

Authority: Toronto and East York Community Council Report No. 9, Clause No. 7,
as adopted by City of Toronto Council on November 30, December 1 and 2, 2004
Enacted by Council: December 2, 2004

CITY OF TORONTO

BY-LAW No. 1069-2004

To adopt Amendment No. 323 to the Official Plan for the former City of Toronto with respect to lands known municipally in the year 2004 as 50 and 56 Gerrard Street East and 380 Church Street.

WHEREAS the Council of the City of Toronto has been requested to amend its Official Plan, pursuant to Section 21 of the *Planning Act*, R.S.O. 1990 c.P. 13, as amended, respecting the lands municipally known in the year 2004 as 50 and 56 Gerrard Street East and 380 Church Street; and

WHEREAS the Toronto and East York Community Council conducted a public meeting on November 16, 2004 under Section 17 of the *Planning Act*, R.S.O. 1990 c.P. 13, as amended, regarding the proposed Official Plan Amendment; and

WHEREAS the Council of the City of Toronto at its meeting held November 30, December 1 and 2, 2004 determined to amend the Official Plan for the former City of Toronto;

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

1. The text and map annexed hereto as Schedule "A" is hereby adopted as an amendment to the Official Plan for the former City of Toronto.
2. This is Official Plan Amendment No. 323.

ENACTED AND PASSED this 2nd day of December, A.D. 2004.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE “A”

1. Section 18 of the Official Plan for the former City of Toronto is hereby amended by adding the following Section 18.649 and the attached Map 18.649:

18.649 Lands known in the year 2004 as No. 50 and 56 Gerrard Street East and 380 Church Street.

Notwithstanding any provisions of the Plan, Council may pass by-laws applicable to the lands delineated by heavy lines on Map 18.649 to permit the erection, use and maintenance of an apartment building provided that:

- (1) the maximum *residential gross floor area* does not exceed 12,500 square metres; and
- (2) pursuant to Section 37 of the *Planning Act*, such by-law requires the *owner* of the lands to provide the City of Toronto, in return for the residential density and height permission thereby granted, the following facilities, services and matters:
 - (i) provide the City with a \$30,000.00 contribution for Allan Gardens, prior to the issuance of an above grade building permit for any development on the lands;
 - (ii) provide and maintain not less than 27 new affordable replacement rental dwelling units which shall generally be of the same unit type as in the building to be demolished on the lands subject to the following:
 - (a) the 27 designated replacement rental dwelling units shall be maintained as conventional rental units for at least 20 years, beginning with the date that each unit is occupied, and until the *owner* obtains approval for an Official Plan Amendment and zoning by-law amendment removing the requirement for the designated units to be maintained as rental units. If the tax rate were to increase such that the *owner* is paying more tax than they would if the rental replacement units were registered as a condominium, the *owner* will have the right to apply for an Official Plan Amendment and zoning by-law amendment removing the requirement for the designated rental units to be maintained as rental units prior to the expiry of this 20 year period, provided the 27 designated replacement rental dwelling units remain as rental dwelling units until the *owner* obtains approval for an Official Plan Amendment and zoning by-law amendment removing the requirement that the *owner* provide and maintain the designated dwelling units as rental dwelling units;

- (b) all of the 27 designated replacement rental dwelling units shall be ready and available for occupancy no later than the date by which 60% of the other dwelling units erected on the lands after the date of enactment of this amendment are available and ready for occupancy;
 - (c) the *owner* of the lands shall provide and maintain affordable rents charged to the tenants who rent each of the 27 designated replacement rental dwelling units during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount based on the October, 2003 Canada Mortgage and Housing Corporation Rental Market Survey average rent for the City of Toronto by unit type plus annual Provincial rent guideline increases, plus a one-time allowance of 4% 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 rent for the City of Toronto by unit type 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;
 - (d) rents charged to tenants occupying an affordable replacement rental dwelling unit at the end of the 10 year period set forth in (c) 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 dwelling unit; and
 - (e) rents charged to tenants newly occupying an affordable replacement rental dwelling unit after the completion of the 10 year period set forth in (c) will not be subject to restrictions by the City of Toronto under the terms of the Section 37 Agreement; and
- (iii) provide additional assistance to the tenants of the lands over and above the minimum levels required under the *Tenant Protection Act*, as follows:
- (a) the *owner* shall give eligible tenants residing in a rental unit existing on the lands at least six (6) months prior notice of the termination of their tenancy for demolition;
 - (b) all eligible tenants residing on the lands on the date of the application, December 11, 2003, and who receive the six (6) months notice of termination set forth in (a) (“eligible tenants”) shall have a right of first refusal based on seniority to occupy a designated affordable replacement rental dwelling unit at an initial rent not exceeding the amount of their rent as of December, 2003 plus the amount permitted by the Provincial rent increase

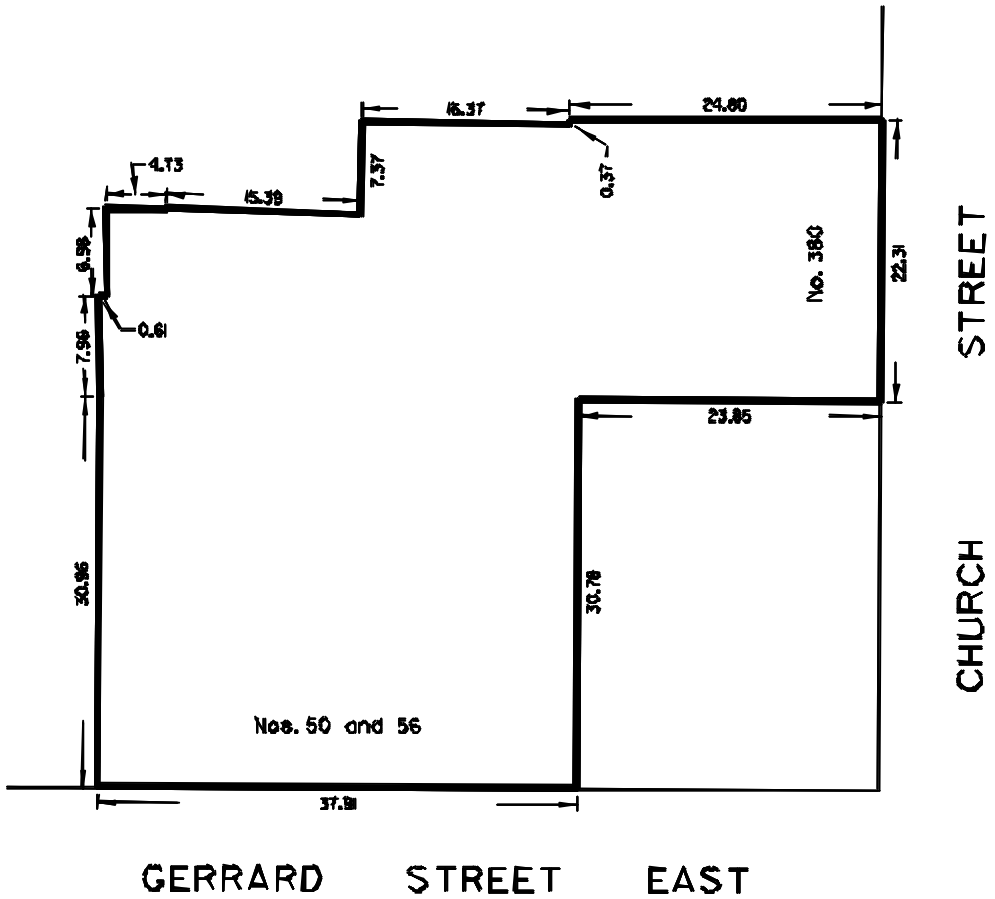
guidelines between that date and the date of their first occupancy as adjusted by the anniversary date of each lease and a one-time allowance of 4%;

- (c) all eligible tenants as set forth in (b) shall receive financial assistance in an amount no less than the amount specified in the Section 37 Agreement in addition to compensation required under the *Tenant Protection Act*;
 - (d) any prospective (new) tenant of an existing rental unit on the lands after December 11, 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 receive the extra assistance set forth in (c) being offered to tenants residing on the lands on December 11, 2003 who are eligible tenants; and
 - (e) any new tenant in an existing rental unit after December 11, 2003 shall receive the following assistance over and above the minimum requirements of the *Tenant Protection Act*: at least six months notice of the termination of their tenancy for demolition, and the right of first refusal to occupy a designated affordable replacement rental dwelling unit at an initial rent not exceeding the October, 2003 amount of the average rent for the City of Toronto by unit type as reported in the Canada Mortgage and Housing Corporation Rental Market Survey plus a one-time allowance of 4% plus annual Provincial rent guideline increases until the date of first occupancy;
- (iv) agree not to erect third party advertising signage on the building's elevations at any time;
 - (v) submit the following reports for review and acceptance by the Commissioner of Works and Emergency Services, prior to Site Plan Approval:
 - (a) a Site Servicing Review to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and demonstrate how this site can be serviced and whether the existing municipal infrastructure is adequate; and
 - (b) a Street Lighting Review to determine the adequacy of the existing street lighting, including the impact of relocating the light standard situated within the limits of the Church Street site access, and identify any improvements that may be required;

- (vi) require the *owner* to pay for any improvements and upgrades to the municipal infrastructure and municipal lighting, should it be determined that improvements and upgrades are required to support the development, according to the reports identified in subsection 2(v) as reviewed and accepted by the Commissioner of Works and Emergency Services; and
- (vii) require the *owner* to install, at their expense, an irrigation system with automatic timer, to the satisfaction of the Commissioner of Works and Emergency Services when three or more trees are planted in a City right-of-way, and ensure that the irrigation system is designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer including requirements to maintain in good order and operation.

The *owner* of the lands 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 Section 2(i), (ii), (iii), (iv), (v), (vi) and (vii) herein and agrees to the registration of such agreement against the lands, as a first charge.

MAP 18.649



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO NOVEMBER 2004
DPO4/18048-DGN
FILE: G12-C13
MAP No. 514-311 DRAWN: VG