

Authority: North York Community Council Report No. 7, Clause No. 47b,
adopted as amended, 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. 1108-2004

**To adopt Amendment No. 312 to the Official Plan for the former City of Toronto with
respect to lands municipally known in 2004 as 82, 86 and 90 Broadway Avenue.**

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

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

1. The text and map annexed hereto as Schedule "A" are hereby adopted as an amendment to the Official Plan for the former City of Toronto.
2. This is Official Plan Amendment No. 312.

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 amended by adding Section 18.639, and the attached Map 18.639.

“18.639 Lands known in the year 2004 as 82, 86 and 90 Broadway Avenue.

Notwithstanding any of the provisions of this Plan, Council may pass by-laws respecting the lands shown delineated by heavy lines on Map 18.639 (the “Lands”) to permit the erection, use and maintenance of an apartment building provided that:

- (1) the maximum residential *gross floor area* does not exceed 22,161 square metres;
- (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) provides and maintains not less than 60 new affordable replacement rental dwelling units and 12 new rental dwelling units with mid-range rents on the lands, at the north end of the lands, subject to the following:
 - (a) the designated rental units shall be maintained as conventional rental units for at least 20 years, beginning with the date that each unit is occupied or 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 72 designated rental 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 designated rental replacement 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 shall provide and maintain affordable rents charged to the tenants who rent each of the 60 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 January, 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) the owner shall provide and maintain rents no greater than mid-range rents charged to the tenants who rent each of the 12 mid-range replacement dwelling units during the first 5 years of its occupancy, such that the initial rent shall not exceed an amount equal to 1.5 times the January, 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 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 an affordable replacement dwelling unit at the end of the 10 year period set forth in (c) or a mid-range replacement dwelling unit at the end of the 5 year period set

forth in (d) 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

- (f) rents charged to tenants newly occupying an affordable replacement dwelling unit after the completion of the 10 year period set forth in (c) or the 5 year period for a mid-range replacement dwelling unit set forth in (d) will not be subject to restrictions by the City of Toronto under the terms of the Section 37 Agreement;
- (ii) shall 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, January 16, 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 unit at an initial rent not exceeding the amount of their rent as of January, 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 at least as 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 January 16, 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

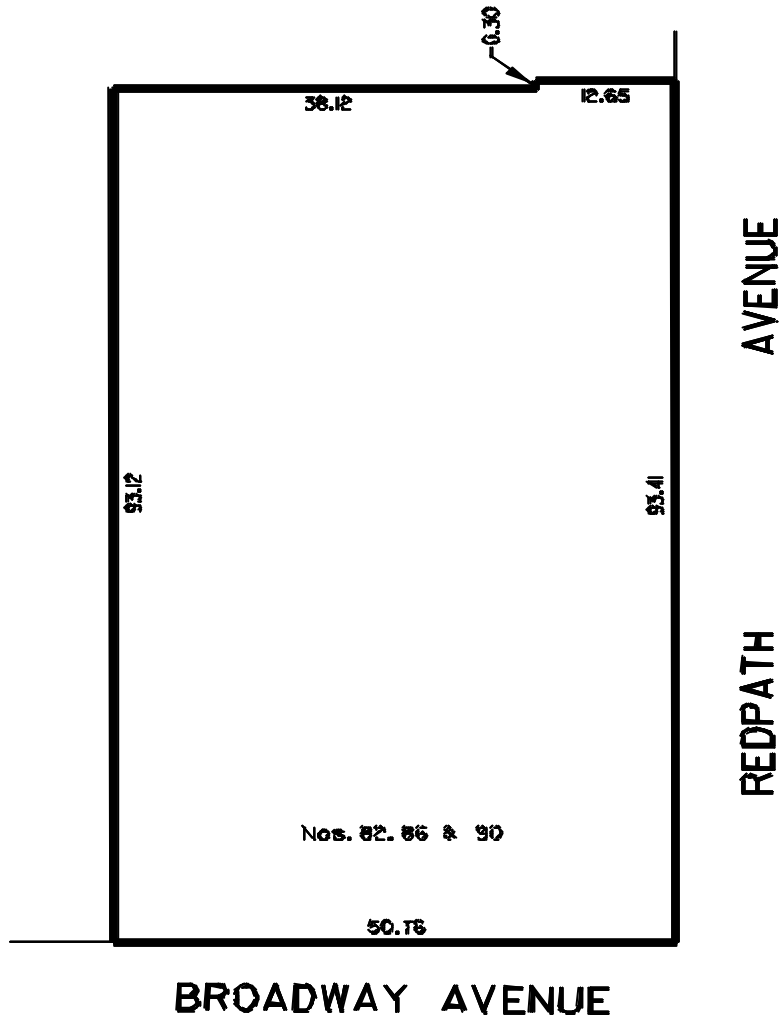
forth in (c) being offered to tenants residing on the site on January 16, 2003 who are eligible tenants; and

- (e) any new tenant in an existing rental unit after January 16, 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 rental replacement unit at an initial rent not exceeding the January, 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; and,
- (iii) prior to the issuance of the building permit for the full building, the owner shall pay, to the City of Toronto, \$140,000 (\$20,000 per unit), being a public subsidy cost, which represents the fee to be earmarked for the Capital Revolving Fund for Affordable Housing for the 7 units that will not be replaced as designated rental units within the building.

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), and (iii) herein and agrees to the registration of such agreement against the site, as a first charge.

- (3) no more than 270 square metres of the existing building known municipally as 90 Broadway Avenue may be used for the purpose of selling residential units proposed to be constructed on the lands.”

MAP 18.639



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO DESCRIBED, 2004
09-24/18639.DGN
FILE# 836-26
MAP No. 611-11 DRAWN# 85/DP