

**356, 358, 360 & 362 Spadina Road –
Residential Rental Demolition Application under
Municipal Code Chapter 667 –
Final Report**

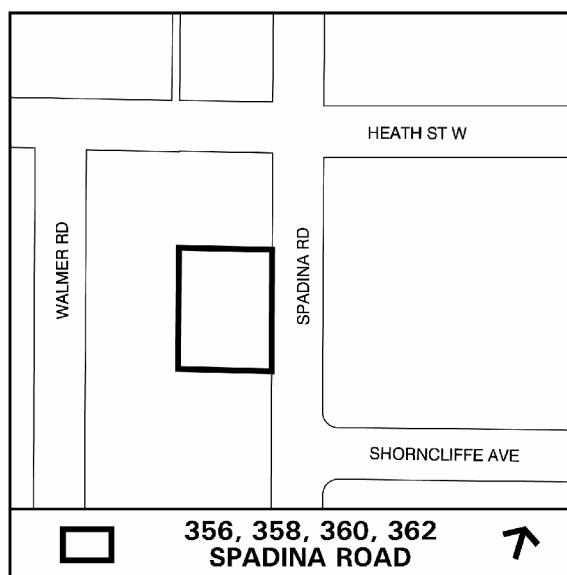
Date:	February 19, 2009
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 21 – St. Paul's
Reference Number:	08-196544 STE 00 RH

SUMMARY

This application proposes to demolish six dwelling units, five of which are rental housing units, located in three buildings at 356, 358, and 360 Spadina Road. One of the buildings was an owner-occupied house. The demolition or conversion of rental housing is prohibited without a permit issued under the City of Toronto's Rental Housing Demolition and Conversion By-law (Chapter 667 of the Municipal Code).

The City has not issued a building permit for this development. The owner is proposing a redevelopment involving these properties and a related building at 362 Spadina Road, which contains two existing rental units. The redevelopment is currently under review in separate but related applications for a consent, minor variances, and site plan approval. The proposal involves the retention of 362 Spadina Rd and the construction of a religious centre.

The owner is not proposing to replace the five rental housing units to be demolished, however, will be retaining two existing rental units at 362 Spadina Road.



This report recommends approval of the application to demolish the three properties without requiring replacement of the rental housing units on condition that the necessary approvals are received to permit the redevelopment as proposed, including the issuance of a building permit.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council approve the application to demolish the three residential buildings at 356, 358, and 360 Spadina Road, which comprise five existing residential rental units and one formerly owner-occupied house, pursuant to Municipal Code Chapters 667 and 363 subject to the following conditions under Chapter 667:
 - a. that all necessary approvals from the Committee of Adjustment for the related applications for the development of the proposed religious centre at 356, 358, and 362 Spadina Road are received; and
 - b. that the house at 362 Spadina Road comprising two residential rental units be retained.
2. City Council authorize the Chief Planner to issue a preliminary approval to the application under Municipal Code Chapter 667 after:
 - a. The condition in 1 a. has been satisfied; and
 - b. The issuance of Site Plan Approval by the Chief Planner pursuant to Section 114 of the *City of Toronto Act, 2006*.
3. City Council authorize the Chief Building Official to issue a section 111 permit under Municipal Code Chapter 667 after the Chief Planner has given the preliminary approval in Recommendation 2.
4. City Council authorize the Chief Building Official to issue a permit under Section 33 of the *Planning Act*, no earlier than issuance of a building permit for the development of the religious centre, and after the Chief Planner has given the preliminary approval in Recommendation 2, which permit may be included in the demolition permit for Chapter 667 under § 363-11.1E, of the Municipal Code on condition that :
 - a. The Owner remove all debris and rubble immediately after demolition;
 - b. The Owner backfill any holes on the property with clean fill;
 - c. The Owner erect a fence in accordance with the provisions of the Municipal Code, Chapter 363, Article III, if deemed appropriate by the Deputy Chief Building Official; and

- d. The Owner maintain the site free of garbage and weeds, in accordance with the Municipal Code Chapters 632-5 and 629-10.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

These properties are also the subject of the following related applications under the Planning Act:

- a. **Minor variances** to the former City of Toronto by-law (Application Number A0897/08TEY for 356, 358, and 360 Spadina Road) to permit the construction a new four-storey building to be used as a place of worship and synagogue related functions. The requested variances relate to: height, non-residential gross floor area, building setbacks, building depth, landscaped open space, driveway slope and width and the location of the proposed parking spaces relative to the neighbouring residential properties. The applicant is also seeking minor variances for the property at 362 Spadina Road. These variances relate to the location of the proposed parking spaces relative to the neighbouring residential properties the use of the backyard as parking (A1025/08TEY). The Committee of Adjustment heard the variances on February 18, 2009 and approved, on condition, the application. The conditions stated that the owner is required to obtain a Section 111 permit (the subject of this report) for the demolition of 5 rental units, and that the applicant must submit a Landscape Plan and Tree Preservation Plan to the satisfaction of the Director of Community Planning.
- b. **Consent** to create an easement/right-of-way in favour of 362 Spadina Road for the purpose of vehicular access (Application number B01285/08TEY). The Committee of Adjustment heard the application for consent on February 18, 2009 and approved the application on condition.
- c. **Site Plan Approval** for the construction of the 4-storey religious centre (Application number 08-107390 STE 21 SA). City staff reviewed the application and are awaiting the final set of plans that reflect changes to the plans that have come about through community consultation. Staff will draft the Notice of Approval Conditions, which will ensure that all necessary conditions are outlined in the agreement. This application has not been bumped up by the Ward Councillor.

ISSUE BACKGROUND

Proposal

The applicant is proposing to construct a four-storey, 1645.8 square metre, religious centre on the west side of Spadina Road, north of St. Clair Avenue West, while retaining an existing house that contains 2 rental units. The site consists of an assembly of four lots with houses, comprising a total of 8 dwelling units.

In order to permit this redevelopment, the applicant is proposing to demolish three of the four existing houses and their accessory structures on the development site. The subject lands were assembled by the applicant within the last few years for the purpose of developing the religious centre and providing rental housing on an ongoing basis for a few households connected to the centre. Owner documentation and City records indicate that one of three houses to be demolished was owner occupied at the time of purchase, and the other two, though originally built and occupied as single detached houses, had been converted into rental apartments several decades ago. A total of five rental housing units, which have been mostly vacant over the last year other than for short-term occupancies, are located in these two houses. No replacement rental units are proposed in the redevelopment proposal.

The fourth house which is to remain currently contains a vacant home-office, with a one-bedroom and a two-bedroom apartment on the upper floors. The applicant will be maintaining two rental units in the house, but will be renovating the building and expanding the finished residential space to comprise a one-bedroom apartment and a large family unit with seven bedrooms. Parking for the centre, in part, will be provided on land behind this house.

Site and Surrounding Area

The combined four properties total 1,271.5 square metres in size. The site consists of an assembly of four lots with houses, comprising a total of 8 dwelling units. The site is surrounded by residential uses on all sides, including an eight-storey residential building to the rear of the subject property.

Rental Housing Demolition and Conversion By-law

The Rental Housing Demolition and Conversion By-law (885-2007) implements the City's Official Plan policies protecting rental housing. The by-law established Chapter 667 of the Municipal Code and was approved by City Council on July 19, 2007. This application is subject to the by-law as it was made September 9, 2008, and the related applications for Site Plan and to Committee of Adjustment were also made in 2008.

The By-law prohibits demolition or conversion of rental housing units without a permit issued under Section 111 of the *City of Toronto Act*. Proposals involving six or more rental housing units require a decision by City Council. Although the proposal is to demolish only 5 rental units, there is a total of 7 rental units involved in the related group of buildings subject to the overall development application. Council may refuse an application, or approve the demolition with conditions that must be satisfied before a permit is issued under the *Building Code Act*.

There are several Official Plan housing policies to be considered when applying Municipal Code 667 to this application. A full range of housing forms, including rental and ownership, will be provided and maintained across the City and within neighbourhoods to meet the current and future needs of residents. The existing stock of housing will be maintained and replenished. Policy 3.2.1.6 provides that where

development would remove six or more rental housing units, approvals should require the replacement of these rental units and an acceptable tenant relocation and assistance plan.

Under Section 33 of the *Planning Act* and Municipal Code Chapter 363, Council has the authority to approve or refuse a demolition permit, except in cases where a building permit has been issued to construct a new building. The proposed demolition requires approval under both Section 33 of the *Planning Act* and Section 111 of the *City of Toronto Act*. Section 363-11.1 of the Municipal Code provides for the co-ordination of these two processes, with only one demolition permit to be issued by the Chief Building Official for the purposes of both Section 33 of the *Planning Act* and Chapter 667 of the Municipal Code.

Reason for application

Municipal Code 667 applies when an application is made that involves at least 6 dwelling units, any of which are rental units. There is a total of eight dwelling units in the related group of four buildings that are the subject of the related applications for redevelopment. The applicant must obtain a section 111 permit from the City to permit the proposed demolition of three houses which comprise five rental units and one formerly owner-occupied house. Approval from City Council is required for the demolition under both Municipal Code Chapters 667 and 363.

COMMENTS

Staff circulated the rental housing application to Community Policy staff. All appropriate technical commenting staff have been reviewing the proposed place of worship through the Site Plan Approval application. The existing dwellings are not listed and/or designated under the Ontario Heritage Act.

Community Consultation

Municipal Code 667 requires City Planning to hold a community consultation meeting to consider issues related solely to rental housing and tenant impact. At the time of the application for demolition most of the rental units were vacant, with two occupied by short term tenants who have subsequently left. Staff hosted a community consultation meeting on rental issues on December 11, 2008 attended by 40 area residents and interested parties, the applicant and the Ward Councillor. There was some discussion concerning the loss of five rental units and with the type of rental housing to be provided in the two rental units that will continue to be provided.

Many of the concerns raised by the participants were with the impact of the redevelopment, which can best be dealt with in the context of the related applications to the Committee of Adjustment and for Site Plan Approval. Subsequent to the December 11 meeting, the Ward Councillor hosted another meeting to discuss the site planning issues on January 21, 2009, which approximately 40 area residents attended.

Related applications

The related applications for development of the religious centre are for the lands currently comprising 356, 358, 360 and 362 Spadina Road. The applications to the Committee of Adjustment for minor variances and for consent were heard on February 18, 2009. The Committee of Adjustment conditionally approved the request for variances and consent. The conditions specified that the owner obtain the Section 111 permit for the demolition of the 5 rental units. Similarly, this report recommends that any Council approval of the demolition would be conditional on the applicant receiving all necessary approvals for the proposed religious centre.

To ensure that demolition of the residential units not being replaced in the redevelopment only occurs if and when the redevelopment is set to proceed, this report recommends that the issuance of the section 111 permit would be authorized only after site plan approval has been received, and upon issuance of the building permit for the proposed religious centre.

It is staff's opinion that should Council approve the requested demolition of the three houses – containing five residential rental units and 1 previously owner-occupied unit – the approval should be on the condition that all necessary approvals for the development of the proposed religious centre are received. Approval should be authorized subject to the recommendations in this report, pursuant to Chapters 667 and 363 of the Municipal Code and section 33 of the Planning Act.

Rental Housing

There are no tenants currently residing on the property. There were a few short term tenancies that commenced after the point that the applicant purchased the individual properties. Information on the length of tenancy of previous tenant households occupying units when the houses were owned by the previous owners is not available. Information in City records suggests that one of the houses had been converted into apartments by the 1970's, and the other by the 1980's.

However, prior to that and for the majority of their existence, these two single detached houses were likely owner occupied dwellings. It is not uncommon for larger and older housing stock in Toronto, especially on a street that has become as busy as this section of Spadina Road, to be converted from ownership to rental tenure, and sometimes to be reconverted back to single-occupancy ownership.

The house that is remaining at 362 Spadina will be renovated and provide two rental units, one of them a large unit suitable for families containing seven bedrooms. 362 Spadina is linked to the operation of the religious centre in two ways: the rental use will be for households connected to the centre, and the rear of the lot is to be used for the parking needed by the centre.

In the circumstance of this application, staff are recommending that the replacement of the five rental housing units not be required. Though seven rental units are involved in the related applications, only five will be lost if the demolition application is approved

without replacement requirements. Staff are satisfied that two rental units will continue to be provided for many years, and thus the proposed demolition is not contrary to the intent of Official Plan policy 3.2.1.6 which is concerned with the loss of six or more rental units. Other considerations include the fact that the assembled site is small, only a small number of rental units are involved, and there is no opportunity for this religious organization to replace them on site as there will be no new residential buildings. These same considerations are the reason staff are not recommending a requirement for contributions for cash-in-lieu of replacement of the rental units. As only 2 rental units are to remain, and staff are satisfied that they are very likely to remain rental because of the interdependency of the rental dwelling and the religious centre, achieved through mutual access and parking easements. It is not recommended that a Section 111 legal agreement be required to secure their rental tenure.

CONTACT

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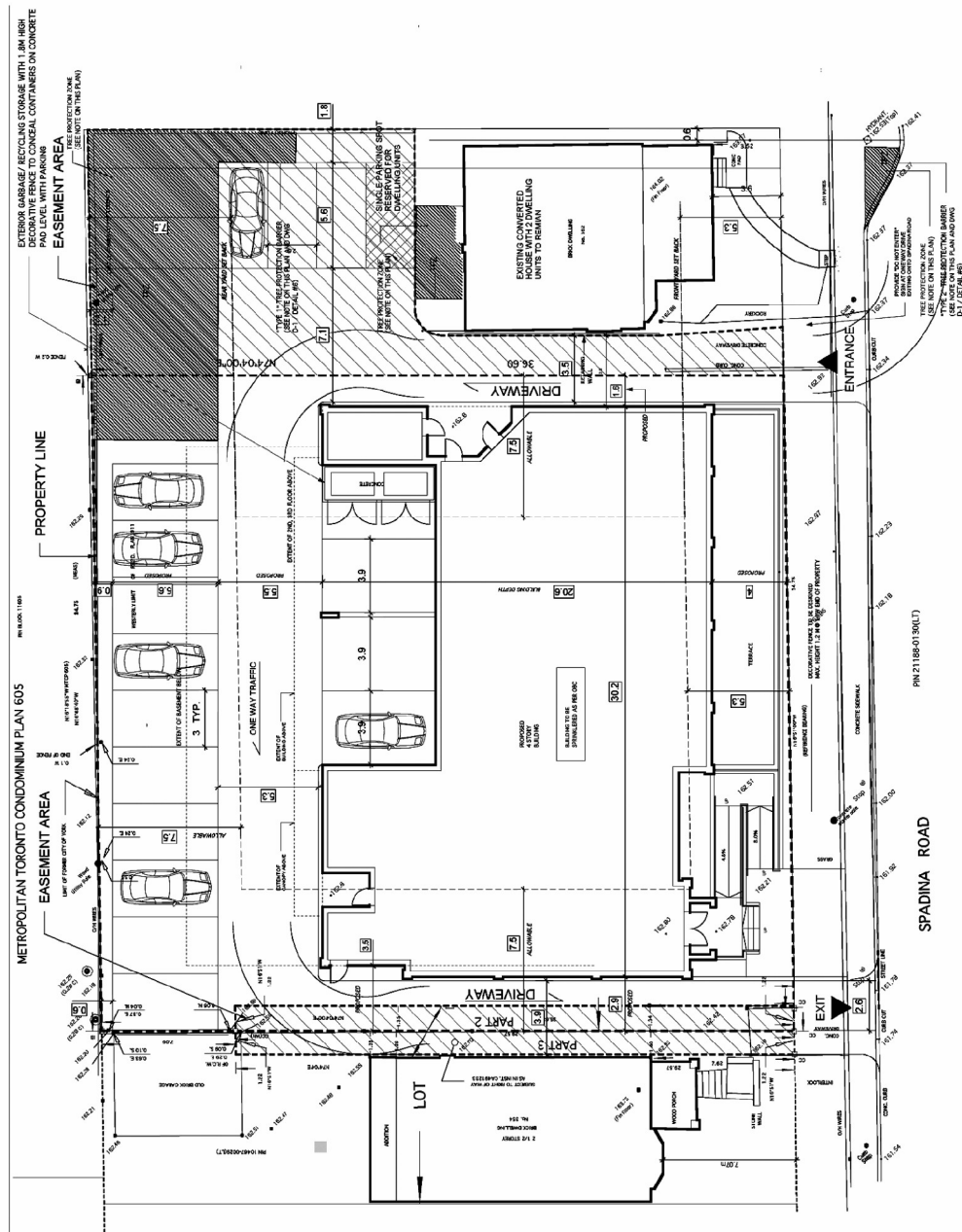
Raymond David, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Attachment 2: East Elevation (Spadina Road)
Attachment 3: Attachment 3: West Elevation (Rear)
Attachment 4: Attachment 4: North Elevation (Side)
Attachment 5: Attachment 5: South Elevation (Side)
Attachment 6: Attachment 6: 362 Spadina Road – Floor Plans
Attachment 7: Application Data Sheet

Attachment 1: Site Plan



Site Plan

356,358,360 & 362 Spadina Road

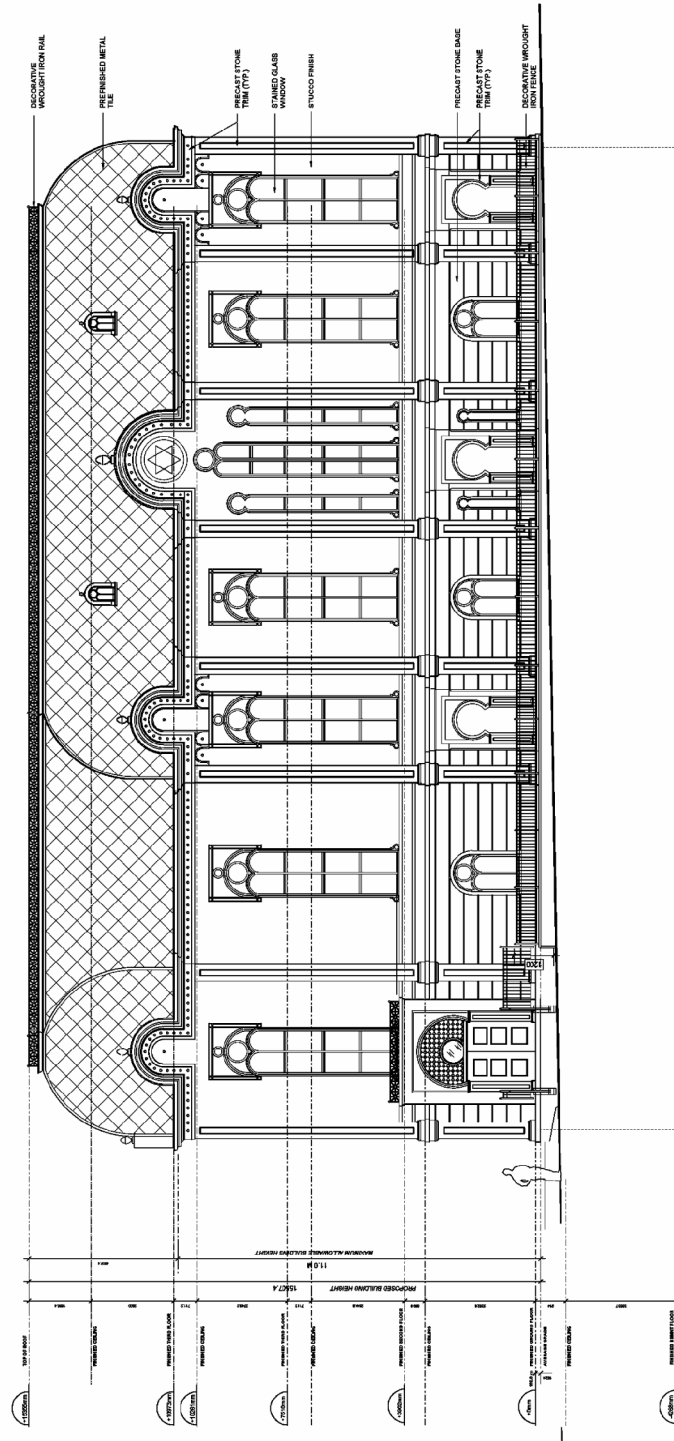
Applicant's Submitted Drawing

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01/29/09



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Attachment 2: East Elevation (Spadina Road)



East Elevation

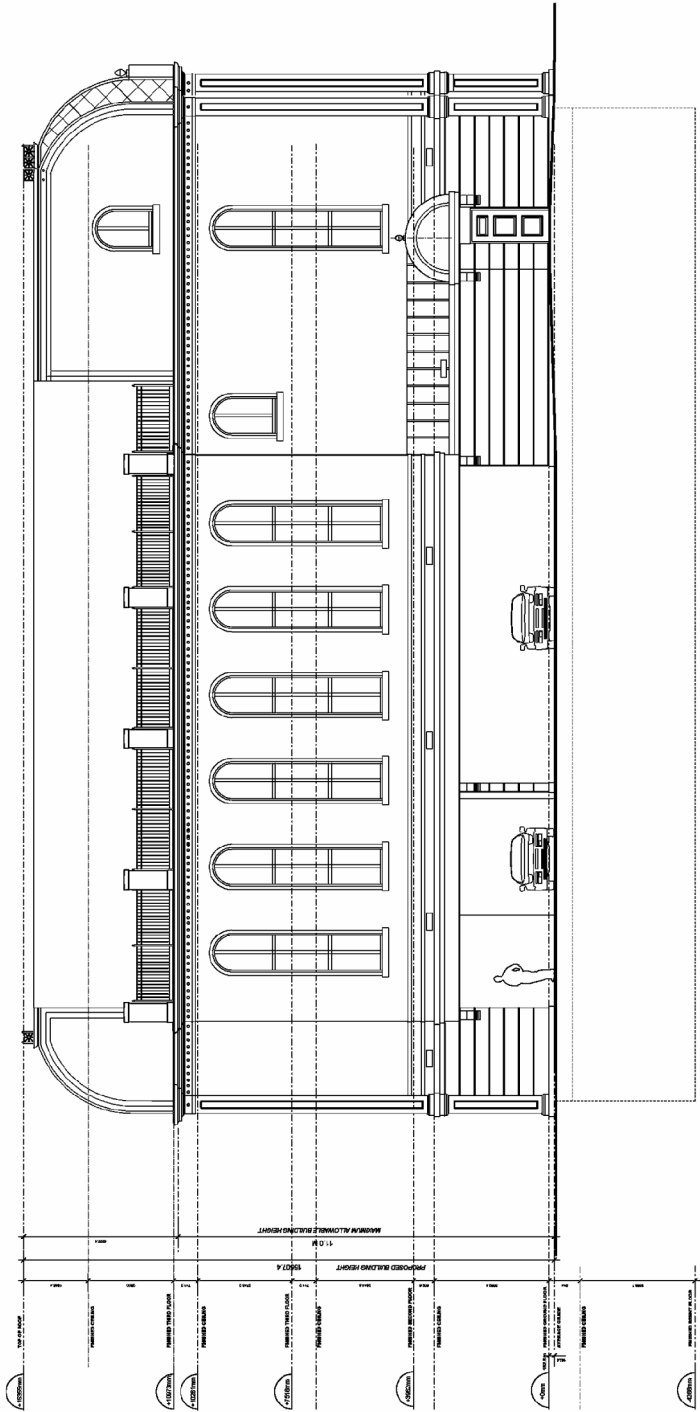
Applicant's Submitted Drawing

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356,358,360 & 362 Spadina Road

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Attachment 3: West Elevation (Rear)



West Elevation

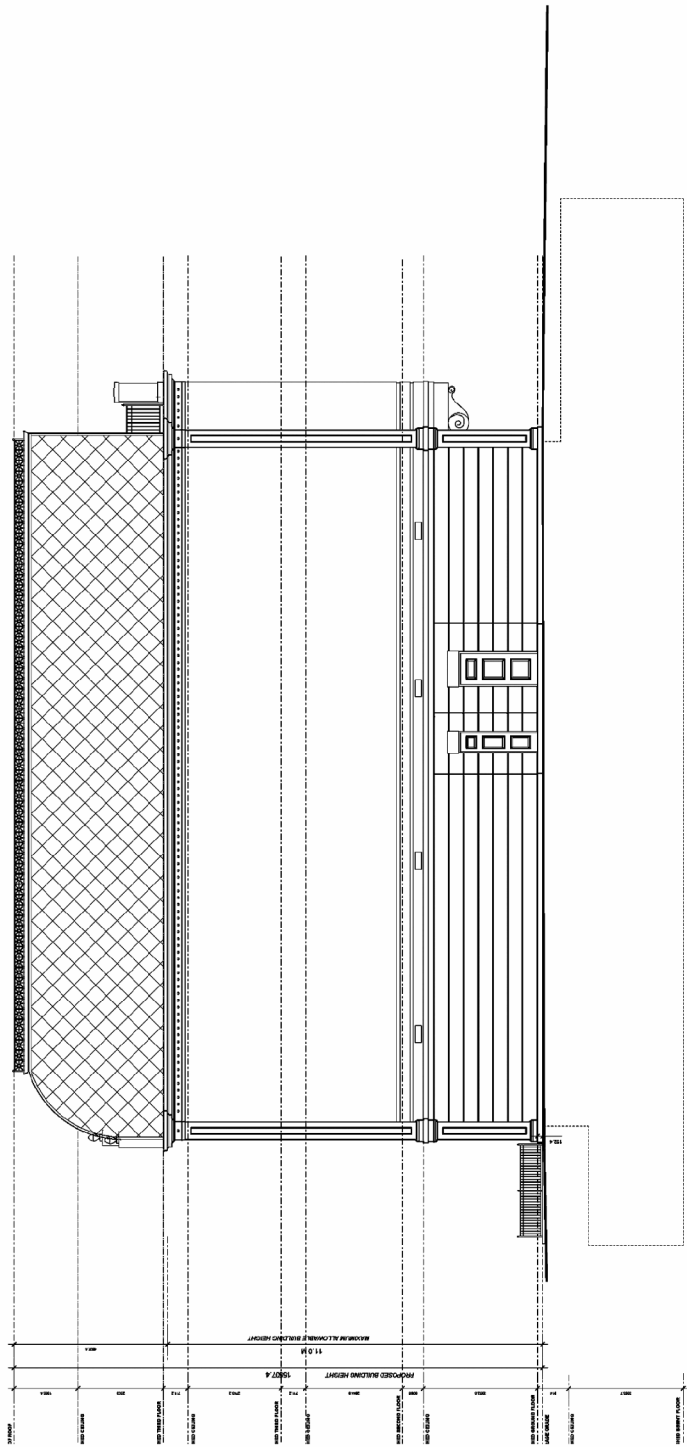
Applicant's Submitted Drawing

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356,358,360 & 362 Spadina Road

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Attachment 4: North Elevation (Side)



North Elevation

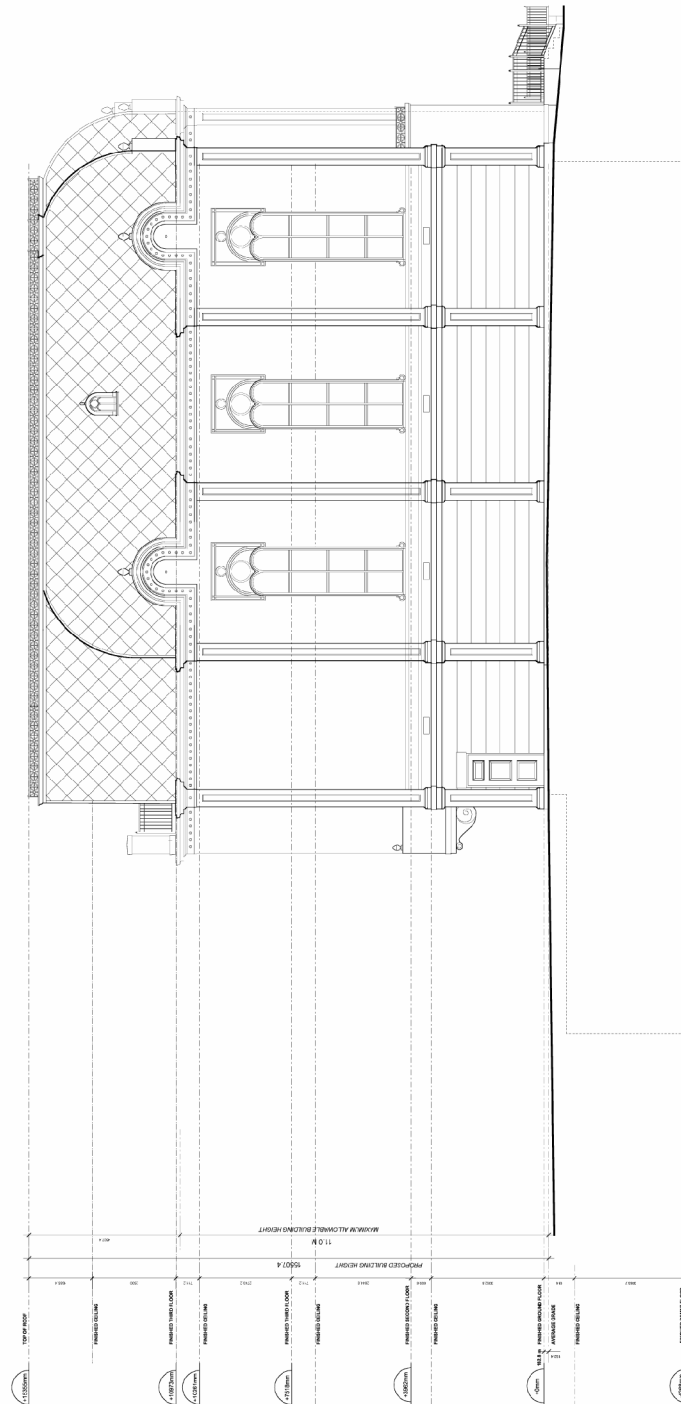
Applicant's Submitted Drawing

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Attachment 5: South Elevation (Side)



South Elevation

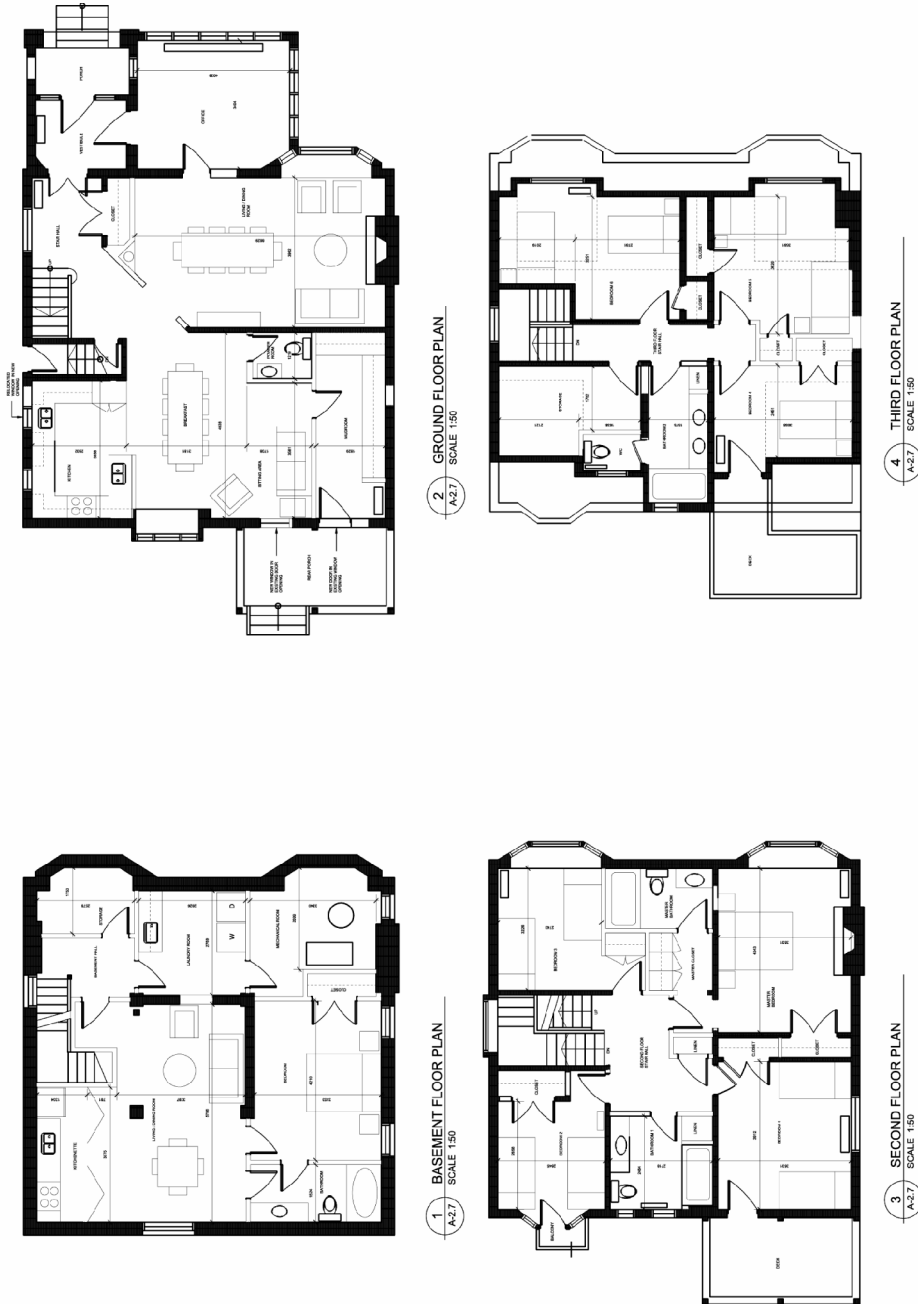
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356,358,360 & 362 Spadina Road

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Attachment 6: 362 Spadina Road – Floor Plans



Floor Plans

Applicant's Submitted Drawing

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01/29/09

356,358,360 & 362 Spadina Road

File # 08 196544

Attachment 6: Application Data Sheet

Application Type	Site Plan Approval	Application Number:	08 107390 STE 21 SA
Details		Application Date:	January 29, 2008

Municipal Address:	356, 358, 360 and 362 SPADINA RD
Location Description:	PL 911 PT LT16 **GRID S2106
Project Description:	Proposed 3-storey Place of Worship.

PLANNING CONTROLS

Official Plan Designation:	Site Specific Provision:
Zoning:	R2 Z2.0
Historical Status:	
Height Limit (m):	11
Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1271.5	Height:	Storeys:	4
Frontage (m):	33.5		Metres:	15.51
Depth (m):	36.6			
Total Ground Floor Area (sq. m):	490.4			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	17
Total Non-Residential GFA (sq. m):	1645.8		Loading Docks	0
Total GFA (sq. m):	1645.8			
Lot Coverage Ratio (%):	38.6			
Floor Space Index:	1.294			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:			
Rooms:	0	Residential GFA (sq. m):	0
Bachelor:	0	Retail GFA (sq. m):	0
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	1645.8
Total Units:	0		0

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