

# CITY OF TORONTO

## BY-LAW No. 315-2007(OMB)

### To adopt Amendment No. 1119 to the Official Plan for the former City of Scarborough.

WHEREAS the Ontario Municipal Board pursuant to its Order No. 0618 dated March 16, 2005, upon hearing the appeal of Bell-Am Apartments Limited 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 amends the Official Plan of the former City of Scarborough (Eglinton Community Secondary Plan), as follows:

### OFFICIAL PLAN AMENDMENT

**1.** The Eglinton Community Secondary Plan is amended as follows:

1.1 Figure 4.13, Eglinton Community Secondary Plan Land Use Map, is amended with respect to the lands municipally known in the year 2004 as 126 Bellamy Road North and designated RH-200, located between Grace Street and Bellamy Road North, by replacing RH-200 with RH-240, together with Numbered Policy 19, as shown on the attached Schedule "1".

1.2 By the addition of Numbered Policy 19 as follows:

**19. 126 Bellamy Road North (Between Grace Street and Bellamy Road North):**

Amendments to the zoning by-law to increase the density of the development will, pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, require the owner of the lands to:

- (i) enter into an agreement with the City of Toronto to secure, at the owner's expense, the following facilities, services and matters:
  - 1. maintain the 252 existing rental units as rental for a minimum period of 20 years, and make no application for demolition to construct anything other than rental dwelling units or for the purpose of condominium registration, except that the 20 year period shall be reduced to a 15 year period (calculated from the date the zoning by-law amendment comes into effect) if no application for a building permit to construct additional dwelling units on the lands has been made by the owner by the date which is 5 years from the date the zoning by-law amendment comes into effect;

2. make improvements to the existing rental building and related facilities at least as set out in the Section 37 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 Guideline established under that Act in relation to the existing units arising from the cost of these improvements;
3. provide and maintain up to 45 new rental apartment units in three additional buildings on the lands 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. If the property tax rate were to increase such that the owner is paying more tax than they would if the rental units were registered as a condominium, the owner will have the right to apply for an official plan amendment and zoning by-law amendment removing the requirement for the rental units to be maintained as rental units prior to the expiry of this 15 year period, provided that all of the rental units remain as rental dwelling units until the owner obtains approval for an official plan amendment and zoning by-law amendment removing the requirement that the owner provide and maintain the dwelling units as rental dwelling units;
  - (b) all of the rental dwelling units in the new apartment buildings on the lands shall be mid-range rental units;
  - (c) the initial rent for any of the mid-range rental units and the rents upon turnover for the mid-range rental units during the 5 year period commencing from the initial occupancy of each unit 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 rent 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 so long as the 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 paragraph (c) above will not be subject to restriction from the City of Toronto under the terms of the Section 37 Agreement;
- (ii) the owner of the lands shall provide a Construction Mitigation and Tenant Communication Strategy to the satisfaction of the Acting Director of Community Planning, East District, prior to the issuance of the first building permit for the proposed additional three storey apartment buildings;
- (iii) building permit issuance for the proposed additional three storey apartment buildings shall be dependant upon satisfaction of the provisions in the zoning bylaw amendment and in the Section 37 Agreement relating to building permit issuance, including the provision of financial securities, the provision of the Construction Mitigation and Tenant Communication Strategy, and the maintenance and provision of rental dwelling units;
- (iv) the agreement with the City of Toronto pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, shall be registered on title to the lands to which this By-law applies prior to the issuance of any building permit for the proposed additional three storey apartment buildings.

PURSUANT TO ORDER/DECISION NO. 0618 OF THE ONTARIO MUNICIPAL BOARD  
ISSUED ON MARCH 16, 2005 IN BOARD FILE NO. PL030272.

# **SCHEDULE "1" TO OFFICIAL PLAN AMENDMENT NO. 1119 BELL-AM APARTMENTS LIMITED**

