

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** November 22, 2021

**CASE NO(S):** PL200164

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

Applicant and Appellant:	1583617 Ontario Inc. et. al.
Subject:	Application to amend Zoning By-law No. 1088-2002 - Refusal or neglect of the City of Toronto to make a decision
Existing Zoning:	Etobicoke Centre 3 (EC3)
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit a 49-storey residential development with retail at-grade
Property Address/Description:	25 Mabelle Avenue
Municipality:	City of Toronto
Municipality File No.:	18 270817 WET 03 OZ
OLT Case No.:	PL200164
OLT File No.:	PL200164
OLT Case Name:	1583617 Ontario Inc. (et. al.) v. Toronto (City)

**Heard:** April 19, 2021 by Video Hearing

**APPEARANCES:**

**Parties**

1583617 Ontario Inc. et. al.

City of Toronto

Toronto Lands Corporation

**Counsel**

P. DeMelo  
K. Jennings

J. Braun  
M. Mahoney

B. Engell

**DECISION DELIVERED BY STEVEN COOKE AND SHARYN VINCENT**

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[1] This was the hearing of the merits on an appeal pursuant to s. 34(11) of the *Planning Act* (“Act”) for the City of Toronto (“City”) failure to make a decision within the legislative timeframe for a Zoning By-law Amendment (“ZBA”) application by 1583617 Ontario Inc. et. al. (“Appellant”) for the property municipally known as 25 Mabelle Avenue (“Subject Site”).

[2] The Subject Site has an existing 30-storey slab apartment building to the eastern part of the property. It currently contains a 521 parking space underground lot with green space and a tennis court on top. The Subject Site has a total frontage of 114 metres (“m”) frontage running east to west along the south side of Mabelle Avenue.

[3] The proposed development contains a five-storey podium with townhomes and retail at grade level. The 49-storey point tower is setback to the southern end of the proposed podium. Above the podium, with access from the sixth storey, is a rooftop outdoor amenity space.

[4] A total of 486 units are being proposed with 47% of the total units being two or three-bedroom units. The total gross floor area (“GFA”) being proposed inclusive of residential and retail use is 39,859 square metres (“sq m”).

## **TORONTO LANDS CORPORATION**

[5] Mr. Engell, counsel for the Toronto Lands Corporation (“TLC”), which is a subsidiary of the Toronto District School Board, informed the Tribunal that his client and the Appellant had reached a settlement.

[6] The TLC primary issues revolved around potential traffic, transportation, and school capacity issues. The Tribunal was informed by counsel that, with a settlement agreement in place with the Appellant, they would no longer be opposing the appeal before the Tribunal.

[7] Upon receiving this information, the Tribunal granted the request of Mr. Engell to be excused from the remainder of the proceedings.

## **EXPERT WITNESSES**

[8] For the ease of the reader, the Tribunal qualified, without objections, the following individuals to provide expert opinion evidence in their respective field of expertise.

[9] For the Appellants, land use planner and urban design Benjamin Hoff, and architecture and urban design Sheldon Levitt.

[10] Appearing for the City are experts in urban design Allison Reid, housing policy planner Allison Smith, and land use planner John Gladki.

## **AREA CONTEXT**

[11] The Subject Site is in an area that the City Official Plan ("OP") designates as an Apartment Neighbourhood. The general location of this Apartment Neighbourhood is Islington Avenue to the east, Six Points to the west, Bloor Street West to the south and Dundas Street West to the north. This neighbourhood has numerous proposed and existing residential towers ranging from approximately 14-storeys to 45-storeys in height.

[12] The Subject Site is in an area that is part of what is known as Etobicoke Centre and is part of one of the 25 designated urban growth centres ("UGC") by the Province. Generally speaking, this area is bounded by Islington Avenue to the east, Kipling Avenue to the west, Dundas Street West and Bloor Street to the north and south. The Tribunal notes that Dundas Street West and Bloor Street cross each other at the Six Points intersection and reverse the general boundaries.

[13] The Subject Site has immediate access to surface transit with a bus stop adjacent to the property, is within a five minute walk to the Islington TTC Subway Station, and is

located one stop to the east of the Kipling TTC Subway Station that provides regional transit options with a GO Train station and other regional train and bus services.

[14] In the agreed statement of facts, the Witnesses for the Parties have agreed that the subject site is supported by public transit, is an appropriate location for infill intensification, and suitable for a tall building.

[15] The key issues for the Tribunal to decide therefore include whether the proposed height and massing are appropriate for the Subject Site, are the dwelling units an appropriate mix and size, and are the policies to protect the amenities and housing stock of the existing rental building adequately addressed.

### **THE LEGISLATIVE FRAMEWORK; THE *PLANNING ACT***

[16] Under s. 2 of the Act, the Tribunal must have regard for matters of Provincial interest.

[17] In the opinion of Mr. Hoff, the proposed development meets the requirement of giving regard to the Act. Mr. Hoff gave attention to the following subsections of s. 2:

- f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- j) adequate provision of a full range of housing opportunities, including affordable housing;
- k) adequate provision of employment opportunities;
- p) the appropriate location of growth and development;
- q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; and
- r) the promotion of built form that
  - i. is well-designed,
  - ii. encourages a sense of place, and
  - iii. provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

[18] Mr. Hoff testified that the proposed development is located in an UGC, which are areas that have been identified for existing and future downtown areas that are intended

to be a focal point for accommodating population and employment opportunities that is supported by transit. It is the opinion of Mr. Hoff that the proposed development adequately contributes to the desired outcome of the UGC intent.

[19] The Tribunal was informed that the proposed development is an infill project, that would be located in an identified Apartments Neighbourhood, that would utilize existing utilities, infrastructure, and public transit that includes the rapid transit options located at the Islington TTC Subway Station.

[20] The Tribunal was informed by Mr. Hoff that the proposed development would include 47% two-bedroom and three-bedroom units. With the addition of these family sized residential units and the existing rental building, the proposed development would be contributing to a wide range of housing opportunities.

[21] Mr. Gladki gave evidence of the contrary. It was his opinion that the purposed development was not identified in the Etobicoke Centre Secondary Plan ("ECSP") or in Zoning By-law No. 1088-2002 as an appropriate place to accommodate intensification to the proposed scale. The built form fails to conform to the ECSP urban design policies and the Built form and Tall Building Guidelines of the OP. It was his expert opinion that the proposed development does not represent a well-designed built form.

[22] The proposed development is not aligned with the housing objective of the City because in the opinion of Mr. Gladki the unit mix does not strictly meet the appropriate size and residential unit mix ratio.

## **PROVINCIAL POLICY STATEMENT**

[23] Mr. Gladki testified that the proposed development generally meets the intent of the Provincial Policy Statement, 2020 ("PPS") policies regarding transit-supportive and intensification development. However, Mr. Gladki raised concerns to the following sections of the PPS.

[24] PPS Policy 1.1.1(b):

Healthy, liveable and safe communities are sustained by:

b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

[25] PPS Policy 1.1.3.3:

Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

[26] PPS Policy 1.1.3.4:

Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

[27] PPS Policy 4.6:

The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans.

Official plans shall identify provincial interests and set out appropriate land use designations and policies. To determine the significance of some natural heritage features and other resources, evaluation may be required.

In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Policy Statement. The policies of this Provincial Policy Statement continue to apply after adoption and approval of an official plan.

[28] It was the expert opinion of Mr. Gladki that the proposed development is not consistent with the PPS. The proposed development does not adequately give regard to

the standards contained in the City's OP or the ECSP. It does not provide enough family-sized units and does not include any affordable housing. Given that the proposed development would represent the tallest height in the surrounding area and would have a high density, it would not represent an appropriate location for such a development.

[29] Mr. Hoff testified that the proposed development was consistent with the PPS. The proposed development, in his opinion, infills an underutilized site that promotes an efficient use of land. The proposed development has existing municipal utilities and transit infrastructure.

[30] Mr. Hoff stated that by retaining the existing residential building, and with the addition of units that includes 47% of the units being considered to be family-size, the proposed development has an appropriate mix of uses to support the long-term need of a complete community.

[31] In addressing the concerns that the proposed development is not consistent with the PPS under Policy 4.6, it was the opinion of Mr. Hoff that the proposed development was consistent with the current PPS whereas the Etobicoke Centre Zoning By-law No. 1088-2002, which was referenced by the witnesses for the City as the implementation tool of the ECSP has not been updated to reflect the existing provincial policies in nearly 20 years.

## **GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE**

[32] It is the opinion of Mr. Gladki that the Subject Site is an appropriate location for development and conforms to the general policies of the Growth Plan for the Greater Golden Horseshoe, 2019 ("2019 GP"). However, like the PPS, Mr. Gladki is of the opinion that the proposed development fails to address the complete community policies and the development standards of the City's OP.

[33] In the testimony of Mr. Gladki, the proposed development does not provide for affordable housing and does not meet the City's guidelines of containing a minimum of

10% of three-bedroom units. As such, it was the opinion of Mr. Gladki that the proposed development does not meet the desired goal of providing a diverse range of housing options to create a complete community.

[34] Etobicoke Centre is identified as an UGC in Schedule 4 of the 2019 GP. Strategic Growth Area is a defined term in the Growth Plan that does include all UGCs. It is the belief of Mr. Gladki that the intensification plan for the Etobicoke Centre is established through the OP and the ECSP through Zoning By-law No. 1088-2002. The ZBA currently provides that the highest intensification be located to the Islington and Kipling TTC Subway stations. As the Subject Site is located to be mid-block and not immediately adjacent to the Islington TTC Subway station, it is the opinion of Mr. Gladki, that the ZBA deviates from the intent of the Zoning By-law No. 1088-2002.

[35] Mr. Hoff gave testimony that, at the time of submission of the proposed development, the Growth Plan for the Greater Golden Horseshoe, 2017 ("2017 GP") was the applicable growth plan. It was his submissions that the 2017 GP has a focus on an anticipation of growth that is accommodated in an efficient manner. 2017 GP, s. 2.2.4.2 calls for planned intensification is around Major Transit Station Areas ("MTSA").

[36] The 2017 GP, s. 2.2.6.2 promotes complete communities and directs municipalities to plan to accommodate growth, have consideration of a mix in housing options and achieve a minimum intensification and density target. The proposed development is an infill project on an underutilized site within the Etobicoke Centre that would provide a range in housing options including 47% of family-sized units.

[37] It is the opinion of Mr. Hoff that the proposed development conforms to the 2017 GP as it is an infill development that is transit-supportive and contributes to the desired intensification of Etobicoke Centre.

[38] In regards to the 2019 GP, as an infill development that will provide (1) a mixed range of housing options with 47% of family-sized units, (2) the retention of the existing 416 rental units, and (3) it is located in an urban area that is designated for intensification,



and is supported by public transit, it was the evidence of Mr. Hoff that the proposed development is compatible with the surrounding area that makes efficient use of existing infrastructure. It was his opinion that the proposed development is in conformity of the 2019 GP.

## **OFFICIAL PLAN**

[39] It was the opinion of Mr. Hoff that the proposed development conforms to the City OP and contributes to its vision and goals.

[40] As the proposed development is located immediately to the north of the Islington TTC Subway Station, with public bus routes at the Subject Site, it contributes to the goals of transit-supportive intensification.

[41] The proposed development conforms to the OP policies by maximising the potential number of housing opportunities within an identified apartment area. The podium base will help define the urban character with a tower that is similar in scale to other tall buildings in the area.

[42] Ms. Smith gave testimony that it was her opinion that the proposed development did not meet the intent of the OP.

[43] Policy 3.2.1.5 a) states:

Significant new development on sites containing six or more rental units, where existing rental units will be kept in the new development:

- a) will secure as rental housing, the existing rental housing units which have affordable rents and mid-range rents.

[44] In the evidence of Ms. Smith, the application materials submitted for the proposed development did not specify that a rental tenure of the existing building would be secured for affordable and mid-range rents as part of the ZBA. To satisfy the intent of Policy 3.2.1.5 a), it would be her recommendation that existing rental units be secured for a

minimum period of 20 years that commences on the day that the ZBA comes into full force and effect. Mr. Gladki informed the Tribunal that he adopted and endorsed the opinions and recommendations of Ms. Smith.

[45] This issue was resolved during the proceedings when Counsel for the Appellant informed the Tribunal that his client was prepared to secure the existing rental units for a period of 20 years.

[46] Policy 3.2.1.5 b) states:

- b) should secure needed improvements and renovations to the existing rental housing to extend the life of the building(s) that are to remain and to improve amenities, without pass-through costs to tenants. These improvements and renovations should be a City priority under Section 5.1.1 of this Plan where no alternative programs are in place to offer financial assistance for this work.

[47] Ms. Smith acknowledged that the proposed development does have site improvements that include enhanced landscape areas and walkways, the expansion of outdoor amenity areas, a shared pickup and drop off location for both buildings, internalization of garbage service, and a small retail component to the new building that animates the public realm. However, it is her opinion that noted improvements are insufficient for the proposed intensification of the Subject Site.

[48] The Tribunal was taken by Ms. Smith to Policy 2.3.1.9 of the OP that addressed improvements and renovations for an apartment infill proposal. Policy 2.3.1.9 states:

The owners of existing apartment buildings will be encouraged to renovate and retrofit older apartment buildings in order to:

- a) achieve greater conservation of energy and reduce greenhouse gas emissions;
- b) achieve greater conservation of water resources;
- c) improve waste diversion practices;
- d) improve safety and security;
- e) improve building operations;
- f) improve indoor and outdoor facilities for social, educational and recreational activities; and

- g) improved pedestrian access to the buildings from public sidewalks and through the site as appropriate.

[49] It was the opinion of Ms. Smith that due to the additional driveway, and the size and massing of the proposed development, the Subject Site would lose significant outdoor amenity and green space that includes the removal of several mature trees. She further gave evidence that a survey should be contacted by all the tenants in the existing rental apartment for their input to the improvements and renovations.

[50] Mr. Hoff informed the Tribunal that access to the indoor and outdoor amenities of the new building would only be accessed by those residing in the proposed development. However, renovations and improvements to the existing Rental building will be secured through this application.

[51] It is the opinion of Mr. Hoff that as the proposed application would secure the existing rental units for a 20-year period of time and make improvements and renovations to the existing rental building, the application adequately addresses Policy 3.2.1.5.

[52] Mr. Hoff stated that the second driveway entrance was necessary to fully unlock the intensification potential of the Subject Site. It was his opinion that the additional driveway and garage entrance would have a minimal impact on the existing pedestrian routes. The additional driveway will also help in the consolidation and reconfiguration of the existing driveway to better serve both the existing rental building and the proposed development.

## **GROWING UP GUIDELINES 2020**

[53] The Growing Up Guidelines 2020 (“Guidelines”) was adopted by Council on July 28, 2020. The Guidelines recommend a residential unit mix that addresses a diverse range of housing options aimed at households with children. The Guidelines recommend a residential unit mix that provides a minimum of 25% large units; 10% three-bedroom sized at 100 – 106 sq m; and 15% two-bedroom units sized at 87-90 sq m.

[54] It is the position of Ms. Smith that the proposed development does not fully meet the recommended standards of the Guidelines. It was her testimony that the proposed development would only contain a mix of 8% three-bedrooms. In addition, she raised the concerns that the proposed two- and three-bedroom units did not all meet the target unit size of the Guidelines.

[55] Mr. Levitt testified that three-bedrooms have primarily been located in the podium of the building with many of the units located at grade having direct access to the street. While the proposed development does only offer 8% of the unit mix to be three-bedroom, he notes that 39% of the units are two-bedroom, that well exceeds the Guidelines' recommendation of a minimum of 15% and is of the opinion that that designing good quality units with functional floor space, as opposed to simply meeting a minimum unit size, was the preferred approach to addressing accommodation needs..

## **URBAN DESIGN**

[56] Ms. Reid gave contextual evidence to the Tribunal. Zoning By-law No. 1088-2002, Schedule "D", identifies the range of height limits for the designated Mixed-Use Area A lands in the ECSP. The ECSP suggests that the focal points that permit the greatest intensification, both in height and density, be located on certain blocks within the immediate vicinity of the Islington and Kipling TTC Subway Stations.

[57] It is the opinion of Ms. Reid that the focal point, in the immediate area in question, is the Islington Subway Station. The City is in the process of rezoning the northwest corner of Bloor Street West and Islington Avenue, which is currently a parking lot for the Islington TTC Subway Station, for the Bloor/Islington Housing Now initiative. This initiative is currently proposing to see a range of building heights between 30 to 45 storeys.

[58] As the proposed development seeks a ZBA that permits a building height of 49-storeys it was the opinions of Ms. Reid and Mr. Gladki that it would not be appropriate as it would be taller than the Bloor/Islington focal point. Ms. Reid testified that the infill

location of the proposed development is appropriate, however, the tower height would not be as it would make the proposed development the tallest in the area.

[59] Ms. Reid testified that it was her opinion that the base podium height of 17.8 m should be considered too high as it does not relate to the streetwall context of the three-storeys near completion at 64 – 70 Cordova Avenue. Furthermore, the proposed development exceeds the maximum recommended podium base heights in the Etobicoke Centre Urban Design Guidelines and Tall Building Design Guidelines.

[60] Mr. Levitt offered a counter opinion that the proposed podium will help define the streetwall and contribute to the pedestrian comfort level. The neighbourhood consists mostly of a slab style “towers in the park”. The podium street edge would be inline with the slab style tower that currently exists on the property. It is Mr. Levitt’s opinion that a setback tower with a podium containing a façade and balcony articulation would only create a distinctive and more interesting experience for a pedestrian. It was also Mr. Levitt’s opinion that the proposed height of 5 as opposed to the suggested 4 storeys, taken together with the proposed setback, would result in a street wall in better proportion to the street width.

[61] In the opinion of Mr. Hoff, the existing zoning by-law limits the height of the buildings that should not be considered appropriate to fully implement the policies of the OP, PPS, and Growth Plan. He states that the proposed height is appropriate because it better meets the intent of these policies that direct for greater intensification in the identified UGC near existing major public transit infrastructure, and more importantly, there are no adverse impacts attributable to the height above the existing 30 storey building on site.

## **ANALYSIS AND FINDINGS**

[62] In determining this matter, the Tribunal, in summary, accepts and adopts the evidence and expert opinions provided by Messrs. Hoff and Levitt, including the introduction of the second driveway, to allow the phasing which unlocks the infill potential

of the site. The Tribunal is persuaded by the evidence that the proposal promotes efficient development of land that is transit-supportive, accommodates a range of appropriate mixed uses, intensifies uses within the urban settlement area, contributes to the range of housing options, in particular, with the inclusion of family units as generally desired by the City, and meets the general intent of intensification that is desired in areas identified as Apartment Neighbourhoods in the City's OP.

[63] The Tribunal finds that the proposed intensification is appropriate as the proposed development is within walking distance to the Islington Subway Station, has a surface transit stop located at the existing building on the subject site, and is generally complementary to the recent permissions approved by Council for the site located to the east of the existing building on this site.

[64] The Site is located in an Apartment Neighbourhood that consists primarily of slab style "tower in the park" buildings, an area which has recently been going through a regeneration through infill development, the most recent and proximate permissions being the afore mentioned three residential towers approved by the City in 2016 on the site abutting to the east for 35, 38 and 45 storeys. The Tribunal was advised during the course of evidence that the final built form may not achieve the full allowed heights, The permission do however remain germane as part of the planned function and context to be considered when determining compatibility.

[65] The Tribunal was not persuaded by the evidence that the proposed podium heights at 5 storeys would create an undesirable street wall, or that the overall height of the tower would have any contextual, unacceptable adverse impacts, or derogate from the aspirations of the City to create intensity in the preferred focus area surrounding the Kipling subways station.

[66] The proposed unit mix and size respects while not strictly adhering to the guideline but generates larger three bedroom units than the recommended range, and 37% as opposed to the recommended 15% two bedroom units, some of which do not meet the minimum size in the guideline. The Tribunal however accepts that there is practical

merit in the opinion of Mr. Levitt that a well-designed unit is a better result than a floor plan that meets a numeric minimum.

[67] The site plan is not before the Tribunal but the witnesses for both the City and the Appellant addressed areas which will be finalized through that process including pedestrian comfort in the public realm which in the opinion of Mr. Levitt, adopting the opinion of RWDI, the consulting firm which undertook the supporting study, will be improved over the existing. The proposed playground area which will when secured through site plan approval, constitutes a considerable and perhaps more desirable improvement over the existing surface tennis court which will be displaced but was described as being in a general state of disrepair. Similarly, it was the evidence of Mr. Levitt that the proposal creates the opportunity to improve the identity and accessibility of the existing rental building to be retained. The creation of a new driveway and accessible drop off at the newly renovated lobby of the existing building eliminates the current 45 metre walk from the front door to the curb for waiting transportation. It is the finding of the Tribunal that all of these improvements address official plan policies, and the Tribunal is satisfied that the conceptual design conforms to these urban design, built form and pedestrian level comfort policies together with the general thrust of the ECSP which acknowledges tall building development at this site to reinforce the renewal of the urban structure in the area of the Islington Station, and the opportunity to optimize this infill site.

[68] 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 2019 GP, and 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 in the greater public interest. More significantly, the proposal furthers the goals and objectives of the Provincial planning regime to increase housing opportunities.

[69] The Tribunal was persuaded by the testimony of Messrs. Hoff and Levitt that the requested ZBA will allow for the proposed development that contributes to the goals of a provincially designated Etobicoke Centre UGC.

**DISPOSITION**

[70] The appeal is allowed, and City of Toronto Official Zoning By-law No. 1088-2002 is hereby amended substantially in accordance with Attachment “1”. The Final Order of the Tribunal is being withheld pending confirmation from the Parties on the final form of the By-law amendments, which is accurately reflecting the Tribunal’s decision and, in a form, acceptable to the City and the Applicant.

*“Steven Cooke”*

STEVEN COOKE  
MEMBER

*“Sharyn Vincent”*

SHARYN VINCENT  
VICE-CHAIR

**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

## CITY OF TORONTO BY-LAW No. XXXX-20XX

### **To amend the former City of Etobicoke Zoning Code and By-law No. 1088-2002, as amended, with respect to the lands municipally known as 25 Mabelle Avenue**

Whereas Council of the City of Toronto has the authority pursuant to 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. Notwithstanding the sections as identified below of the Etobicoke Zoning Code and By-law No. 1088-2002, the following provisions shall apply to the lands described on Schedule 'A' attached hereto. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code or By-law No. 1088-2002, the provisions of this By-law shall apply.

#### **Definitions**

2. For the purpose of this By-law, the following definitions shall have the same meaning as they have for the purpose of the Section 304-3 of the Etobicoke Zoning Code and By-law No. 1088-2002, as amended, except as herein provided:
  - a. "Car share" shall mean the practice whereby a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization and where such organizations may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or not be refundable;
  - b. "Car share parking space" shall mean a *parking space* that is reserved and actively used for car-sharing.
  - c. "Grade" means the elevation of 123.75 metres Canadian Geodetic Datum.
  - d. "Gross floor area" shall mean shall mean the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the main wall of each floor level, with the exception of the area of the building used for the following:
    - i. parking, loading and bicycle parking below established grade;
    - ii. required loading spaces and required bicycle parking spaces at or above established grade;
    - iii. storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;

- iv. shower and change facilities required by this By-law for required bicycle parking spaces;
  - v. **amenity space** required by this By-law;
  - vi. elevator shafts;
  - vii. garbage shafts;
  - viii. mechanical penthouse; and
  - ix. exit stairwells in the building.
- e. "Height" shall mean the vertical distance between *grade* and the elevation of the highest point of the structure;
  - f. "Long-term" bicycle parking spaces shall mean bicycle parking spaces for use by the occupants or tenants of a building and shall;
  - g. "Short-term" bicycle parking spaces shall mean bicycle parking spaces for use by visitors to a building.
  - h. "Lands" shall mean the lands outlined by heavy lines on Schedule 'A' attached hereto.

### **Density and Gross Floor Area**

- 3. Notwithstanding Section 4 of By-law No. 1088-2002, the maximum gross Floor Space Index shown on "Lands" outlined by heavy lines on Schedule 'A' shall be 7.2.
- 4. Notwithstanding Section 4 of By-law No. 1088-2002, the maximum total Gross Floor Area (GFA) permitted on "Parcel A" shown on Schedule 'B' shall be 36,300 square metres:
- 5. Notwithstanding Section 4 of By-law No. 1088-2002, the maximum total Gross Floor Area (GFA) permitted on "Parcel B" shown on Schedule 'B' shall be 40,000 square metres provided that:
  - a. The amount of gross floor area used for residential purposes does not exceed 39,900 square metres on "Parcel B"; and,
  - b. The amount of gross floor area used for non-residential purposes does not exceed 200 square metres on "Parcel B".

## Height and Setbacks

6. Notwithstanding Section 5 of By-law No. 1088-2002, for the purposes of this By-law, the maximum heights permitted in metres above Grade shall be as shown within heavy lines on Schedule 'C', attached hereto.
7. Notwithstanding Section 6 of By-law No. 1088-2002, for the purposes of this By-law, the setbacks and floor plate restrictions shall apply as shown on Schedule 'C'.
8. Notwithstanding Subsection 7 of this By-law, the following building elements and structures are permitted to project vertically above the heights specified on Schedule 'C' attached to this By-law:
  - a. Lighting fixtures, cornices, sills, eaves, awnings, canopies, parapets, guardrails, balustrades, bollards, railings and dividers, planters, patios, porches, stoops, pillars, pergolas, trellises, fences, screens, lighting rods, stairs, wheelchair ramps, window washing equipment, roof drainage, elements of a green roof, public art features, landscape features, architectural features, ornamental elements, elevator overhead and machine rooms, cellular telephone antennae, signs, mechanical elements, vents and chimneys may exceed the permitted maximum height by 5.0 metres
9. Notwithstanding Subsection 8 of this By-Law, the following building elements and structures are permitted to project horizontally beyond the heavy lines specified on Schedule 'C' attached to this By-law:
  - a. Eaves, cornices, parapets, window sills, landscape features, trellises, wheel chair ramps, light fixtures, stairs and stair enclosures, balustrades, guardrails, bollards, awnings, canopies, ornamental elements, architectural elements; architectural fins, elements associated with a green roof, railings, fences, mechanical, architectural and privacy screens, vents, stacks, chimneys, retaining walls, underground garage and its associated structures, window washing equipment, damper equipment to reduce building movement, structures used for outside or open air recreation, safety or wind protection purposes: no projection restriction
  - b. Balconies: a maximum projection 2.0 m

## Parking

10. Notwithstanding Section 8(i) and (ii) of By-law No.1088-2002, vehicle parking shall be provided on "Parcel A" shown on Schedule 'B' as follows:

Use	Minimum parking standard per use
Residential – Dwelling Units	0.6 spaces per dwelling unit
Residential Visitor	0.1 space per dwelling unit

11. Notwithstanding Section 8(i) and (ii) of By-law No.1088-2002, vehicle parking shall be provided on “Parcel B” shown on Schedule ‘B’ as follows:

Use	Minimum parking standard per use
Residential – Dwelling Units	0.6 spaces per dwelling unit
Residential Visitor	0.1 space per dwelling unit

12. Notwithstanding Section 11 and 12 above, the number of resident parking spaces required on either parcel can be reduced at a rate of four parking spaces for each **car-share parking space** provided within either “Parcel A” or “Parcel B”, up to a maximum of 7 total car share spaces provided.

### **Bicycle Parking**

13. Notwithstanding Section 8(iii) of By-law No. 1088-2002, bicycle parking shall be provided on “Parcel B” shown on Schedule ‘B’ as follows:

Use	Type of bicycle parking	Minimum bicycle parking requirement
Residential	Short Term	0.07 spaces per unit
	Long Term	0.68 spaces per unit

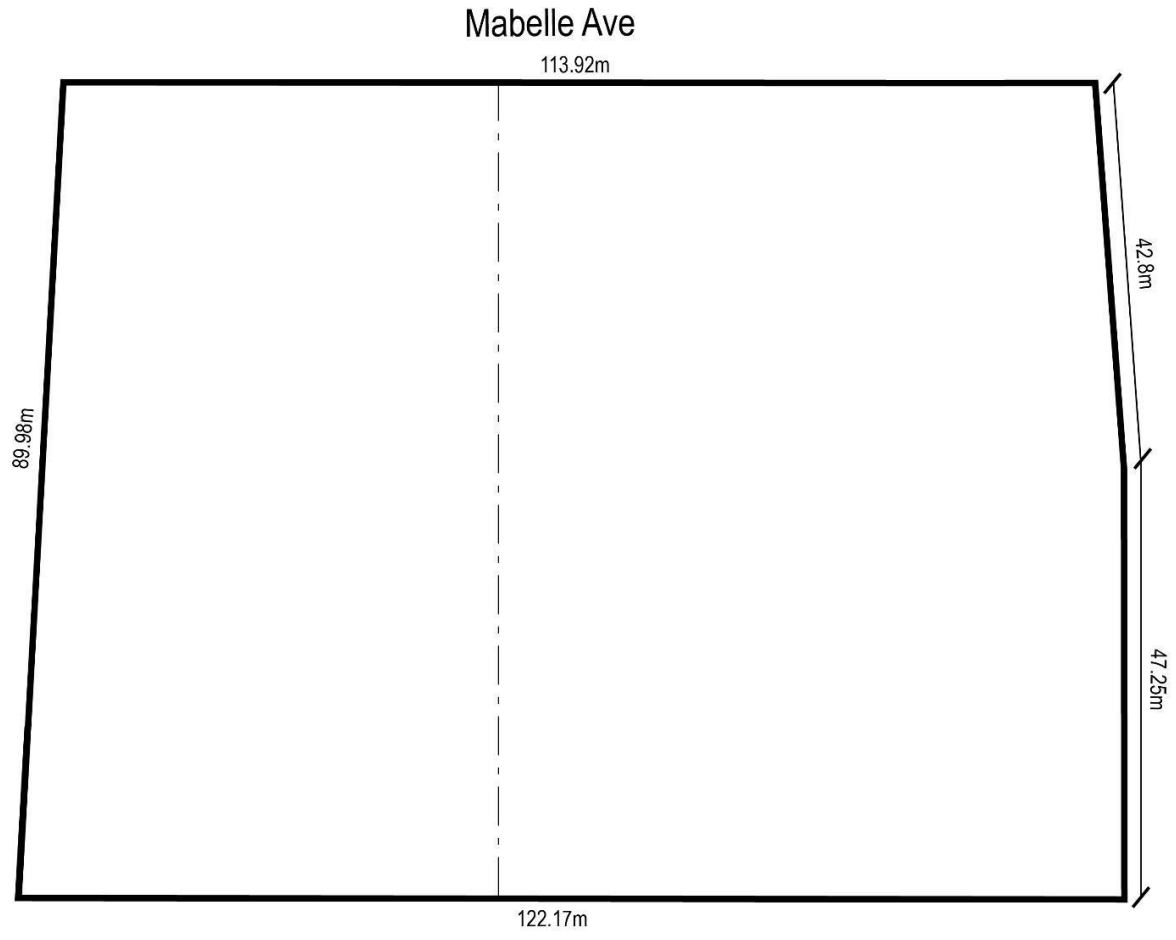
### **Loading**

14. Notwithstanding Section 8(vii) of By-law No. 1088-2002, loading spaces shall be provided on “Parcel B” shown on Schedule ‘B’ as follows:
- One Type ‘C’ loading space with dimensions of 6.0 metres in length, 3.5 metres in width, and with a vertical clearance of 3.0 metres; and,
  - One Type ‘G’ loading space with dimensions of 13.0 metres in length, 4.0 metres in width, and with a vertical clearance of 6.1 metres.

15. Notwithstanding any existing or future severance, partition, or division of the Lands, the provisions of this Exception and By-law 1088-2002 shall apply to the whole of the lands as one lot as if no severance, partition or division had occurred.

ENACTED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2019.

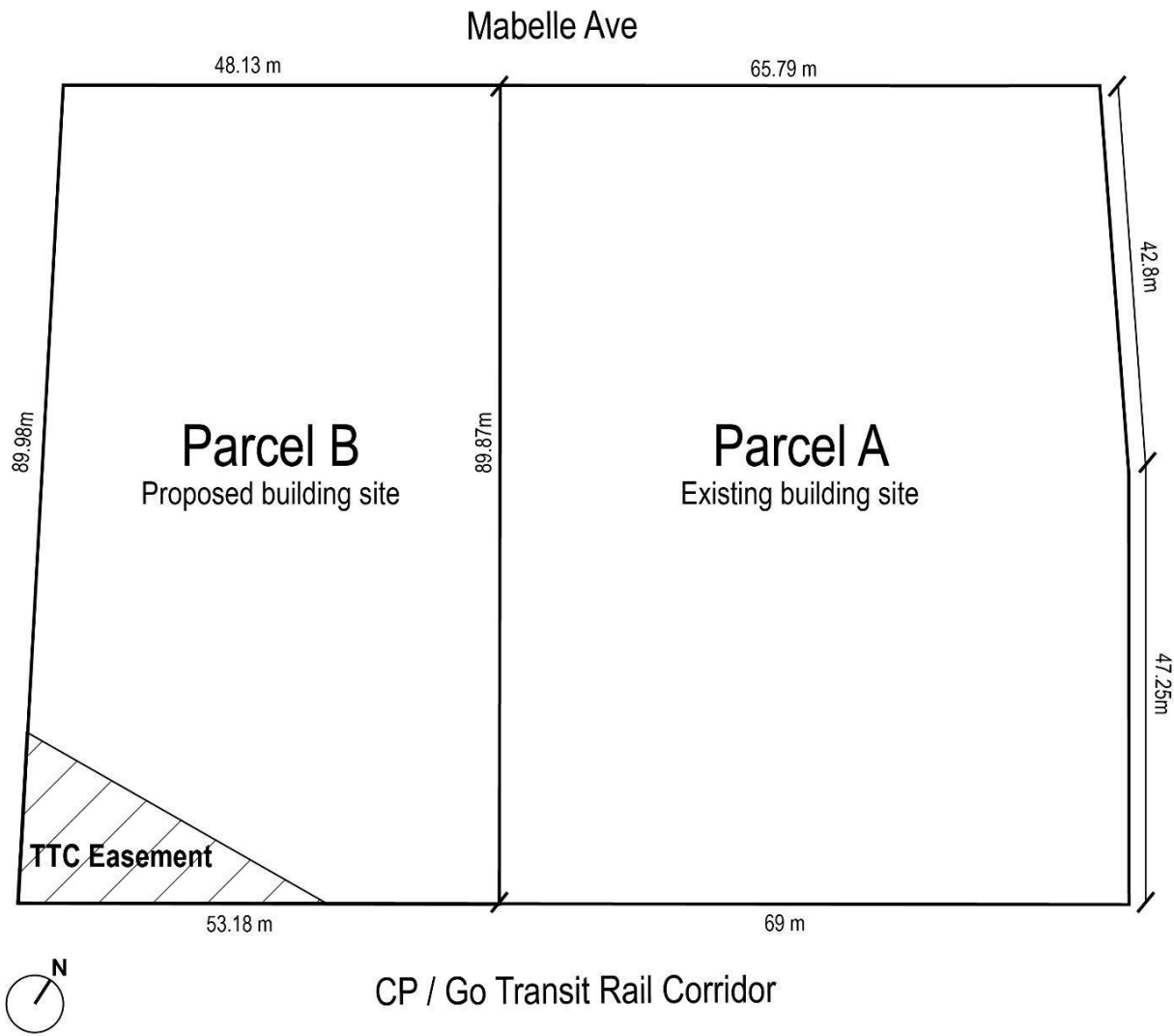
# Schedule 'A'



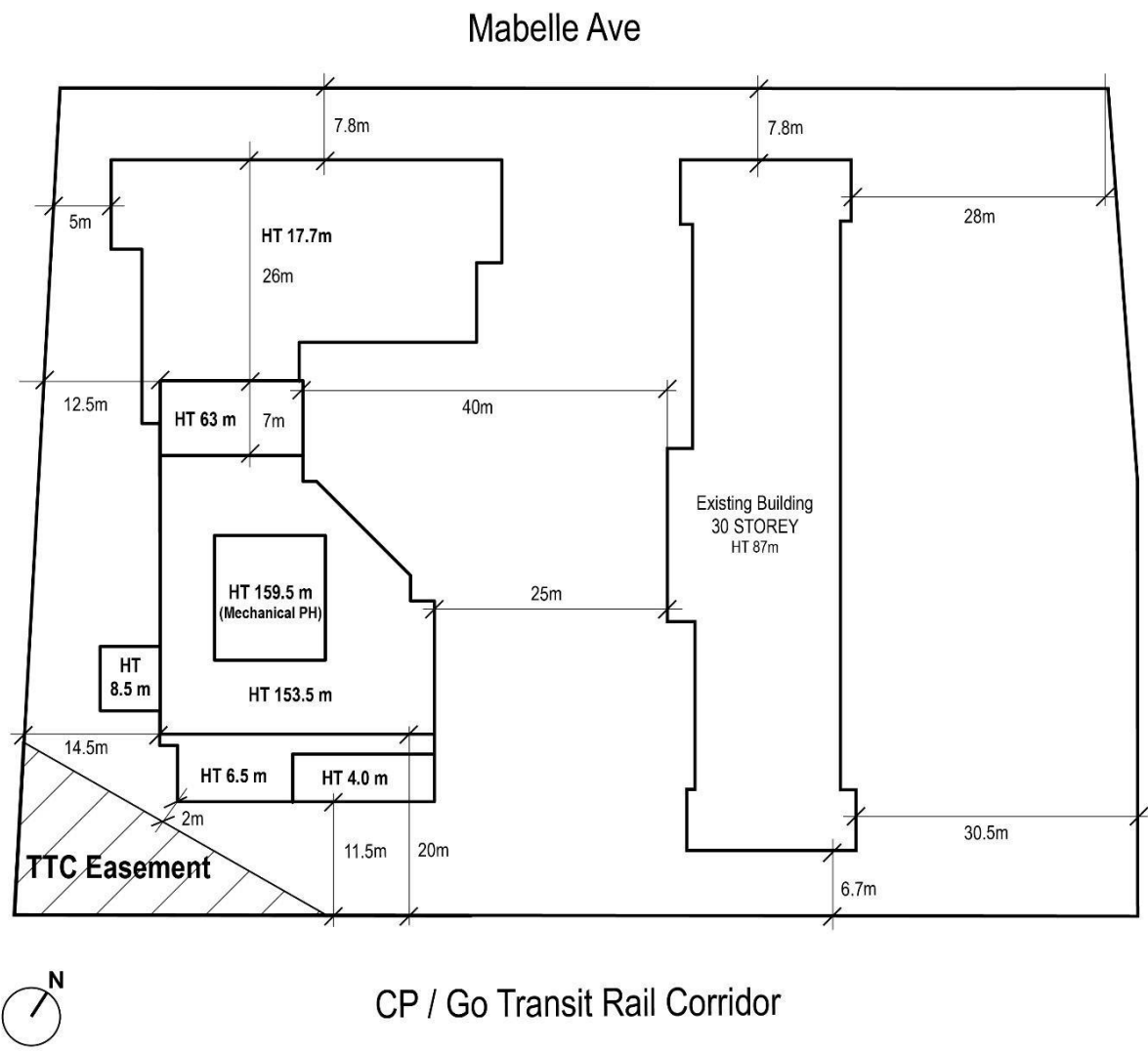
CP / Go Transit Rail Corridor



Schedule 'B'



Schedule 'C'





**CITY OF TORONTO**  
**BY-LAW No. XXXX-20XX**

**To amend the Zoning By-law No. 569-2013, as amended, with respect to the lands  
municipally known as 25 Mabelle Avenue**

Whereas Council of the City of Toronto has the authority pursuant to 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 identified as lands outlined by heavy black lines on Schedule 'A' attached to this By-law.
2. 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 in heavy line to CR (●) as shown on Schedule 'B' attached to this By-law.
3. Zoning By-law No. 569-2013, as amended, is further amended by adding to Article 900.11.00 Exception Number CR (x●) respecting the lands in heavy line shown on Schedule 'C' attached to this By-law:

**Exception CR (●)**

The lands or portion thereof as noted below, are subject to the following Site Specific Provisions:

**Site Specific Provisions:**

- (1) On lands municipally known as 25 Mabelle Avenue, shown as CR (x●) on Schedule 'C' to By-law #####-20##, if the requirements of By-law #####-20## are complied with, none of the provisions of regulations 40.5.40, 40.10.40 200.5.10, and 900.11.10, apply to prevent the erection or use of **buildings** or **structures** permitted in By-law #####-20##;

**Gross Floor Area**

- (A) The maximum permitted **gross floor area** shall be 36,300 square metres on "Parcel A" shown on Schedule 'D'.
- (B) The maximum permitted **gross floor area** shall be 40,000 square metres on "Parcel B" shown on Schedule 'D' provided that:

- i) The amount of **gross floor area** used for residential purposes does not exceed 39,900 square metres on “Parcel B”; and,
- ii) The amount of **gross floor area** used for non-residential purposes does not exceed 200 square metres on “Parcel B”.

### **Height and Setbacks**

- (C) Notwithstanding regulations 40.5.40.10, and 40.10.40.10, the height of any building or structure, as measured from the **established grade** to the highest point of the building or structure, must not exceed the height in metres specified by the numbers following the symbol HT on Schedule D of By-law #####-20##, except for those projections permitted in By-law No. 569-2013.
- (D) Notwithstanding regulations 40.5.40.10, and 40.10.40.10, the setback of any building or structure, shall be provided as shown on Schedule D of By-law #####-20##, except for those projections permitted in By-law No. 569-2013
- (E) Notwithstanding subsections (D) of this By-law #####-20##, the following building elements and structures are permitted to vertically above the heights specified on Schedule ‘D’ attached to this By-law:
  - i) Lighting fixtures, cornices, sills, eaves, awnings, canopies, parapets, guardrails, balustrades, bollards, railings and dividers, planters, patios, porches, stoops, pillars, pergolas, trellises, fences, screens, lighting rods, stairs, wheelchair ramps, window washing equipment, roof drainage, elements of a green roof, public art features, landscape features, architectural features, ornamental elements, elevator overhead and machine rooms, cellular telephone antennae, signs, mechanical elements, vents and chimneys may exceed the permitted maximum height by 5.0 metres
- (F) Notwithstanding subsections (E) of this By-law #####-20##, the following building elements and structures are permitted to project horizontally beyond the heavy lines specified on Schedule ‘D’ attached to this By-law:
  - i) Eaves, cornices, parapets, window sills, landscape features, trellises, wheel chair ramps, light fixtures, stairs and stair enclosures, balustrades, guardrails, bollards, awnings, canopies, ornamental elements, architectural elements; architectural fins, elements associated with a green roof, railings, fences, mechanical, architectural and privacy screens, vents, stacks, chimneys, retaining walls, underground garage and its associated structures, window washing equipment, damper equipment to reduce building movement, structures used for outside or open air recreation, safety or wind protection purposes: no projection restriction
  - ii) Balconies: a maximum projection 2.0 m

## Amenity Space

(G) Notwithstanding regulations 40.10.40.50, the following area requirements shall apply to “Parcel B” shown on Schedule ‘D’:

- i) A minimum 1.5 square metres for each dwelling unit of indoor **amenity space**.

## Parking

(H) Notwithstanding regulations 40.5.80 and 200.5.10, vehicle parking shall be provided on “Parcel A” shown on Schedule ‘D’ in accordance with the following requirements:

Use	Minimum parking standard per use
Residential – Dwelling Units	0.6 spaces per dwelling unit
Residential Visitor	0.1 space per dwelling unit

(I) Notwithstanding regulations 40.5.80 and 200.5.10, vehicle parking shall be provided on “Parcel B” shown on Schedule ‘D’ in accordance with the following requirements:

Use	Minimum parking standard per use
Residential – Dwelling Units	0.6 spaces per dwelling unit
Residential Visitor	0.1 space per dwelling unit

(J) Notwithstanding regulations 40.5.80 and 200.5.10, the number of resident parking spaces required on either parcel can be reduced at a rate of four parking spaces for each **car-share parking space** provided within either “Parcel A” or “Parcel B”, up to a maximum of 7 total car share spaces provided.

## Loading

(K) Notwithstanding regulations 40.10.90 and 220.5.10, loading spaces shall be provided on “Parcel B” shown on Schedule ‘D’ as follows:

- i) One Type ‘C’ loading space with dimensions of 6.0 metres in length, 3.5 metres in width, and with a vertical clearance of 3.0 metres; and,
- ii) One Type ‘G’ loading space with dimensions of 13.0 metres in length, 4.0 metres in width, and with a vertical clearance of 6.1 metres.

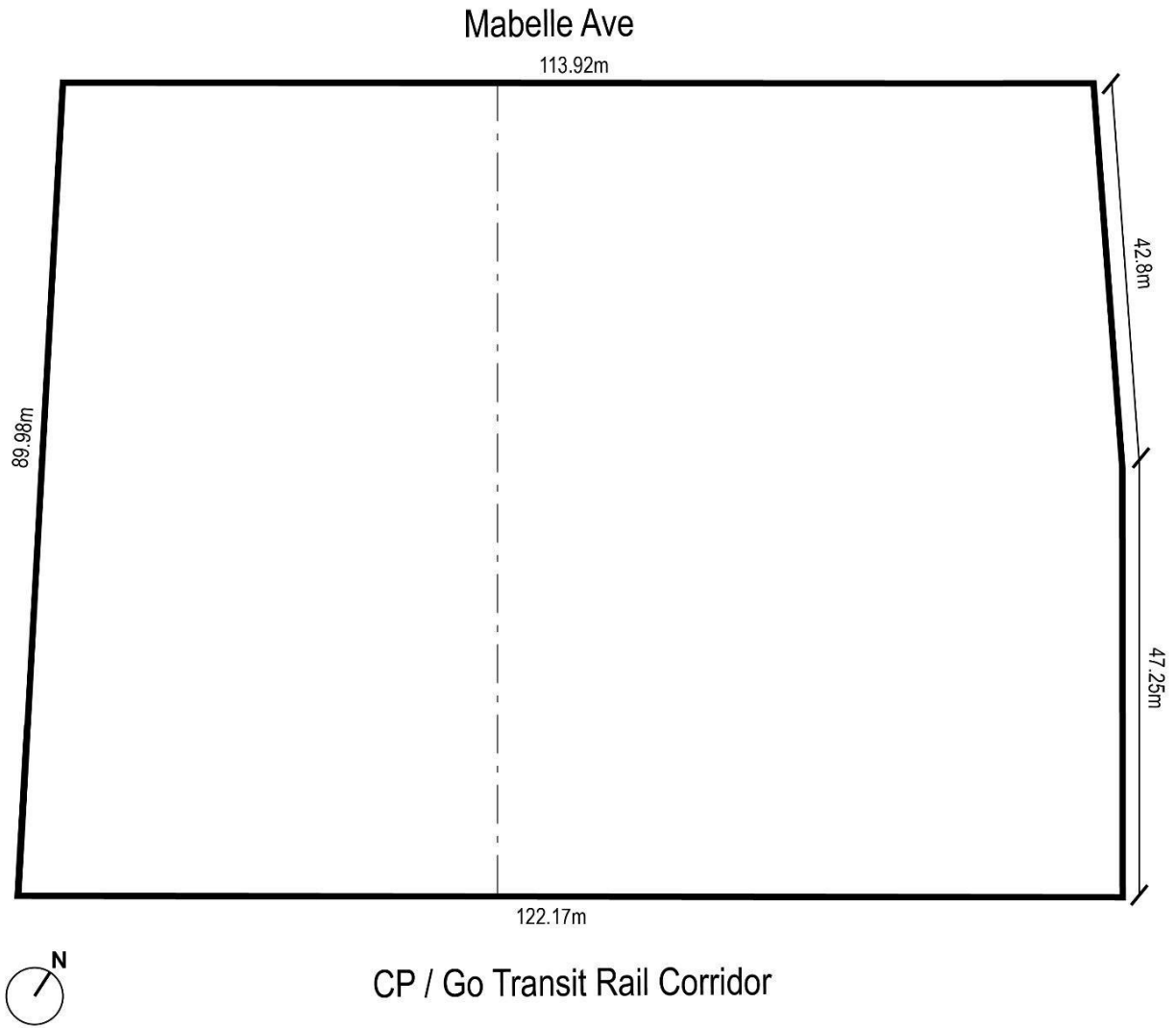
## Definitions

- (L) For the purpose of this exception, the words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions, except for the following:
- i) **“Car share”** shall mean the practice whereby a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization and where such organizations may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or not be refundable;
  - ii) **“Car share parking space”** shall mean a **parking space** that is reserved and actively used for car-sharing.
  - iii) **“Established grade”** shall mean the elevation of 123.75 metres Canadian Geodetic Datum.
  - iv) **“Gross floor area”** shall mean shall mean the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the main wall of each floor level, with the exception of the area of the building used for the following:
    - i. parking, loading and bicycle parking below established grade;
    - ii. required loading spaces and required bicycle parking spaces at or above established grade;
    - iii. storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
    - iv. shower and change facilities required by this By-law for required bicycle parking spaces;
    - v. **amenity space** required by this By-law;
    - vi. elevator shafts;
    - vii. garbage shafts;
    - viii. mechanical penthouse; and
    - ix. exit stairwells in the building.
  - v) **“Height”** means the vertical distance between established grade and the elevation of the highest point of the structure.

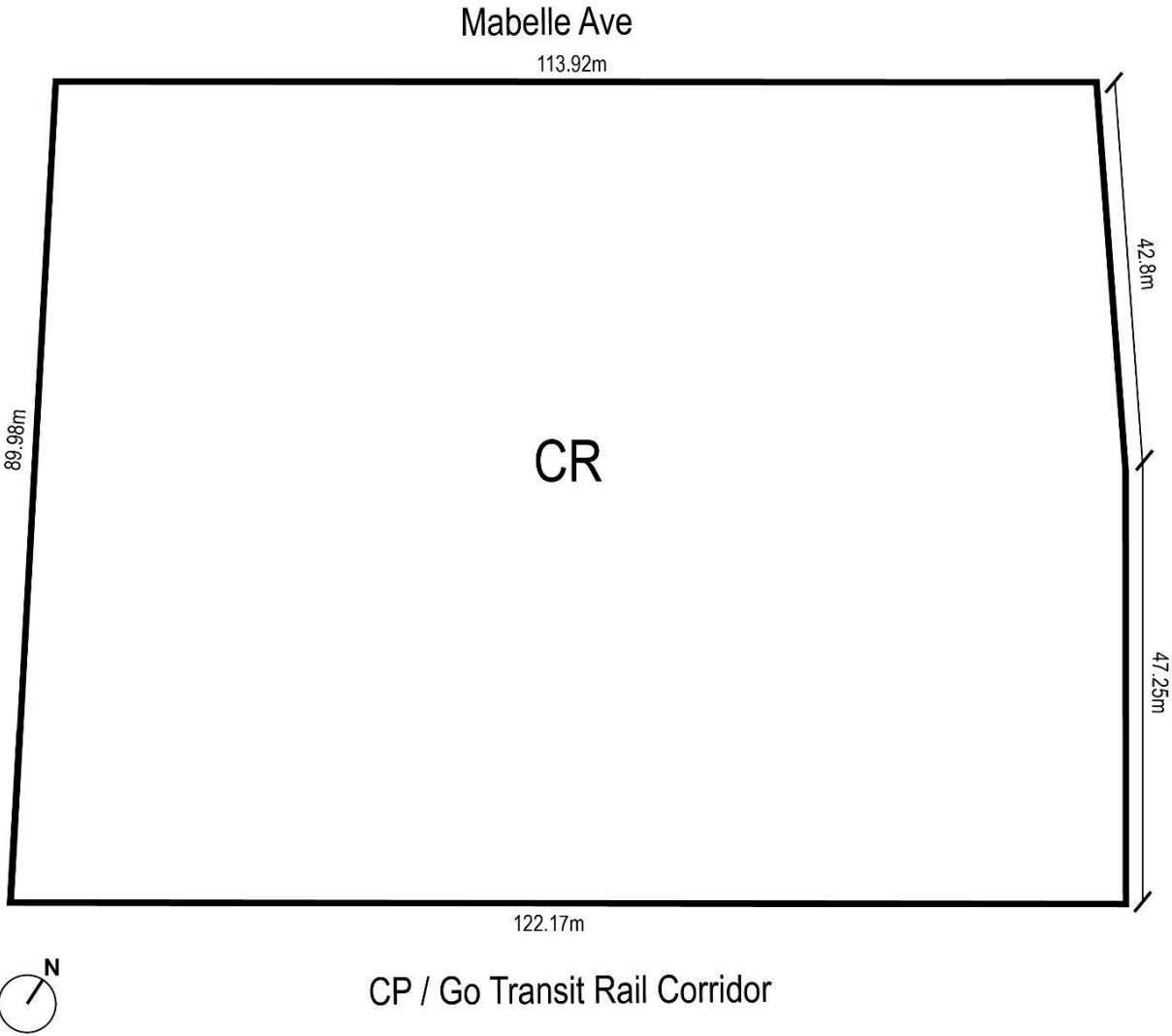
4. Notwithstanding any existing or future severance, partition, or division of the lands shown as CR (x●) on Schedule 'C' of By-law ####-20XX, the provisions of this Exception and By-law 569-2013 shall apply to the whole of the lands as one lot as if no severance, partition or division had occurred.

ENACTED AND PASSED this\_\_\_\_\_day of\_\_\_\_\_, A.D. 2019.

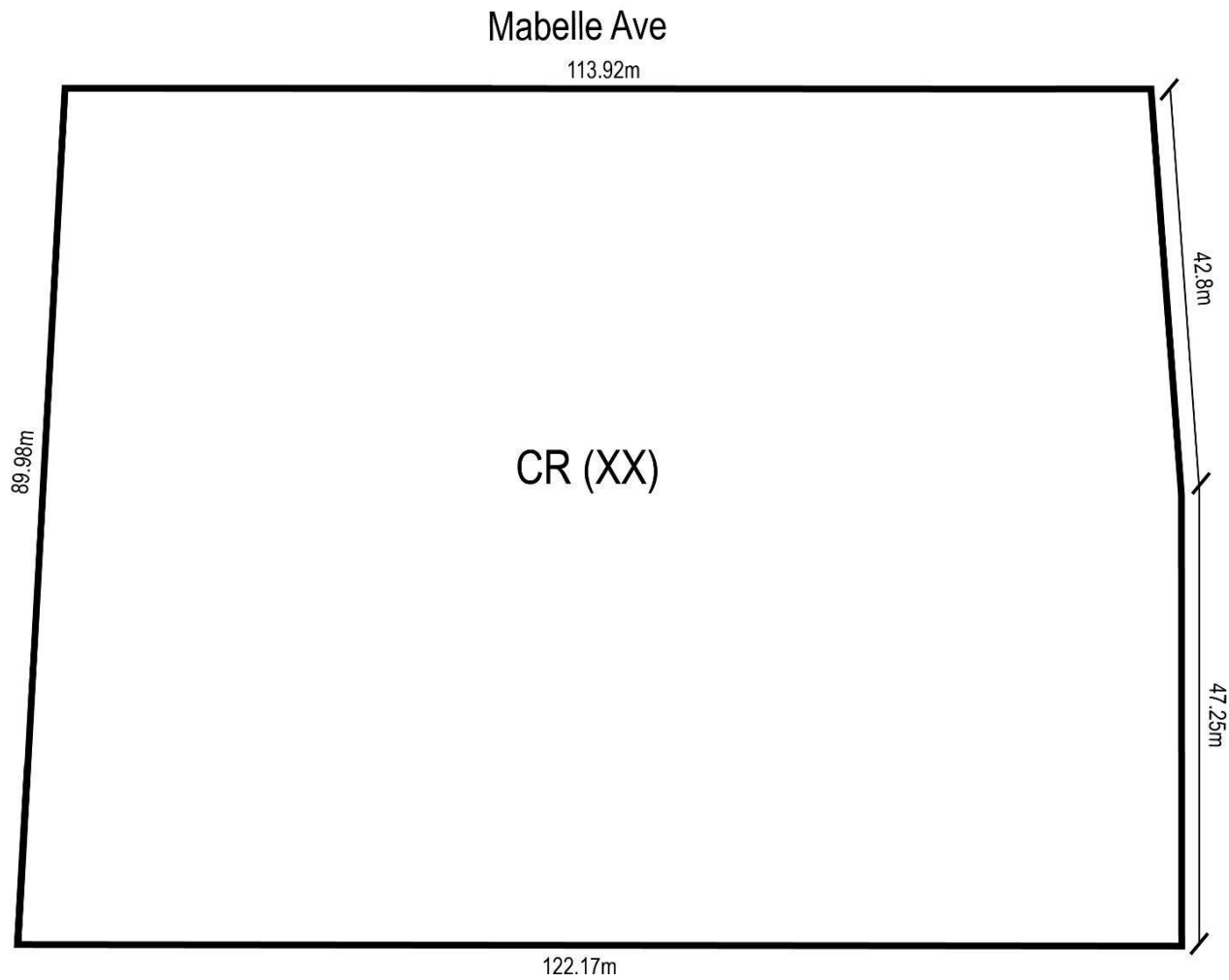
## Schedule 'A'



Schedule 'B'

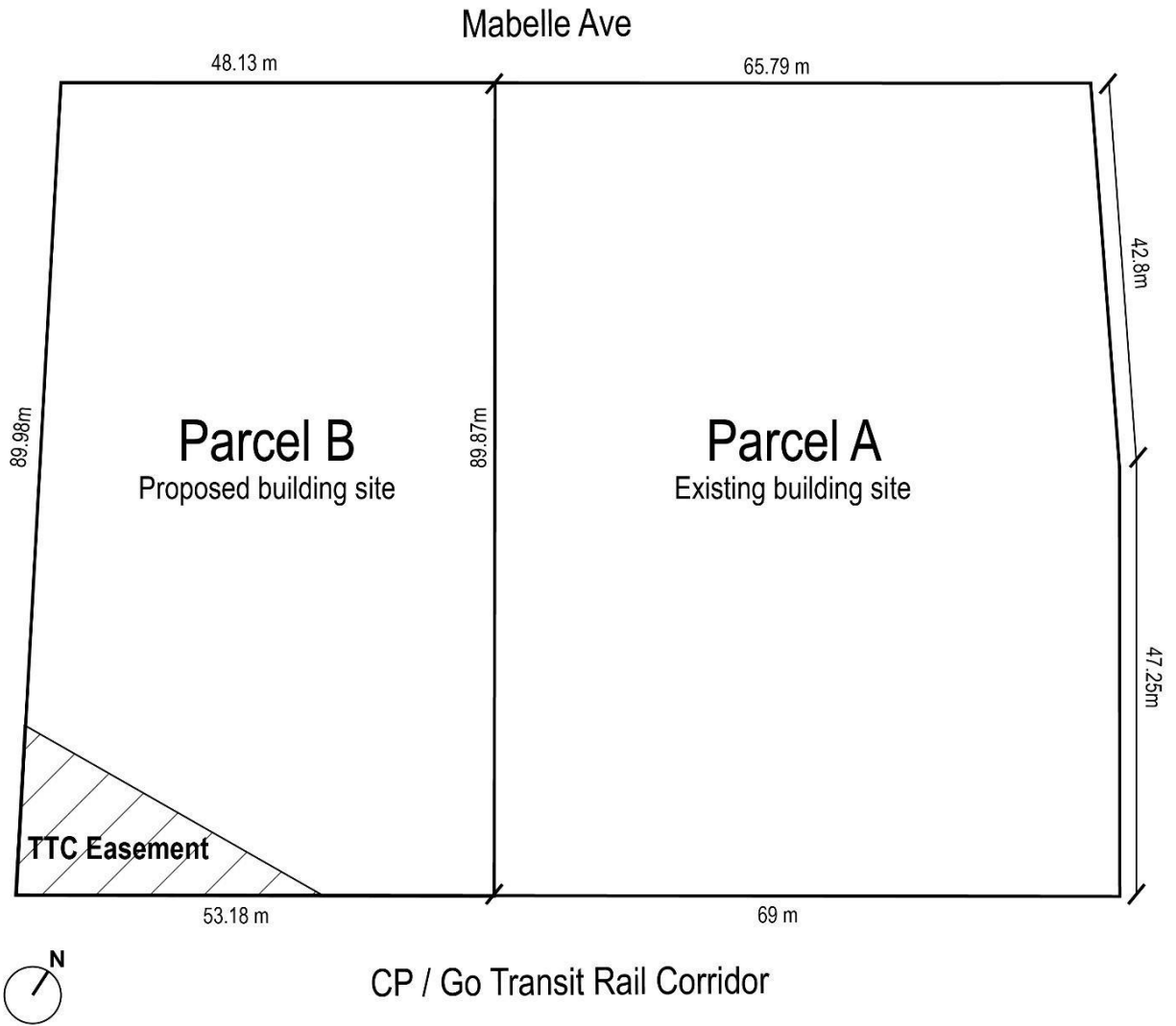


Schedule 'C'





# Schedule 'D'



Schedule 'E'

