



## STAFF REPORT ACTION REQUIRED

### Implementing By-law for s.111 of City of Toronto Act- Rental Housing Protection

<b>Date:</b>	June 6, 2007
<b>To:</b>	Planning and Growth Management Committee
<b>From:</b>	Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	All
<b>Reference Number:</b>	Pg070033

#### SUMMARY

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This report proposes that City Council implement its rental housing protection authority under s.111 of the *City of Toronto Act, 2006* by adopting Municipal Code Chapter 667, Residential Rental Property Demolition and Conversion Control, as set out in the draft by-law in Appendix 1. The report also outlines the relationship between applications to demolish or convert rental housing under the *City of Toronto Act, 2006* and applications for approvals under the *Planning Act* or the *Condominium Act* that involve existing rental housing, and applications under the *Building Code Act, 1992*.

Adoption of the draft by-law will permit the City's policies and practices on demolition and conversion to be applied to all qualifying rental housing properties, extending this protection beyond current authorities that are limited to approvals under the *Planning Act* or *Condominium Act*. Certain routine approvals will be delegated to the Chief Planner and Executive Director, City Planning Division, who is also the administrator of Chapter 667. The draft by-law requires fees for applications, and provides authority for penalties for those convicted of an offence under the chapter.

Certain related amendments to Municipal Code Chapter 363 Demolition Control are included in section 2 of the draft by-law. In section 3 of the draft by-law, Municipal Code Chapter 415 is amended to reflect the approval authority delegated to the Chief Planner. As Chapter 667 provides for notice and meeting requirements, the report recommends the revocation of similar provisions for applications involving demolition or conversion to condominium as adopted by City Council in March 1999.

## RECOMMENDATIONS

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### The City Planning Division recommends that Council:

1. Approve proposed Municipal Code Chapter 667, Residential Rental Property Demolition and Conversion Control, as set out in the draft by-law in Appendix 1, to implement the City's authority under s. 111 of the *City of Toronto Act, 2006* to prohibit and regulate the demolition of rental housing properties and the conversion of rental housing to a purpose other than residential rental purposes.
2. Approve the proposed fees for applications under Municipal Code Chapter 667, to be added to Schedule 16 of Appendix C of Municipal Code Chapter 441, Fees, as set out in Appendix 3.
3. Amend § 415-17 of Municipal Code Chapter 415, Development of Land, (the codified version of section 4 of By-law No. 229-2000) by replacing the words "rental housing" with "six or more rental housing units" so that the revised section is as follows:

"The authority for the giving of draft condominium approvals, under section 50 of the *Condominium Act* except for applications involving the conversion of six or more rental housing units and exemptions from draft approval as appropriate, is delegated to the Chief Planner and his or her representatives."
4. Approve the related amendments to Municipal Code Chapter 363 Demolition Control as contained in section 2 of the draft by-law in Appendix 1.
5. Authorize the City Solicitor to introduce a bill in Council substantially in the form of the draft by-law in Appendix 1.
6. Revoke the "Application, Notice and Meeting Requirements for Condominium Conversion and Demolition Applications" contained in Appendix A of Clause 3 of Report No. 3 of the Urban Environment and Development Committee, as adopted by City Council on March 2, 3 and 4, 1999, as they are now superseded by the provisions for notice and meetings in Chapter 667 in the draft by-law.
7. Authorize the City Solicitor, in consultation with the Chief Planner and Chief Building Official, to introduce bills directly into Council to amend proposed Municipal Code Chapter 667, as necessary, to reflect the wording of any future amendment of the definition of "all applicable law" in the Ontario Building Code with respect to by-laws under section 111 of the *City of Toronto Act, 2006*.
8. Direct the City Clerk to provide notice of the enactment of a by-law under section 111 of the *City of Toronto Act, 2006* to the Ontario Municipal Board, the Director of the (Ontario) Real Property Registration Branch and the Land Registrars for the Toronto Land Registry Offices.

9. Authorize and direct the appropriate City Officials to take the necessary action to give effect thereto.

## **Financial Impact**

The implementation of the recommendations will result in additional revenue to City Planning. Staff currently estimates that the annual number of applications on an ongoing basis is expected to range from 20 to 30 per annum, though a greater number of applications for renovations of residential properties will be screened to determine whether this by-law applies. The fees collected will vary based on the number of rental units affected in each application. Additional revenue is estimated at \$150,000 to \$200,000 annually.

Staff anticipate that most types of applications that are to be subject to this by-law are currently subject to review and decision under existing authorities for demolition control, condominium conversion, consents to sever and zoning approvals. Thus, for 2007 it is not anticipated that additional staff will be required to implement this by-law.

The capital and operating costs associated with the implementation of the City of Toronto's by-law under s. 111 of the *City of Toronto Act* will be absorbed with the Program's 2007 Capital and Operating Budgets. Staff will monitor the impact of the by-law on operations of City Planning and Toronto Building and report back as part of the 2008 budget process on any need for additional staff resources to be funded through the anticipated revenue stream. The 2008 Recommended Operating Budget will include projected revenue from these application fees based on revenues realized in 2007.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

## **DECISION HISTORY**

The *City of Toronto Act, 2006* was proclaimed on January 1, 2007. Section 111 of the Act provides Council with the authority to protect rental housing from demolition and conversion. It requires Council to pass a by-law to implement this authority. City Planning, and the City Solicitor, in consultation with Toronto Building and the City Manager's Office, drafted the proposed by-law, in Appendix 1 to this report.

City Council had previously requested provincial legislation to give the City the statutory authority to protect rental housing on a number of occasions. Prior to the discussions leading to the *City of Toronto Act, 2006*, at its June 22-24, 2004 meeting, City Council approved a position paper recommending these additional statutory powers in response to proposed provincial legislation on rental housing.

<http://www.toronto.ca/legdocs/2004/agendas/council/cc040622/plt4rpt/cl003.pdf>

## **Background on rental housing protection**

There has been a long history in the City of Toronto of concern for the protection of rental housing and a consistent framework of provincial and City policies to deal with proposals to demolish or convert rental housing.

The provincial government gave the former City of Toronto special powers governing demolition of multiple-unit housing in section 1 of the *City of Toronto Act, 1984*. Former provincial legislation, the *Rental Housing Protection Act* (1986 - 1998), gave municipalities authority to protect rental housing. After this legislation was repealed in 1998, the City has had to rely on its ability under the *Planning Act* and the *Condominium Act* to apply its Official Plan policies on demolition and conversion of rental housing.

Both former and current Official Plan policies provide for rental housing protection. The City's current Official Plan policies on rental housing protection were first adopted by City Council in 2002, modified by City Council in December 2005, and brought into force on October 17, 2006 by order of the Ontario Municipal Board. These policies provide amongst other things that planning applications that would demolish or convert rental housing with 6 or more rental units will not be approved unless all the rents in the property are in the high end, or unless City Council has determined that the supply and availability of rental housing has returned to a healthy state. However, demolition of private rental or social housing may be approved if the rental units are replaced at similar rents, and tenants are able to return to the new housing and receive relocation and other assistance.

## **Rental Housing in the City of Toronto**

Rental housing supply and availability in the City of Toronto have not returned to a healthy state. The overall supply of primary rental housing (the total number of private rental and social housing units) has not increased over the last decade. Whereas, over the same period, 95% of all new housing construction was for the ownership market. Vacancy rates in private rental housing had moderated a few years ago, following a 30 year period of very low rates. However, vacancy rates have begun to decline again and Canada Mortgage and Housing Corporation forecasts even lower rates over the next two years. Lower rates mean that rental housing will be less available for tenants seeking accommodation.

Most of the City's housing with affordable rents (at or below average market rent) is in private rental housing. Thus, protecting the City's rental housing stock also protects a large supply of affordable housing. About half of all households in the City are renters, and a mix of incomes in and access to all neighbourhoods throughout the City are important City objectives. Protecting existing rental housing, with both affordable and mid-range rents is essential for the City's growth and vitality. The rental housing needs of current and future residents depend on protecting existing rental housing and increasing the supply of rental housing to meet future growth. More information can be found in City Planning's recently published profile on rental housing at [http://www.toronto.ca/planning/pdf/housing\\_rental.pdf](http://www.toronto.ca/planning/pdf/housing_rental.pdf)

## **Significance of City of Toronto Act**

An important reason why the City sought additional, statutory powers to protect rental housing is that not all applications to demolish rental housing involve requests for approvals under the *Planning Act*. For example, approval for rezoning to permit greater height or density created the opportunity for the City to apply its rental housing protection policies. However, “as-of-right” developments were able to apply for building and demolition permits without needing to satisfy the City’s rental housing policies. Section 111 of the *City of Toronto Act, 2006* will permit the City to regulate the demolition and conversion of all rental housing containing 6 or more dwelling units on an equal basis.

There is also an improvement in comparison to the demolition control provisions of Section 33 of the *Planning Act*, which requires that demolition permits be approved if a building permit has been issued. The *City of Toronto Act, 2006* contains no similar requirement, thus permitting the City to refuse an application to demolish rental housing under the provisions of a by-law under section 111, even if a building permit has been issued. Another feature of the Act is that City Council decisions to approve or refuse demolitions or conversions are not subject to any appeal to the OMB.

## **COMMENTS**

### **Features of section 111 of *City of Toronto Act, 2006***

The City can prohibit and regulate demolition or conversion to a purpose other than a residential rental property (rental housing) if a residential rental property has 6 or more dwelling units. A by-law must be passed, and it may prohibit demolition or conversion without a permit. If approval is given, the City may impose conditions.

The Minister of Municipal Affairs and Housing may also ask the City to collect statistics on the demolition and conversion of rental housing units and report them to the Ministry.

### **Rental housing subject to the draft by-law (the “by-law”)**

Any residential rental property (which may include a related group of buildings) with at least 6 dwelling units, and that contains a rental unit, is subject to the by-law. This is consistent with the provisions of s.111 as well as the City’s Demolition Control By-law (Article II, Demolition Control, of Municipal Code Chapter 363, Building Construction and Demolition) under section 33 of *The Planning Act*, which both utilize 6 or more dwelling units as a threshold for requiring a Council decision to refuse or approve an application.

Under the definitions in the by-law, rental units are self-contained units with kitchen and bathroom facilities, and do not include rooms such as those in rooming houses. Rental units in a condominium or life lease properties are not covered by this by-law. Protecting condominium rental units is not the subject of municipal policy interest, as they are not permanent rental housing. Condominium rental units are part of the Secondary Rental Market, which is composed of units that tend to be rented only on a temporary basis. However, rental units in equity co-operative or co-ownership properties are subject to the by-law. This definition is consistent with the definition in the City’s Official Plan policies.

## **Scope of activities subject to the by-law**

Demolition activities subject to this by-law include the demolition of all or a part of a building. It also includes interior renovations/alterations to a building if it results in a change to the number or type of existing rental units by bedroom type. This kind of alteration activity essentially involves demolishing individual rental units and either replacing them with other uses, or rebuilding a different number or type of units. One example would be an application to demolish and then reconstruct 3-bedroom apartments into separate bachelor units. The by-law defines this as demolition, and thus ensures that all types of demolition of rental units are covered by the by-law. Otherwise, buildings where the exterior walls of a building remain standing while the interior is gutted and rebuilt would not be subject to the by-law.

Conversion to non-rental purposes includes: changing the use to non-residential (such as offices), maintaining residential use but changing the self-contained dwelling units to something else such as rooms, or care homes with central services, and changing the rental status of the housing to freehold, condominium, co-ownership or life lease forms of ownership. It also includes severing a rental property such that the number of rental units remaining on any severed or retained parcel drops below 6 units, thus placing the rental units beyond the protection of this by-law.

There has been renewed market interest in conversion of rental housing to co-ownership or equity co-operatives in Toronto, perhaps because of the effectiveness of the City's policies restricting conversion to condominium. At the same time, there is concern about the level of consumer protection in co-ownership conversions compared to the legislative and planning framework governing condominium tenure. The co-ownership approach can have potentially serious consequences both for the loss of rental housing stock and the impact on consumer/purchasers. These types of conversions, which were also subject to the provincial *Rental Housing Protection Act* from 1986-1998, will be subject to this by-law.

## **Scope of activities exempt from the by-law**

Demolition of part of a rental property where the portion affected contains no residential units is exempt from the by-law. Renovations purely interior to each rental unit that do not change the unit type by changing the number of bedrooms, or construction of an addition to an existing rental building, where the existing rental units are not affected, are also exempt.

The by-law exempts applications for severance where each severed portion will still contain at least 6 rental units, or where a severed portion has no residential units, such as a part of the property with no buildings. These provisions on severance are similar to those that were included in the *Rental Housing Protection Act*.

## **Decisions to Refuse or Approve Applications**

City Council has the authority to refuse, or approve with conditions, an application to demolish or convert rental housing. (However, as noted in the following section, some types of applications are proposed to be delegated to the Chief Planner for approval.) When City Council approval is granted, the Chief Planner is authorized to issue a section 111 permit after the conditions of approval have been satisfied or secured in an agreement with the owner of the property.

One condition of approval that may be imposed is specification that the applicant is not entitled to a building or demolition permit, approval for condominium registration, a consent or permit under the *Ontario Heritage Act* for alteration or demolition, or a consent to sever a rental property, unless the conditions have been satisfied or secured in an agreement.

Among other types of conditions are the replacement of rental housing with similar rents, relocation and other assistance to tenants in the case of demolition, limiting the cost impacts on tenants in the case of conversion to condominium, provisions for the lapsing of approval after a period of time, and registration of restrictions on the land title to ensure compliance with the conditions secured in agreements.

The City has in place a well-established framework of policies and practises when considering proposals to demolish or convert rental housing. These policies and conditions for approval will be applied to applications under this by-law once the by-law is approved by Council. One example of the City's policies is to give favourable consideration to applications where all the rental units have rents in the high end, that is, above mid-range rents (1.5 times the average market rent).

### **Delegation of Certain Approvals to Chief Planner**

City Council will make the decisions for most applications subject to this by-law. The by-law provides City Council with a chance to provide further streamlining by delegating more routine approvals for applications that generally affect 5 or fewer existing rental units. These application types recommended for delegated approval are consistent with the City's current policies which permit demolition or conversion where the number of rental units affected is 5 or fewer.

Some properties may have 6 or more dwelling units and thus be subject to this by-law, but have only 5 rental units. Examples could include an existing co-ownership building with only 5 or fewer units rented, or where an owner occupies one of the apartments in a 6 unit rental property.

The by-law also ensures that the criteria of 'fewer than 6 rental units affected' is assessed carefully by staff to meet the intent of the City's policy, in cases where the rental property is large. For example, rental property owners should not be able to achieve demolition of a larger property in instalments by applying consecutively to demolish 5 units at a time. Accordingly, the by-law proposes that delegated approvals be limited to those where fewer than 6 existing rental units have been affected over the previous five-year period. This provides flexibility for owners of residential rental properties who apply to alter, add or subtract a few apartments to meet building needs or changing markets.

Similarly, one of the criteria is that after approval, the number of rental units remaining not drop below 6. This will ensure that the approval of a few units for demolition or conversion not result in the entire property being subsequently put at risk, since a property with fewer than 6 rental units would be eligible for more routine approval under the delegation provisions of this by-law.

These types of applications will qualify for delegated approval from the Chief Planner, thus facilitating a speedier process. All others will require City Council approval. The by-law also

specifies a few standard conditions requiring the owner to notify any sitting tenants of their rights under the provincial *Residential Tenancies Act*, and lapsing provisions if the owner does not act on the approval within a period of time. Tenants in properties where applications are delegated for approval will not have the same opportunity for public meetings and consultations as are provided for in applications to be decided by City Council. It is important in these cases that basic information on the City's policies and their rights under provincial legislation be communicated in the notice to tenants.

### **Relationship to *Planning Act* or *Condominium Act* approvals**

Many, but not all, of the applications needing approval under this by-law are likely to involve related applications for Official Plan amendments, rezoning, minor variances, subdivision, severance and/or condominium registration. Those related applications will be able to proceed through the relevant planning process at the City, though the by-law requires the applicant to apply at the same time for approval under this by-law. Any *Planning Act* or *Condominium Act* approvals should be made conditional on the applicant receiving a section 111 permit under this by-law. In most circumstances, especially where City Council is making the final decision, the approval process for both streams can proceed in tandem. However it would also be possible to make a decision under this by-law at an earlier date than the final City decision under the *Planning Act* or *Condominium Act* processes.

The City's decisions on refusal or approval under this by-law are not subject to appeal to the OMB, nor to the outcome of any appeal under the *Planning Act* or *Condominium Act* to the OMB.

Currently, conditions for approval of demolition of rental housing are generally secured in Section 37 or Section 45 Agreements. It is expected that these agreements will continue to be used to secure these conditions in addition to similar agreements under s. 111 and the registration of restrictions on land titles. This may be particularly appropriate where demolition and redevelopment represent only one portion of a larger redevelopment proposal that is expected to proceed over a number of phases.

### **Relationship to Approval of Permits for Demolition**

The sole exception to the Chief Planner issuing a section 111 permit occurs when the final approval involves a permit for demolition or a conversion subject to section 8 or section 10 of the *Building Code Act, 1992* which the Chief Building Official has the sole authority to issue. In such cases, the Chief Planner is authorized to issue preliminary planning approval under this by-law, while the actual permit for demolition or conversion is issued by the CBO only after receiving notification of the Chief Planner's approval. The intent of section 111 of the *City of Toronto Act, 2006* is to avoid the need for two permits to be issued, under both that Act and section 8 of the *Building Code Act, 1992*.

As noted earlier, one of the conditions for approval under this by-law, to be secured in an agreement with the owner, is that the owner is not entitled to a permit for building or demolition until the conditions imposed have been satisfied or secured by an agreement.



The provisions of this by-law are consistent with the City's Demolition Control By-law, under section 33 of the Planning Act. Under that by-law, an application for a permit to demolish residential housing involving 6 or more dwelling units is referred by Toronto Building to City Planning. A report is prepared by City Planning to Community Council, and City Council makes the decision. The CBO only issues the permit if it is approved by Council. The process is essentially the same under this by-law, which only applies to properties with 6 or more dwelling units. There is one key difference: certain applications with 6 or more dwelling units but which contain 5 or fewer rental units will be delegated to the Chief Planner, rather than Council, for approval.

City Planning staff are working with Toronto Building staff on the implementation of the business processes for handling applications involving demolition of rental housing.

## **Fees**

Fees will be charged for applications under this by-law, reflecting the distinct and additional housing policy work beyond that which is covered in the related planning applications. Potential applicants will be encouraged to meet with City staff about the City's housing policies prior to making an application. This will help them to avoid making application and paying fees if they determine that their proposal would have little likelihood of meeting the City's requirements.

Section 111 by-law fees, like the underlying related planning application fees, are set at different levels that reflect the varying scope of staff effort related to the review and processing of each type of application category. The section 111 by-law fees are shown in Appendix 3. Like the related planning application fees, they are based on a similar structure combining a flat fee and a per unit fee and are of a similar scale.

Some of the work related to the section 111 by-law work is currently carried out through the processing of planning applications that involve the Official Plan housing policies. However, the fees for these planning applications currently do not account for the staff time involved in dealing with matters that involve rental demolition or conversion. Since the number of planning applications that also involve rental demolition and conversion is proportionately small, there has never been an attempt to provide cost recovery of this work. The proposed fee schedule rectifies this.

The Development Application Review Process (DARP) is currently investigating the structure and level of fees charged for Planning Act applications with a goal of moving toward 100 percent recovery of staff time. This work will be completed later this year and can be used to assist in the refinement of the recovery of costs related to section 111 by-law matters.

## **Other provisions of the By-law**

1. A permit or approval under this by-law may be revoked if the permit or approval was issued on false or incorrect information, if the conditions of approval are not complied with or if the provisions of the by-law have been contravened.

2. The by-law provides for penalties in the event of a conviction for contravention of the by-law. The *City of Toronto Act* provides for special fines in addition to regular fines, the purpose of which is to reduce or eliminate any economic advantage from contravening a by-law. A property owner who demolishes a residential rental building without a section 111 permit, or fails to ensure that tenants receive the appropriate relocation assistance or the right to return to replacement rental units would otherwise receive a distinct economic advantage in comparison to landlords who comply with the by-law's provisions.
3. One of the by-law's provisions prohibits an owner from harassment of the tenants in a property that is being considered for approval under this by-law, where the intent is either to discourage their participation or to facilitate obtaining approval of Council or the Chief Planner. There were similar provisions in the *Rental Housing Protection Act*.
4. The by-law contains notice and meeting requirements for community consultation. In approving this by-law, City Council is revoking the procedures previously approved in 1999 for applications to demolish or convert rental housing to condominium. The by-law's provisions are consistent with City practices for *Planning Act* applications, such as notification within 14 days that an application has been made, a community consultation meeting and circulation within 120 metres for the community council meeting or Planning and Growth Management Committee should the application be located in more than one community council . The community consultation meeting will be focused on the rental housing and tenant impact issues. Consultation and meeting opportunities under this by-law may proceed separately or in combination with those under *Planning Act* applications, as appropriate.
5. It is necessary to amend the Municipal Code provisions for delegation of draft condominium approvals to the Chief Planner in order to be consistent with this by-law. Currently, no applications for conversion of rental housing to condominium may be delegated, as they all require City Council approval. This by-law provides that where such applications involve less than 6 rental units, the approval is delegated to the Chief Planner.
6. The by-law provides that owners who withdraw an application under this by-law prior to a decision being made will have to wait for two years before submitting another application to demolish or convert their rental housing, except by consent of Council. These kinds of applications are enormously disruptive for the tenants concerned and usually prove to be a considerable drain of City staff time. Thus, it is reasonable to have a cooling off period before starting the process over again.
7. Decisions under this by-law will be effective for related applications that are made on or after January 1, 2007, and have not yet been decided prior to the date that this by-law is enacted by City Council. This provision is consistent with transition regulations filed pursuant to the *City of Toronto Act* that establish January 1, 2007 as the effective date for determining that applications filed prior to then are not subject to section 111.

8. An exception to the January 1, 2007 effective date is for applications for demolition activities involving interior renovations/alterations; for these applications it shall be the day following the date this by-law is enacted. The reason for the exception is that the criteria for all other types of demolition and conversion activities are based on current City practices.
9. The by-law proposed in this report is not considered “applicable law” under the Ontario Building Code. This means that the Chief Building Official cannot withhold a building permit on the grounds that a permit under the section 111 by-law has not yet been issued. An amendment to the OBC Regulation is required to make the section 111 by-law applicable law, and discussions with the Province have commenced toward this objective. Provincial staff have advised that section 111 (and a similar provision in the *Municipal Act, 2001*) gives the City considerable latitude in its demolition control by-laws. They are working with the City to develop the possible applicable law linkages that meet the City’s needs under the by-law.

The section 111 by-law is enforceable with or without amendments to the definition of “all applicable law” under OBC Act, and applicants for building permits will be advised of the need to also get approval under the section 111 by-law. If an amendment to the Regulation incorporating by-laws under section 111 of the *City of Toronto Act, 2006* as applicable law is approved by the Province, it will facilitate a more seamless administration of the by-law.

This report recommends that the City Solicitor, in consultation with the Chief Planner and Chief Building Official be authorized to introduce bills directly into Council to amend proposed Municipal Code Chapter 667, as necessary, to reflect the wording of any further amendment of the definition of “all applicable law” in the Ontario Building Code with respect to by-laws under section 111 of the *City of Toronto Act, 2006*.

10. This report also recommends that the City Clerk provide notice of the enactment of the by-law to the Ontario Municipal Board, the Director of the (Ontario) Real Property Registration Branch and the Land Registrars for the Toronto Land Registry Offices so that the Board Members, Director and Registrar can take judicial or other notice of the by-law and its implications for any of their procedures.

## **CONTACT**

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## **SIGNATURE**

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Ted Tyndorf  
Chief Planner and Executive Director  
City Planning Division

## **ATTACHMENTS**

Appendix 1: Draft By-law  
Appendix 2: Section 111 of the *City of Toronto Act* (excerpt)  
Appendix 3: Draft Fees Schedule

## **APPENDIX 1**

### **Chapter 667**

#### **RESIDENTIAL RENTAL PROPERTY DEMOLITION AND CONVERSION CONTROL**

##### **ARTICLE I**

###### **General**

- § 667-1. Definitions.**
- § 667-2. Application.**
- § 667-3. Demolition prohibited.**
- § 667-4. Conversion prohibited.**
- § 667-5. Exemptions.**
- § 667-6. Harassment of tenant.**

##### **ARTICLE II**

###### **Application**

- § 667-7. Application for approval.**
- § 667-8. Fees and charges.**
- § 667-9. Related application, notification of prohibition.**
- § 667-10. Withdrawal of application.**
- § 667-11. Notice of application.**

##### **ARTICLE III**

###### **Approval of Application**

- § 667-12. Approval by Chief Planner under delegated authority.**
- § 667-13. Referral to Council by Chief Planner.**
- § 667-14. Approval by Council.**
- § 667-15. Conditions.**
- § 667-16. Final approval and section 111 permit.**
- § 667-17. Application for revision to conditions.**
- § 667-18. Revocation; deemed revocation.**

##### **ARTICLE IV**

###### **Miscellaneous**

- § 667-19. Offences.**
- § 667-20. Penalty.**
- § 667-21. Special penalty re monetary benefit.**
- § 667-22. Transition.**

Planning and Growth Management Committee Item No. \_\_\_\_ , as adopted by City of Toronto Council on .

**CITY OF TORONTO**

**DRAFT BY-LAW No.**

**To adopt City of Toronto Municipal Code Ch. 667, Residential Rental Property Demolition and Conversion Control, under s. 111 of the *City of Toronto Act, 2006*, and to make related amendments to Article II, Demolition Control of Ch. 363, Building Construction and Demolition, Ch. 415, Development of Land and Ch. 441, Fees.**

WHEREAS under section 111 of the *City of Toronto Act, 2006* (the “Act”), the City may prohibit and regulate the demolition of residential rental properties and may prohibit and regulate the conversion of residential rental properties to a purpose other than the purpose of a residential rental property;

WHEREAS under subsection 111(5) of the Act, if a permit to demolish a residential rental property is issued under section 111, no permit is required under section 8 of the *Building Code Act, 1992* to demolish the property;

WHEREAS the City wishes to exercise its powers under section 111 of the Act to protect rental housing in order to meet the housing requirements for current and future residents and to lessen the hardship caused to tenants by the demolition or conversion of rental housing;

WHEREAS under sections 7 and 8 of the Act and the specific power in section 259, the City may pass a by-law imposing fees or charges on persons for services and activities provided or done by or on behalf of it;

WHEREAS under sections 7 and 8 of the Act and the specific powers and restrictions respecting delegation in sections 20 to 24, the City may delegate its powers and duties under the Act to an officer or employee of the City, including administrative and quasi-judicial powers and legislative powers of a minor nature as provided in section 21;

WHEREAS under section 366 of the Act, the City may pass by-laws providing that a person who contravenes a by-law of the City passed under this Act is guilty of an offence, and under section 370 may establish a system of fines for offences including special fines, in addition to the regular fine for an offence, that are designed to eliminate or reduce any economic advantage or gain from contravening the by-law; and

WHEREAS under subsections 384(3) and 385(4) of the Act, a by-law under section 366 may also provide that a person who contravenes an order (to discontinue the contravening activity) under subsection 384(1) or a (work) order under subsection 385(1) is guilty of an offence;

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

1. The City of Toronto Municipal Code is amended by adding the following chapter:

**Chapter 667**

**RESIDENTIAL RENTAL PROPERTY DEMOLITION AND CONVERSION CONTROL**

**ARTICLE I**

**General**

**§ 667-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

CHIEF PLANNER — The Chief Planner and Executive Director, City Planning.

**CO-OWNERSHIP:**

- A. An equity co-operative or other co-ownership form of housing where the residential property is:
  - (1) Ultimately owned or leased or otherwise held, directly or indirectly by more than one person where any such person, or a person claiming under such person, has the right to present or future exclusive possession of a dwelling unit in the residential property;
  - (2) For greater certainty and without restricting the generality of Subsection A(1):
    - (a) Owned or leased or otherwise held in trust or owned or leased or otherwise held by a partnership or limited partnership as partnership property, where any trustee, beneficiary, partner, general partner or limited partner, or other person claiming under such trustee, beneficiary, partner, general partner or limited partner, has the right to present or future exclusive possession of a dwelling unit in the residential property; or
    - (b) Ultimately owned or leased or otherwise held, directly or indirectly, by a corporation having more than one shareholder or member, where any such shareholder or member, or a person claiming under such shareholder or member, by reason of the ownership of shares in or being a member of the corporation, has the right to present or future exclusive possession of a unit in the residential property.
- B. Does not include:

- (1) A condominium.
- (2) A residential building that is organized as a life lease project.
- (3) A non-profit housing co-operative under the *Co-operative Corporations Act*.

DEMOLITION — The demolition of all or part of a building and includes interior renovations or alterations that will result in a change to the number of:

- A. Dwelling units; or
- B. Dwelling units by bedroom type.

DWELLING UNIT — A self-contained set of rooms located in a building or structure that:

- A. Is operated as a single housekeeping unit, used or intended to be used as residential premises for one or more persons; and
- B. Contains kitchen and bathroom facilities that are intended for the use of the unit only.

GUIDELINES — Guidelines for applications for demolition or conversion approval under this chapter.

LIFE LEASE PROJECT — A life lease project as described in paragraph 1 of subsection 3(1) of Ontario Regulation 282/98, under the *Assessment Act*.

PRELIMINARY APPROVAL — The preliminary planning approval of an application under this chapter by the Chief Planner as described in § 667-16B.

RELATED APPLICATION:

- A. An application that provides for the demolition of residential rental property or the conversion of residential rental property to a purpose other than the purpose of a residential rental property, expressly or by necessary implication.
- B. For greater certainty, Subsection A includes, but is not limited to, an application for the following:
  - (1) A permit under section 8 or 10 of the *Building Code Act, 1992*.
  - (2) A demolition permit under section 33 of the *Planning Act*.
  - (3) A consent or permit to alter part of a property or to demolish or remove a building or structure under section 33, 34, 34.5 or 42 of the *Ontario Heritage Act*.



- (4) Approval or registration of a description for a proposed condominium or exemption from approval for a condominium, under section 9 of the *Condominium Act, 1998*.
  - (5) An amendment to the Official Plan under section 22 of the *Planning Act*.
  - (6) A zoning by-law amendment under section 34 of the *Planning Act*.
  - (7) A minor variance under section 45 of the *Planning Act*.
  - (8) Approval of plans and drawings under subsection 41(4) of the *Planning Act*.
  - (9) Approval of a plan of subdivision under section 51 of the *Planning Act*.
  - (10) A consent under section 53 of the *Planning Act*.
- C. Despite Subsection B(6), Subsection A does not include a City initiated general zoning by-law amendment to implement area land use studies and other general policies (for example, to implement the designation of a redevelopment or growth area of the City), except for any site specific exemptions or other site specific provisions at the request of a land owner.

**RELATED GROUP OF BUILDINGS:**

- A. Buildings that are under the same ownership and on the same parcel of land as defined in section 46 of the *Planning Act*; or
- B. Buildings that form part of the same application under this chapter or under a related application.

**RENTAL UNIT:**

- A. A dwelling unit used, or intended for use, for residential rental purposes, including:
  - (1) A dwelling unit that has been used for residential rental purposes and is vacant.
  - (2) A dwelling unit in a co-ownership that is or was last used for residential rental purposes.
- B. Does not include a dwelling unit that is:
  - (1) In a condominium registered under section 2 of the *Condominium Act, 1998* or a predecessor of that section.
  - (2) In a building organized as a life lease project and the right to occupy the dwelling unit is based on a life lease interest.

RESIDENTIAL RENTAL PROPERTY — A building or related group of buildings containing one or more rental units, and includes all common areas and services and facilities available for the use of its residents.

SECTION 111 PERMIT — The permit issued by the Chief Planner or Chief Building Official after the final approval of an application under this chapter by the City as described in § 667-16.

**§ 667-2. Application.**

- A. This chapter does not apply to a residential rental property that:
  - (1) Contains less than six dwelling units;
  - (2) Is a condominium governed by the *Condominium Act, 1998*; or
  - (3) Is organized as a life lease project.
- B. Except as provided in Subsection C, this chapter does not apply with respect to living accommodation described in section 5 (Exemptions from Act) of the *Residential Tenancies Act, 2006*.
- C. This chapter applies to living accommodation (a member unit of a non-profit housing cooperative) as described in clause 5(c) of the *Residential Tenancies Act, 2006*.

**§ 667-3. Demolition prohibited.**

No person shall demolish, or cause to be demolished, the whole or any part of a residential rental property unless the person has received a section 111 permit for the demolition of the residential rental property and except in accordance with the terms and conditions of the section 111 permit and any preliminary approval.

**§ 667-4. Conversion prohibited.**

- A. No person shall convert a residential rental property, or cause a residential rental property to be converted, to a purpose other than the purpose of a residential rental property unless the person has received a section 111 permit for the conversion of the residential rental property and except in accordance with the terms and conditions of the section 111 permit and any preliminary approval.
- B. For greater certainty and without limiting Subsection A, conversion of a residential rental property to a purpose other than a residential rental property includes:
  - (1) Conversion as a result of a consent to sever land under section 53 of the Planning Act.

- (2) Conversion to:
  - (a) A non-residential use.
  - (b) Living accommodation other than dwelling units.
  - (c) A co-ownership, a condominium or a building organized as a life lease project.
  - (d) Freehold or other forms of ownership of dwelling units.

D. Conversion to co-ownership.

- (1) For the purposes of this section, the conversion from residential rental property to a co-ownership occurs:
  - (a) When the first lease or sale of an interest in residential rental property or of a share in a corporation owning or leasing any interest in residential rental property takes place that carries with it the right to occupy a specific unit in the residential rental property; or
  - (b) When a residential rental property is transferred or leased to a corporation of the type mentioned in Subsection A(2)(b) of the definition of co-ownership in § 667-1.
- (2) For the purposes of this subsection, where a lease or sale of a share or interest takes place, the lease or sale shall be deemed to have occurred on the day the agreement to enter into the lease or the agreement for sale was entered into.
- (3) For the purposes of this subsection, "lease or sale" means any arrangement or transaction that has the effect of transferring an interest in a co-ownership or in a corporation owning or leasing any interest in a co-ownership.

**§ 667-5. Exemptions.**

- A. Sections 667-3 and 667-4 do not apply if only a part of a residential rental property is proposed for demolition or conversion and that part does not contain any part of a dwelling unit.
- B. Section 667-4 does not apply if a residential rental property is subject to an application for a consent to sever under section 53 of the *Planning Act* and if after the proposed conveyance:
  - (1) Each parcel of land resulting from the severance will have six or more rental units; or

- (2) One or more parcels of land resulting from the severance will have six or more rental units and all the other parcels of land at the time of the application contained no dwelling units.

#### **§ 667-6. Harassment of tenant.**

No owner of residential rental property or person acting on the owner's behalf shall interfere with a tenant's reasonable enjoyment of a rental unit in the residential rental property with the intent of discouraging the participation of the tenant in the application or approval process described in Articles II and III or with the intent of otherwise facilitating the obtaining of the approval of Council or the Chief Planner on an application made under this chapter.

### **ARTICLE II Application**

#### **§ 667-7. Application for approval.**

- A. A person who wishes to demolish or convert residential rental property shall submit an application for approval in writing on a form prescribed by the Chief Planner, and shall supply any additional information relating to the application as required by the Chief Planner.
- B. The information provided under Subsection A shall be in a form approved by the Chief Planner, and the Chief Planner may require that a person, who in the opinion of the Chief Planner is qualified to do so, provide or verify the information to the satisfaction of the Chief Planner.
- C. No person shall knowingly furnish false or misleading information in any application under this chapter.

#### **§ 667-8. Fees and charges.**

- A. The processing fee for the application for approval set out in Schedule 16 of Appendix C of Chapter 441, Fees, shall be paid at the time the application is submitted to the City.
- B. If section 8 or 10 of the *Building Code Act, 1992* apply to the proposed demolition or conversion, the applicant must also pay the fees required under § 363-6, Article I, Building Permit, of Chapter 363, Building Construction and Demolition at the times specified in the article, despite Subsection A and the issuance of a permit under this chapter instead of under section 8 of the *Building Code Act, 1992* (as permitted by subsection 111(5) of the *City of Toronto Act, 2006*).

#### **§ 667-9. Related application; notice of prohibition.**

- A. If a person makes a related application, as described in Subsection B of the definition of related application in § 667-1, the person shall also file an application under this chapter without delay.
- B. If a related application is made with respect to a residential rental property for which approval is required under this chapter, the applicant shall provide written notice to the applicable approval authority and, in the case of an appeal or referral, to the Ontario Municipal Board or court.
- C. The notice required under Subsection B shall include a statement that the demolition or conversion is not permitted unless a section 111 permit has been given for the demolition or conversion under Chapter 667, Residential Rental Property Demolition or Conversion Control, of The City of Toronto Municipal Code.
- D. The notice required under Subsection B shall be filed at the time the application is filed with the approving authority or the referral or appeal is filed with the Ontario Municipal Board or the court.
- E. If this chapter applies to a related application under § 667-22, the notice shall be filed with the approval authority, Ontario Municipal Board or court, without delay.

**§ 667-10. Withdrawal of application.**

If the application is withdrawn before the Chief Planner or Council makes a decision, no further application under this chapter to approve the demolition or conversion of the residential rental property may be made within two years after the withdrawal, unless Council gives its consent.

**§ 667-11. Notice of application.**

- A. The applicant shall provide notice of the application to the tenants of the residential rental property to the satisfaction of the Chief Planner, and within 14 days after the Chief Planner has advised that the application is complete or within such other time period as determined by the Chief Planner.
- B. If the approval of the application is delegated to the Chief Planner under § 667-12, the notice under Subsection A shall include a statement on the City's policy where there are less than six rental units and relevant information on the application of the *Residential Tenancies Act, 2006*.

ARTICLE III

**Approval of Application**

**§ 667-12. Approval by Chief Planner under delegated authority.**

- A. The Chief Planner is authorized to approve an application to demolish all or a part of a residential rental property or to convert a residential rental property to a purpose other than the purpose of a residential rental property:
- (1) If the residential rental property at the time of the application has six or more dwelling units, but less than six rental units.
  - (2) If the residential rental property at the time of the application has six or more rental units, and:
    - (a) The combined number of existing rental units affected by the proposed demolition or conversion and any previous demolition or conversion activities within the preceding five-year period is less than six; and
    - (b) The proposed demolition or conversion will not reduce the number of rental units to less than six.
- B. For the purposes of Subsection A, the “five-year period” is calculated as follows:
- (1) The five year period is the period of five years preceding the date of an application.
  - (2) For the purposes of Subsection B(1), the date of an application is deemed to be the earlier of:
    - (a) The date an application for approval of a demolition or conversion under this chapter has been filed with the Chief Planner and is considered complete for the purposes of the application, as determined by the Chief Planner; and
    - (b) The date a related application has been made or, if applicable, accepted as complete by the applicable approving authority.
- C. The Chief Planner shall consider the application not earlier than 14 days after the notice has been given to the tenants under § 667-11.
- D. The Chief Planner may impose conditions to the approval that relate to the following matters:
- (1) A requirement that the owner of the residential rental property notify any tenants, who reside in the rental units affected by the changes permitted under the approval, of the relevant provisions in the *Residential Tenancies Act, 2006*.
  - (2) A requirement that the notification required under Subsection D(1) be given in a form and at a time satisfactory to the Chief Planner.

- (3) A requirement that a condition to the approval shall be secured by an agreement with the City, that the agreement may include restrictions on the transfer, charge or other dealings with the lands unless the transferee, chargee or other party enters into a direct agreement with the City to assume all obligations of the original owner, and that all restrictions and agreements shall be to the satisfaction of the Chief Planner and City Solicitor.
  - (4) A requirement that the applicant and successive owners of the residential rental property shall provide information from time to time sufficient to provide verification that the terms of the agreement are being met.
  - (5) The lapsing of the approval by the Chief Planner in accordance with any guidelines.
- E. Where the provisions of this section have been met, the Chief Planner shall issue a section 111 permit or give preliminary approval for the application under § 667-16.

#### **§ 667-13. Referral to Council by Chief Planner.**

Despite § 667-12A, the Chief Planner may refer an application to a community council or the appropriate standing committee, for Council's approval as set out in § 667-14, if, in the Chief Planner's opinion, the application should be considered by the community council or Council with a related application, or that the application has implications for more than one community council area or is of City wide interest.

#### **§ 667-14. Approval by Council.**

- A. If the approval of an application is not delegated to the Chief Planner under § 667-12, the Chief Planner shall submit a report respecting the application to the community council in which the residential rental property is located or the appropriate standing committee if the residential rental property is located in the geographic area of more than one community council.
- B. Before submitting the report required under Subsection A, City Planning division staff shall hold a community consultation meeting to review the impact of the proposal on the tenants of the residential rental property and matters under section 111 of the *City of Toronto Act, 2006*.
- C. The City Clerk shall provide notice of the community council or standing committee meeting, at which the report will be considered, to the following:
  - (1) The tenants of the residential rental property;
  - (2) Every owner of land within 120 metres of the subject residential rental property, and sections 6(3), (4) and (5) of Ontario Regulation 545/06 under the *Planning Act*, apply with necessary modification;

- (3) To any other party who has given the City Clerk a written request for the notice of the community council or standing committee meeting; and
  - (4) To other occupants within 120 metres of the subject residential rental property, where no related application pursuant to *The Planning Act* has been made, as determined by the Chief Planner.
- D. The community council or standing committee shall recommend to Council whether to refuse or approve the application, including any conditions.
- E. If the residential rental property is located in the geographic area of more than one community council, notice of the report will be given to the councillor of any ward in which the residential rental property is located.
- F. Council may refuse the application or approve the application, and may impose conditions on the approval and authorize the Chief Building Official or Chief Planner to issue a section 111 permit under § 667-16.

**§ 667-15. Conditions.**

Without limiting the generality of § 667-14F, the conditions that may be imposed on the approval of the application may include:

- A. Conditions with respect to the impact on the supply of rental housing or tenants, for example:
- (1) A requirement that the owner of the residential rental property notify any tenants, who reside in rental units affected by the changes permitted under the approval, of the relevant provisions in the *Residential Tenancies Act, 2006*.
  - (2) In the case of a demolition, requirements to replace the rental units with rental units at similar rents, and for tenant relocation and other assistance, including the right to return to the replacement rental housing.
  - (3) In the case of a conversion to a condominium, requirements relating to the cost impacts on tenants.
- B. Conditions with respect to the applicant's entitlement to claim or act under any of the following until the conditions imposed have been satisfied or secured by an agreement registered on title to each property to which the agreement relates, to the satisfaction of the Chief Planner:
- (1) A permit under subsection 8(1) or section 10 of the *Building Code Act, 1992* for construction, demolition or conversion of a building.



- (2) A demolition permit under section 33 of the *Planning Act*.
  - (3) A consent or permit to alter part of a property or to demolish or remove a building or structure under section 34, 34.5 or 42 of the *Ontario Heritage Act*.
  - (4) Approval or registration of a description for a proposed condominium under section 51 of the *Planning Act*, or an exemption from approval for a condominium, under section 9 the *Condominium Act, 1998*.
  - (5) A consent under section 53 of the *Planning Act*, except for provisional consent that is conditional on receiving a section 111 permit under this chapter.
- C. A requirement that other conditions to the approval shall be secured by an agreement with the City, that the agreement may include restrictions on the transfer, charge or other dealings with the lands unless the transferee, chargee or other party enters into a direct agreement with the City to assume all obligations of the original owner, and that all restrictions and agreements shall be to the satisfaction of the Chief Planner and City Solicitor.
  - D. A requirement that the applicant and successive owners of the residential rental property shall provide information from time to time sufficient to provide verification that the terms of the agreement are being met.
  - E. Conditions providing for the lapsing of the approval in accordance with any guidelines.

**§ 667-16. Final approval and section 111 permit.**

If Council or the Chief Planner under § 667-12 approves an application under this chapter, and unless Council provides otherwise:

- A. Except as provided in Subsection B, the Chief Planner is authorized to issue a section 111 permit for the conversion after all the conditions to Council's approval under § 667-14F or imposed by the Chief Planner under § 667-12D have been satisfied or secured to the satisfaction of the Chief Planner.
- B. In the case of a demolition application or a conversion application that is also subject to section 8 or 10 of the *Building Code Act, 1992*:
  - (1) The Chief Planner is authorized to give preliminary approval to the application after all the conditions to Council's approval under § 667-14F or imposed by the Chief Planner under § 667-12D have been satisfied or secured to the satisfaction of the Chief Planner.
  - (2) After the Chief Planner has given preliminary approval under Subsection B (1), the Chief Building Official is authorized to issue a section 111 permit for the demolition or conversion.

**§ 667-17. Application for revision to conditions.**

- A. If the owner of a residential rental property applies for revisions to the conditions of approval, the Chief Planner may treat the request as a new application under this chapter or may otherwise require the owner to comply with the notice and meeting requirements of this chapter.
- B. The community council or standing committee will consider and make recommendations to Council on the proposed revisions only after a report has been submitted to the community council or standing committee by the Chief Planner.

**667-18. Revocation; deemed revocation.**

- A. If a section 111 permit was issued under § 667-16B, the Chief Building Official may revoke the section 111 permit and in all other cases, Council, or, if an application was approved by the Chief Planner under § 667-12, the Chief Planner may revoke a section 111 permit if:
  - (1) The section 111 permit was issued or any preliminary approval was given, on mistaken, false or incorrect information;
  - (2) The conditions to the section 111 permit or any preliminary approval are not complied with; or
  - (3) The owner of the residential rental property or other holder of a section 111 permit or preliminary approval has contravened this chapter.
- B. Where a demolition permit has been issued under this chapter and the building permit for the new construction is revoked under the *Building Code Act, 1992*, the demolition permit under this chapter shall be deemed to be revoked and this chapter shall apply to any subsequent application for a demolition permit in respect of the residential rental property for which the original demolition permit was issued as if the original application had not been made and the original building permit had not been issued.
- C. Subsection B does not apply if the residential rental property has been demolished under a section 111 permit issued under this chapter before the revocation of the building permit for the new construction.

ARTICLE IV  
**Miscellaneous**

**§ 667-19. Offences.**

- A. Every person who contravenes a provision of this chapter is guilty of an offence.

- B. Every director or officer of a corporation who knowingly concurs in a contravention of this chapter by the corporation is guilty of an offence.
- C. Every person who fails to comply with a term or condition of a preliminary approval or section 111 permit under this chapter is guilty of an offence.
- D. Every person who contravenes an order under subsection 384(1) or 385(1) of the *City of Toronto Act, 2006*, is guilty of an offence.

**§ 667-20. Penalty.**

Every person convicted of an offence under this chapter is liable to a maximum fine of not more than \$100,000.

**§ 667-21. Special penalty re monetary benefit.**

- A. The court that convicts a person of an offence under this chapter, in addition to any other penalty imposed by the court, may increase a fine imposed upon the person by an amount equal to the amount of the monetary benefit acquired by or that accrued to the person as a result of the commission of the offence, despite § 667-20 and any maximum fine elsewhere provided.
- B. For the purposes of Subsection A, “monetary benefit” includes any economic advantage or gain from contravening this chapter.

**§ 667-22. Transition.**

The chapter applies, with necessary modifications, to a proposal for demolition or conversion of residential rental property in any related application made on or after January 1, 2007, subject to the following exceptions:

- A. If a determination has already been made by the applicable approving authority before [*insert in force date of by-law*]; or
- B. In the case of applications under section 8 of the *Building Code Act, 1992*, for interior renovations as described in the definition of demolition in § 667-1, the chapter applies to any application made after [*insert in force date*]

**2. Municipal Code Chapter 363.**

Article II, Demolition Control, of Chapter 363, Building Construction and Demolition of The City of Toronto Municipal Code is amended by adding the following:

**§ 363-11.1. Co-ordination with residential rental property demolition and conversion control by-law.**

- A. The Chief Building Official shall make a preliminary assessment to determine if Chapter 667, Residential Rental Property Demolition and Conversion Control, applies to the proposed demolition, except that the Chief Planner shall make all assessments on the application of § 667-2B.
- B. If the Chief Building Official is of the opinion that Chapter 667 may apply, the application shall be forwarded to the Chief Planner to make a final determination on the application of Chapter 667.
- C. Despite § 363-12, if the Chief Planner has determined that approval is also required under Chapter 667, the Chief Building Official may only issue a demolition permit under this article after preliminary approval is granted under Chapter 667, unless Council provides otherwise.
- D. Despite Subsection C and § 363-12, if the proposed demolition application is delegated to the Chief Building Official under this article but not delegated to the Chief Planner under § 667-11 of Chapter 667, the Chief Planner in consultation with the Chief Building Official may report on the two applications to the community council or standing committee for Council's approval.
- E. The Chief Building Official may issue one demolition permit for the purposes of this article and Chapter 667.

**3. Municipal Code Chapter 415.**

Section 415-17 of Chapter 415, Development of Land, of The City of Toronto Municipal Code is amended by deleting "rental housing" and substituting "six or more rental housing units".

**4. Municipal Code Chapter 441.**

Schedule 16, Planning, of Appendix C of Chapter 441, Fees, of The City of Toronto Municipal Code is amended by adding...

*{Insert fees from Appendix 3}*

ENACTED AND PASSED this day of, A.D. 2007.

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Mayor

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City Clerk

## APPENDIX 2

### *City of Toronto Act 2006: excerpt*

#### LAND USE PLANNING

##### **Demolition and conversion of residential rental properties**

**111.** (1) The City may prohibit and regulate the demolition of residential rental properties and may prohibit and regulate the conversion of residential rental properties to a purpose other than the purpose of a residential rental property. 2006, c. 11, Sched. A, s. 111 (1).

##### **Same**

- (2) The power to pass a by-law respecting a matter described in subsection (1) includes the power,
- (a) to prohibit the demolition of residential rental properties without a permit;
  - (b) to prohibit the conversion of residential rental properties to a purpose other than the purpose of a residential rental property without a permit; and
  - (c) to impose conditions as a requirement of obtaining a permit. 2006, c. 11, Sched. A, s. 111 (2).

##### **Restriction**

(3) The City cannot prohibit or regulate the demolition or conversion of a residential rental property that contains less than six dwelling units. 2006, c. 11, Sched. A, s. 111 (3).

##### **Effect of building code, etc.**

(4) Despite section 35 of the *Building Code Act, 1992*, in the event that the *Building Code Act, 1992* or a regulation made under that Act and a by-law prohibiting or regulating the demolition or conversion of a residential rental property treat the same subject matter in different ways, that Act or the regulation under that Act prevails and the by-law is inoperative to the extent that the Act or regulation and the by-law treat the same subject matter. 2006, c. 11, Sched. A, s. 111 (4).

##### **Same**

(5) If a permit to demolish a residential rental property is issued under this section, no permit is required under section 8 of the *Building Code Act, 1992* to demolish the property. 2006, c. 11, Sched. A, s. 111 (5).

##### **Report**

(6) The City shall report statistics and other information concerning the demolition and conversion of residential rental properties to the Minister of Municipal Affairs and Housing and shall do so at the times and in the form and manner specified by the Minister. 2006, c. 11, Sched. A, s. 111 (6).

## APPENDIX 3

### Proposed Fee Schedule for Applications under Municipal Code Chapter 667

(under Section 111 of the City of Toronto Act)

#### Application Fees

Application Type	Application Fee
Demolition	<ul style="list-style-type: none"> <li>Base fee: \$5,000 + \$200 per unit</li> </ul>
Demolition – Delegated Approval	<ul style="list-style-type: none"> <li>Base fee: \$1,000 + \$50 per unit</li> </ul>
Conversion to Condominium	<ul style="list-style-type: none"> <li>Base fee: \$3,000 + \$50 per unit *</li> </ul>
Conversion to Condominium – Delegated Approval	<ul style="list-style-type: none"> <li>Base fee: \$1,000 + \$50 per unit</li> </ul>
Conversion to Freehold	<ul style="list-style-type: none"> <li>Base fee: \$3,000 + \$50 per unit *</li> </ul>
Conversion to Freehold – Delegated Approval	<ul style="list-style-type: none"> <li>Base fee: \$1,000 + \$50 per unit</li> </ul>
Other Consents	<ul style="list-style-type: none"> <li>Base fee: \$3,000 + \$50 per unit *</li> </ul>
Other Consents – Delegated Approval	<ul style="list-style-type: none"> <li>Base fee: \$1,000 + \$50 per unit</li> </ul>
Conversion to co-ownership or life lease	<ul style="list-style-type: none"> <li>Base fee: \$12,000 + \$50 per unit</li> </ul>
Conversion to co-ownership or life lease - Delegated	<ul style="list-style-type: none"> <li>Base fee: \$1,000 + \$50 per unit</li> </ul>
<i>*Fee exemption if OPA is required along with application for Section 111</i>	
<p>The above fees, due at the time of initial application, include a 7.5% surcharge for legal services. As set out in § 441-4 of Chapter 441, of the City of Toronto Municipal Code, fees are adjusted every January 1<sup>st</sup> to reflect the inflation rate of the previous October Consumer Price Index increase for the past year.</p> <p>The following surcharges also apply as set out in § 442-9 of Chapter 442, but will not be collected until later in the planning process.</p> <ul style="list-style-type: none"> <li>A surcharge to cover the City Clerk's direct costs of providing public notices required to process planning applications (levied at the time of the notice).</li> <li>A surcharge to cover facility rental and translation and sign language services to process planning applications (levied at the time of the meeting)</li> </ul>	