

Authority: Community Council Report 5, Clause 12,
as adopted by City of Toronto Council on June 27, 28 and 29, 2006
Enacted by Council: September 27, 2006

CITY OF TORONTO

BY-LAW No. 816-2006

**To adopt Amendment No. 1152 to the Official Plan for the former City of Scarborough
with respect to lands municipally known as 1236 Birchmount Road and
2155 Lawrence Avenue East.**

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 attached hereto as Schedule "A" is hereby adopted as an amendment to the
Official Plan of the former City of Scarborough.
2. This is Official Plan Amendment No. 1152.

ENACTED AND PASSED this 27th day of September, A.D. 2006.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

**AMENDMENT NO. 1152 TO THE OFFICIAL PLAN
OF THE FORMER CITY OF SCARBOROUGH**

1236 BIRCHMOUNT ROAD AND 2155 LAWRENCE AVENUE EAST

The following text designated as Schedule “A” constitutes Amendment No. 1152 to the Official Plan for the former City of Scarborough (being an amendment to the provisions of the Wexford Employment District Secondary Plan).

The sections head “Purpose and Location” are explanatory only and shall not constitute part of this amendment.

PURPOSE AND LOCATION:

This Amendment affects two parcels of land located at the southwest corner of Lawrence Avenue East and Birchmount Road. The amendment amends the Section 37 policies applying to the lands.

BASIS:

The subject site is approximately 1.34 hectares (3.32 acres) and is situated on the southwest corner of Lawrence Avenue East and Birchmount Road. The owners propose to intensify the site which currently contains a 12 storey mixed-use building with 243 dwelling units and ground floor commercial/retail uses. A new building would be constructed on an adjacent parcel of land immediately south of the existing building. A 14 storey, 156 dwelling unit, mixed-use building with ground floor retail and office uses is proposed. Revised Section 37 policies to secure the existing rental housing, provision of new affordable rental housing and provision and/or maintenance of amenities for the existing and new residents is appropriate.

SCHEDULE “A”

- A. The Wexford Employment District Secondary Plan, Section 4.50.3, Numbered Policies, is amended by adding the words, “preservation of existing rental housing, provision of new purpose built rental housing, construction mitigation and tenant communication plan” to Policy No. 3(2) so that the numbered policy now reads as follows:

“3. South-West Corner of Lawrence Avenue East and Birchmount Road

2. Amendments to the Zoning By-law to increase the height or density of development may, pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, require the provision of facilities, services or matters to improve landscaping, transportation, pedestrian facilities, public utilities, preservation of existing rental housing, provision of new purpose built rental housing, construction mitigation and tenant communication plan and/or community facilities and services.”

- B. The Wexford Employment District Secondary Plan, Section 4.50.3, Numbered Policies, is further amended by adding the following new text:

“Matters to be provided pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended:

- (a) The owner of the lands, at its expense and in accordance with, and subject to, an agreement pursuant to Section 37 of the *Planning Act*, shall provide the following facilities, services and matters:
- (i) maintain the existing 243 social housing units at 2155 Lawrence Avenue as social housing until July 1, 2023 and make no application for demolition to construct anything other than social housing dwelling units or for the purpose of condominium registration until July 1, 2023;
- (b) provide and maintain 100 - 156 new affordable rental apartment units for at least 20 years commencing from the date of initial occupancy of each unit subject to the following:
- (i) no application shall be made for condominium registration or for demolition to construct anything other than rental dwelling units during the 20 year period. If the property tax rate were to increase such that the owner is paying more tax than they would if the rental 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 rental units to be maintained as rental units prior to the expiry of this 20 year period, provided that all of the 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 dwelling units as rental dwelling units;

- (ii) all of the rental dwelling units in the new apartment buildings on the lands shall be affordable rental housing units;
 - (iii) the initial rent for any of the affordable rental units and the rents upon turnover for all these units during the 10 year period dating from the initial occupancy of each unit shall be no higher than the average rent for the same unit type for the City of Toronto as reported by Canada Mortgage and Housing Corporation in their most recent annual Rental Market Report prior to the month that the unit is first occupied by the new tenant;
 - (iv) annual rent increases to tenants who occupy the units in the initial 10 year period shall not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, for so long as the tenant remains in the same unit, until the expiry of the 20 year period securing the rental tenure for that unit; and
 - (v) rents charged to tenants newly occupying the units after the completion of the 10 year period set forth in paragraph (iii) above will not be subject to restriction from the City of Toronto under the terms of the Section 37 Agreement;
- (c) make additional improvements to the site and related facilities and provide new amenities at least as set out in the Section 37 Agreement for use by all tenants in both the existing social housing units and the proposed affordable rental housing units, and the owner agrees that it shall not pass through any of the costs of these improvements to the rents of the existing social housing units arising from the cost of these improvements, which improvements shall include at least
- (i) common indoor amenity space in the proposed new residential building of a minimum of 207m²; and (ii) maintain common indoor amenity space of at least 400m² for the use and enjoyment of the tenants of the new and existing building.
- (d) the owner of the lands shall provide a Construction Mitigation and Tenant Communication Plan to the satisfaction of the Director of Community Planning, Scarborough District, prior to the issuance of the first building permit for the proposed additional residential buildings; and
- (e) The owners of the lands shall enter into one or more agreements with the City of Toronto, provided pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to secure the facilities, services and matters referred to in Section (a) - (d), which agreement shall be registered as a first charge on title to the lands to which this By-law applies.”