

CITY OF TORONTO

BY-LAW No. 460-2005(OMB)

To adopt Amendment No. 1132 to the Official Plan for the former City of Scarborough with respect to the lands known municipally as 10 Chichester Place.

WHEREAS the Ontario Municipal Board pursuant to Decision/Order No. 0511, dated March 8, 2005, upon hearing the appeal of Verban Construction Ltd. under Section 22(7) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, deems it advisable to amend the Official Plan of the former City of Scarborough;

THEREFORE, the Ontario Municipal Board hereby approves Amendment No. 1132 to the Official Plan of the former City of Scarborough as follows:

1. The L'Amoreaux Community Secondary Plan is amended as follows:
 - 1.1 Figure 4.18, L'Amoreaux Community Secondary Plan Land Use Map, is amended with respect to the lands designated RH located at the north-west corner of Sheppard Avenue East and Chichester Place, by replacing RH with RH-287, together with Numbered Policies 4 and 19, as shown on the attached Schedule 'I'.
 - 1.2 Section 4.18.3, Numbered Policies of the L'Amoreaux Community Secondary Plan is amended by the addition of Numbered Policy 19, as follows:

19. North-west corner of Sheppard Avenue East and Chichester Place

Amendments to the Zoning By-law to permit an increase in the height and/or density of development may, pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, require the provision of facilities, services or matters to improve landscaping, transportation, pedestrian facilities, public utilities and/or community facilities and services and shall require the preservation of the existing rental housing, the securing of new purpose built rental housing on-site with mid-range or affordable rents on site, and a construction mitigation and tenant communication strategy for existing tenants, as follows:

- (a) the Owner of the lot at its expense and in accordance with and subject to an agreement pursuant to Section 37 of the *Planning Act* to secure the following facilities, services and matters:
 - (i) maintain the 220 existing rental units as rental for a minimum period of 15 years, making no application for demolition to construct anything other than rental dwelling units or for approval of a Description for purposes of Condominium registration;

- (ii) improvements to the existing rental building at least as set out in the agreement, and the Owner agrees that it shall not apply to the Ontario Rental Housing Tribunal, or to any successor tribunal with jurisdiction to hear applications made under the *Tenant Protection Act*, for the purpose of obtaining an increase in rent above the Guidelines established under that Act in relation to the Existing Rental Units arising from the initial capital cost of these improvements.

- (iii) provide and maintain up to 210 new rental apartment units in one additional building as rental for at least 15 years commencing from the date of initial occupancy of each unit subject to the following:
 - (a) no application shall be made for condominium conversion or for demolition to construct anything other than rental dwelling units during the 15 year period;
 - (b) all of the Rental Dwelling Units in the new apartment building on the site shall be Mid-Range Rental Units;
 - (c) the initial rent for any of the new Mid-Range Rental Units and the rents upon turnover for all these units during the first 5 years of the building's occupancy shall be below 1.5 times the average rents for the same unit type for the City of Toronto as reported by Canada Mortgage and Housing Corporation in their most recent annual Rental Market Survey Report prior to the month that the unit is first occupied by the new tenant;
 - (d) annual increases to tenants who occupy the units in the initial 5 year period shall not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, for as long as the named tenant remains in the same unit;
 - (e) rents charged to tenants newly occupying the units after the completion of the 5 year period set forth in (c) will not be subject to restriction from the City of Toronto under the terms of the Section 37 Agreement.

- (iv) The Owner shall provide a Construction Mitigation and Tenant Communication Plan in consultation with the Director, Community Planning, East District and subject to the provisions of the *Arbitrations Act*.

PURSUANT TO DECISION/ORDER NO. 0511 OF THE ONTARIO MUNICIPAL BOARD ISSUED ON MARCH 8, 2005 IN BOARD FILE NO. PL040680.

