

**Supplementary Report
Demolition Application under Municipal Code Chapter 667
530-532 St. Clair Avenue West**

Date:	June 20, 2008
To:	City Council
From:	Chief Planner and Executive Director, City Planning and City Solicitor
Wards:	Ward 21 St. Paul's
Reference Number:	08-160693 STE 21 RH

SUMMARY

At its meeting on June 10, 2008, Toronto and East York Community Council recommended the adoption of the recommendations contained in the May 30, 2008 Report from the Acting Director, Community Planning, Toronto and East York District to approve the demolition of six rental dwelling units located at 530-532 St. Clair Avenue West.

The purpose of this report is to respond to Community Council's request for further information with respect to issues raised in a letter dated June 9, 2008 from the applicant's solicitor, Jason Park (Fraser, Milner Casgrain, LLP).

The demolition of residential rental properties is prohibited under Chapter 667 of the Toronto Municipal Code unless a permit has been issued under Section 111 of the *City of Toronto Act*.



RECOMMENDATIONS

The City Planning Division and Legal Services recommend that:

1. Recommendation 1b of the May 30, 2008 Report from the Acting Director, Community Planning, Toronto and East York be deleted and replaced with the following:
 - b. The owner of the lands shall submit an application for required Planning approvals to permit the redevelopment of the subject lands and adjacent properties on St. Clair Avenue West for the remainder of the block no later than three (3) years from the day demolition of the existing buildings is commenced;
2. Council acknowledge that the owner intends to apply to the City for planning approvals for properties located at 524-534 St. Clair Avenue West to construct a mixed-use development. To develop the above-noted properties, the owner will require the demolition of rental units and will necessitate a further application under the City's Rental Housing Demolition and Conversion By-law. In accordance with the By-law, the buildings at 530-532 St. Clair Avenue West and any other adjacent buildings that comprise lands subject to the planning approvals are deemed to be a "related group of buildings". As such, Council further acknowledges that the applicant through this further application may:
 - a. seek Council's approval to replace the demolished rental dwelling units within the related group of buildings off-site; or
 - b. seek Council's approval to provide cash-in-lieu of replacement units through an accompanying amendment to the Official Plan; or
 - c. not replace any rental units if it is determined by the Chief Planner and Executive Director, City Planning that there are less than 6 rental dwelling units within the related group of buildings and therefore Municipal Code Chapter 667 and 363 do not apply.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting on June 10, 2008, Toronto and East York Community Council recommended the adoption of staff recommendations to approve the demolition of six rental dwelling units located at 530-532 St. Clair Avenue West.

Toronto and East York Community Council requested the City Solicitor and Chief Planner and Executive Director, City Planning to report directly to Council, if necessary, on the issues raised in the letter from Jason Park, Fraser, Milner Casgrain, LLP.

COMMENTS

City Planning and Legal Services staff have responded to Community Council's request and offer the following comments for consideration.

Issue Number One: Terms of Rental Replacement

City Planning and Legal Services staff met with the applicant's representative and his solicitor to discuss the issues raised in the letter from Jason Park, Fraser, Milner Casgrain, LLP, which was before Community Council. The applicants requested in the letter that if rental replacement is still deemed to be required in the future (at the time that they make an application to demolish the buildings at 524-528 St. Clair Avenue West and possibly 534 St. Clair Avenue West) that Council consider other options than the on-site replacement at that time. Namely, those options are off-site replacement; or payment of cash-in-lieu of replacement. The applicant, in their meeting with staff, expressed their opinion that they still felt that less than 6 rental units exist on the properties comprising 524-532 St. Clair Avenue West and that no rental replacement should be required. Staff maintain their opinion that 6 rental units do exist and hence the recommendation to replace the units.

Based on this discussion, staff added Recommendation 2 in this report to reflect City staff's acknowledgment that through the further application noted above, Council may determine that rental replacement is not required, or that Council may require off-site replacement or that payment of cash-in-lieu is acceptable. Notwithstanding any decision Council makes on this application, it is understood by staff and the applicant that Council may alter its decision as part of a further Section 111 application that will encompass the properties at 524-528 St. Clair Avenue West as well as possibly the property at 534 St. Clair.

Legal Services and City Planning staff are drafting a Section 111 Agreement, which will reflect the foregoing.

Issue Number Two: Timing of Application to Amend the Zoning By-law

Based on the request of the applicant, City staff changed Recommendation 1b in this report to provide the applicant with three years from the day of demolition of the existing buildings is commenced to file a development application for the subject and adjacent lands. The staff report to Community Council stated that two years are required.

Issue Number Three: Section 118 Restriction

The City of Toronto Act, 2006, does not provide for the registration of a Section 111 Agreement against title to the subject lands. The purpose of registering such an agreement on title is to ensure that conditions and requirements are applicable to all successors and future owners of the property. Through the forthcoming review of the

City of Toronto Act, City staff are seeking an amendment to the legislation to provide for the registration of Section 111 Agreements against title to the subject lands.

The Section 111 Agreement entered into between the City and the applicant will address the possibility that should the legislature amend the City of Toronto Act, 2006 as recommended by the City, and if the Section 111 Agreement is registered on title to the satisfaction of the City Solicitor, the City would consent to the removal of the Section 118 Restriction from title to the applicant's property.

CONTACTS

Jeffrey Cantos, Planner
Community Planning
Tel. No. 416-338-5740
Fax No. 416-392-1330
E-mail: jcantos@toronto.ca

Kelly Matsumoto, Solicitor
Legal Services
Tel. No. 416-392-8042
Fax No. 416-397-4420
E-mail: kmatsum@toronto.ca

Susan Kitchen, Planner
Community Policy
Tel. No. 416-397-4072
Fax No. 416-397-4080
E-mail: skitche@toronto.ca

SIGNATURES

Gary Wright
Chief Planner and Executive Director,
City Planning Division

Anna Kinastowski
City Solicitor
Legal Services