

Authority: Executive Committee Item 44.5, adopted as amended,
by City of Toronto Council on June 8 and 9, 2010

Enacted by Council: August 27, 2010

CITY OF TORONTO

BY-LAW No. 1020-2010

To amend City of Toronto Municipal Code Chapter 415, Development of Land, Article III, Conveyance of Land for Parks Purposes as a Condition of Development to provide for the harmonization of parkland dedication requirements.

WHEREAS sections 42, 51.1 and 53 of the *Planning Act* authorize the enactment of by-laws respecting the conveyance to a municipality of land for park or other public recreational purposes as a condition of development or redevelopment of land within the municipality; and

WHEREAS the City has in effect an official plan that contains specific policies dealing with the provision of land for park or other public recreational purposes; and

WHEREAS Council wishes to harmonize the parkland dedication by-laws of the former municipalities in order to achieve a consistent regime of parkland dedication requirements within the City;

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

1. The City of Toronto Municipal Code Chapter 415, Development of Land, Article III, Conveyance of Land for Park Purposes as a Condition of Development, is amended by:
 - A. Amending § 415-21. Definitions as follows:
 - (1) By deleting the definition of Building Permit Application and substituting the following:

BUILDING PERMIT APPLICATION — An application submitted to and accepted by the Chief Building Official for an above grade building permit that complies with the applicable zoning by-law and with all technical requirements of the *Building Code Act, 1992* including payment of all applicable fees.
 - (2) By deleting the definition of Residential Purposes.
 - (3) By adding the following subsections to the Definition of Development:
 - D. The laying out and establishing of a commercial parking lot;
 - E. The conversion of a building or structure originally proposed for an exempted or non - residential use, to another use.
 - (4) By adding the word "Non-Residential" to the definition of Replacement Buildings or Structures, before the word "Replacement" so that it now reads "NON-RESIDENTIAL REPLACEMENT BUILDINGS OR STRUCTURES";

- (5) By adding the following definitions in alphabetical sequence:

BUILDING AREA —

- A. In the case of an addition to an existing building or structure, the building or structure as enlarged less the building area of the existing building or structure to be retained.
- B. In the case of an alteration to an existing building or structure, the building or structure as altered less the building area of the existing building or structure to be retained and not altered.
- C. In the case of an addition and alteration to an existing building or structure, the building or structure as altered plus the area of the addition, less the building area of the existing building or structure to be retained and not altered.

DWELLING ROOM — A room used or designed for human habitation which may include either but not both culinary or sanitary conveniences, and:

- A. Includes but is not limited to rooms in the following building types:
 - (1) Group Homes;
 - (2) Long Term Care Homes;
 - (3) Retirement Homes or lodges; and
 - (4) Special care or special needs dwellings.
- B. Does not include:
 - (1) A room in a hotel, motel, tourist home or guest home;
 - (2) A bathroom or kitchen;
 - (3) A room in a dwelling unit; and
 - (4) A windowless storage room that has a floor area of less than 10 square metres.

DWELLING UNIT — Living accommodation comprising a single housekeeping unit within any part of a building or structure used, designed or intended to be used by one or more persons, in which both culinary and sanitary facilities are provided for the exclusive use of such persons, but does not include a room or suite of rooms in a hotel.

ENVIRONMENTAL LANDS — Includes:

- A. Valley land, being those lands located below the top of bank as defined by the Toronto and Region Conservation Authority and including any required buffer land or setback beyond the top of bank;
- B. Lands identified as Natural Heritage in the official plan;
- C. Provincially significant lands including Areas of Natural or Scientific Interest (ANSI), wetlands and environmentally significant areas (ESA)
- D. Woodlots;
- E. Areas identified in Municipal Code Chapter 658, Ravine and Natural Feature Protection;
- F. Storm water management facilities; and
- G. Rail berms, noise attenuation fences and crash walls.

INDUSTRIAL USES — Lands, buildings or structures used or designed or intended for use for or in connection with manufacturing, producing or processing of goods, warehousing or bulk storage of goods, self storage facilities, distribution centres, truck terminals, research and development in connection with manufacturing, producing or processing of goods, and:

- A. Includes office uses and the sale of commodities to the general public where such uses are accessory to and subordinate to an industrial use.
- B. Does not include:
 - (1) A building used exclusively for office or administrative purposes unless it is attached to an industrial building or structure as defined above; or
 - (2) Warehouse clubs and retail warehouses, including commercial establishments which have as their principal use the sale of goods and merchandise in a warehouse format.

LONG TERM CARE HOME — Living accommodation for persons dependent upon regular nursing care, in a building where there are personal and medical facilities, common lounges and dining areas, and that is licensed under the *Long Term Care Homes Act, 2007*, S.O. 2007, c.8.

NON-RESIDENTIAL — Land, buildings or structures or portions thereof used, or designed or intended for a use other than for a residential use.

RESIDENTIAL USE — Land , buildings or structures of any kind whatsoever or any portion thereof, used, designed or intended to be used as living accommodation, and;

A. Includes:

- (1) Accessory uses naturally and normally incidental in purpose to the residential use;
- (2) Accessory uses exclusively devoted to the residential use;
- (3) A unit designed for combined live/work uses;

B. Does not include a hotel or similar building or structure providing temporary accommodation.

B. Adding the following as § 415-22, Conveyance of land for parks purposes;

As a condition of development of land the owner of the land shall convey or cause to be conveyed to the City, land for park or other public recreational purposes in the following manner:

A. For residential uses, land equal to 5 percent of the land to be developed.

B. For non-residential uses, land equal to 2 percent of the land to be developed.

C. Where the development of a single parcel of land is proposed for both residential uses and non-residential uses, the respective rates set out in § 415-22A, § 415-22B and 415-23 will be allocated proportionally according to the floor space of the respective uses.

C. Re-numbering and renaming § 415-22A(1) and (2)(a) to (c) as § 415-23, Alternative Rate, and deleting the word "purposes" and substituting the word "use" so that it reads as follows:

Despite § 415-22A, as a condition of development of land for residential use in a parkland acquisition priority area, the owner of the land shall convey or cause to be conveyed to the City, the greater of the amount set out in § 415-22A, or land at a rate of 0.4 hectares for each 300 dwelling units proposed provided that:

A. For sites less than one hectare in size, the parkland dedication will not exceed 10 percent of the development site, net of any conveyances for public road purposes.

B. For sites one hectare to five hectares in size, the parkland dedication will not exceed 15 percent of the development site, net of any conveyances for public road purposes.

- C. For sites greater than five hectares in size, the parkland dedication will not exceed 20 percent of the development site, net of any conveyances for public road purposes.
- D. Moving § 415-22B to § 415-31D and amending the wording to reference § 415-23 so that it reads as follows:

Despite § 415-23, where a secondary plan or a site or area specific policy legally in effect on January 1, 2008, provides for a different alternative rate than that set out in § 415-23 or for an exemption, the alternative rate or the exemption set out in the secondary plan or the site or area specific policy shall prevail over the alternative rates set out in § 415-23.

- E. Amending § 415-24, Cash-in-lieu of land dedication, as follows:

- (1) By inserting a period after the second use of the word "land" in § 415-24A and deleting the remaining words;
- (2) By re-numbering § 415-24A(1) to (3) as § 415-24B(1)(a) to (c) and adding the following as § 415-24B so that it reads as follows:

Despite § 415-23, where the size, shape or location of land proposed for parkland dedication in parkland acquisition priority area is deemed by Council to be unsuitable for parks or public recreation purposes, Council may require payment of cash-in-lieu of land, provided:

- (1) that the value of the cash-in-lieu does not exceed:
 - (a) Ten percent of the value of the development site, net of any conveyances for public road purposes, for sites less than one hectare in size.
 - (b) Fifteen percent of the value of the development site, net of any conveyances for public road purposes, for sites one hectare to five hectares in size.
 - (c) Twenty percent of the value of the development site, net of any conveyances for public road purposes, for sites over five hectares in size.

- F. Re-numbering § 415-24B as § 415-24B(2) and adding the word "residential" before the word "parkland".
- G. Re numbering § 415-24C as § 415-25C and adding the words "in accordance with § 415-24B" after the word "provision".

- H. Adding the following as § 415-25, Cash-in-lieu; allocation.
- A. Any payment of cash-in-lieu of land in accordance with § 415-24A will be used for the acquisition of new parkland or the improvement of parks and recreational facilities in accordance with the following allocation and the cash-in-lieu allocation policy:
- (1) 50% for the acquisition of lands for parks and recreation purposes, further divided as follows:
 - (a) 50% to acquire parkland within the district where the funds were generated; and
 - (b) 50% to acquire parkland throughout the City.
 - (2) 50% for the development of parks and recreation facilities, further divided as follows:
 - (a) 50% to develop and upgrade parks and recreation facilities within the district where the funds were generated; and
 - (b) 50% to develop and upgrade parks and recreation facilities throughout the City.
- B. Despite § 415-25A, Community Councils may recommend to City Council, through the Budget Committee, the allocation of expenditures of up to 100 percent of the district portion of parks and recreation facility development funds allocated under § 415-25A(2)(a) for the acquisition of parkland within the district where the funds were generated under 415-22A(1)(a).
- I. Renumbering § 415-23, Parkland conveyance; conditions, as § 415-26 and adding the following as subsection E:
- Environmental lands will not be considered a conveyance for parks or other recreational purposes for the purposes § 415-22 and § 415-23.
- J. Re-numbering § 415-25 Delegation of Authority, as § 415-27 and renaming it Administrative Authority.
- K. Re-numbering § 415-26, Timing of conveyance or payment, as § 415-28.
- L. Deleting § 415-27 Mixed use.
- M. Re-numbering § 415-28, Valuation of Land, as § 415-29.
- N. Re-numbering § 415-29, Exemptions as § 415-30.

- O. Deleting subsections § 415-29A(2) and (3) and adding the following subsections to § 415-30A:
- (2) Replacement of an existing dwelling unit on an existing lot;
 - (3) Enlargement of an existing dwelling unit on an existing lot, including a detached garage;
 - (4) Creation of 1 additional dwelling unit in an existing residential building;
 - (5) Long Term Care homes;
 - (6) Non-residential replacement buildings or structures;
 - (7) An addition of 200 m² or less to an existing non-residential building;
 - (8) Industrial Uses;
 - (9) Buildings or structures owned by and used for the purposes of:
 - (a) the Government of Canada;
 - (b) the Province of Ontario;
 - (c) the City of Toronto;
 - (d) Toronto Hydro Corporation.
 - (10) Buildings or structures owned by and used for the purposes of:
 - (a) a public school as set out in the *Education Act*;
 - (b) a public university receiving regular and ongoing government operating funds for the purposes of providing post-secondary education;
 - (c) a public college established in accordance with the *Ontario Colleges of Applied Arts & Technology Act, 2002, c.8.*
 - (11) Public Hospitals receiving and using aid under the *Public Hospitals Act* for the purposes set out in that Act.
 - (12) Municipal child care centres and non-profit child care providers on Toronto District School Board, Toronto Catholic District School Board, or municipal lands;
 - (13) Temporary uses pursuant to Section 39 of the *Planning Act*.

P. By adding the following as § 415-30B:

This article does not apply to the geographic areas described in Schedule B to this article attached at the end of this chapter.

Q. By adding the following as § 415-31B:

Despite § 415-22, where there is a site or area specific by-law, a section 37 agreement, or other site specific agreement or exemption legally in effect on May 3, 2011, that provides for an exemption or for the conveyance of land for park or other recreational purposes or cash in lieu thereof at a different rate than the rate set out in § 415-22, the rate or exemption set out in that by-law, or agreement shall prevail over the rates set out in § 415-22, unless:

- (1) there is a change in the proposed development that would increase the density of the development; or
- (2) land originally proposed for development for an exempted use or for commercial or industrial purposes is now proposed for development for other purposes.

R. By re-numbering § 415-29B as § 415-31C.

S. By re-numbering § 415-30, Transition, as § 415-31 and deleting § 415-30A.

T. By re-numbering § 415-30B as § 415-31A and adding the following words:

- (1) "alternative rate" after the word "The" at the beginning of the section;
- (2) "in force at that time" after the word "municipalities".

U. By re-numbering § 415-31, Conflict as § 415-32 and by:

- (1) deleting the word "residential" before the word "development".
- (2) adding a period after the second appearance of the word "conflict" and deleting the remaining wording.

V. By adding the following as § 415-33, Repeals:

The following by-laws are repealed effective May 3, 2011:

- A. Chapter 302 (By-law No. 1988-193) and Chapter 303 (By-law No. 1993-23) of the former City of Etobicoke Municipal Code.
- B. By-law No. 30152 of the former City of North York.
- C. By-law Nos. 20512 and 22660, of the former City of Scarborough.

D. Chapter 165, Article 1, of the former City of Toronto Municipal Code.

E. Chapter 445 (By-law No. 13-83) of the former City of York Municipal Code.

2. This by-law shall come into effect on May 3, 2011.

ENACTED AND PASSED this 27th day of August, A.D. 2010.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE B

Municipal Code Chapter 415, Development of Land, Article III, Conveyance of Land for Park Purposes as a Condition of Development, does not apply to the following geographic areas:

- A. The Railway Lands as described in By-law No. 612-85.
- B. Land known in the year 1989 as "No. 99 Paton Road" and described as follows:
- In the City of Toronto, in the Municipality of Metropolitan Toronto and Province of Ontario, being composed of Lots 2, 3, 4, 5 and part of Lot 1 on the north side of Bloor Street, now Bloor Street West, and Lots 30, 31 and 32 on the south side of Paton Road according to Plan 392 registered in the Land Registry Office for the Registry Division of Toronto (No. 63), designated as PARTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 on a plan of survey deposited in the said Land Registry Office as 63R-4634.
- C. The Massey-Ferguson land as defined in subsection 2(1) of By-law No. 438-86.
- D. The land bounded by Yonge Street, Gerrard Street West, Bay Street and College Street.
- E. The land municipally known in the year 1992 as "No. 230 Front Street West" and described as follows:
- In the City of Toronto, in the Municipality of Metropolitan Toronto and Province of Ontario, being composed of part of Block 1, according to Plan 66M-2248, registered in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66), designated as PARTS 1, 2, 3, 4, 5 and 7 on a plan of survey deposited in the Land Registry Office as 66R-15457.
- The southerly limit of Wellington Street West, the northerly limit of Front Street West and the easterly limit of John Street as confirmed under the Boundaries Act by Plan BA-428, registered on June 28, 1973, as CT4776.
- Being the whole of parcel Block 1-2 in the Register for section 66M-2248.
- F. Land known in the year 1992 as "Nos. 210 and 244 Victoria Street" and "No. 10 Shuter Street", being the subject of By-law No. 669-91, with respect to the "thirty-four (34) artists" dwelling units and the community services and facilities comprising three thousand eight hundred ninety (3,890) square metres of residential gross floor area, and three thousand eight hundred eleven (3,811) square metres of nonresidential gross floor area respectively, as these terms are referred to and defined in By-law No. 670-91.
- G. The land known municipally in the year 1993 as "No. 235 Queens Quay West (York Quay Centre)" and described as follows:

In the City of Toronto, in the Municipality of Metropolitan Toronto and Province of Ontario, being composed of part of Block 12, according to Plan 616E registered in the

Land Registry Office for the Metropolitan Toronto Registry Division (No. 64), designated as PART 2 on a plan of survey deposited in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66), as 66R-15681. Being part of Parcel 2-1 in the Register for Section A-616E.

- H. The lands known municipally in the year 1993 as "Parcels Nos. SQ-2W and SQ-2E on Queens Quay West" and described as follows:

Parcel SQ-2W:

In the City of Toronto, in the Municipality of Metropolitan Toronto and Province of Ontario, being composed of:

FIRSTLY:

Parts of Blocks G and H, according to Plan D1397 registered in the Land Registry Office for the Metropolitan Toronto Registry Division (No. 64), designated as PART 3 on a plan of survey deposited in the said Land Registry Office as 64R-14173.

SECONDLY:

Parts of Blocks G and H, according to Plan D1397 registered in the Land Registry Office for the Metropolitan Toronto Registry Division (No. 64), designated as PART 2 on a plan of survey deposited in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66) as 66R-16778. Being part of Parcel Block G-7 in the Register for Section AD-1397.

Parcel SQ-2E:

In the City of Toronto, in the Municipality of Metropolitan Toronto and Province of Ontario, being composed of:

FIRSTLY:

Parts of Blocks G and H, according to Plan D1397 registered in the Land Registry Office for the Metropolitan Toronto Registry Division (No. 64), designated as PART 19 on a plan of survey deposited in the said Land Registry Office as 64R-14173.

SECONDLY:

Parts of Blocks G and H, according to Plan D1397 registered in the Land Registry Office for the Metropolitan Toronto Registry Division (No. 64), designated as PART 1 on a plan of survey deposited in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66) as 66R-16778. Being part of Parcel Block G-7 in the Register for Section AD-1397.

- I. The land known municipally in the year 1993 as "570, 590 and 600 Queens Quay West (Parcel BQ-8)" and described as follows:

In the City of Toronto, in the Municipality of Metropolitan Toronto and Province of Ontario, being composed of parts of Blocks D, G, H and I, according to Plan D1397 and part of Block 3 according to Plan D1429, both Plans being registered in the Land Registry Office for the Metropolitan Toronto Registry Division (No. 64), designated as PARTS 3, 4, 5 and 6 on a plan of survey deposited in the said Land Registry Office as 63R-4555.

- J. The land known in the year 1993 as "Nos. 2376, 2382 and 2388 Dundas Street West" and described as follows:

In the City of Toronto, in the Municipality of Metropolitan Toronto and Province of Ontario, being composed of part of Township Lot 34, in Concession 2 From the Bay, in the original Township of York, designated as PARTS 1 and 2 on a plan of survey deposited in the Land Registry Office for the Metropolitan Toronto Registry Division (No. 64), as 64R-14342.

SUBJECT TO a free and uninterrupted Right-of-way in favour of the owner of the lands immediately to the south, its successors and assigns, through, over, along and upon that part of the said Township Lot 34, designated as PART 2 on the said Plan 64R-14342 as set out in Instrument 133227W.H.

AND TOGETHER WITH a free and uninterrupted Right-of-way in favour of the owner of the hereinbefore described lands, its successors and assigns, through, over, along and upon that part of the said Township Lot 34, designated as PART 3 on the said Plan 64R-14342 as set out in Instrument 133227W.H.

The said land being most recently described in Instrument CT920454.

- K. The land known municipally in the year 1995 as "26 Noble Street" and described as follows:

In the City of Toronto, in the Municipality of Metropolitan Toronto and Province of Ontario, being composed of all Units and Common Elements comprising the property included in Metropolitan Toronto Condominium Plan No. 1082 being Property Identifier Numbers 12082-0001(LT) to 12082-0012(LT), Land Titles Division of Metropolitan Toronto (No. 66).

- L. The land known municipally in the year 1995 as "24 Noble Street" and described as follows:

In the City of Toronto, in the Municipality of Metropolitan Toronto and Province of Ontario, being composed of all Units and Common Elements comprising the property included in Metropolitan Toronto Condominium Plan No. 931 being Property Identifier Numbers 11931-0001(LT) to 11931-0079(LT), Land Titles Division of Metropolitan Toronto (No. 66).

- M. The land known municipally in the year 1995 as "226 and 230 Queens Quay West" and described as follows:

In the City of Toronto, in the Municipality of Metropolitan Toronto and Province of Ontario, being composed of:

FIRSTLY: (Land Titles Office)

All of Parcel 1-3 in the Register for Section A-616-E. Being parts of Blocks 1, 2 and 3 according to Plan 616E registered in the Land Registry Office for the Metropolitan Toronto Registry Division (No. 64), designated as PARTS 1 to 15, inclusive, on a plan of survey deposited in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66) as 66R-16486.

SECONDLY: (Land Registry Office)

Parts of Blocks 2 and 3 according to Plan 616E registered in the Land Registry Office for the Metropolitan Toronto Registry Division (No. 64), designated as PARTS 18, 19 and 20 on a plan of survey deposited as 64R-13511.

- N. The land known municipally in the year 1995 as "950 Yonge Street" and described as follows:

All of Parcel 4-1 in the Register for Section A-383. Being parts of Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 on the south side of Emma Street, now Roden Place, part of Block A, the One Foot Reserved and part of Sarah Street, formerly John Street, according to Plan 383 and Lots 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34 and 36 and Block N on the north side of Frichot Avenue according to Plan 854, both said Plans being TORONTO MUNICIPAL CODE, DEVELOPMENT OF LAND Page 165.10 registered in the Land Registry Office for the Metropolitan Toronto Registry Division (No. 64), the said part of Sarah Street closed by Judge's Order dated March 21, 1961, registered as Instrument 62476E.M., designated as PARTS 1, 2, 3, 4, 5 and 6 on a plan of survey deposited in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66) as 66R-17311. City of Toronto, in the Municipality of Metropolitan Toronto and Province of Ontario.

- O. The land known municipally in the year 1996 as "15 Sudbury Street" and described as follows:

Parcel Ordinance Reserve-1, Section A-878 in the City of Toronto, in the Municipality of Metropolitan Toronto, being composed of part of the Ordinance Reserve on the south side of Sudbury Street on Registered Plan 878 and part of Sudbury Street, on the said Plan 878, as stopped up and closed by By-law 16423 and 17143 of The Corporation of the City of Toronto registered as Instrument 24938-WF and Instrument 27690-WF, respectively, designated as Parts 1, 2, 3 and 4 on Reference Plan 66R-15969.

- P. The land known municipally in the year 1999 as Nos. 195 and 253 Merton Street and described as follows:

In the City of Toronto and Province of Ontario, being composed of;

FIRSTLY:

Parcel 153-2 in the Register for Section M-5. Being part of Lot 153 on Plan M-5 designated as PART 1 on Plan 66R-17257, both said Plans being in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66).

SECONDLY:

Parcel 151-3 in the Register for Section M-5. Being Lots 154, 155, 156, 157, 158 and 159 and parts of Lots 151, 152, 153, 160, 161 and 162 on Plan M-5 designated as PARTS 6 and 8 on Plan 66R-15877, both said Plans being in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66).

- Q. The land known municipally in the year 2005 as Nos. 146 and 160 Wellesley Street East and described as follows:

In the City of Toronto and Province of Ontario, being composed of:

Lot 58 and Part of Lot 57, Registered Plan D-30 and Part of Park Lot 5, Concession 1, From the Bay, City of Toronto, more particularly described as Parts 1 through 18, inclusive, on Plan 66R-21117.