

Authority: Toronto West Community Council Report No. 1, Clause No. 43, adopted as amended, by City of Toronto Council at its Special meeting held on January 30 and February 12, 2004

Enacted by Council: May 20, 2004

CITY OF TORONTO

BY-LAW No. 451-2004

To adopt Amendment No. 116-2003 to the Official Plan of the Etobicoke Planning Area with respect to the lands located at 75 Lemonwood Drive.

WHEREAS authority is given to Council by 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 held at least one public meeting in accordance with the *Planning Act*;

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

1. The Amendment No. 116-2003 to the Official Plan for the former City of Etobicoke consisting of the text and Map attached hereto as Schedule "A" is hereby adopted.
2. This By-law shall come into force and take effect on the day of the final passing thereof.

ENACTED AND PASSED this 20th day of May, A.D. 2004.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE “A”**1. MAP CHANGES**

Map 5 – “Site Specific Policies” is hereby amended by adding Site Specific Policy No. 89 as shown on Schedule “A” attached.

2. TEXT CHANGES

The development of the lands affected by this Amendment will be consistent with the applicable policies contained in the Official Plan of the Etobicoke Planning Area and with the following Site Specific Policy which is hereby added to Section 5.1.2:

89 Lands located at 75 Lemonwood Drive, south of Eglinton Avenue.

Notwithstanding the permitted uses and density in Medium Density Residential designations, permitted uses on this site shall be restricted to a maximum of 75 rental townhouses and two senior citizens’ retirement home facilities or long term care facilities as follows:

One 7 storey, 103 unit building and, one 11 storey, 156 unit building

The foregoing uses are permitted provided that, pursuant to Section 37 of the *Planning Act*, the owner of the lands, at its expense and in accordance with and subject to the agreement referred to in paragraph IV below:

- (I) provides and maintains not less than 74 replacement rental townhome dwelling units on the site subject to the following:
 - (a) The rental replacement units shall be maintained as conventional rental units for not less than 20 years, beginning with the date that each unit is first occupied. If the realty tax rate were to increase such that the owner is paying more tax than it would if the rental replacement townhomes were registered as a condominium, the owner will have the right to make application for draft plan of condominium approval provided that despite such application or approval the 74 rental replacement units shall remain available for rental until the end of such 20 year period.
 - (b) All of the the rental replacement units shall be ready and available for occupancy on or before the date of the first occupancy of any other dwelling unit or other accommodation to be erected on the site after the date of enactment of this Amendment;

- (c) At least 56 of the rental replacement units shall have affordable rents as follows:
- (i) the owner of the site shall provide and maintain affordable rents charged to the tenants who rent each of the 56 affordable replacement dwelling units during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount based on the October 2002 Canada Mortgage and Housing Corporation Rental Market Survey average City of Toronto rent by unit type for row houses plus annual statutory guideline increases until occupancy, plus a one-time allowance of 4%, and subject to such other adjustments as may be set forth in the Section 37 agreement, and upon turn-over, the rent charged to any new tenant shall not exceed the most recently reported Canada Mortgage and Housing Corporation Rental Market Survey average City of Toronto rent by unit type for row houses, and over the course of the 10 year period, annual increases shall not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases; and
- (d) the balance of the rental replacement units shall have rents which do not exceed mid-range rents, as follows:
- (i) the owner of the site shall provide and maintain the balance of the rental replacement units with rents during the first 5 years of its occupancy, such that the initial rent shall not exceed an amount equal to 1.5 times the October 2002 Canada Mortgage and Housing Corporation Rental Market Survey average City of Toronto rent by unit type for row houses plus annual statutory guideline increases until occupancy, and upon turn-over, the rent charged to any new tenant shall not exceed 1.5 times the most recently reported Canada Mortgage and Housing Corporation Rental Market Survey average City of Toronto rent by unit type for row houses, and over the course of the 5 year period, annual increases shall not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases;
- (e) rents charged to tenants occupying a new affordable replacement unit at the end of the 10 year period set forth in (c) (i) or a mid-range replacement dwelling unit at the end of the 5 year period set forth in (c) (ii), shall be subject only to annual increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, so long as they continue to occupy their unit; and
- (f) rents charged to tenants newly occupying a unit in the rental replacement townhomes after the completion of the 10 year period set forth in (c) (i) or the 5 year period set forth in (d) (i), will be governed by the Provincial rent legislation in force at that time; and,

- (II) shall provide assistance to the tenants of the site at least at the minimum levels required under the *Tenant Protection Act*, and further, as follows:
- (a) the owner shall give eligible tenants residing in a building existing on the site on January 28, 2003 (“an existing building”) at least 4 months prior notice of the termination of their tenancy for demolition;
 - (b) all tenants residing on the site on the date of the application, January 28, 2003, and who receive the 4 months notice of termination set forth in (a) (“eligible tenants”) shall have a right of first refusal to occupy a replacement rental unit at an initial rent not exceeding the amount of their rent as of January 28, 2003 plus the amount permitted by the Provincial rent increase guideline annually between that date and the date of their first occupancy of the new unit and a one-time allowance of 4%, as escalated by the Provincial rent increase guideline annually, as adjusted for the fact that the lease anniversary date will change;
 - (c) all eligible tenants as set forth in (b) who do not exercise their first right of refusal to occupy a new rental unit shall receive financial assistance in the amount of \$500 in addition to compensation required under the *Tenant Protection Act*; and
 - (d) any prospective tenant of an existing rental unit on the site after January 28, 2003, shall be advised prior to entering into any legal agreement to rent a unit of the development applications and the potential demolition, and they shall also be advised that they will not be treated in the same manner as tenants residing on the site on January 28, 2003 who are eligible tenants.
- (III) The payment of \$150,000 to be used for the upgrading of Buttonwood Park.
- (IV) The owner of the site at its expense shall enter into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters required in Sections (I), (II) and (III) herein.

3. IMPLEMENTATION

The policy established by this Amendment will be implemented by a site specific amendment to the Zoning Code, Council’s conditions to approval, and the signing and registering of the appropriate agreements.

4. INTERPRETATION

The provisions of the Official Plan as they may be amended from time to time with respect to the interpretation of the plan shall apply with respect to this Amendment.

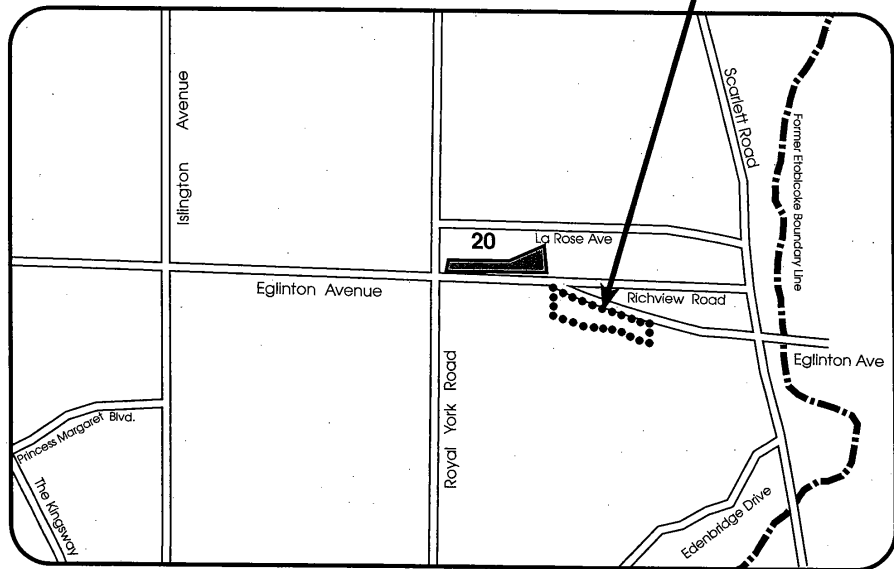
Etobicoke Official Plan Amendment No. 116 - 2003
Schedule "A"

75 Lemonwood Drive

File # TA CMB 2003 0003

 Area of Amendment

Map 5
is amended by introducing
Site Specific Policy No. 89.



Site Specific Policies

 Area Affected By Site Specific Policy

20 Site Reference Number (see Section 5.1.2)



Not to Scale
Extracted 12/05/03 - MH