



**STAFF REPORT
ACTION REQUIRED**

Request for Directions: Refusal of Demolition Control Applications

- 1844, 1846, 1848, 1850, 1852 and 1854 Bloor Street West**
- 35 and 37 Pacific Avenue**
- 6, 8, 10, 12 and 14 Oakmount Road**

Date:	June 20, 2008
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 13
Reference Number:	2007EY005; 07 114303 WET 13 TM

SUMMARY

On March 2, 2006, demolition permit applications were made to demolish 13 houses at: 1844, 1846, 1848, 1850, 1852 and 1854 Bloor Street West; 6, 8, 10, 12 and 14 Oakmount Road; and 35 and 37 Pacific Avenue. No building permit application or redevelopment proposal to replace the buildings to be demolished has been submitted.

In accordance with the former City of Toronto Municipal Code, Chapter 146, Building Construction and Demolition, Article 2, Demolition Control (now By-law No. 1009-2006, Municipal Code Chapter 363, Article 2, Demolition Control), the demolition permit applications are submitted to you for consideration and recommendation to City Council. Council may refuse the demolition permit applications, or grant permission to demolish the buildings and include conditions attached to the permits.

City Planning Division staff have identified concerns related to the demolition of the buildings without approved redevelopment plans and building permits, and consider that approval of the demolition applications would be contrary to the intent of Section 33 of the *Planning Act*, would not have adequate regard for matters of Provincial interest in Section 2 of the *Planning Act*, and would not be consistent with the Provincial Policy Statement or the Official Plan. Approval of these demolitions could serve to encourage the premature demolition and lack of maintenance of other buildings in the City. In addition, there is a concern for neighbourhood stability and the premature loss of

residential buildings, as well as residential rental dwelling units without replacement or compensation as set out in the City's Official Plan policies. Urban Forestry staff have advised that there are numerous significant trees located on or in close proximity to this site that qualify for protection under either the City's Street Tree or Private Tree by-laws.

Community Council has considered previous reports related to the demolition applications. Those reports were deferred at the request of the applicant and the applications were subsequently appealed to the Ontario Municipal Board. Staff recommend refusal of the applications and request authority to appear at the Ontario Municipal Board in support of that position. In the event that Council decides to approve the demolition, staff recommends that a number of conditions be imposed. In the event the Board were to allow the appeals, staff recommends that a number of conditions be imposed by Council and that staff be instructed to support same before the Board.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the applications to demolish the buildings on the subject site and that a copy of Council's decision be forwarded to the Ontario Municipal Board.
2. City Council authorize the City Solicitor and appropriate City staff to attend before the Ontario Municipal Board in support of the refusal of these applications, and in support of the imposition of the conditions contained in Attachment '4' being imposed in the event the Board allows the appeals.
3. Should City Council choose to approve these applications:
 - a) such approval be granted subject to the conditions contained in Attachment '4'; and
 - b) the City Solicitor be authorized to make stylistic and technical changes to the conditions of approval as may be required.
4. City Council authorize and direct City Officials to take necessary actions to give effect thereto.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On March 2, 2006, the owner applied to the Toronto Building Division for permission to demolish the homes at 1844, 1846, 1848, 1850, 1852, and 1854 Bloor Street West, 6, 8, 10, 12 and 14 Oakmount Road, and 35 and 37 Pacific Avenue.

The buildings are not listed on the City's Inventory of Heritage Properties and all of the buildings except 1844 Bloor Street West are currently vacant.

Memorandums were forwarded to the area Councillor, Technical Services, and Economic Development and Urban Forestry, for review.

On March 27, 2007, Etobicoke York Community Council considered a staff report dated March 13, 2007 which recommended that:

- “1. City Council refuse the applications to demolish the residential buildings; and
2. In the event of an appeal, the City Solicitor and appropriate City staff be authorized to attend the Ontario Municipal Board in support of the recommendation.”

Etobicoke York Community Council deferred that report to the June 26, 2007 meeting. On June 26th Community Council deferred the report to the meeting of September 10, 2007. Prior to the meeting, on September 6th, the owner requested that the report be deferred. On September 10, 2007 Etobicoke York Community Council then deferred the report “to provide the opportunity for the proponent to formulate his development application and to submit an application to demolish the rental properties under Section 111 of the *City of Toronto Act*.”

On November 16, 2007, the owner filed an appeal with the Ontario Municipal Board (OMB), citing the “City of Toronto Council’s failure to approve applications to demolish residential dwellings located on these 13 lots pursuant to Section 33(4) of the *Planning Act*...”

The Ontario Municipal Board convened a pre-hearing on April 11, 2008. A further pre-hearing is scheduled for August 5th, and the hearing is scheduled for October 21st – 24th. Staff requires Council direction to establish a position on these matters.

STATUS OF APPLICATIONS AND RELATED MATTERS

Staff met the owner in May 2007 to discuss the March 27th staff report and the potential for a redevelopment project that would secure the replacement of the existing rental units on these properties. At that time, there appeared to be the potential for an application that would respond to the City’s concerns, while giving form to the owner’s aspirations for the site. No further discussions have occurred and, as mentioned, the owner appealed the applications to the Ontario Municipal Board in November of 2007.

Twelve of the homes are vacant; however, one of the homes (1844 Bloor Street West) is still occupied by two tenants. An application to evict the two remaining tenants has been made to the Landlord and Tenant Board and is scheduled to be considered at a hearing on July 11, 2008.

Given the pending demolition request, property maintenance issues have arisen with the occupied home. On September 20, 2007, Municipal Licensing and Standards staff issued an Order pursuant to section 15.2(2) of *The Building Code Act*, requiring certain repairs to the property. The Order was appealed to and heard by the City's Property Standards Appeal Committee. The Committee's decision to confirm the Order was subsequently appealed to the Superior Court. More recently, the owner has carried out temporary repairs at the request of the tenant; however, it appears the repairs do not satisfy the Order. The matter will be heard by a Superior Court judge on July 17, 2008.

To date, no information has been provided on the degree of repairs that would be needed to make the other buildings habitable. Although vacant, these buildings could conceivably be repaired and reoccupied. Apart from 1844 Bloor Street West, which is still rented, all of the buildings were occupied a few years ago. These buildings appear to be of the same vintage and construction quality as other houses in the area that continue to provide more than adequate accommodation for people in the community.

ISSUE BACKGROUND

Purpose of Applications

The applications seek permission to demolish the 13 residential buildings. In the letter of appeal to the Ontario Municipal Board, it was made clear that the owner wishes to redevelop the lands at some point in the future, but has not yet finalised the development plans. The owner has previously discussed development options with Planning staff, but to date no application for development has been filed.

City staff recommends that pursuant to Section 33 of the *Planning Act* a development proposal be submitted and approved and a building permit be issued, before demolition permits are granted for these buildings. As well, City Official Plan policy addresses the replacement of the residential rental units to be demolished as part of the proposed redevelopment of the properties.

Site and Surrounding Area

The buildings occupy the north side of Bloor Street West between Oakmount Road and Pacific Avenue. Several buildings are also situated just north of Bloor along the east side of Pacific Avenue and the west side of Oakmount Road (see attached aerial view and plan of survey).

The TTC subway right-of-way, which lies to the north of the site, is vacant and landscaped. These TTC lands were at one time owned by former Metropolitan Toronto and are the subject of a lease which was entered into in 1972 and is held by the applicant. The lease contemplates that the adjacent lands, which are the subject of these applications for demolition, may at some time be the subject of a comprehensive development proposal. Further north are high-rise apartment buildings fronting on Oakmount Road and Pacific Avenue. Single-detached homes are situated along the east side of Oakmount Road, north of Bloor West. High Park is situated south of Bloor Street.

Most of the 13 buildings to be demolished are large, two- and three-storey brick structures built as single-detached homes. City records indicate that these buildings were constructed over a span of almost 40 years from 1912 to 1951. The building at 1850 Bloor Street West is a multi-plex building with 4 units, and 1848 Bloor Street West appears to contain a former medical office in addition to residential units. The rear portions of the lots remain as open space with several mature trees and garages.

With the exception of 1844 Bloor Street West which is still occupied, these buildings are vacant and have been boarded up. All 13 of these residential buildings have been rented in the past. The owner has indicated that the tenants in the now unoccupied buildings vacated the premises over the course of 1½ years, from June 2004 to January 2006. A lack of investment and on-going maintenance in the buildings by the owner has resulted in a state of disrepair.

The current owner has been assembling these properties in stages since the 1970s. Available information suggests that many of these buildings have been used for residential rental purposes for a long period of time, both prior to and after assembly by the owner. As such, the buildings have been an on-going part of the City's rental housing stock.

In addition to the rental four-plex at 1850 Bloor Street West, the owner has stated that each of the 12 houses was rented in its entirety to individual tenants and that any arrangements made to sublet parts of the buildings to additional tenants were done without the owner's knowledge or consent. The owner has affirmed this position in a letter to Planning staff that suggests there were a total of 16 residential rental units consisting of the four-plex and one rental unit in each of the 12 houses.

There is evidence that indicates many of the houses have been divided into multiple units. Sources that have been examined include assessment data, the former City of Toronto's Land Use Information System and a walking survey undertaken by staff. These sources suggest that the number of residential rental units contained in the 13 buildings is significantly higher than the owner has stated, ranging from about 23 to 30.

The owner has submitted information on the total rent (including utilities) that was last charged for each of the now vacant buildings. For each of the 11 houses for which information was provided, the monthly rents for the entire houses ranged from \$1,122 to \$2,200, and averaged \$1,693. The rents for the four apartments at 1850 Bloor Street West ranged from \$893 to \$1,100 per month for an average monthly rent of \$987.

As stated above, evidence indicates that all of the buildings, with the exception of 1850 Bloor Street West which was apparently built as a four-plex, have been reconfigured at some time in the past to contain multiple residential units. Given the manner in which they appear to have been occupied, it is likely the rent per unit was affordable by the City's Official Plan definition. In addition, if we consider the rents for the entire buildings as provided by the owner, they generally fall within the affordable and mid-range rent definitions in the City's Official Plan.

Although there are no comparable large single detached houses surveyed by Canada Mortgage and Housing Corporation as part of their rental market report, the average monthly rent for a 4+ bedroom townhouse in 2006 was about \$1,365. This would equate to a high-end rent starting at \$2,047. Only one building on the subject site rented for more than this amount. In any case, it is expected that rents for single detached houses with 4 and 5 bedrooms would be considerably higher than for townhouses, suggesting that the total rent for these buildings may be even more affordable, relative to other similar houses on the market.

LEGISLATIVE AND POLICY FRAMEWORK

Planning Act

Section 33

Under Section 33 of the *Planning Act* and Municipal Code Chapter 363, Council has the authority to refuse or approve a demolition permit. However, where a building permit has been issued to construct a new building on the property, City Council cannot refuse the demolition permit.

Usually a demolition permit would be considered in conjunction with applications for redevelopment and a building permit, and a demolition application would follow a planning process that would allow Council and the community to ensure that any new development for a site meets planning policy objectives and fits within the context of the neighbourhood.

If demolition is allowed to occur without planning for redevelopment in this instance, it would result in a large, vacant parcel of land within a stable neighbourhood. Vacant lots within neighbourhoods raise concerns about community safety and property maintenance. The creation of gaps within a neighbourhood while waiting for future development is not desirable. As has occurred in this instance, in anticipation and perhaps in support of these applications, the owner has not maintained the buildings to the same extent as other buildings of similar type and age in the neighbourhood. This is not in the public interest and should be avoided. Further, an owner may find it advantageous from a municipal tax perspective to demolish these buildings. As well, demolition of residential buildings without an approval for replacement buildings and a time-frame for such replacement results in the premature loss of housing stock and de-intensification of the lands. It was this type of premature and unplanned demolition of single family homes (many of them in the immediate neighbourhood of these properties) that originally prompted the former City of Toronto to ask the Province for legislative changes, and led to the enactment of Section 37a of the former *Planning Act* (the predecessor to Section 33) in the 1970s.

Section 33 of the *Planning Act* allows City Council to impose certain conditions on a demolition permit where a building permit has been issued, such as a requirement that the new building be constructed within a specified time period (not less than two years after demolition has commenced), and that a maximum charge of \$20,000 may be added to the

tax bill for each residential unit not completed within the specified time. This assists with ensuring that the housing stock is replenished and that a hole in the City fabric does not remain as such for too long.

In addition to the power granted under Section 33, the former City of Toronto was given additional authority to further regulate demolitions under special legislation enacted in 1984, 1985 and 1991. These provisions are still in effect today and apply to the subject lands. The 1991 special legislation is particularly relevant in this case, authorizing Council to impose conditions on demolition permits beyond those available under Section 33. Under this legislation, Council may impose any condition, which in its opinion, is reasonable, having regard to the nature of the residential property to be demolished including, but not limited to, the preservation of significant natural features, and the erection and maintenance of structures and enclosures around the residential property.

Section 2

Section 2 of the *Planning Act* requires that: “the... council of a municipality... in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as...

- h) the orderly development of safe and healthy communities;
- j) the adequate provision of a full range of housing;
- l) the protection of the financial and economic well-being of the Province and its municipalities;
- p) the appropriate location of growth and development; and
- q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians”

These applications for demolition do not have regard for these matters of Provincial interest. On the contrary, they move the City further away from meeting these interests. The City Council and the OMB in hearing any of these appeals must have regard to the matters of Provincial interest.

Provincial Policy Statement and Provincial Plans

Issued under the authority of Section 3 of the *Planning Act*, the Provincial Policy Statement, 2005 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS provides a policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety.

Housing policies in the PPS require planning authorities to provide for an appropriate range of housing types and densities to meet the requirements of current and future residents, and the provision of housing in locations with appropriate levels of infrastructure and services. Both City Council’s and the OMB’s planning decisions are required to be consistent with the PPS.

The applications for demolition are not consistent with the Provincial Policy Statement. They move the City further away from meeting these policies.

These applications pre-date the Growth Plan for the Greater Golden Horseshoe, however, it is relevant to consider same as it provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. Among other matters, the Growth Plan calls for the development of a housing strategy which will include the planning and development of a range of housing types and densities to support the achievement of intensification and density targets. City Council's planning decisions are required by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The properties are designated as part of an Apartment Neighbourhood and are within an Avenue designation on Map 2 to the Official Plan. Official Plan policy states that Neighbourhoods and Apartment Neighbourhoods are considered to be stable areas where significant growth is generally not anticipated. However, the Plan sets out criteria to consider development opportunities on underutilized sites. Given the location of the properties opposite High Park, and between two subway stations, it is probable that a higher-density form of redevelopment will be proposed for the site. Still, at this time, with no approved redevelopment and not even a Planning application for a redevelopment proposal, the most appropriate use for the site would be to maintain the current urban form in a habitable state.

A number of policies of the Official Plan emphasize the need for orderly and managed development. Policy 2.3.1.1, for example, states that development within Neighbourhoods and Apartment Neighbourhoods will respect and reinforce the existing physical character of buildings and streetscapes. As well, Policy 2.3.1.3 stresses that “intensification of land adjacent to neighbourhoods will be carefully controlled so that neighbourhoods are protected from negative impact.”

Intensification, stability in Neighbourhoods, maintenance of buildings, and the retention of residential stock are all important policies in the Official Plan. These applications represent a de-intensification and a premature loss of buildings. Approval of these applications encourages the lack of maintenance of buildings.

The houses to be demolished are on a prominent site on one of Toronto's busiest streets. Physical changes to established Neighbourhoods should be undertaken with care, to ensure that development fits with the character of the community. Maintaining the urban fabric is equally important, and the Plan provides that activities should be in keeping with the physical character of the neighbourhood.

Several policies in the Official Plan also refer to the need to maintain and preserve existing housing supply. Section 5.1.4 of the Plan authorizes the use of property standards by-laws to establish and enforce standards for the maintenance and occupancy

of property. Policy 5.1.4.1 specifically states that all properties in the City should be kept in a state of good repair and safe for occupancy and use.

Several housing policies in Section 3.2.1 of the Official Plan address similar issues. Policy 3.2.1.1, for instance, states that a full range of housing forms will be provided and maintained across the City and within neighbourhoods to meet the current and future needs of residents. The subject properties serve an important role in providing needed housing in an existing neighbourhood.

As well, Policy 3.2.1.2, deals with the need to preserve existing housing. Specifically, it states that the “existing stock of housing will be replenished and maintained.” New housing supply also is encouraged through intensification and infill that is consistent with the Official Plan. However, in this case, the proposal is to actually de-intensify the use of the site for an undetermined period of time.

In addition, Section 3.2.1 of the Official Plan, deals with the need to preserve existing rental housing. It states that “as long as there is no new supply to meet the demand for rental housing, our existing stock of affordable rental housing is an asset that must be preserved. In this sense, rental housing is not unlike our heritage buildings – we need to do all we can to prevent losses”.

The full range of housing mentioned in Section 3.2.1.1 is intended to provide a full range of housing including rental and ownership, as well as a range of affordability and other special needs housing.

In addition, there are specific policies that speak to the removal of rental housing units from the market, including Policy 3.2.1.6 which states:

“New development that would have the effect of removing all or a part of a private building or related group of buildings, and would result in the loss of six or more rental housing units will not be approved unless:

- a) all of the rental housing units have rents that exceed mid-range rents at the time of application, or
- b) in cases where planning approvals other than site plan are sought, the following are secured:
 - i) at least the same number, size and type of rental housing units are replaced and maintained with rents similar to those in effect at the time the redevelopment application is made;
 - ii) for a period of at least 10 years, rents for replacement units will be the rent at first occupancy increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and

- iii) an acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement units at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardship...”

A redevelopment project provides the opportunity to replace the units in a new development in compliance with the above Official Plan policies. Permitting the demolition to occur without securing replacement units as part of the redevelopment negotiations may allow the applicant to avoid the obligations normally imposed by the Official Plan when residential rental units are demolished.

As mentioned, these policies apply to any building or related group of buildings containing six or more rental units. Under the Toronto Official Plan a related group of buildings refers to “buildings that are under the same ownership and on the same parcel of land as defined in section 46 of the *Planning Act*...or form part of the same development application.” As these lands are clearly intended for redevelopment and have been for some years, the lack of a current development application does not affect the application of this policy framework. We are satisfied that, pursuant to the Official Plan, the subject lands are a related group of buildings that will form part of the same development application and contain six or more rental units. The owner’s solicitor has taken the position that on the basis of Section 111, the buildings are not a related group.

By not submitting a redevelopment application prior to applying for demolition approval, the owner’s solicitor has also submitted that the tenant relocation and assistance plan required by the City’s Official Plan Policy 3.2.1.6 mentioned above does not apply (see section on City Planning Assessment). City staff does not agree. The submission or non-submission of a development application by an owner does not change the fact that the lands are clearly intended for development.

The City (and former City of Toronto) has had a long-standing practice of preserving its rental housing stock. The former City of Toronto’s Official Plan also had housing policies that sought to protect rental housing from premature demolition, and any resulting undue hardship to tenants.

Zoning

The properties are zoned R4 Z2.0 which would permit a variety of residential buildings, including apartment houses, to a density of 2 times the lot area. There is a 23 metre height limit. The existing buildings are built at less than the current height and density permissions. Although there is no development application filed at this time, clearly the purpose of the demolition is to facilitate the redevelopment of the land, and likely given its location and the policy framework, into higher-density residential uses.

City of Toronto Act, Section 111

Section 111 of the new *City of Toronto Act, 2006* authorizes Council to regulate the demolition and conversion of residential rental properties in the City. By-law No. 885-

2007 (also known as the Rental Housing Demolition and Conversion By-law), which established Chapter 667 of the Municipal Code, was enacted by City Council on July 19, 2007. For most related applications under the *Planning Act*, the By-law is retroactive to January 1, 2007.

Although these particular applications to demolish the subject buildings would be considered as a type of related application under the Section 111 By-law, they were submitted in March 2006 before the By-law came into effect. It is therefore considered that Section 111 and By-law No. 885-2007 do not apply to the current proposal to demolish these buildings.

While Section 111 and By-law No. 885-2007 do not apply to the current demolition applications, it is anticipated that should the demolition be refused, Section 111 and By-law No. 885-2007 would apply to a future redevelopment application and related demolition request.

Residential Tenancies Act

As mentioned earlier, two tenants continue to reside in two separate apartments in the building at 1844 Bloor Street West. As of November 2007, they were both given notice under the *Residential Tenancies Act* to terminate tenancy for reasons relating to Conversion, Demolition or Repairs (Form N13). Typically, this type of notice is given by landlords once approval has been granted by the City to demolish, convert or renovate a building, which has not occurred to date. Although the actual notice to the tenants stated that the owner is intending to convert the property to a non-residential use, no specific use has been stated other than vacating the building. In any event, the R4 Z2.0 zone associated with the property is quite restrictive in terms of the non-residential uses that are permitted. Were the owner to convert the building to another use, it is possible that a Section 111 application may then be required, as the legislation applies to conversion as well as demolition and such conversion would not predate the application of this legislation.

Although the *Residential Tenancies Act* does typically offer some compensation for tenants whose buildings are subject to demolition, the owner's solicitor has claimed that the tenants are not eligible for such compensation as their building (or residential complex) contains fewer than five residential units. This and other tenant concerns will be considered at the Landlord and Tenant Board Hearing on July 11th.

COMMENTS

The following section of the report provides an assessment of the application by City Planning staff. As well, comments received from other City Divisions are presented.

City Planning Assessment

The owner is proposing to demolish the existing 13 buildings to make way for future development. However, no redevelopment proposal has been submitted at this time. The argument has been made by the owner that demolition would lessen the owner's liability.

Whether or not this is true, the demolition would clearly result in negative consequences for the City and the surrounding neighbourhood. Specifically, it would lead to:

- the creation of vacant parcels of land;
- the loss of neighbourhood character and building continuity;
- instability and safety concerns in the neighbourhood;
- the loss of a smooth transition between existing and proposed development;
- the premature loss of housing stock;
- the premature loss of adequate and relatively affordable housing;
- de-intensification along a major street in close proximity to subway stations;
- undermining of the Official Plan policies by permitting the removal of residential rental units and the creation of vacant properties in advance of a redevelopment proposal;
- undermining the intent of Section 111 of the *City of Toronto Act, 2006*, by filing the demolition applications prior to the development applications;
- the premature eviction of the remaining tenants; and
- a reduction in property tax assessment during the period that the land remains vacant.

Although some maintenance would be required to keep the buildings in conformity with the City's Municipal Code, demolition should not be viewed as an acceptable means of reducing maintenance costs. Any lack of maintenance has been a choice made by the owner resulting in the properties being in the condition that they are today and with no application for redevelopment. While the City cannot force the owner to re-rent the buildings, it can seek to ensure that the buildings are properly secured to minimize any safety concerns. It can also attempt to ensure that this proposal does not become a model encouraging other similarly premature demolitions.

The City has a long history over a number of decades of working to ensure applications such as these are not permitted and that there is a legislative framework in place to prevent such applications. The legislative framework currently in place is the strongest in many years. Approval of these applications would be contrary to this legislative framework and to the City's long standing policy framework.

It is the opinion of City planning staff that the demolition of these buildings without redevelopment approval would not meet the intent of Section 33 of the *Planning Act*. Neither would it meet the requirements of Section 2 or Section 3 of the *Planning Act* (the PPS), nor is it consistent with the City's Official Plan. The proposal is premature and, among other things, would take the City further from its planning objectives, would not lead to the orderly development of safe and healthy communities, and would detract from the provision of a full range of housing. In addition, it would result in a loss of tax revenue to the City, and it does not support the financial and economic well-being of the municipality or the Province.

For the foreseeable future, the proposal would de-intensify this site which is in close proximity to the subway. Without a proposal before the City, it is unclear if and when

redevelopment will occur, and if it does, it is uncertain as to what form, tenure or price range will be associated with any new development.

These applications clearly run counter to the intent of the Official Plan in a number of respects. Demolition without approved redevelopment plans in place will not ensure that intensification of these lands will be carefully controlled so as to protect the adjacent neighbourhoods from negative impact. Also the demolition applications without replacement of rental units and an adequate tenant assistance and relocation plan would be contrary to the City's Official Plan policies on the preservation of existing housing, and more specifically on private rental housing.

In summary, the applications are premature, are contrary to the intent of the legislative and policy framework, are not in the public interest, and do not represent good planning. Accordingly, refusal of these applications is recommended together with instruction to staff to oppose the related appeals to the Ontario Municipal Board.

In the event that Council were to decide to approve the demolition of these buildings, staff recommends that conditions be attached to any such approval, to the demolition permit under Section 33 and the former City of Toronto's special demolition control legislation to secure a number of matters, including the replacement of rental units in accordance with Attachment '4'. In the event the Ontario Municipal Board were to allow the appeals, staff would similarly seek the imposition of such conditions.

Since there is no Planning application for redevelopment, the conditions of demolition approval take into account that the site could remain vacant for some time. As such the conditions must ensure that the site, if made vacant, is integrated into the neighbourhood as much as possible and will not become an eyesore. Conditions are included to ensure the improvement of the vacant site, including the preparation of a landscape improvement and management plan which may involve sodding of the site or other more attractive ground cover to not only be provided but to be maintained in a healthy state, to maintain the existing trees in a healthy state, to grade the site, to install a high-quality see-through fence (not just chain-linked) around the perimeter of the site after demolition is complete, or as another option, if deemed appropriate, integrate the site with the TTC open space easement to the north of the site as a publicly accessible open space area.

COMMENTS BY OTHER DIVISIONS

Building Division Comments

These applications are being referred to the Etobicoke York Community Council for consideration because Toronto Building has not received an application to replace the 13 residential buildings. In such cases, the Municipal Code requires City Council to issue or refuse the demolition permit.

In accordance with the *City of Toronto Act, 1991*, City Council may impose any reasonable conditions which have regard to the nature of the residential property, including the preservation of significant natural features and requiring the erection and

maintenance of structures and enclosures. In addition, under the *City of Toronto Act 1985*, City Council may revoke the demolition permit if the demolition has not been seriously commenced six months after the permit issuance, or the demolition has been substantially suspended or discontinued for a period of more than one year.

Given it is the applicant's intention to demolish the 13 residential buildings and leave the site vacant, it is Building staff's opinion that conditions would include, among others, the removal of debris, maintenance of the site in accordance with the City's Property Standards By-law, the protection of private or City trees in accordance with the City Tree Protection By-laws and the erection of fencing if deemed necessary.

Urban Forestry Comments

Urban Forestry staff has inspected the properties. There are numerous significant trees located on, or near this site that qualify for protection under either the City's Street Tree or Private Tree by-laws.

Prior to any work occurring at this location Urban Forestry will require that the property owner provide a detailed arbourist report and tree preservation plan outlining the measures that will be taken to ensure that the trees on site are protected. Protection measures should be in full accordance with the City of Toronto's Tree Protection Policy and Specifications for Construction Near Trees.

If adequate protection measures cannot be provided in accordance with City policy, it may be necessary for the property owner to obtain authorization from Urban Forestry to injure or remove the tree or trees in question. This may require providing financial guaranties, tree values and/or removal and replacement costs for City owned trees or submitting an 'Application for Permit to Injure or Destroy Privately Owned Trees'.

Heritage Preservation Services Comments

Heritage staff considered the merit of the buildings. Although the group of buildings contributes to the residential character of the neighbourhood, Heritage staff concluded that the buildings do not display sufficient heritage attributes to warrant their designation.

CONCLUSION

Assembling lands, followed by the vacating of residential buildings and allowing them to fall into disrepair is an unacceptable rationale for permitting demolition to proceed without an approved redevelopment application for replacement buildings. It results in a premature loss of housing stock, de-intensification, is destabilizing and creates a large vacant lot raising concerns including neighbourhood safety and stability. The proposal does not satisfy the provisions of the *Planning Act* and Provincial Policies and Plans. In addition it does not meet the intent of the Official Plan policies or the legislative framework. Without an approved redevelopment application, the applications to these residential buildings are premature and do not represent good planning. For these reasons, it is recommended that the applications be refused.

In the event that Council elects to approve the applications, staff recommends that the conditions included in Attachment '4' be applied to that approval. In the event Council adopts the recommendations of staff to refuse the applications, it is recommended that staff be directed to seek the imposition of the conditions included in Attachment '4' in the event the Ontario Municipal Board were to allow the appeals.

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Director, City Planning
Etobicoke York District

File Ref.Nos: #06 114114 to #06 114121 DEM
#06 114123;# 06114125; #06 114127; #06 114128; #06 114129 DEM
#06 114130 DEM & #06 114131 DEM

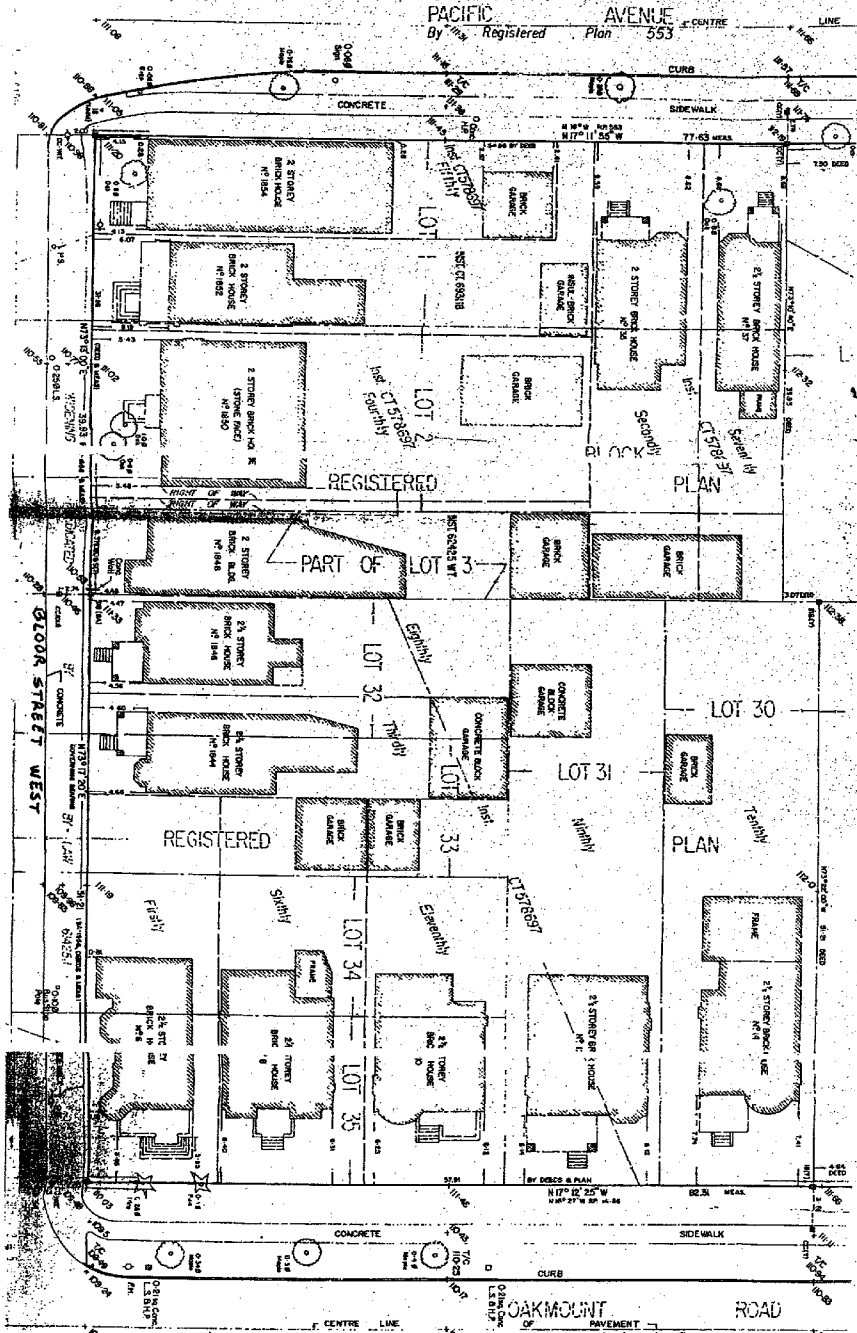
ATTACHMENTS

Attachment 1: Aerial View
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Attachment 3: Building Photographs
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**Attachment 1:
Aerial View**



Attachment 2: Plan of Survey



**Attachment 3:
Building Photographs**

(taken February 2008)



1852, 1850 & 1848 Bloor St. W.



1846 & 1844 Bloor St. W.



37 & 35 Pacific Avenue



8 & 10 Oakmount Road

**Attachment 4:
Proposed Conditions to Approval**

In the event that City Council decides to approve the applications to demolish the existing 13 residential buildings at 1844, 1846, 1848, 1850, 1852 and 1854 Bloor Street West, 6, 8, 10, 12 and 14 Oakmount Road, and 35 and 37 Pacific Avenue, pursuant to Municipal Code Chapter 363 and the former City of Toronto's 1991 special legislation, such approval be subject to the following conditions:

1. a) the owner of the lands shall submit an application for required Planning approvals to permit the redevelopment of the subject lands no later than two (2) years from the day this Council (or the Ontario Municipal Board) decision issues;
- b) i. the owner of the property shall provide and maintain up to 30 residential rental units of a similar type and size for a period of at least 20 years, and with rents similar to those that were in effect at the time the units were last occupied, as determined to have existed on the lands by and to the satisfaction of the Chief Planner and Executive Director of City Planning in a redevelopment on the subject lands no later than five (5) years from the date of issuance of the first demolition permit on the subject buildings; and such rents for the replacement units shall be the rent at first occupancy increased annually, for a period of at least ten (10) years, by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time, and the provisions for increases shall continue to apply until the tenancy ends or the expiry of the length of term of the rental tenure secured in the agreement; or
- ii. as an alternative to condition (b)i., the owner may, at the Chief Planner and Executive Director's discretion, make a cash payment to the City's Capital Revolving Fund for Affordable Housing in an amount equal to \$80,000 per unit, with provisions for indexing the amount on an annual basis, commencing from January 1, 2009; and
- c) to secure such obligations in b)i. and b)ii. above, the owner of the property shall prior to the issuance of any permit, provide the City with a satisfactory Letter of Credit in an amount equal to \$80,000 per unit for each unit to be demolished as identified in b)i. above; and
- d) prior to the issuance of any demolition permit, the owner demonstrate that a tenant assistance and relocation plan in accordance with the intent of the Official Plan policy 3.2.1.6 has been provided to the existing tenants of 1844 Bloor Street West, satisfactory to the Chief Planner and Executive Director and secured in an agreement pursuant to condition 3) below. The assistance and compensation must take into consideration the special needs of the existing tenants and incorporate measures to lessen hardship including making

adequate efforts to arrange for alternative accommodation to meet the tenants' specific health care needs, and financial assistance beyond provincial legal minimums to help cover the unique costs of relocation.

2. a) the owner of the property shall, prior to the issuance of any demolition permit, submit to City Planning a Landscape Plan prepared by a qualified landscape architect for the site addressing matters related to but not limited to the sodding and additional ground cover of the site, any required grading of the site, the maintenance in a healthy state of all existing trees and added vegetation, and any ornamental landscape features within the site, including ornamental fencing around the perimeter of the site to the satisfaction of the Chief Planner and Executive Director;
 - b) as part of the Landscape Plan identified above, the owner shall submit a detailed arbourist report and tree preservation plan outlining the measures that will be taken to ensure that the trees on site that qualify for protection under either City of Toronto, Municipal Code, Chapter 813, Article II or III are protected in the City of Toronto's Tree Protection Policy and Specification for Construction Near Trees, and if adequate protection measures cannot be provided, as outlined in the aforementioned policy and the demolition work will cause injury or require removal of a tree(s) that the owner, prior to any demolition work, obtain the necessary approvals from Urban Forestry;
 - c) the owner of the property shall, prior to the issuance of any demolition permit, provide the City with a letter of credit in the amount equal to the costs of completion of the above landscape plan and to secure its ongoing maintenance based on a period of time of five (5) years following the date the first demolition permit is issued, in an amount to the satisfaction of the Chief Planner and Executive Director;
 - d) within 30 days after the completion of the demolition of the buildings the owner shall commence the construction and installation of all matters so as to carry out the Landscape Plan to be completed no later than 6 months after the completion of the demolition of the buildings;
 - e) the owner guarantee the completion and ongoing maintenance of the Landscape Plan and in the event of the failure to do so, the City shall be entitled to draw from the financial security to do such work to ensure the completion and ongoing maintenance of the Plan; and
 - f) the City release the landscaping letter of credit upon the commencement of construction of a redevelopment project for the site.
3. the owner of the property shall, prior to the issuance of any permit, enter into and register on title to the property, an agreement to the satisfaction of the Chief Planner and Executive Director and the City Solicitor to secure conditions 1 and 2 herein;

4. the owner of the property shall, prior to the issuance of any permit, enter into and register on title to the property, a restriction pursuant to section 118 of the *Land Titles Act* to the satisfaction of the Chief Planner and Executive Director and the City Solicitor to secure conditions 1, 2 and 3 herein; and
5. City Council approve the application and authorize the Chief Building Official to issue approval under Section 33 of the *Planning Act* and, in accordance with Municipal Code 363, issue permits for demolition after conditions 1, 2, 3 and 4 have been satisfied, on the condition that:
 - a) the owner remove all debris and rubble from the site immediately after demolition;
 - b) the owner erect a fence in accordance with the provisions of Municipal Code Chapter 363, Article III, if deemed appropriate by the Chief Building Official;
 - c) the owner backfill any holes on the property with clean fill;
 - d) the owner landscape and maintain the site free of garbage and weeds in accordance with the Municipal Code Chapters 632-5 and 629-10, Paragraph B; and
 - e) in accordance with the intent of Section 33 of the *Planning Act*, on the owner's failure to complete the new building within the time specified in condition 1, the City Clerk shall be entitled to enter on the collector's roll, to be collected in like manner as municipal taxes, the sum of twenty-thousand (\$20,000) dollars for each dwelling unit contained for which the demolition permits are issued, and that each sum shall, until payment, be a lien or charge upon the land in respect of which the permit to demolish residential property is issued, such payment, lien or charge will be mutually exclusive of securities held by the City through an agreement.