

825 Dundas St E, 46 Hamilton Street and 35 Carroll Street – Don Mount Court – Application for Residential Demolition under Municipal Code Chapter 363 – Final Report

Date:	November 5, 2007
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 30 – Toronto-Danforth
Reference Number:	07-275196 STE 30 TM

SUMMARY

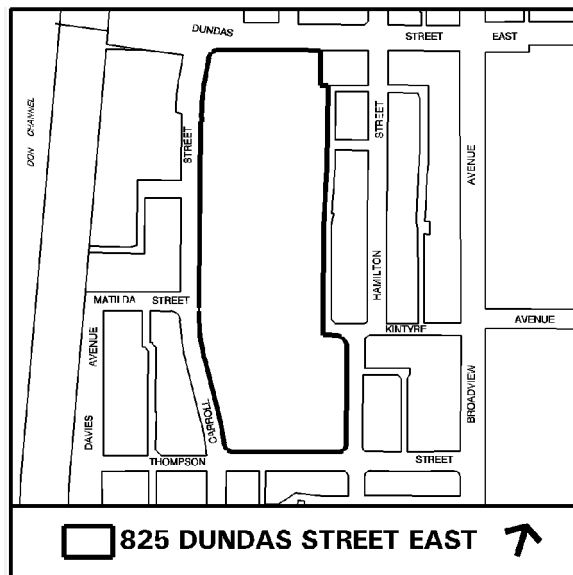
This application is the final phase of a development proposal to redevelop the lands municipally known as 825 Dundas Street East, 46 Hamilton Street and 35 Carroll Street and known as Don Mount Court with the replacement of 232 rent-geared-to-income housing units and 187 unit stacked townhouse condominium and expansion of the existing Joel Weeks public park.

This application proposes the demolition of the second of two residential buildings, 6 storeys in height that exists on the southern parcel of land, known as 35 Carroll Street.

The proposal is consistent with the previous planning approvals for the Don Mount Court redevelopment project approved at the Ontario Municipal Board.

RECOMMENDATIONS

The City Planning Division recommends that:



1. City Council approve the application to demolish the subject residential building pursuant to section 33 of *The Planning Act* and Municipal Code Chapter 363, with the following conditions:
 - (a) The approval under recommendation 1 shall not come into effect until the updated Construction Mitigation and Tenant Communication Strategy Plan required under section 2.2.3 of the Section 37 Agreement is approved by the General Manager Shelter, Support & Housing Administration;
 - (b) the removal, handling and disposal of all hazardous materials including but not limited to asbestos, lead, mercury, silica and PCBs shall be conducted in accordance with the Ministry of the Environment and the Ministry of Labour regulations and guidelines;
 - (c) the removal of ozone-depleting substances, if encountered, shall be performed by a licensed contractor in compliance with the Ministry of the Environment regulations;
 - (d) the owner shall ensure the implementation of the demolition and excavation dust control measures approved by the Medical Officer of Health;
 - (e) the owner shall erect a construction fence in accordance with the provisions of the Municipal Code, Chapter 363, Article III, if deemed appropriate by the Chief Building Official;
 - (f) all debris and rubble shall be removed from the site immediately after demolition; and
 - (g) the site shall be maintained free of garbage and weeds, in accordance with the Municipal Code Chapter 548 regarding debris and Chapter 489 regarding weeds.

2. City Council advise TCHC that under the terms of their fee deferral, the private tree by-law application fees must be paid once the final proportion of the development to be comprised of non-profit housing is determined.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

Council has previously endorsed the redevelopment of Don Mount Court by Toronto Community Housing Corporation (TCHC) and has taken a number of actions with respect to planning approvals for the redevelopment.

- The Residential Demolition Application for the first building on the north block of Don Mount Court was approved in September 2003
- On September 30, 2004, City Council enacted By-law 858-2004 and By-law 866-2004 to permit the redevelopment of Don Mount Court
- On November 1, 2005, The Ontario Municipal Board issued Decision Order No. 2873 finalizing the approval of By-law 858-2004 and By-law 866-2004
- Both the Plan of Subdivision agreement and the Section 37 agreement have been signed and executed

ISSUE BACKGROUND

Proposal

TCHC, the City-owned, non-profit housing corporation, is undertaking the phased redevelopment of Don Mount Court. The redevelopment is necessary in order to replace 232 rent-geared-to-income housing units in poor condition the City inherited from the Province. When completed, the redevelopment will also include 187 market condominium units. Buildings in the first phase of redevelopment are currently under construction.

Site and Surrounding Area

The site is located on the south side of Dundas Street East between Carroll Street and the rear lane west of Hamilton Street and just north of Thompson Street. The 7 acre site is surrounded by a low density residential neighbourhood to the north, east and south and a small industrial pocket to the west overlooking the Don Valley and the Don Valley Parkway. The development achieves the key objective of providing a new development which is integrated with the surrounding community. The proposed public streets will be an extension to the surrounding street pattern and will be developed with sidewalks and street trees in a manner similar to the adjacent area.

Don Mount Court Planning Framework

A site specific Official Plan and Zoning By-law amendment were approved by City Council in September 2004 and then approved by the Ontario Municipal Board in 2005. In addition, the Draft Plan of Subdivision application was appealed to the Ontario Municipal Board by the applicant to consolidate all of the matters together before the Board.

Demolition Control

Section 33 of the Planning Act provides that Council may refuse an application for demolition of a residential building where no building permit has been issued. Council may also impose conditions with respect to the demolition.

Section 111 of *the City of Toronto Act, 2006* provides the City powers to prohibit and regulate the demolition of residential rental properties and conversion to a purpose other than the purpose of a residential rental property. City Council has adopted an implementing by-law (885-2007) for section 111 of the Act. Applications for residential demolition in Don Mount Court do not require approval under the new by-law, as TCHC applied for and received Official Plan and Zoning By-law Amendments for the redevelopment prior to January 1, 2007, the date of proclamation of the new City of Toronto Act.

COMMENTS

TCHC has requested permission under Section 33 of the Planning Act to demolish the remaining building on the southern portion of the lands containing approximately 62 occupied residential units located at 35 Carroll Street.

TCHC is requesting permission to demolish the final building in advance of a building permit for the remainder of the stacked townhouses to replace the rent-gear-to-income units in order to provide vacant land and ready the site for completion, and to be able to shorten the overall period of construction. By co-ordinating the demolition and construction phases in Don Mount, TCHC has provided the opportunity for all tenants in the remaining building to be demolished to move directly into the Phase 1 replacement housing.

Staff have recommended conditions of demolition respecting site conditions and environmental hazards. Other issues are discussed below.

Rental Housing Replacement

City Council approved the revitalization of Don Mount Court on condition that all of the existing social housing units to be demolished were replaced and that tenants would receive assistance with relocation. Replacement housing is under construction on the Phase 1 lands of the redevelopment but the demolition and construction of the south block will begin before completion of all of the TCHC units in Phase 1. However, sufficient numbers of the replacement units in Phase 1 will be ready for occupancy (estimated to be February 1, 2008) by the tenants moving from the building to be demolished.

The City has a number of tools to ensure the replacement of rental housing. The Section 37 agreement required by earlier planning approvals secures the replacement of Don Mount Court's social housing units, monitored through Housing Issues Updates. The next update will be submitted to staff prior to an application for the Phase 2 building permit. TCHC must also operate in accordance with the Shareholder Direction adopted by Council in October 2001. Given these circumstances, staff have not recommended further conditions of the demolition permit related to replacement of social housing other than the requirement for a Construction Mitigation and Tenant Communication Plan update. The market condominium portion of the development is not yet under construction.

Tenant Relocation and Assistance

Tenant relocation and assistance is a legitimate issue with respect to residential demolition. The Tenant Relocation and Assistance Implementation Plan is the instrument through which staff of Shelter, Support and Housing Administration will manage and monitor the implementation of the City's requirements for tenant relocation and assistance. As noted earlier, TCHC is providing a sufficient number of replacement units ready for occupancy in Phase 1 such that tenants being relocated from the remaining building in Phase 2 will be able to move directly into the new units. A Construction Mitigation and Tenant Communication Strategy is in place and an update is required prior to the issuance of the demolition permit.

CONTACT

Denise Graham, Senior Planner - East Section

Tel. No. (416) 392-0871

Fax No. (416) 392-1330

E-mail: dgraham1@toronto.ca

SIGNATURE

Gary Wright, Director
Community Planning, Toronto and East York District

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