83 and 569-2013 are hereby amended substantially in accordance with Attachment 1 and 2, respectively. The Final Order of the Tribunal is being withheld pending confirmation from the City Solicitor that the City has received:

- 1) The proposed Zoning By-law Amendments are in a form satisfactory to the City, including appropriate Section 37 provisions, satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor.
- 2) Submissions of a revised Functional Service Report including confirmation of water and hydrant flow, sanitary and stormwater capacity, Stormwater Management Report and Hydrogeological Report, subject to any testing limitations prior to the demolition of the existing residential house on site, to the satisfaction of the Chief Engineering and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water.

[17] The Panel may be spoken to if issues arise.

*“Steven Cooke”*

STEVEN COOKE  
MEMBER

*“M. Russo”*

M. RUSSO  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.olt.gov.on.ca](http://www.olt.gov.on.ca) to view the attachment in PDF format.

**Local Planning Appeal Tribunal**

A constituent tribunal of Ontario Land Tribunals

Website: [www.olt.gov.on.ca](http://www.olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

## ATTACHMENT 1

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 2020

Enacted by Council: ~, 2020

### CITY OF TORONTO BY-LAW No. ~2020

#### To amend former City of York Zoning By-law 1-83, as amended, with respect to the lands municipally known in the year 2020 as 65-83 Raglan Avenue

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. That Section 16 General Exceptions of former City of York By-law 1-83, as amended, be further amended by adding a new subsection (XX) as follows:

#### **(XX) Lands – 65-83 Raglan Avenue**

Notwithstanding the provisions of former City of York Zoning By-law 1-83, the lot, as delineated by heavy lines on Schedule “A” attached to and forming part of this By-law, and municipally known as 65-83 Raglan Avenue in the year 2020, may be used for the purposes of an apartment house and accessory buildings and structures subject to the following provisions:

#### **Maximum Gross Floor Area**

- a) The maximum permitted residential gross floor area on the lot shall not exceed 27,250 square metres;

#### **Maximum Number of Units**

- b) A maximum of 320 dwelling units is permitted;

#### **Permitted Uses**

- c) Notwithstanding Section 8 of By-law 1-83, the following uses shall be permitted:
  - i. Apartment houses and associated structures;

#### **Building Height**

- d) The height of the building shall not exceed the maximum height in metres measured from established grade shown on Schedule B attached to and forming part of this By-law, excluding: equipment serving the building, elevator overruns, mechanical equipment and any associated enclosure structures, mechanical penthouse, stairs, stair enclosures, vents, chimneys, equipment for heating, cooling or ventilating, and lighting rods, which may project above the height limits shown on Schedule “B”;
- e) The height of the building shall not exceed the maximum height in metres measured from established grade shown on Schedule “B”, excluding: wind or privacy screens, pergolas, trellises, dividers/screens, landscaping, and fences, which may project above the height limits shown on Schedule “B”;
- f) The height of the building shall not exceed the maximum height in metres measured from established grade shown on Schedule “B” attached to and forming part of this By-law, excluding eaves, decorative architectural features, light fixtures, parapets, terraces, guard rails, window washing equipment, guardrails, balustrades, safety railings, bollards, wheel chair ramps, cornices, parapets, roof drainage, architectural features, and elements of green roof, which may project above the height limits shown on Schedule “B”; and
- g) For the purposes of this By-law, a mezzanine level will not be considered as a separate storey.

### **Yard Setbacks**

- h) The minimum yard setbacks shall be shown on Schedule “B” attached to and forming part of this By-law except that bollards, wheel chair ramps, vents, wind or privacy screens, landscape elements, terraces, outdoor furniture, trellises, safety railings, fences, guardrails, stairs, railings, stair enclosures, play structures, retaining walls, and garage vent shafts shall be permitted to encroach into the required yard setbacks;
- i) The minimum yard setbacks shall be as shown on Schedule “B” attached to and forming part of this By-law except that accessory buildings and structures, cornices, dividers, pergolas, lighting rods, elements of a green roof, canopies, balconies, awnings, heating, cooling or ventilating equipment, ornamental elements, lighting fixtures, parapets, eaves, architectural features, and window wells shall be permitted to encroach into the required yard setbacks;

### **Parking**

- j) A parking space shall be a minimum of 2.6 metres wide and a minimum of 5.6 metres long, and where a parking space is limited by a wall or other permanent obstruction, the parking space minimum width is increased by 0.3 metres for each side of the space that is obstructed;
- k) Vehicles parking shall be providing and maintained on the lot as follows:



- i. A minimum of 0.43 parking spaces per dwelling unit
  - ii. A minimum of 0.06 visitor parking spaces per dwelling unit
  - iii. A minimum of 6 accessible parking space
  - iv. Car-share parking spaces are permitted and shall be provided and maintained on the lot as follows:
    - (a) A reduction of four resident parking spaces will be permitted for each of the car-share parking spaces provided on the lot, and that the maximum reduction permitted by this means be capped by the application of the following formula:  
 $4 \times (\text{Total No. of Units}/60)$ , rounded down to the nearest whole number;
- l) The minimum driveway aisle width shall be 6.0 metres;

### **Bicycle Parking**

- m) Bicycle parking spaces shall be provided and maintained on the lot as follows:
- i. 0.9 bicycle parking spaces per dwelling unit for resident; and
  - ii. 0.1 bicycle parking spaces per dwelling unit for visitors;

### **Amenity**

- n) Amenity space shall be provided and maintained at a minimum rate of 4.0 square metres for each dwelling unit, of which indoor amenity space shall be provided at a minimum rate of 2.0 square metres per dwelling unit and outdoor amenity space shall be provided at a rate of 2.0 square metres per dwelling unit;

### **Severance**

- o) The provisions of this exception shall apply collectively to the lot notwithstanding the future severance, partition, or division of the lot;

### **Leasing Presentation Centre**

- p) None of the provisions of By-law 1-83 shall apply to prevent a temporary sales/leasing office on the lot as of the date of the passing of this By-law;

### **Loading**

- q) One Type "G" loading space shall be provided, with a minimum length of 13.0 metres and a minimum width of 4.0 metres;

### **Definitions**

- r) For the purposes of this By-law the following definitions shall apply:
- i. “Bicycle parking space” means an area used for parking or storing a bicycle;
  - ii. “Car-share motor vehicle” means a motor vehicle available for short-term rental, including an option for hourly rental, for the use of at least the occupants of the building erected on the lot;
  - iii. “Car-share parking space” means a parking space used exclusively for the parking of a car-share motor vehicle;
  - iv. “established grade” means an elevation of 160.57 metres Canadian Geodetic Datum;
  - v. “height” means the vertical distance between established grade and the highest point of the building or structure, excluding mechanical penthouse;
  - vi. “residential gross floor area” means the sum of the total area of each floor level of a building, above and below *grade*, measured from the exterior of the main wall of each floor level, excluding the following:
    - i. Parking, loading and bicycle parking below-ground;
    - ii. Loading spaces at the ground level and bicycle parking spaces at or above-ground;
    - iii. Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
    - iv. *Residential amenity space*; and
    - v. Elevator shafts, garage shafts, mechanical penthouses and exit stairwells in the building;

### **Other Provisions**

- 2. The provisions of this exception shall apply collectively to the lands notwithstanding a future severance, partition or division of the lands;
- 3. All other provisions of former City of York By-law 1-83 shall continue to apply except in

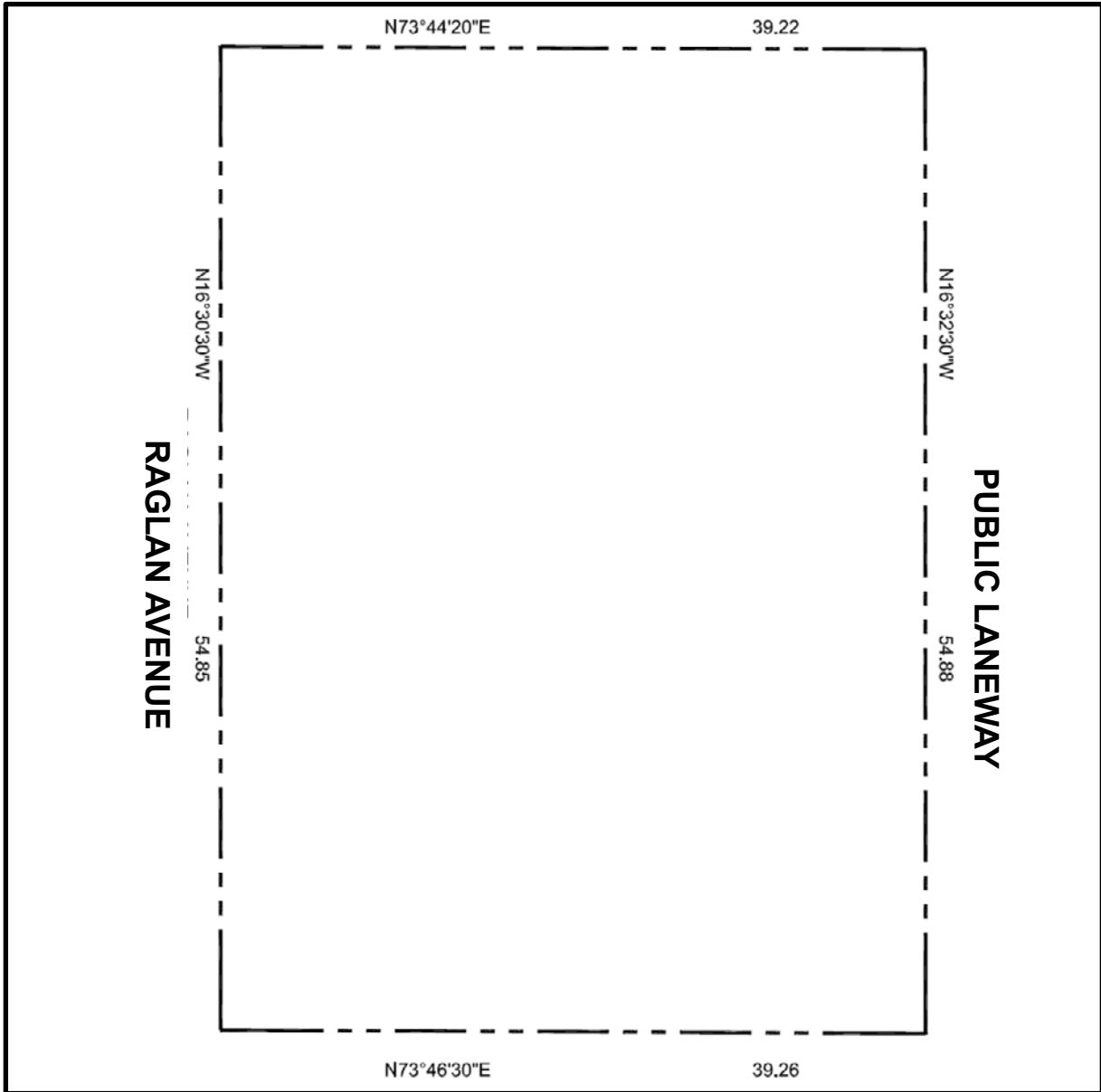
the case where provisions of this Exception are in conflict, in which case the provisions of this Exception shall prevail.

ENACTED AND PASSED this ~ day of ~, A.D. 2020.

FRANCES NUNZIATA,  
Speaker

ULLI S. WATKISS,  
City Clerk

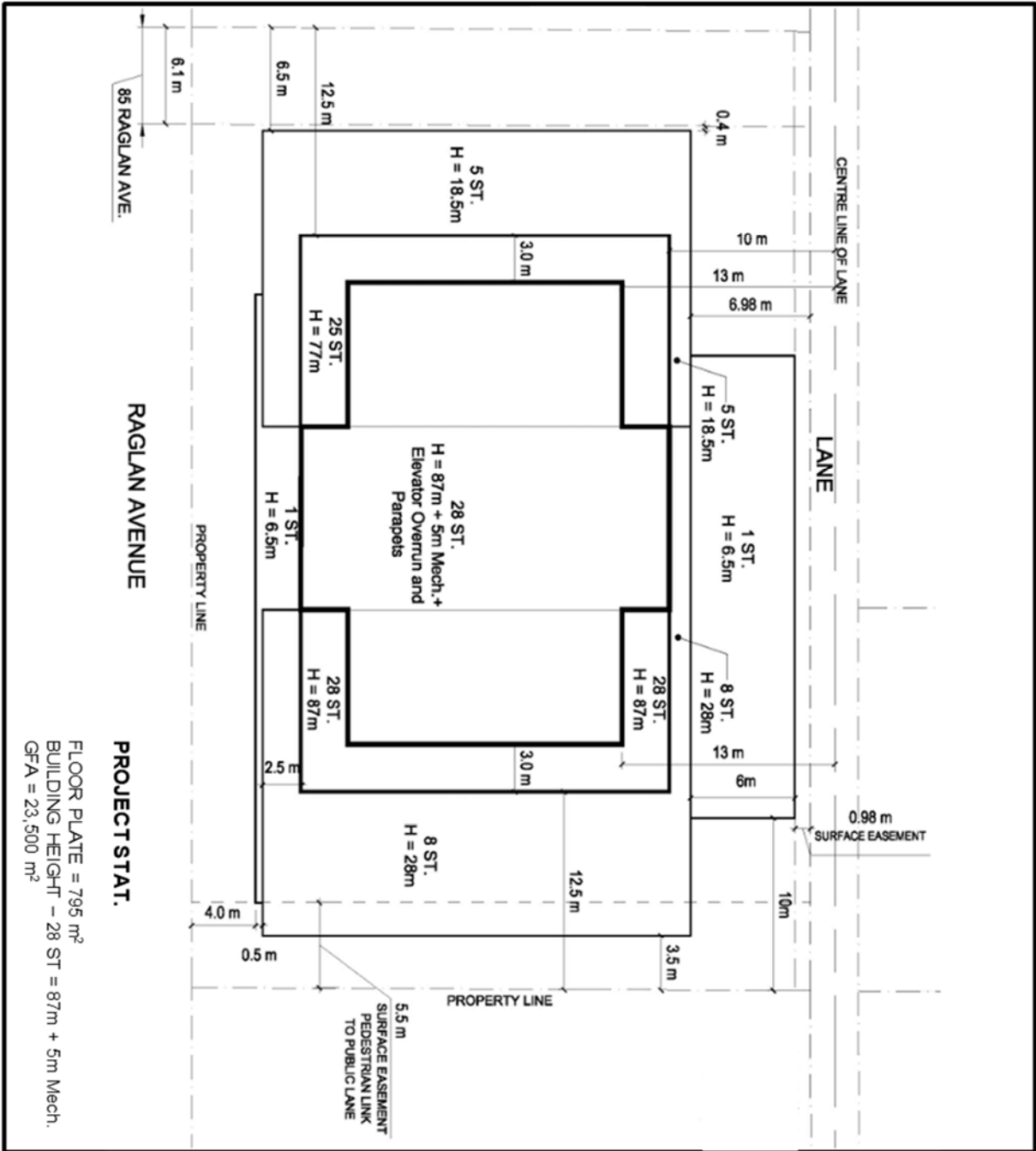
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**65 to 83 RAGLAN AVENUE  
SCHEDULE "A"**

File # \_\_\_\_\_

↑  
Not to Scale



**65 to 83 RAGLAN AVENUE  
SCHEDULE "B"**

File # \_\_\_\_\_

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Not to Scale

## ATTACHMENT 2

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 2020  
 Enacted by Council: ~, 2020

### CITY OF TORONTO BY-LAW No. ~-2020

#### To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2020 as 68-83 Raglan Avenue

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram '1' attached to By-law #### [NTD: City Clerk to provide By-law #];
2. The words highlighted in bold type in this By-law have the same meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions;
3. Zoning By-law No. 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 RA (x\_\_\_) as shown on Diagram 2 attached to By-law #### [NTD: City Clerk to provide By-law #];
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Exception Number RA (x\_\_\_) to Article 900.7.10 so that it reads:

**Exception RA (x\_\_\_)**

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) The **lot** comprises the lands delineated by heavy lines on Diagram 1, attached to By-law #### [NTD: City Clerk to provide By-law #];
- (B) On 65-83 Raglan Avenue, if the requirements of Section (C) to (N) of this exception are complied with, none of the provisions of By-law No. 569-2013 apply to prevent the erection or use of a **building** or **structure** on the **lot**;

- (C) In addition to the uses permitted by regulation 15.10.20, a **temporary sales office** is permitted;
- (D) Despite regulations 10.5.60.50(2) and 10.10.40.40.(1), the amount of residential **gross floor area** erected or used on the **lot** shall be as follows:
- i. The residential **gross floor area** shall not exceed 23,500 square metres;
- (E) Despite regulations 15.5.40.10, and 15.10.40.10, the **height** of a **building** erected on the **lot** must not exceed the maximum height in metres permitted as indicated by the numbers following the letter “H” as shown on Diagram 2 of By-law ### [NTD: **City Clerk to provide By-law #**];
- (F) Despite regulations 5.10.40.70, 15.5.40.60, and 15.10.40.70, no part of a **building** or **structure** erected or used above ground is permitted to be located outside the areas delineated by heavy lines as shown on Diagram 2 of By-law ### [NTD: **City Clerk to provide By-law #**];
- (G) Despite (E) and (F) of this Exception, and regulations 15.5.40.10, the following may exceed the **height** indicated by the numbers following the letter “H” and is permitted to be located outside the areas delineated by heavy lines as shown on Diagram 2 of By-law ### [NTD: **City Clerk to provide By-law #**] to the extent indicated as follow:
- i. Architectural features, arbours, awnings, balconies, balustrades, bay windows, bicycle racks, bollards, canopies, chimneys, cornices, curbs, eaves, elevator enclosures and overruns, fences, finials, green roof, guardrails, landscape and public art features, lighting fixtures, lightening rod, ornamental or architectural elements, patios, parapets, pipes, planters, platforms, railings, retaining walls, screens, stacks, stairs, stair enclosures, stair landings, supportive columns, terraces, terrace guards, trellises, underground garage ramps and their associated structures, vents, walkways, wheel chair ramps, wind protection, window sills, and window washing equipment;
  - ii. Enclosures housing mechanical elements and ducts, elevators, vent stacks, elevator enclosures and associated structures may exceed the **height** indicated on Diagram 2 by 7.0 metres; and
  - iii. The erection or use of structures on any roof used for maintenance, safety, outside or open air recreation, including outdoor **amenity space**, wind or green roof purposes;
- (H) Despite regulation 800.50(820), for the purposes of this By-law, a mezzanine level will not be considered a separate **storey**;

- (I) Despite regulation 15.10.40.50.(1), **amenity space** must be provided on the **lot** as follows:
- i. A minimum of 1.9 square metres of indoor **amenity space** for each **dwelling unit**; and
  - ii. A minimum of 1.9 square metres of outdoor **amenity space** for each **dwelling unit**;
- (J) Despite regulation 200.5.10.1(1) **parking spaces** shall be provided and maintained on the **lot** as follows:
- i. A minimum of 0.43 **parking spaces** per **dwelling unit**
  - ii. A minimum of 0.06 visitor **parking spaces** per **dwelling unit**
  - iii. A minimum of 6 accessible **parking spaces**
  - iv. **Car-share parking spaces** are permitted to be provided and maintained on the **lot** as follows:
    - a) A reduction of four resident parking spaces will be permitted for each of the **car-share parking spaces** provided on the **lot**, and that the maximum reduction permitted by this means be capped by the application of the following formula:  $4 \times (\text{Total No. of units}/60)$ , rounded down to the nearest whole number.
- (K) Required “long-term” **bicycle parking spaces** may be provided in stacked **bicycle parking spaces** and may be located in a storage room and/or a below-grade parking garage in a **building** on the **lot**;
- (L) Despite regulation 15.5.50.10(1), a minimum of 170 square metres of soft **landscaping** shall be provided and maintained on the **lot**;
- (M) For the purposes of this By-law, the words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions, save and except for:
- i. “**car-share motor vehicle**” means a motor vehicle available for short-term rental, including an option for hourly rental, for the use of at least the occupants of the building erected on the **lot**”;
  - ii. “**car-share parking space**” means a parking space used exclusively for the parking of a **car-share motor vehicle**”;
  - iii. “**established grade**” means an elevation of 160.51 metres Canadian Geodetic Datum;
  - iv. “**height**” means the vertical distance between established grade and the highest point of the **building** or **structure**;



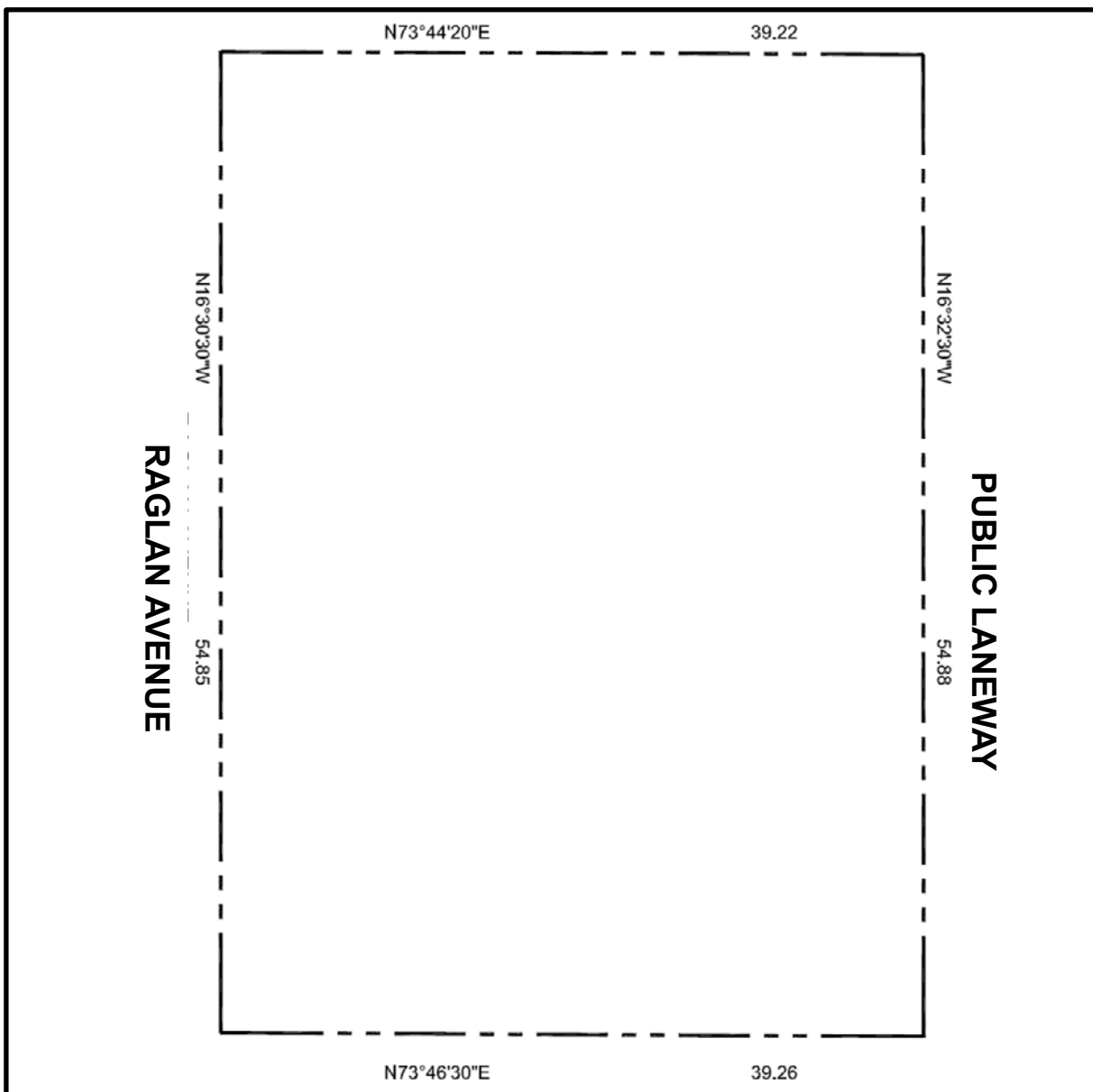
- v. **“temporary sales office”** means a **building, structure**, facility or trailer to be erected on the lands and used for the purpose of the sale of **dwelling units** and/or the administration and management of construction activity related to construction on the lands;

(N) Despite any existing or future consent, severance, partition or division of the **lot**, the provisions of By-law ### [NTD: **City Clerk to provide By-law #**] shall apply to the lands, as identified on Diagram 1, as if no consent, severance, partition or division occurred.

ENACTED AND PASSED this ~ day of ~, A.D. 2020.

FRANCES NUNZIATA,  
Speaker  
(Seal of the City

ULLI S. WATKISS,  
City Clerk

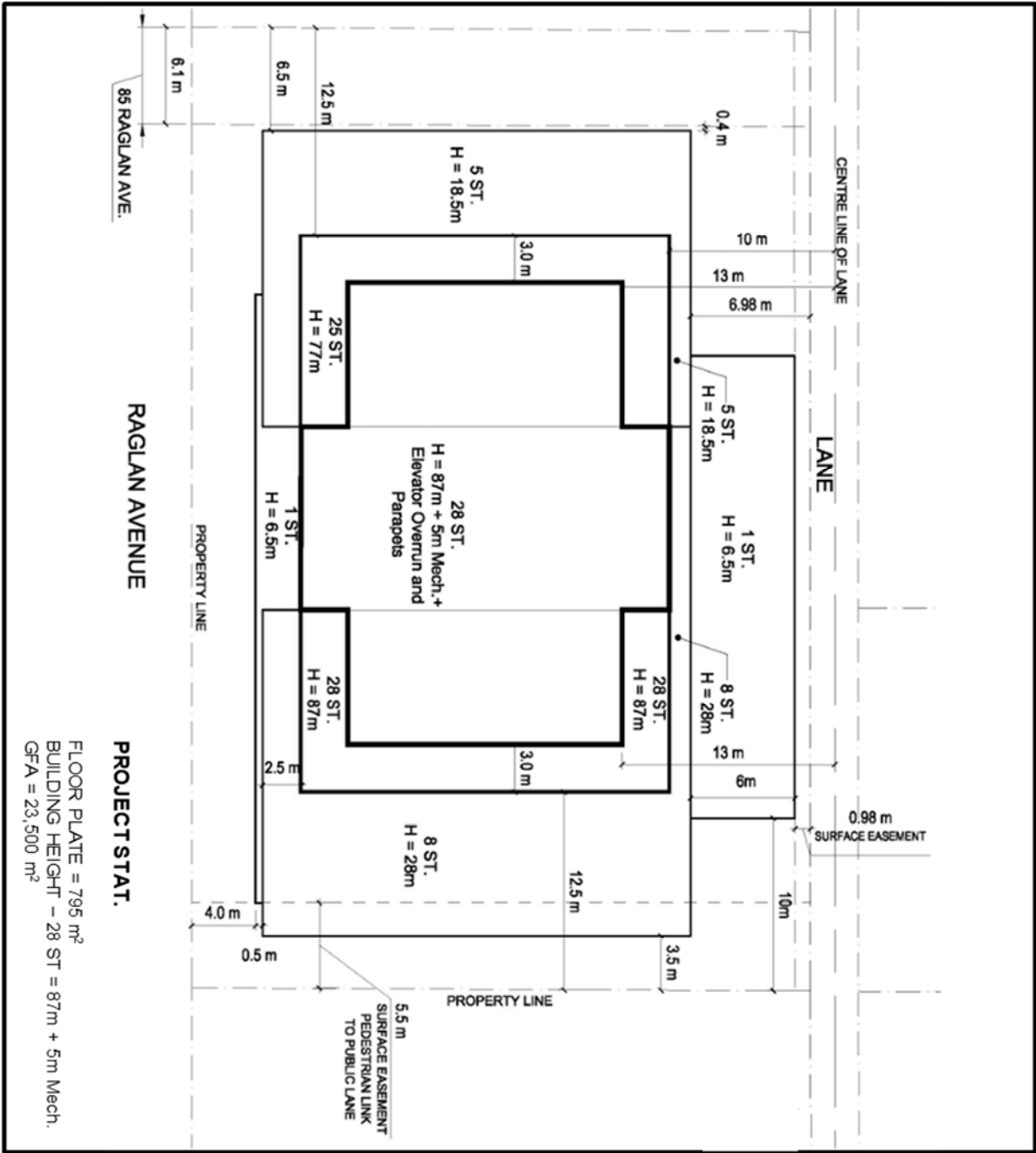


**65 to 83 RAGLAN AVENUE  
DIAGRAM 1**

File # \_\_\_\_\_



Not to Scale



**PROJECT STAT.**  
 FLOOR PLATE = 795 m<sup>2</sup>  
 BUILDING HEIGHT - 28 ST = 87m + 5m Mech.  
 GFA = 23,500 m<sup>2</sup>



**65 to 83 RAGLAN AVENUE  
 DIAGRAM 2**

File # \_\_\_\_\_

