

149-157 Bathurst Street – Rental Housing Demolition Application – Final Report

Date: August 14, 2019
To: Toronto and East York Community Council
From: Director, Community Planning, Toronto and East York District
Wards: Ward 10 – Spadina-Fort York

Planning Application Number: 16 250036 STE 20 RH (16 191733 STE 20 OZ)

SUMMARY

This Rental Housing Demolition Application proposes to demolish a total of seven dwelling units, three of which are rental dwelling units, located within five houseform buildings at 149, 151, 153, 155 and 157 Bathurst Street. All existing dwelling units and dwelling rooms are currently vacant and boarded up.

The related Zoning By-law Amendment Application (16 191733 STE 20 OZ) proposes to redevelop the site with a 16-storey mixed-use building containing retail uses at grade, 88 residential dwelling units above and 18 parking spaces accommodated in parking stackers. The building will have a height of 49.5 metres (52 metres including the mechanical penthouse). This application is the subject of a settlement at the Local Planning Appeal Tribunal (LPAT) which City Council endorsed at its meeting on July 27, 2018. The final Board Order is pending until all outstanding matters, including the necessary agreements with the City, are secured.

Shortly after the Tribunal issued its oral decision on the related Zoning By-law Amendment Application, the subject site was sold. The new owner is currently exploring other redevelopment opportunities for the subject site.

Due to the current state of the existing houseform buildings at 149, 151, 153, 155 and 157 Bathurst Street, the new property owner has requested relief from the City's standard preliminary approval conditions for the Rental Housing Demolition Permit and Residential Demolition Permit. Staff are in support of this request on the condition that the new property owner work with city staff and the local Councillor's office to develop an appropriate interim use for the subject site.

This report recommends approval of the Rental Housing Demolition Application under Chapter 667 of the Toronto Municipal Code and the Residential Demolition Application under Chapter 363 of the Toronto Municipal Code, subject to conditions.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council approve the Rental Housing Demolition Application in accordance with Chapter 667 of the Toronto Municipal Code to allow for the demolition of three existing rental dwelling units located at 149, 151, 153, 155 and 157 Bathurst Street.
2. City Council authorize the Chief Planner and Executive Director, City Planning Division, to issue Preliminary Approval for the Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code for the demolition of three existing rental dwelling units at 149, 151, 153, 155 and 157 Bathurst Street after all of the following have occurred:
 - a. satisfaction of Recommendation 1 above;
 - b. the site-specific Zoning By-law Amendments have been approved by the Local Planning Appeal Tribunal; and
 - c. the Owner has made every reasonable effort to work with city staff and the local Councillor's office to develop an appropriate interim use for the site after demolition of the existing buildings has occurred and entered into any necessary and appropriate commitments to secure such use, all to the satisfaction of the local Councillor and in consultation with the Chief Planner and Executive Director, City Planning Division.
3. City Council authorize the Chief Building Official to issue the Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code after the Chief Planner and Executive Director, City Planning Division, has Issued the Preliminary Approval referred to in Recommendation 2.
4. City Council authorize the Chief Building Official to issue a Residential Demolition Permit under Section 33 of the *Planning Act* after the Chief Planner and Executive Director, City Planning Division, has issued the Preliminary Approval referred to in Recommendation 2, which may be included in the demolition permit for Chapter 667 under 363-11.1, of the Toronto Municipal Code, on condition that:
 - a. that a construction fence be erected prior to the commencement of any demolition on the site in accordance with the provisions of the Municipal Code, Chapter 363, Article III, and be maintained during construction of any interim use, if deemed appropriate by the Chief Planner and Executive Director, City Planning Division, and the local Councillor;

- b. that all debris and rubble be removed immediately after demolition; and
- c. that any holes on the property be backfilled with clean fill.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

The Zoning Amendment Application was submitted on July 15, 2016, to permit the redevelopment of the subject site with a 19-storey (61.6 meter) mixed-use building. Also submitted at this time was an application for Rental Housing Demolition and Conversion under Section 111 of the *City of Toronto Act* (Chapter 667 of the Municipal Code) to permit the demolition of the three existing rental dwelling units at 149, 151, 153, 155 and 157 Bathurst Street.

The Zoning Amendment Application was appealed to the LPAT on March 16, 2017, due to Council's failure to make a decision within the time prescribed by the *Planning Act*. A pre-hearing conference was held on August 22, 2017, and subsequently, a Request for Direction Report was adopted by City Council on October 2, 2017. The Request for Direction report can be viewed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.20>

Upon further discussions with City staff, the applicant submitted a revised proposal on May 23, 2018, which formed the basis of the development proposal approved by the Local Planning Appeal Tribunal (LPAT) at a settlement hearing on September 24, 2018. Prior to this, City Council adopted a second Request for Direction Report at its meeting on July 23, 2018, recommending that relevant City staff attend the LPAT in support of the revised proposal. The Request for Direction report can be viewed at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE34.29>

ISSUE BACKGROUND

Proposal

This Rental Housing Demolition Application proposes to demolish a total of seven dwelling units, three of which are rental dwelling units, located within five houseform buildings at 149, 151, 153, 155 and 157 Bathurst Street. The new property owner has requested relief from the City's standard preliminary approval conditions for the Rental Housing Demolition Permit and Residential Demolition Permit. The new property owner intends to work with city staff and the local Councillor's office to develop an appropriate interim use, such as a privately-owned, publicly-accessible open space which would serve the needs of the local community.

Site

The site is comprised of five residential houseform buildings located at 149, 151, 153, 155 and 157 Bathurst Street containing a total of seven residential dwelling units (three rental dwelling units and four owner-occupied dwelling units) and a rooming house with six dwelling rooms. The three rental dwelling units are comprised of one bachelor unit and two, one-bedroom units.

At the time of this report, all dwelling units and dwelling rooms are vacant and all houseform structures are boarded up. This vacant condition may pose a hazard to the neighbouring community. The owner has indicated that these structures are subject to vandalism, trespassing, break-ins and infestation.

Rental Housing Demolition and Conversion By-law

Section 111 of the *City of Toronto Act, 2006* authorizes Council to regulate the demolition and conversion of residential rental properties in the City. Chapter 667 of the Toronto Municipal Code, the Rental Housing Demolition and Conversion By-law, implements Section 111. Chapter 667 prohibits the demolition or conversion of rental housing units in buildings or properties containing six or more residential dwelling units, of which at least one unit is rental, without obtaining a permit from the City and requires a decision by either City Council or, where delegated, the Chief Planner and Executive Director, City Planning.

Pursuant to Chapter 667, City Council may refuse an application, or approve the demolition and may impose conditions, including conditions that must be satisfied before a demolition permit is issued. These conditions further the intent of the City's Official Plan policies protecting rental housing.

Pursuant to the City's Residential Demolition Control By-law Chapter 363 of the Toronto Municipal Code, City Council approval of the demolition of residential dwelling units under Section 33 of the Planning Act is also required where six or more residential dwelling units are proposed for demolition, before the Chief Building Official can issue a permit for demolition under the Building Code Act.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion and an application under Chapter 363 for residential demolition control, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under Chapter 667 are not appealable to the Local Planning Appeal Tribunal (LPAT).

On May 10, 2016, the applicant submitted an application for a Rental Housing Demolition Permit pursuant to Chapter 667 of the Toronto Municipal Code.

Reasons for Application

The applicant has submitted an application for a Rental Housing Demolition Permit because the proposed development will require the demolition of at least six residential dwelling units, of which at least one of these residential dwelling units is a rental dwelling unit.

Tenant Consultation

Prior to the Local Planning Appeal Tribunal issuing an oral decision approving the Zoning By-law Amendment Application, the last remaining tenant vacated the existing rental units. As such, a Tenant Consultation Meeting was not necessary.

COMMENTS

As per the City's Rental Housing Demolition By-law, Rental Housing Demolition Applications involving the demolition of fewer than six rental dwelling units are typically delegated to the Chief Planner. In this instance, however, the local Councillor has requested to have this application be decided by City Council.

Preliminary approval conditions for a Rental Housing Demolition Permit delegated to the Chief Planner typically consist of the following:

- a. Tenant assistance provided to all impacted tenants;
- b. Zoning By-law Amendments have come into full force and effect;
- c. Issuance of the Notice of Approval Conditions for site plan approval by the Chief Planner and Executive Director, City Planning, or their designate, pursuant to Section 114 of the *City of Toronto Act, 2006*; and
- d. Issuance of excavation and shoring permits for the approved development of the site.

In this instance, however, the applicant has requested relief from preliminary approval conditions b., c. and d. above. Preliminary approval condition a. is not required in this instance as all existing rental dwelling units are currently vacant.

Conclusion

Given that the existing dwellings are all vacant and boarded up and that the owner has agreed to work with the local Councillor and appropriate city staff to make every reasonable effort to develop an appropriate interim use for the site, staff are in support of approving the Rental Housing Demolition Application and Residential Demolition Application in advance of meeting the City's typical preliminary approval conditions.

This report recommends that City Council approve the application for a Rental Housing Demolition Permit in accordance with Chapter 667 of the Toronto Municipal Code to allow for the demolition of the three existing rental dwelling units located on the subject site.

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SIGNATURE

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ATTACHMENTS

Attachment 1: Location Map

Attachment 1: Location Map

