

**Michael Mizzi**  
Director, Zoning and Secretary-Treasurer  
Committee of Adjustment  
City Planning Division

Committee of Adjustment  
Toronto and East York  
Toronto City Hall  
100 Queen Street West  
Toronto, Ontario M5H 2N2

416-394-8063  
coa.tey@toronto.ca

**NOTICE OF DECISION  
MINOR VARIANCE/PERMISSION  
(Section 45 of the Planning Act)**

**File Number:** A0526/20TEY  
**Property Address:** 150 STERLING RD  
**Legal Description:** PLAN 1250 PT BLK E PLAN 1261 BLK F PLAN M44 PT LOTS 22  
24 AND 25 PT 1 FT RESERVE RP 66R28991 PARTS 3 4 8 AND 9  
**Agent:** ANTONIO DE FRANCO  
**Owner(s):** HTC STERLING ROAD PROPERTY 5 LTD  
**Zoning:** SSBL 943-2015(WAIVER)  
**Ward:** Davenport (09)  
**Community:** Toronto  
**Heritage:** Not Applicable

Notice was given and a Virtual Public Hearing was held on **Thursday, February 4, 2021**, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a six-storey mixed use building on block 3A and an eight-storey mixed-use building on block 5A. The buildings will be connected by an underground parking garage to be located underneath a Privately Owned Publicly Accessible Space (POPS) on block 3D. A new private road will also be constructed.

**REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:**

- 1. Chapter 6(4)(a)v By-law 943-2015**  
The building elements and structures identified in Section 4(2)(a)(i) of By-law 438-86 (ie. Stair tower, elevator shaft, chimney stack or other hearing, cooling or ventilating equipment or window washing equipment on the roof of the building or a fence, wall or structure enclosing such elements) are permitted up to a maximum height of 6 m plus the height limit applicable to the Block.  
In this case, the building elements and structures will be 6.2 m in height, plus the height limit applicable to the Block.
- 2. Chapter 6(5)(d) By-law 943-2015**  
A commercial parking lot is not permitted within an IC district on Blocks 3A, 3C, 4A and 5A.  
In this case, a commercial parking lot will be located on Block 3A.

- 3. Chapter 6(7)(b) By-law 943-2015**  
A minimum of 386 parking spaces for the office uses are required to be provided. In this case, 94 parking spaces will be provided.
- 4. Chapter 4(17)(a) By-law 943-2015**  
Parking stalls must be a minimum of 5.6 m in length. In this case, 9 parking spaces will be 5.0 m in length.
- 5. Chapter 6(4)(a) By-law 943-2015**  
Buildings are subject to a maximum height of 5 storeys and 21.0 m measured at a point 5.0 m from the northerly block lines. In this case, the building on Block 5A will be constructed to a height of 33.0 m and the building on block 3A will be constructed to a height of 25.0 m.
- 6. Chapter 6(2) (a) By-law 943-2015**  
No part of any building or structure erected or used above finished ground level shall be located outside the heavy building envelope lines shown on Map 4. In this case, a pedestrian bridge will be constructed over the private road connecting the buildings on Blocks 3A and 5A, as shown on Revised Map 4.
- 7. Chapter 4(5)(e) By-law 943-2015**  
A restaurant use not exceeding 200 m<sup>2</sup> is permitted. In this case, the development will include a 450 m<sup>2</sup> restaurant.
- 8. Chapter 4(17)(a) By-law 943-2015**  
The maximum permitted non-residential gross floor area is 7,940 m<sup>2</sup> for Block 3A and 18,315 m<sup>2</sup> for Block 5A. In this case, the non-residential gross floor area is 8,450 m<sup>2</sup> for Block 3A and 18,750 m<sup>2</sup> for Block 5A.
- 9. Chapter 6(12)(a) By-law 943-2015**  
The lands shall be developed in accordance with the phasing plan outlined in subsection 12 which requires that Phase 1 be developed before Phase 2, which should be developed before Phase 3, which should be developed before Phase 4.  
Phase 1: Includes Block 1 and the restoration and adaptive re-use of the heritage structure on Block 3C  
Phase 2: Includes Blocks 3A, 3B and 4B, preparation to base park standards and conveyance to the City of required public parkland, Publicly Accessible Open Spaces, the realignment of Perth Avenue, and the creation of the private internal street  
Phase 3: Includes Block 5A  
Phase 4: Includes Block 5B  
Phase 5: Includes Blocks 2 and 4A which may be developed at any time subject to the removal of (h).  
In this case, Phase 3 (Block 5A) will be developed concurrently with Phase 2.

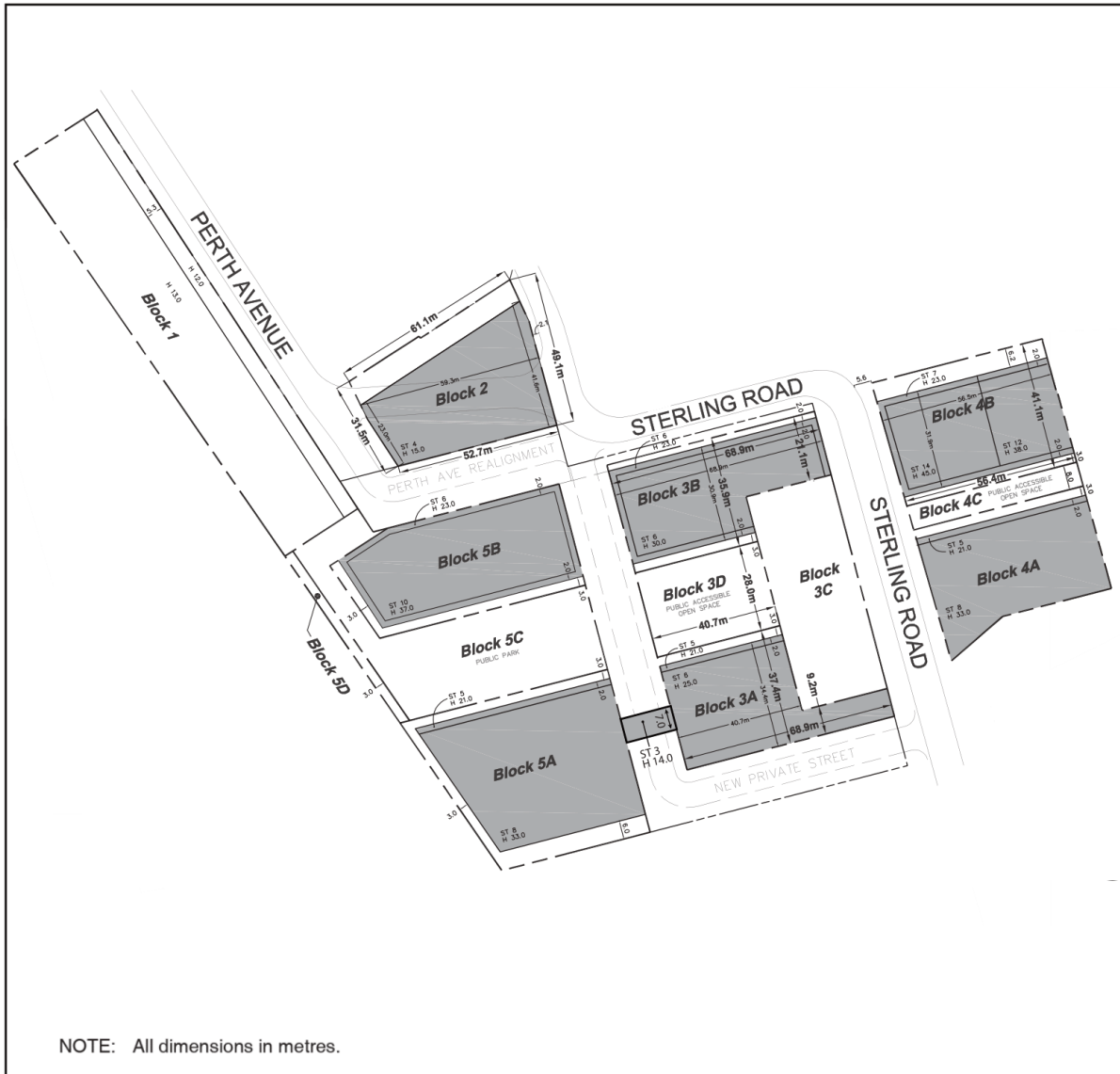
Revised Map 4

December 2020

**RECEIVED**

By Committee of Adjustment at 11:05 am, Dec 14, 2020

City of Toronto By-law No. 943-2015(OMB)



NOTE: All dimensions in metres.



The Committee of Adjustment considered the written submissions relating to the application made to the Committee before its decision and oral submissions relating to the application made at the hearing. In so doing, **IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:**

**The Minor Variance Application is Approved on Condition**

It is the decision of the Committee of Adjustment to approve this variance application for the following reasons:

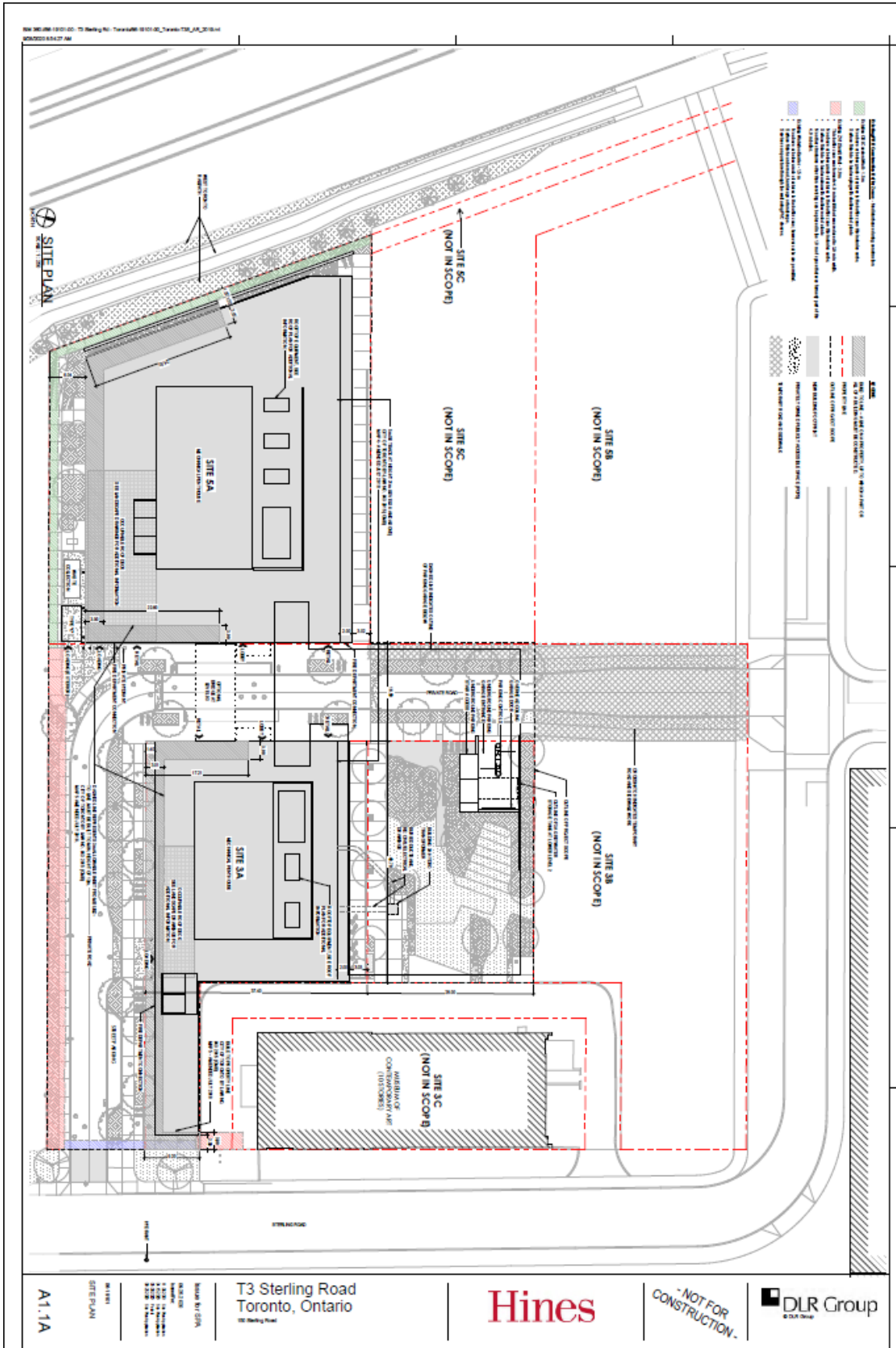
- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

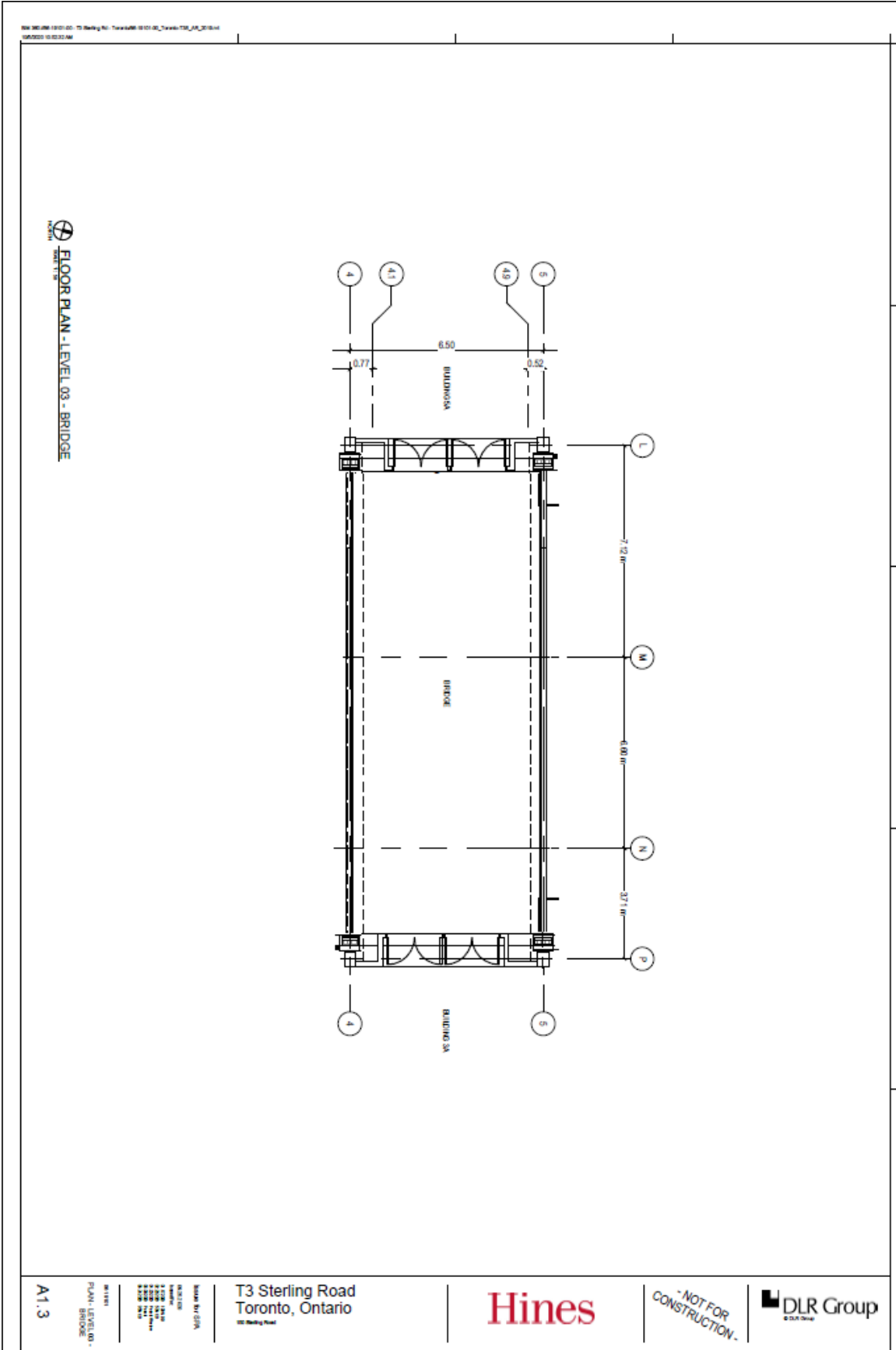
The decision is subject to the following condition(s):

- (1) Prior to the issuance of a building permit, the Owner shall enter into a into a Section 45(9) Agreement that is registered on title, free and clear of encumbrances, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor, to secure the following:
  - (a) One car share parking space as described below shall be provided within the Development, together with a car share provider, to the satisfaction of the General Manager of Transportation Services:
    - i. "Car Share" means 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 such car share motor vehicles are made available to at least the occupants of the building for short term rental including hourly rental; and
    - ii. "Car Share Parking Space" means a parking space exclusively reserved and signed for a car used only for Car Share purposes.

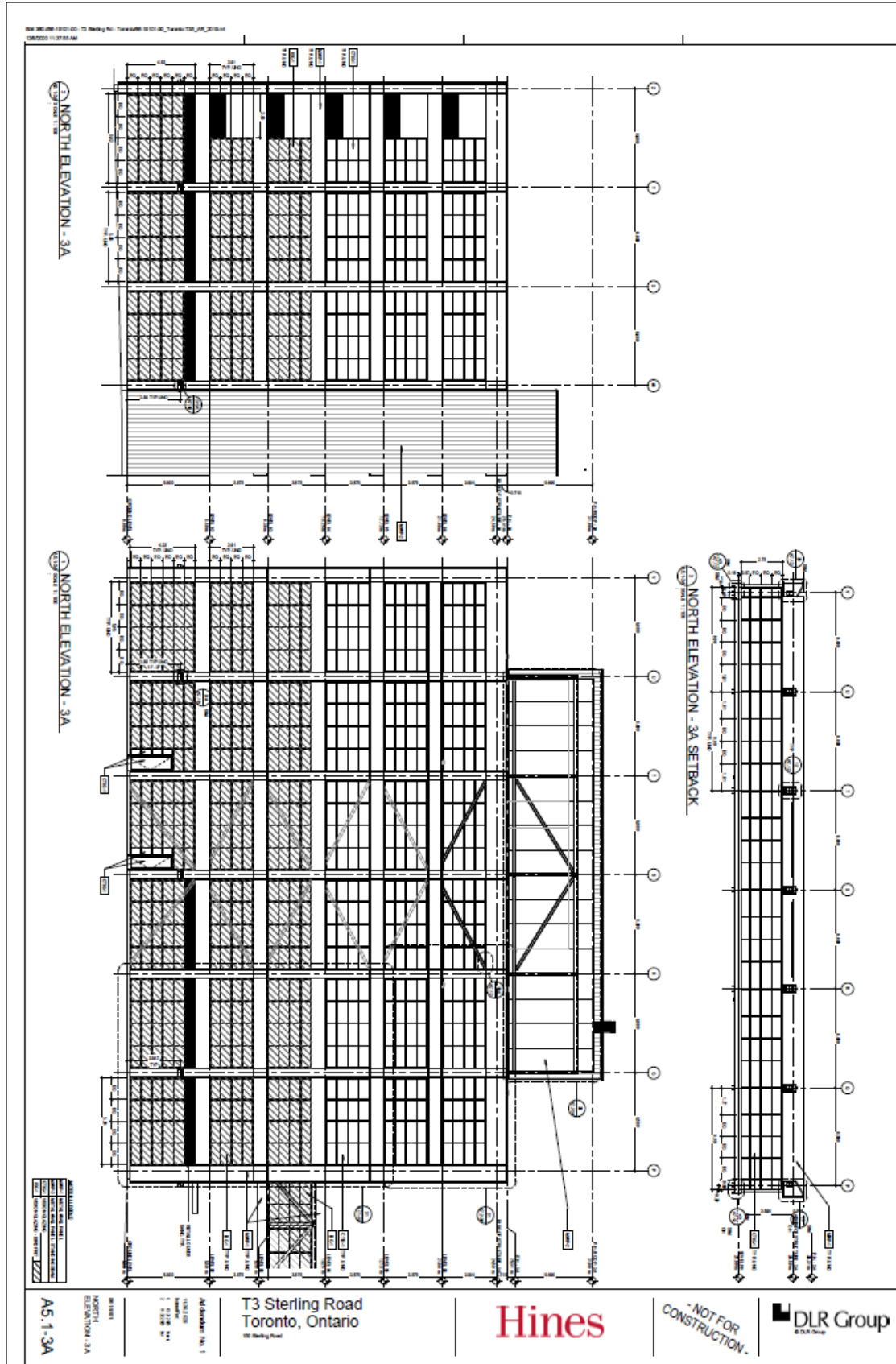
- (b) A financial contribution shall be submitted in the amount of \$50,000 for a new Bike Share Station, to be located, at the discretion of the Director, Community Planning, Toronto and East York District, on City lands north of the site and adjacent to the proposed new Public Park, which amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Price Index for Toronto, calculated from the date of the Agreement to the date of payment. The contribution shall be payable by certified cheque to the City of Toronto, Treasurer prior to issuance of the first above-grade building permit. Where, the contribution has not been used for the intended purpose within three (3) years of the minor variance becoming final and binding, the Owner shall acknowledge that the contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the new purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the Site.
- (c) Recognition by the Owner that on-street parking permits may not be available in the development area for occupants of the premises, as the case may be, with the requirement to insert the following warning clause into all agreements of purchase and sale or agreements to lease, within the Development:
- "Purchaser/Lessee acknowledges and agrees that on-street parking permits may not be available in the development area for occupants of the premises and/or that occupants of the premises may not be eligible for on street-parking permits under the City of Toronto Municipal Code. Purchaser/Lessee further acknowledges and agrees that, despite the status or availability of on-street parking permits in the development area as of the date of this document, the availability of on-street parking permits in the development area for the occupants of the premises may, at the discretion of City of Toronto Council, be modified, amended or removed at any time in accordance with the City of Toronto Act, 2006, as amended from time to time and its successors, and the City of Toronto Municipal Code."
- (d) The plans and drawings submitted with Site Plan Application for Block 3A and 5A (File No. 19 250319 STE 09 SA) will be modified in a manner that is consistent with site plan, elevations and renderings used for Minor Variance Application No. A0526/20TEY, as may be required.

- (2) Prior to the issuance of above grade permits for Phase 3 (Block 5A) of development, the following conditions must be satisfied:
  - (a) Site Plan Approval has been obtained for Block 5A,
  - (b) A Release for Construction of Services for all infrastructure requirements comprising part of Phase 2 has been issued to the satisfaction of Chief Engineer & Executive Director of Engineering and Construction Services, and
  - (c) The Chief Building Official has confirmed that all servicing required for building permit issuance is in place.
- (3) The development shall be constructed substantially in accordance with the site plan, elevations and sections, Drawing No. A1.1A, A1.3, A5.1-3A, A5.1-5A, A5.3-3A and A5.3-5A, prepared by DLR Group, received by the Committee of Adjustment on December 14, 2020. Any other variances that may appear on these plans and are not listed in the written decision are NOT authorized.
- (4) The owner shall submit, to the satisfaction of the Chief Engineer & Executive Director, Engineering and Construction Services, for review and approval, an updated Functional Servicing Report to address servicing capacity for the proposed increase of GFA relative to the previously approved GFA values for the development block as part of the approved Subdivision application 12 226212 STE 18SB.
- (5) Prior to the issuance of a building permit, the owner shall initiate the street naming process and apply for revised municipal numbering.

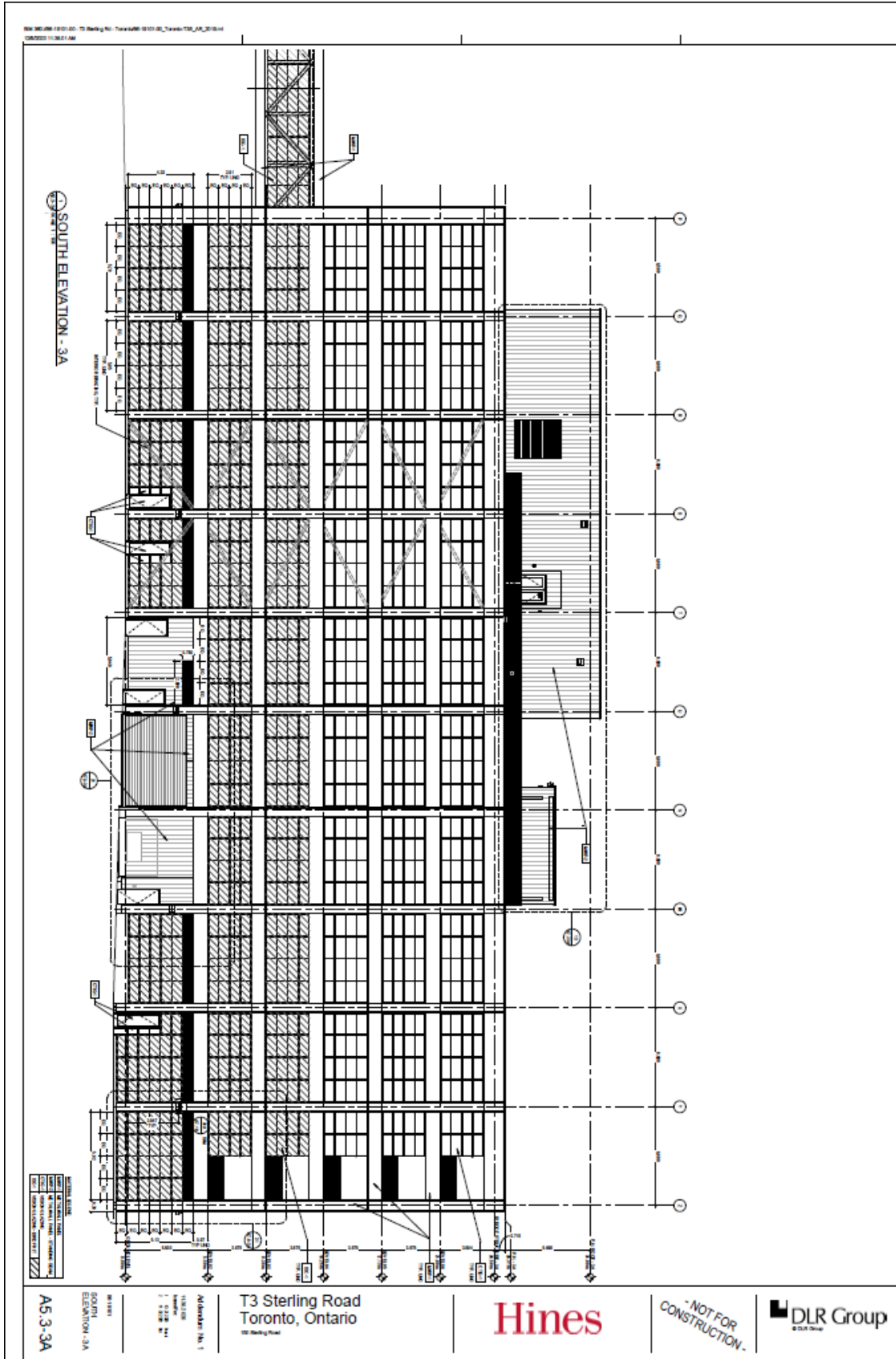














**SIGNATURE PAGE**

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**DISSENTED**



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NIMROD SALAMON

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PETER REED

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AARON CHENG



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BRUCE MULLOCK (CHAIR)

DATE DECISION MAILED ON: **Wednesday, February 10, 2021**

LAST DATE OF APPEAL: **Wednesday, February 24, 2021**

CERTIFIED TRUE COPY

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Sylvia Mullaste  
Acting Deputy Secretary-Treasurer  
Committee of Adjustment, Toronto and East York District

## Appeal Information

All appeals must be filed by email with the Deputy Secretary-Treasurer, Committee of Adjustment to [coa.tey@toronto.ca](mailto:coa.tey@toronto.ca) and [Barbara.Bartosik@toronto.ca](mailto:Barbara.Bartosik@toronto.ca) by the last date of appeal as shown on the signature page.

Your appeal to the **Toronto Local Appeal Body (TLAB)** should be submitted in accordance with the instructions below unless there is a related appeal\* to the Local Planning Appeal Tribunal (LPAT) for the same matter.

### TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS

To appeal this decision to the TLAB you need the following:

- A completed TLAB Notice of Appeal (Form 1).
- \$300 for each appeal filed regardless if related and submitted by the same appellant.
- Fees are payable to the **City of Toronto**. Once your appeal has been received by e-mail by the Deputy Secretary –Treasurer you will receive payment instructions.

To obtain a copy of the Notice of Appeal Form (Form 1) and other information about the appeal process please visit the TLAB website at [www.toronto.ca/tlab](http://www.toronto.ca/tlab).

### LOCAL PLANNING APPEAL TRIBUNAL (LPAT) INSTRUCTIONS

To appeal this decision to the LPAT you need the following:

- A completed LPAT Appellant Form (A1) in digital format on a USB stick and in paper format.
- \$400 with an additional reduced fee of \$25 for each connected appeal filed by the same appellant.
- Fees are payable to the **Minister of Finance** by certified cheque or money order (Canadian funds).
- Due to the Covid-19 Emergency please contact the Deputy Secretary-Treasurer to make arrangements in submitting the appeal.

To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Environmental & Lands Tribunals Ontario (ELTO) website at <http://elto.gov.on.ca/tribunals/lpat/forms/>

\*A **related appeal** is another planning application appeal affecting the same property. To learn if there is a related appeal, search community planning applications status in the Application Information Centre and contact the assigned planner if necessary. If there is a related appeal, your appeal to the **Local Planning Appeal Tribunal (LPAT)** should be submitted in accordance with the instructions above.

**NOTE:** Only individuals, corporations and public agencies may appeal a decision. The appeal may not be filed by an unincorporated association or group. However, the appeal may be filed in the name of an individual who is a member of the association or group on its behalf.