

# TORONTO STAFF REPORT

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June 5, 2002

To: Etobicoke Community Council

From: Director, Community Planning, West District

Subject: Preliminary Report  
Application to amend the Official Plan to permit the Conversion of an  
Equity Co-operative to a Condominium  
40 Rabbit Lane Co-Ownership Inc.  
40 Rabbit Lane  
File Number: TA OPA 2002 0001  
Etobicoke Centre (Ward 3)

Purpose:

To provide preliminary information on the above-noted application and to seek Community Council's directions on further processing of the application and on the community consultation process.

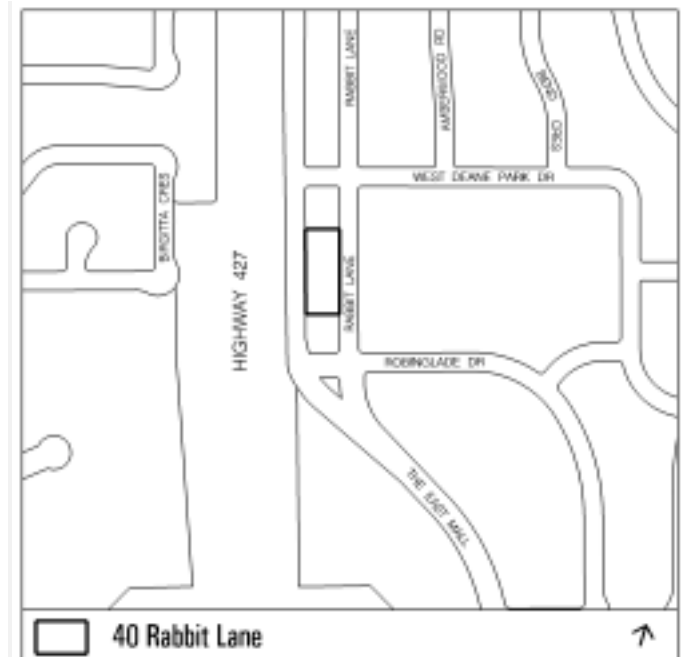
Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) staff be directed to schedule a community consultation meeting together with the Ward Councillor;
- (2) notice for the community consultation meeting be given to landowners and residents within 120 metres of the site including the tenants at 40 Rabbit Lane; and



- (3) notice for the Public Meeting under the Planning Act be given according to the regulations under the Planning Act, and to include the occupants of 40 Rabbit Lane.

Background:

The applicants are co-owners of the existing 19 unit, two-storey townhouse development at 40 Rabbit Lane. The co-owners are registered as tenants-in-common, each with an undivided interest in the property. While each co-owner has exclusive rights to one of the units, they do not own the unit itself.

The applicant has applied for an Official Plan Amendment to allow the tenure to change from co-ownership to condominium. Site specific Zoning By-law No. 14,826 re-classified the lands from Second Density Residential (R2) to Fifth Density Residential (R5), permitting the existing building.

Comments:

- (1) Proposal

The applicant wishes to convert the existing tenure of the development from co-operative to condominium. The proposed conversion would change the co-owners' tenure from co-ownership of an individual share in the entire building, to individual ownership of each of their own units. No physical changes are proposed for the building and the parking ratio will remain the same.

- (2) Site Description

The site is located on the east side of Rabbit Lane, north of Robin Glade Drive.

- (3) Official Plan

- (3.1) Etobicoke Official Plan

The site is designated High Density Residential in the City of Etobicoke Official Plan and the existing use and proposed tenure are allowed under this designation. Other applicable sections of the Plan include Section 2.2.13, which prohibits the conversion of rental housing to condominium tenure, unless the overall rental vacancy rate for the former City of Etobicoke exceeds two percent. The Plan also defines co-operatives as rental housing (Section 2.2.4). As the current vacancy rate in the Central Housing District in Etobicoke, within which the co-operative is located, has a vacancy rate average of 1.0 percent, an Official Plan Amendment is required in order to allow this conversion to proceed. The Citywide vacancy rate for the City of Toronto is 0.9 percent.

### (3.2) Official Plan Amendment 2 to the Metropolitan Toronto Official Plan

At its meeting on April 15, 1999, Council adopted Official Plan Amendment 2 (OPA 2) to the Metropolitan Toronto Official Plan. OPA 2 sets out Council's proposed policy for the amalgamated City on the conversion of rental housing to condominium and the demolition of rental housing. OPA 2 was enacted to harmonize and update conversion and demolition policies in the official plans of the former municipalities.

OPA 2 was appealed to the Ontario Municipal Board (OMB). In September of 1999, the OMB determined that OPA 2 was illegal and invalid. The decision of the OMB was appealed by Council to the Superior Court Justice, Divisional Court, which granted the City leave to appeal the OMB's decision to the Divisional Court. In February 2002, the Divisional Court set aside the OMB's decision that OPA 2 is 'illegal and invalid'. The Divisional Court decision requires that OPA 2 return to the OMB for a hearing on its planning merits. Until this hearing is completed and a final decision issued, OPA 2 is not the in-force policy. The existing official plans of the former municipalities and Metro remain the in-force policies.

OPA 2 represents emerging City policy and reflects the latest thinking of Planning staff and most recent Council position in regard to these matters. Therefore, OPA 2 will be considered in the review of this application. The applicant has applied for an Official Plan Amendment on the basis of the new policy.

### (3.3) Conversion of Equity Co-Operatives under OPA 2

Consistent with the approach in Section 2.2.13 of the former City of Etobicoke Official Plan, OPA 2 provides that it is Council's policy to not approve the conversion of buildings that contain 6 or more rental units unless the vacancy rate has been at or above 2.5% for the proceeding 2 year period.

OPA 2 provides an exception to the policy as it relates to equity co-operatives and co-ownership's such as 40 Rabbit Lane. Council may consider allowing the conversion of buildings containing 6 or more rental units if the following 4 criteria are met:

<b>Criteria to permit conversion</b>	<b>Fulfilment of criteria</b>
a) the co-operative was legally created prior to June 17, 1998.	Evidence provided that co-operative was legally created on June 6, 1992.
b) 50% or less of the units are tenanted	Of the 19 units, 17 are owner-occupied.
c) 66% of each of the tenant and shareholder households have expressed support in writing of the conversion.	The required written approvals were submitted on May 10, 2002.
d) Application for condominium approval has been made within 2 years following approval of this policy.	The two-year period has not yet ended, and therefore the application has been made on time.

(4) Zoning

Site specific Zoning By-law No. 14, 826 zones the property as R5, which permits the existing 2 storey, 19 unit building. Tenure is not mentioned in the by-law. The building complies with the Site Specific Zoning By-law, therefore a rezoning is not required.

(5) Reasons for the Application

Since the vacancy rate as most recently reported by Canada Mortgage and Housing Corporation for the City of Toronto is 0.9 percent, and for the Central Housing District of Etobicoke is 1.0 percent, the proposed conversion of 40 Rabbit Lane to condominium requires an amendment to Section 2.2.13 of the City of Etobicoke Official Plan.

(6) Potential Impact on Tenants

Two of the 19 units at 40 Rabbit Lane are tenanted. The conversion, if permitted, would not impact on the security of tenure of the existing tenants. Under the Tenant Protection Act, where a rental unit is converted to condominium, tenants who occupy a unit at the time of the conversion cannot be evicted on the basis that the owner of the unit requires personal use of the unit or themselves or a member of their family. After the first tenant vacates the unit, any future tenant can be evicted on the basis of personal use.

(7) Issues to be Resolved

A Draft Plan of Condominium application has not yet been submitted to the Department. As a matter to be addressed once the applicant applies for Condominium Approval, the applicant may be required to submit a building condition report from a qualified consultant, to the satisfaction of the Commissioner of Urban Development Services. This would address matters such as structural safety, the general condition of the buildings, servicing, and any other matters required by the City. As well, The applicant could be required to correct any deficiencies identified in the building condition report as well as any deficiencies identified by the City.

Conclusions:

It is recommended that the application be reviewed by the appropriate City Departments and be the subject of a public meeting in the community.

Contact:

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Gary Wright, MCIP, RPP  
Director, Community Planning, West District

List of Attachments:

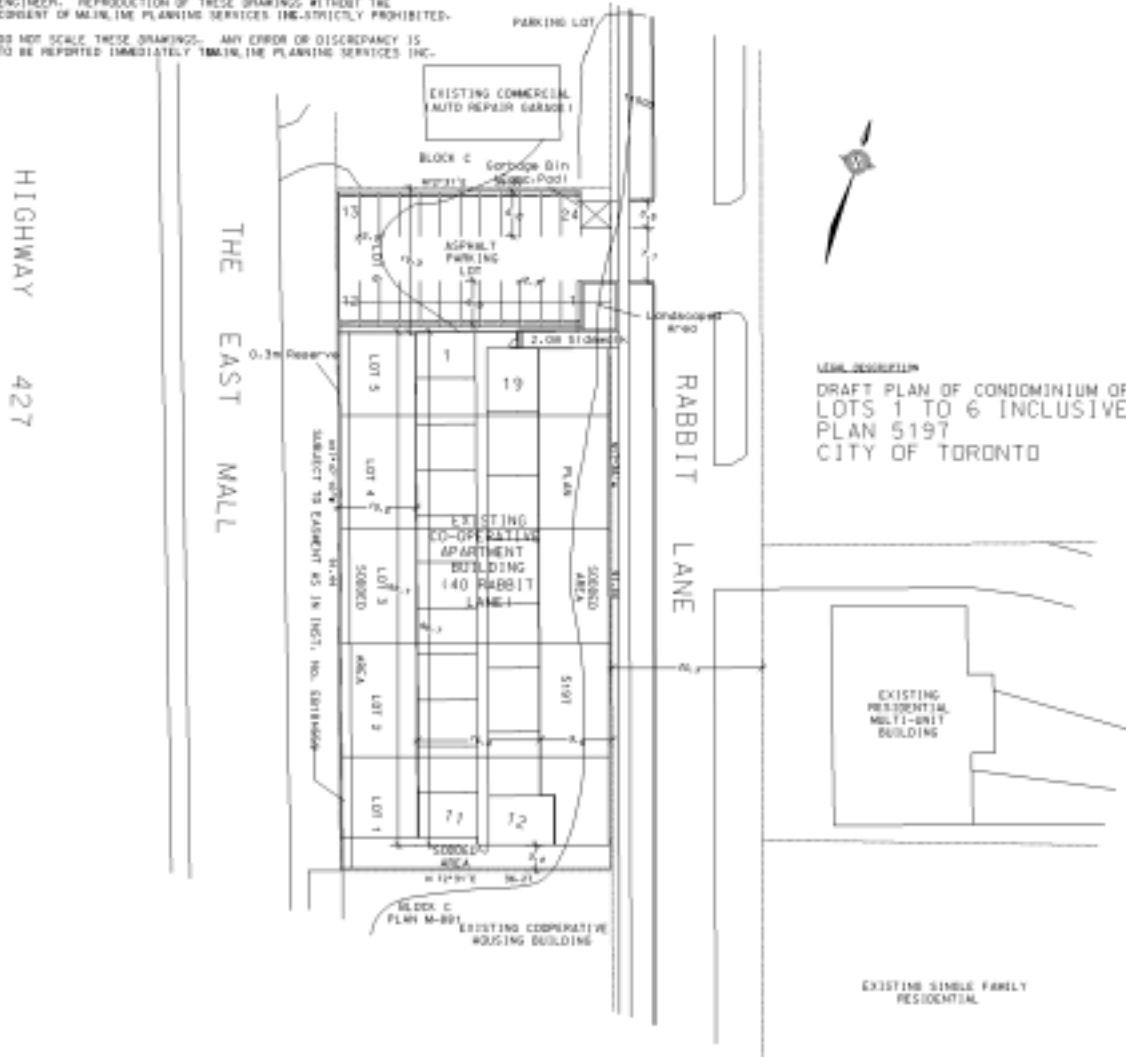
Attachment 1: Site Plan/Subdivision Plan

Attachment 2: Application Data Sheet

**GENERAL NOTES**

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**Site Plan**

Applicant's Submitted Drawing

**40 Rabbit Lane**

File # TA OPA2002 0001

Not to Scale  
06/03/02

Attachment 1

Attachment No. 2

**APPLICATION DATA SHEET**

**Official Plan Amendment**

Site Plan Approval: No  
 Rezoning: No  
 O.P.A.: Yes

File Number:  
 Application Number: **TA OPA 2002 0001**  
 Application Date: 05/10/2002

Municipal Address: 40 Rabbit Lane  
 Nearest Intersection: east side of Rabbit Lane, north of Robin Glade Dr.  
 Project Description: Proposed amendment to the Official Plan to provide for the conversion of an existing co-operative apartment building to condominium.

**Applicant:** MAINLINE PLANNING SERVICES  
 Kleinburg LOJ 1C0  
 (905) 893-0046

**Agent:**

**Architect:** Toronto M9B5S6

**Owner:** 40 RABBIT LANE CO-OPERATIVE INC.  
 40 Rabbit Lane

**PLANNING CONTROLS (For verification refer to Chief Building Official)**

Official Plan Designation: High Density Residential  
 Zoning District: Fifth Density Residential  
 Height Limit (m): 0

Site Specific Provision:  
 Historical Status:  
 Site Plan Control Area: No

**PROJECT INFORMATION**

Site Area: 3345  
 Frontage: 91.44  
 Depth: 36.27

**Height:** Storeys: 2  
 Meters: 5.5

	Indoor	Type	Outdoor	Type	Off Site	Leased
Ground Floor GFA: 0	Parking Spaces: 0		24		0	0
Residential GFA: 0	Loading Docks: 0		0			
Non-Residential GFA: 0			0			
Total GFA: 2254.2			0			

**DWELLING UNITS**

**Tenure Type:** Condominium

Rooms: 0  
 Bachelor: 0  
 1 Bedroom: 0  
 2 Bedroom: 8  
 3+ Bedroom: 11  
 Total Units: 0  
 Total Proposed Density: 67.4

**FLOOR AREA BREAKDOWN**

	Above Grade	Below Grade
Residential GFA:	2254.2	
Retail GFA:	0	
Office GFA:	0	
Industrial GFA:	0	
Industrial/Other GFA:	0	