

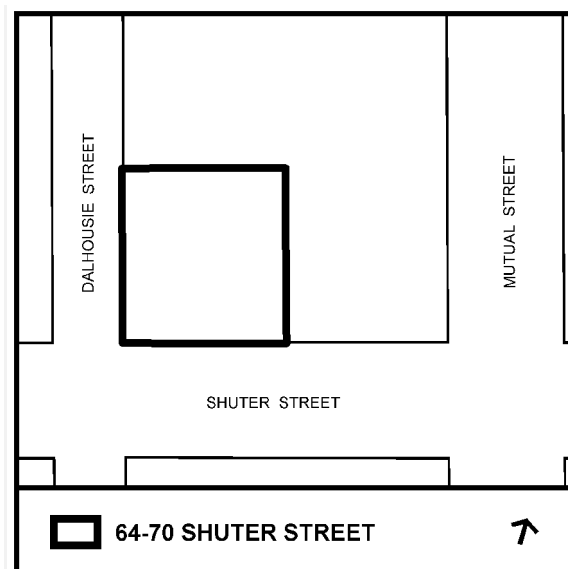
**64-70 Shuter Street –Residential Rental Demolition
Application under Municipal Code Chapter 667 – Final
Report**

Date:	November 21, 2013
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	12 223570 STE 27 RH

SUMMARY

An application has been made to demolish 12 residential units, comprising of one bachelor, 2 one bedroom, 8 two bedroom and 1 three bedroom rental units currently in 4 house-form buildings at 64-70 Shuter Street. All the units in the current buildings are being applied for demolition, although some facades of the buildings will be retained. The demolition of rental housing is prohibited without a Section 111 permit issued under the City of Toronto’s Rental Housing Demolition and Conversion By-law (Chapter 667 of the Municipal Code). The owner is proposing to replace the 12 affected residential rental units in a new condominium apartment development. The replacement rental units are proposed to be on the second and third floors of the new building. The Applicant has sought approval from the Ontario Municipal Board (OMB) to construct a new 24-storey mixed-use building with a commercial unit at grade and apartments above and full replacement of the 12 existing rental units within the building.

This report's recommendations are in regard to the rental demolition application on the subject site under Municipal Code



Chapter 667, pursuant to the City of Toronto Act.

The related Zoning amendment application for the proposed redevelopment was appealed to the Ontario Municipal Board (OMB) on June 3, 2013. In October 2013, Council gave Staff direction to settle the appeals with the applicant. The Zoning by-law Amendment was approved by the OMB on November 19, 2013.

This report provides the results of the negotiations on the rental housing matters, an overview of the approved development, and makes recommendations to approve a Section 111 permit under Chapter 667 and Chapter 363 of the Municipal Code, for the demolition of the 12 existing rental units subject to conditions. The conditions include the full replacement of the 12 rental units and the provision of tenant relocation assistance, including the right for tenants to return to occupy a rental unit in the new building. This report recommends entering into an agreement under Section 111 to secure these conditions.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council approve the application to demolish the 12 existing residential rental units located at the related group of buildings at 64-70 Shuter Street pursuant to Municipal Code Chapters 667 and 363 subject to the following conditions under Chapter 667 which provide for the replacement of rental housing as outlined in the Report from the Director, Community Planning, Toronto and East York District, titled: "64-70 Shuter Street, Zoning Amendment Application, Request for Directions Report" and dated August 8, 2013:
 - a. the owner shall provide and maintain twelve (12) residential rental units on the subject site as rental housing for a period of at least 20 years, comprising one bachelor, 2 one-bedroom units and 8 two-bedroom units and 1 three-bedroom unit, as shown on the plans submitted to the City Planning Division dated August 13, 2013 with any revisions to be to the satisfaction of the Chief Planner, and of which at least 5 shall have affordable rents and 7 shall have rents no higher than mid-range rents;
 - b. the owner shall provide tenant relocation assistance including, an extended notice period, financial assistance beyond the minimums of the *Residential Tenancies Act* and the right to return to a replacement rental unit for the eligible tenants to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - c. the owner shall enter into and register one or more Section 111 Agreement(s) to secure the conditions outlined in (a) and (b) above and as described in the zoning by-law amendment approved by the Ontario Municipal Board on November 19, 2013 (Attachment 2) to the satisfaction

of the City Solicitor and the Chief Planner and Executive Director, City Planning Division; and

- d. the owner shall enter into and register, a Section 118 Restriction under the Land Titles Act (to the satisfaction of the City Solicitor) agreeing not to transfer or charge those parts of the lands, comprising the 12 replacement rental units, without the written consent of the Chief Planner and Executive Director, City Planning Division or their designate, to assist with securing the Section 111 Agreement against future owners and encumbrances of the lands until such time as the City Solicitor determines that its registration on title is no longer required to secure the provisions of the Section 111 Agreement.
2. City Council authorize the Chief Planner and Executive Director, City Planning Division to issue preliminary approval to the application under Municipal Code Chapter 667 after all of the following has occurred:
 - a. satisfaction or securing of the conditions in Recommendation 1;
 - b. after the Zoning By-law amendment approved by the Ontario Municipal Board of November 19, 2013 has come into full force and effect; and
 - c. The issuance of the Notice Of Approval Conditions for site plan approval by the Chief Planner or her designate, pursuant to Section 114 of the City of Toronto Act, 2006.
 3. City Council authorize the Chief Building Official to issue a Section 111 permit under Municipal Code Chapter 667 after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval referred to in Recommendation 2.
 4. City Council authorize the Chief Building Official to issue a permit under Section 33 of the Planning Act no earlier than issuance of the first building permit for excavation and shoring of the development as provided for in the Zoning By-law approved by the OMB on November 19, 2013, and after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval referred to in Recommendation 2, which permit may be included in the demolition permit for Chapter 667 under 363-11.1, of the Municipal Code, on condition that:
 - a. the owner erect a residential building on site no later than three (3) years from the day demolition of the buildings is commenced; and
 - b. should the owner fail to complete the new building within the time specified in condition (a), the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000.00) for each dwelling unit for

which a demolition permit is issued, and that each sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.

5. Authorize the appropriate City officials to take such actions as are necessary to implement the foregoing, including execution of the Section 111 Agreements.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A Zoning By-law amendment application submitted on June 14, 2012, proposed to demolish a related group of 3 storey house-form buildings with 12 residential rental units and two office rental units, and construct a new 29-storey mixed-use building with one commercial unit, and 227 residential units and 84 parking spaces located in an underground parking garage.

As part of the development review process, the application was revised to propose the construction of a new 28-storey mixed-use building with a floor of commercial at grade and two levels of rental replacement units located in a three storey podium, with 223 residential units (12 rental and 211 condominium units), and 83 parking spaces located in an underground parking garage.

The application was appealed to the Ontario Municipal Board (OMB) on June 3, 2013. Council approved the basis for settlement of the OMB appeal in October 2013. The settlement, as presented to the OMB, proposed to construct a new 24-storey mixed-use building with 193 units (12 rental and 181 condominium units), and 66 parking spaces located in an underground parking garage.

<http://www.toronto.ca/legdocs/mmis/2013/te/bgrd/backgroundfile-60831.pdf>

With respect to the rental demolition and replacement matters, Council's requirements for settlement of the appeal of the redevelopment, to satisfy the Official Plan policy on rental demolition included:

1. The replacement of all 12 existing residential rental units and the provision of tenant relocation assistance.
2. The unit mix to be provided shall be the same unit mix as the existing building (1 bachelor, 2 one-bedroom, 8 two-bedroom units, and 1 three-bedroom unit), but shall be at a slightly different rent mix, with two mid-range units replacing two high-end units.
3. The floor area of the replacement units may be slightly smaller than the floor area of the existing rental units, provided that the reduced unit areas will generally be greater than 95% of the existing rental unit areas.

4. All replacement rental units will include en-suite laundry facilities and central air, as well as access to new indoor and outdoor amenity space, and bicycle parking. Seven of the units shall have lockers. Two parking spaces will be provided for tenants.
5. The revised plans and terms for the replacement of the rental units, and the tenant relocation and assistance plan, shall be in accordance with standard City practice and policies, and to the satisfaction of City Council.

On November 19, 2013, the OMB provided an oral decision approving the Zoning By-law amendment. The OMB did not agree to the City's request to have the Board withhold the final order until it was advised that the owner had entered into a Section 111 agreement.

The Zoning By-law Amendment approved by the Board on November 19, 2013 is attached to this report as Attachment 2.

This property has not been the subject of a previous application for demolition or conversion of any rental units over the previous five year period.

ISSUE BACKGROUND

Proposal

This application for a Section 111 permit proposes to demolish a related group of 3 storey house-form buildings with two office units and 12 residential rental units, and provide full replacement of the 12 residential rental units and tenant relocation assistance.

The Applicant has approval from the Ontario Municipal Board (OMB) to construct a new 24-storey mixed-use building with a commercial unit, a condominium and full replacement of the 12 existing rental units within the building.

Site and Surrounding Area

The subject site is located at the northeast corner of Shuter Street and Dalhousie Street. The site is rectangular in shape with a frontage of 29.0 metres along Shuter Street and a depth of 31.1 metres along Dalhousie Street, for a total area of 905 square metres. There are currently five adjoining 3-storey buildings on the site, which contain 12 rental residential units and two office rental units. The buildings at 64, 66, 68 and 70 Shuter Street are listed heritage buildings.

North: To the immediate north of the development site is a 12-storey residential apartment building (75 Dalhousie Street) whose entrances face Dalhousie Street. The side wall of this building faces the subject site. There are windows on each floor across the width of this wall.

This building is the first of three adjoining apartment buildings which includes 81 and 99 Dalhousie street and creates a continuous street wall nearly to Dundas Street. The tallest of these buildings is 81 Dalhousie Street, which has a height of 17 storeys.

Behind these buildings on the same block is Arena Park Gardens, a 0.2 hectare public park with playground.

East: To the immediate east of the development site is a 15-storey residential apartment building (76 Shuter Street) which includes a four storey podium. The building has 124 residential units and a density of approximately 10.1. The western wall of this building has no windows on the podium. Above the podium, balconies are inset on the centre of the wall.

South: To the south of the site, across Shuter Street is a large surface parking lot which takes up the entire block surrounded by Shuter Street to the north, Queen Street East to the south, Dalhousie Street to the west and Mutual Street to the east. Zoning for this site was amended in 2005 to support a mixed-use development proposal resulting in an FSI of 9.0 across the whole block. The proposal includes three 28-storey buildings and a number of 5 – 8 storey buildings.

To the south-west, at 167 Church Street, is the "Jazz" development, a 28-storey mixed-use building with an FSI of 14.26, which was built in 2006.

One block west of this site, the block bounded by Queen Street East, Bond, Shuter and Church Streets includes the Metropolitan United Church and a surface parking lot. Zoning for this site was amended in 2003 to support a 36-storey commercial and residential building and commercial parking garage, with a Floor Space Index of 2.42.

West: To the west of the site, across Dalhousie Street is a surface parking lot. West of this parking lot, across Church Street is the St. Michael's Cathedral. The Cathedral was listed on the City's Inventory of heritage properties in 1973. Council adopted an Intention to Designate on March 5, 2012.

Provincial Policy Statement and Provincial Plans

Section 2 of the Planning Act sets out matters of provincial interest, which include the adequate provisions of a full range of housing and the orderly development of safe and healthy communities.

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety.

The PPS provides a policy framework for the provision of a full range of housing to meet the needs of current and future residents, and for municipalities to establish housing strategies, including appropriate Official Plan policies, and affordable housing targets. City Council's planning decisions are required to be consistent with the PPS.

Official Plan

Section 3.2.1 Housing Policy

This redevelopment proposal and demolition application was subject to the Official Plan's Housing policies, in particular section 3.2.1.6.

This section states that proposals involving the demolition of 6 or more units of rental housing shall not be approved by Council unless all of the rental housing units have rents that exceed mid-range rents at the time of application. Approvals should provide for their replacement with at least the same number, size and type of rental housing units. The rental housing is to be maintained as rental housing with no condominium registration, with rents similar to those in effect at the time the application is made, for a period of at least 10 years. An acceptable tenant relocation and assistance plan is required, addressing: the right to return to occupy one of the replacement units at similar rents; the provision of alternative accommodation; and other assistance to lessen hardship.

Rental Housing Demolition and Conversion By-law

The Rental Housing Demolition and Conversion By-law (885-2007), established Chapter 667 of the City's Municipal Code and implements the City's Official Plan policies protecting rental housing. The City's Official Plan protects groups of six or more rental housing units from demolition, and calls for providing and maintaining a full range of housing, within neighbourhoods as well as across the City. The By-law prohibits demolition or conversion of rental housing units without obtaining a permit from the City issued under Section 111 of the City of Toronto Act. Proposals involving the loss of six or more residential units, wherein one or more of the units are rental, require the submission of a Section 111 application. Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued under the Building Code Act.

A related application such as a rezoning triggers the requirement for an application under Chapter 667 for rental demolition, and typically City Council decides on both applications at the same time. Unlike Planning Act applications, decisions made by the City under By-law 885-2007 are not appealable to the OMB. In this case, the development's zoning by-law amendment has been approved by the OMB.

Under Section 33 of the *Planning Act* and Municipal Code Chapter 363, Council has the authority to make decisions on demolition permits for residential buildings. The proposed demolition requires approval under both Chapter 363 pursuant to Section 33 of the *Planning Act*, and Chapter 667 pursuant to Section 111 of the *City of Toronto Act*. Chapter 667 of the Municipal Code provides for the co-ordination of these two processes. The Chief Building Official may issue one demolition permit for the purposes of Section 33 of the *Planning Act* and Chapter 667 of the Municipal Code. The Chief Planner in

consultation with the Chief Building Official may report on the application for a City Council Decision.

Toronto Buildings staff were consulted in the preparation of this report.

Site Plan Control

The proposal is subject to Site Plan Control. The applicant has not yet submitted a Site Plan Control application.

Reasons for Application

A Rental Housing Demolition and Conversion Application under Section 111 of the City of Toronto Act (Chapter 667 of the Municipal Code) is required to permit the demolition of the existing buildings which contain a total of 12 rental dwelling units at affordable and mid-range rents.

Community Consultation

Chapter 667 of the Municipal Code requires City Planning to hold a community consultation meeting to consider matters under the by-law and the impact on tenants prior to the submission of a report to Community Council. Affected tenants and other interested parties were invited to a meeting held on September 17, 2013 to consider the rental housing issues as well as the general development application. A refined version of the plans that are described in this report were presented to the remaining tenants. The tenants were satisfied with the replacement unit layouts and sizes.

Residents were pleased that they would be allowed to select which of the new units they would have occupancy in. Residents were concerned about the timing of the proposed demolition and about the right-to-return as well as questions regarding one tenancy which was a sublet.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions.

COMMENTS

Provincial Policy Statement

The proposal is consistent with the PPS as the replacement of affordable and mid-range rental units provides for intensification while retaining valuable housing options.

Rental Housing

The existing buildings are a group of related house form buildings with 5 affordable, 5 mid-range and 2 high-end units. The dwellings had an unusual circumstance where two "two bedroom" units had mezzanine areas that were functioning as bedrooms, effectively making them three bedroom units. Staff and the applicant determined that these units should be replaced as traditional two-bedroom units with mid-range rents. They are of similar size and offer a greater amount of flexibility for future demographics. Currently,

only 3 of the 5 units are occupied by tenants. The rental buildings were subject to the Residential Tenancies Act, which has provisions for tenants asked to vacate for demolition.

Replacement Rental Housing

The owner has agreed to replace the 12 rental units with lower rents, at approximately the same size. The rental component will be located in the new building on the second and third floors. They will share entry and amenity areas with the condominium building. The rental units will be secured as rental housing for at least twenty years with no applications for condominium registration allowed during this period.

Staff worked with the applicant and is satisfied with the revised plans for the replacement units. The size of a number of the apartments was increased and many unit layouts were improved. Although the by-law and Section 37 and S111 Agreements will require that the new units be at least 95% of the size of the existing units (to allow flexibility in the construction of the building), the current plans actually achieve a 99% replacement size.

The number of midrange units was increased from 5 to 7, due to the above-noted circumstances. The proposed unit mix and rents are shown in Table 1.

Table 1: 64-70 Shuter Street – Proposed Unit Mix and Rents

Type	Unit #s	Affordable	Mid-range	High-end
Studio	1	1		
1 bedroom	2	1	1	0
2 bedroom	8	3	5	
3 bedroom	1		1	
Totals	12	5	7	0

Further details of the replacement rental housing

The zoning by-law and Section 37 agreement specify the minimum requirements as follows:

- 1 bachelor unit of not less than 430 s.f.;
- 1 one-bedroom units with a minimum of 589 s.f. and one (1) of a minimum of 600 s.f.;
- 8 two-bedroom units, of which one shall have a minimum GFA of 707 s.f., 3 shall have not less than 734 sf, 2 shall have not less than 790 s.f. and two shall have at least 1015 s.f.;
- There will be 1 three bedroom unit of not less than 1000 s.f.;
- At least 6 units shall have a balcony or terrace for private use and access, these will have louvered doors that may be opened from the top to allow ventilation while still providing privacy and safety;
- There will be 2 parking spaces for the use of the rental tenants;
- At least 12 new bicycle storage spaces shall be provided;

- At least 7 lockers will be provided to each of the rental units in a secure location;
- All units shall have laundry facilities provided en-suite; and
- All units will have access to the indoor and outdoor amenity spaces on the same basis as the condominium residents and there can be no extraordinary charges for that access.

All of the facilities mentioned above, except parking, shall be provided to the tenants of the rental units at no additional cost.

Tenant Relocation and Assistance Plan

The proposal goes beyond the minimum requirements of the *Residential Tenancies Act (RTA)* by increasing the 4 months notice period for tenants to vacate to 5 months, and by providing additional financial assistance beyond the *RTA's* required payment equal to 3 months rent. This includes: a moving allowance; extra compensation on a sliding scale based on length of tenancy; and special assistance for tenants deemed to have special needs.

All tenants will have the right to return to a similar rental unit in the new building.

Rent Provisions

The 5 affordable rental units and 7 mid-range rental units will have rents secured according to the City's standard practices. Rents for tenants moving in during the first 10 years shall be no higher than the CMHC average market rent in the case of affordable rents, and no more than 1.5 times average market rent for the mid-range units. For returning tenants, the initial rents shall be based on their last rent paid with permitted annual rent guideline increases that would have otherwise occurred during the intervening period until the building is available for move-in, and a 4% increase representing a new building allowance (unless the mid-range rent threshold is lower - then that limit would apply.)

Annual increases are limited to the provincial rent guideline increase, and above-guideline increases if applicable, during this first 10 year period. For any tenant who remains after the tenth year, these protections will continue until the earlier of when they move out or the 20th year of the new building's occupancy, after which these could be a 3 year phase in to unrestricted market rent.

Commencing in the 11th year, any new tenants may be charged market rents, unrestricted by the owner's agreement with the City. The replacement proposal, including tenant assistance, meets the Official Plan policy and generally is consistent with the City's standard practices. The Zoning By-law Amendment provides for securing these matters in a Section 37 Agreement.

Conclusion

Staff is recommending that Council approve the demolition of 12 residential rental units conditional upon the applicant providing the replacement rental housing and tenant assistance as outlined in this report, and entering a Section 111 agreement to the satisfaction of the Chief Planner to secure these conditions and which is consistent with the provisions of the Zoning By-law as approved by the Ontario Municipal Board, and consistent with the rental housing provisions of the Section 37 Agreement.

CONTACTS

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SIGNATURE

Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Zoning By-law

Attachment 1: Zoning By-Law

CITY OF TORONTO

BY-LAW No. ~ - 2013 (OMB)

To amend General Zoning By-law No. 438-86 of the former City of Toronto, as amended, with respect to the lands municipally known as 64-70 Shuter Street

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

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the By-law in return for the provision of such facilities, services or 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 any increase in the height or 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 increases in the density or height permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (hereinafter referred to as the “City”); and

WHEREAS the Official Plan of the City of Toronto contains provisions relating to the authorization of the height and density of development; and

WHEREAS Council at its meeting of October 8, 9, 10 and 11, 2013 determined to support the coming into force of this By-law; and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law; and

WHEREAS the Ontario Municipal Board, by way of Order PL130554 issued on November 19, 2013, following an appeal pursuant to Section 34(11) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, determined to amend the former City of Toronto Zoning By-law No. 438-86, the General Zoning By-law, with respect to lands known municipally in the year 2013 as 64-70 Shuter Street;

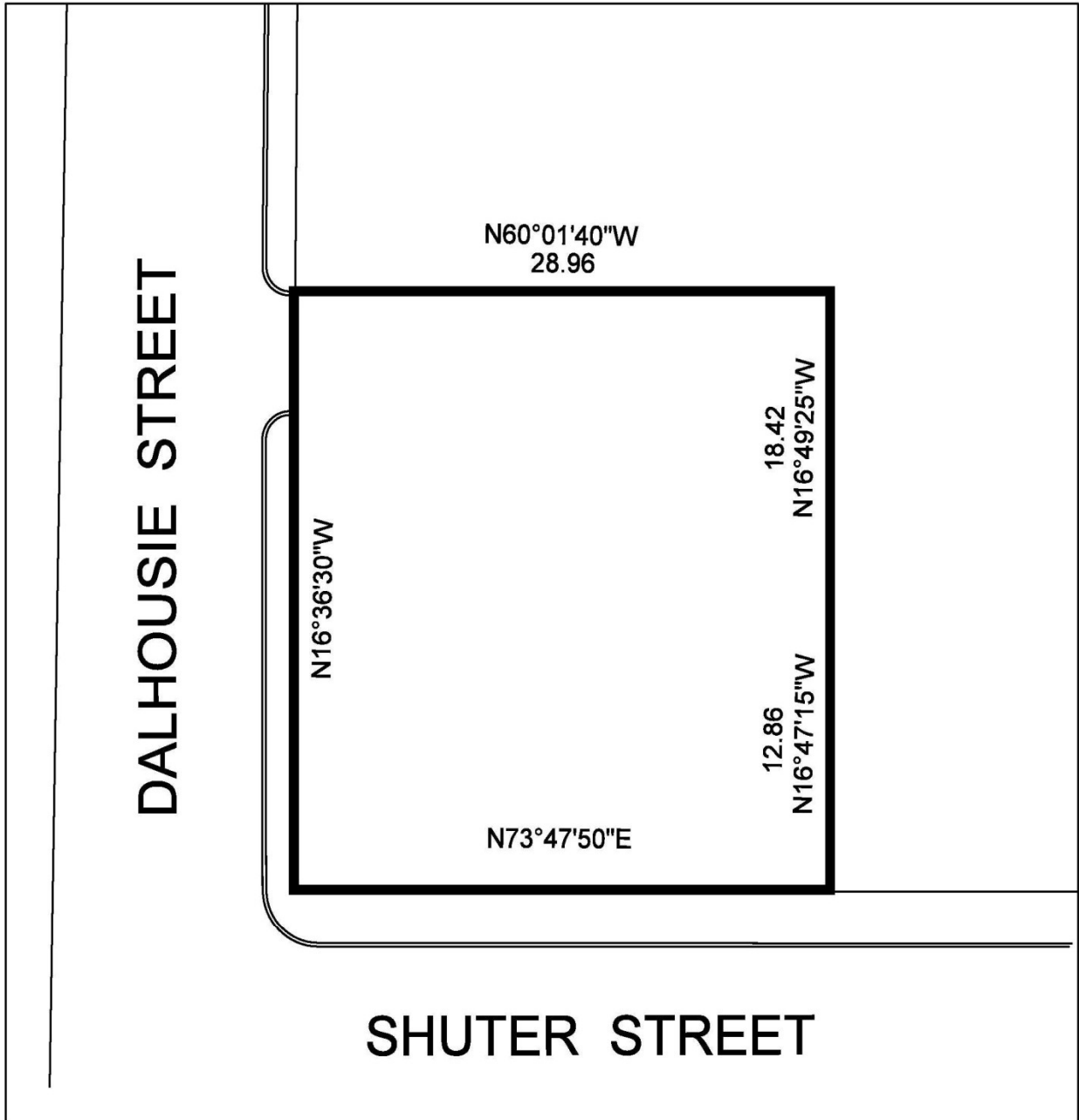
THEREFORE, By-law No. 438-86, the General Zoning By-law of the former City of Toronto, as amended, is further amended by the Ontario Municipal Board as follows:

1. Pursuant to Section 37 of the *Planning Act*, the *heights* and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision by the *owner* of the *lot* of the facilities, service and matters, to the City at the *owner's* sole expense and in accordance with and subject to the agreement referred to in Appendix "1" of this By-law.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Appendix "1" hereof, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.
3. This By-law applies to the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law.
4. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.
5. None of the provisions of sections 2(1) "*grade*", "*height*" and "*lot*", 4(2)(a), 4(5)(b), 4(12), 8(2)14, 8(3) Part I 1 and 3 and 8(3) Part II 1(a) of By-law No. 438-86, as amended, being "A by-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection or use of a *mixed-use building* on the *lot* provided that:
 - (a) the *lot* comprises at least the lands delineated by heavy lines on the attached Map 1;
 - (b) the total combined *residential gross floor area* and *non-residential gross floor area* shall not exceed 14,500 square metres;
 - (c) the total *non-residential gross floor area* shall not exceed 75 square metres;

- (d) no portion of a building or structure erected on the *lot*, including the mechanical penthouse, shall have a greater *height* in metres than the *heights* in metres specified by the numbers following the symbol H on the attached Map 2 except that:
 - (i) railings, parapet walls, window washing equipment, stair towers, garbage chutes, partitions dividing outdoor recreation areas and trellises, landscape and public art features, elements of a green roof, lightning rods, exhaust flues and vents, may be located above the *height* of each of the roof levels of the building provided the maximum vertical dimension of any such element does not exceed 2.0 metres;
- (e) no portion of a building or structure erected or used above *grade* shall be located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2 except that:
 - (i) awnings and canopies, lighting fixtures, ornamental elements, trellises, window sills, railings, balustrades, stairs, stair enclosures, wheelchair ramps, underground garage ramps, vents, landscape and public art features may extend to a maximum of 1.5 metres beyond the heavy lines shown on Map 2;
- (f) not less than 66 *parking spaces* shall be provided and maintained on the *lot* for the exclusive use of residents of the *mixed-use building*;
- (g) not less than 13 *parking spaces* shall be provided and maintained on the *lot* for the exclusive use of visitors to the *mixed-use building*;
- (h) 4 *car-share parking spaces* shall be provided and maintained on the *lot*;
- (i) A minimum of 209 *bicycle parking spaces* shall be provided on the lot as follows:
 - (i) 163 resident *bicycle parking spaces*; and
 - (ii) 46 shared visitor and retail *bicycle parking spaces*, of which 6 shall be provided at *grade*.
- (j) *residential amenity space* shall be provided on the *lot* as follows:
 - (i) not less than 2.0m² of indoor *residential amenity space* per *dwelling unit* in a multi-purpose room or rooms at least one of which contains a kitchen and a washroom; and
 - (ii) not less than 306m² of outdoor *residential amenity space*;

- (k) for the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law No. 438-86, as amended, with the exception of the following:
- (i) *car-share*” means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
 - (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 a building erected within the site;
 - (iii) “*car-share parking space*” means a parking space used exclusively for the parking of a *car-share motor vehicle*;
 - (iv) “*grade*” means 89.85 metres Canadian Geodetic Datum;
 - (v) “*height*” means the vertical distance between *grade* and the highest point of the roof except for those elements prescribed in Section 5(e)(i) of this By-law; and
 - (vi) “*lot*” means the lands delineated by heavy lines on Map 1 attached to this By-law.
6. Despite any existing or future severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.
7. None of the provisions of this By-law shall apply to prevent the construction of a temporary sales office on the *lot*.
8. Zoning By-law No. 1996-0064 being a By-law “to amend By-law No. 438-86 with respect to lands known as 64-70 Shuter Street” is hereby repealed.

PURSUANT TO THE ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED
NOVEMBER 19, 2013 IN BOARD FILE NO. PL130554



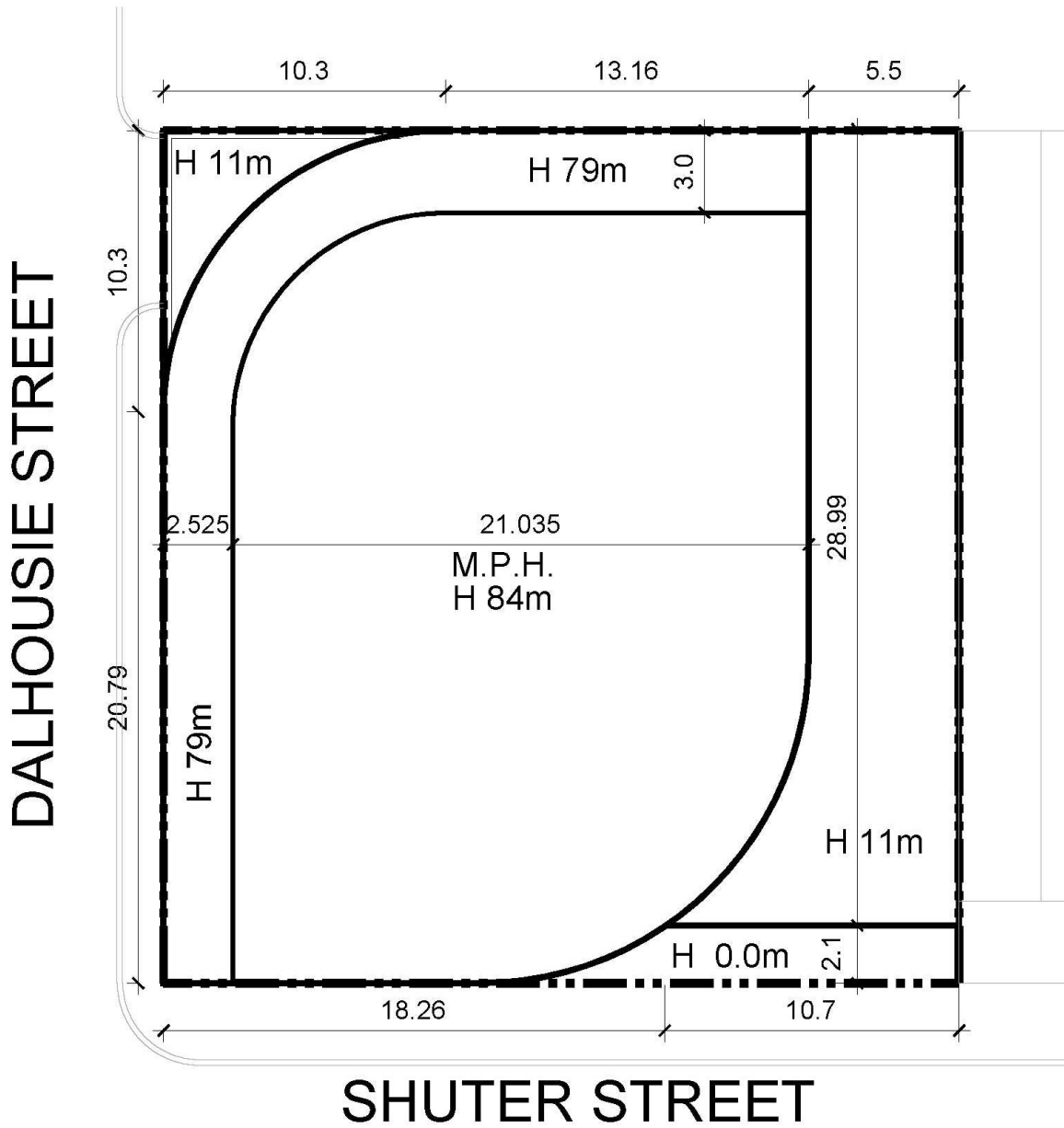
64-70 Shuter Street, Toronto

File # _____

Map 1



Not to Scale



H: Denotes height in metres above grade



Map 2

64-70 Shuter Street, Toronto

File # _____



Not to Scale

Appendix 1

The facilities, services and matters set out below are required to be provided to the City at the *owner's* expense in return for the increase in height and density of the proposed development on the *lot* and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the *owner* agrees as follows:

1. Prior to the issuance of the first above-grade building permit, other than for a temporary sales office, the *owner* shall make a cash contribution to the City in the amount of \$1,600,000.00 which will be used by the City for one or more of the following:
 - (i) \$250,000 to be used for capital improvements to Toronto Community Housing Corporation buildings in Ward 27,
 - (ii) \$250,000 to be used for parks improvements to Arena Gardens Park,
 - (iii) \$100,000 to be used for two bike share stations in the vicinity of the site, and
 - (iv) \$1,000,000 to be used to fund streetscape improvements to local streets, including Yonge Street.
2. The cash amounts identified in 1(i), (ii), (iii) and (iv) above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the Owner to the City.
3. The Section 37 Agreement shall secure appropriate rental housing replacement provisions in accordance with policies of the Official Plan to the satisfaction of the Chief Planner and Executive Director, City Planning.
4. The Section 37 Agreement shall provide that if the property is designated under s.29 of the *Ontario Heritage Act* prior to the submission of a Site Plan Control application, the Owner shall obtain a permit to permit the proposed alteration pursuant to the *Ontario Heritage Act* prior to final Site Plan Control approval.