

**2 Spencer Ave - Zoning Amendment Application -
Request for Direction Report**

Date:	November 21, 2011
To:	City Council
From:	City Solicitor
Wards:	Ward 14 – Parkdale-High Park
Reference Number:	02 035056 SHY 14 OZ

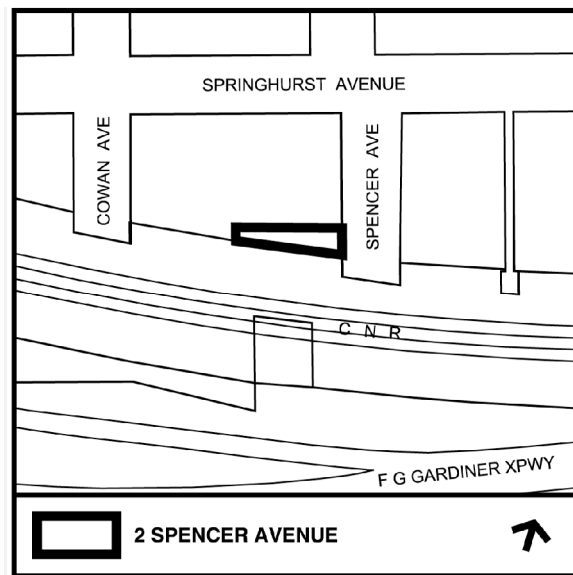
SUMMARY

This application proposes to amend Zoning By-law 438-86, as amended, to maintain six (6) dwelling units in a converted house located at 2 Spencer Avenue. The applicant has appealed the Zoning Amendment Application to the Ontario Municipal Board (OMB) due to Council’s failure to make a decision with respect to the application within the time prescribed by the *Planning Act*. The report seeks direction regarding representation at the Ontario Municipal Board hearing scheduled for January 18, 2012, and authorization to negotiate with the applicant to resolve the issues identified in the attached planning review.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff, to attend at the Ontario Municipal Board on January 18, 2012, in support of the Zoning Amendment application, provided the proposed Terms of Settlement contained in the planning review are agreed to by the applicant;



2. in the event that staff and the applicant are unable to reach a satisfactory settlement, City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff, to oppose the applicant's appeal of the Zoning By-law Amendment application at the Ontario Municipal Board; and
3. City Council authorize the City Solicitor and other City staff to take any necessary steps to implement the foregoing.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

At its meeting on February 3, 2000, Toronto City Council adopted a strategy recommended by Toronto Community Council to deal with the numerous bachelorette and rooming house units in Parkdale which had been in existence for many years, but which had not been in compliance with the Zoning By-law. This strategy, called the Parkdale Pilot Project (PPP), provided for the regularization of these buildings by way of site specific Zoning By-law Amendments, provided that they met the criteria set out in the PPP.

On March 25, 2001 the owner of 2 Spencer Avenue submitted an application to amend Zoning By-law 438-86 under the mandate of the PPP. On January 15, 2010 staff advised the applicant that the qualification criteria of the PPP had not been met because the conversion from a rooming house to a converted dwelling occurred after 1996. As a result, the application was not processed and the zoning amendment application was not reported to Council.

On May 29, 2011 the owner of 2 Spencer Avenue appealed the non-decision of City Council to the Ontario Municipal Board. The hearing has been scheduled for January 18, 2012.

COMMENTS

The purpose of this report is to seek Council's direction for the appeal of this application to the OMB. It is staff's opinion that the proposal is appropriate in its current built form and site design provided outstanding property standards issues are resolved by the applicant. Staff is recommending that the application be approved.

CONTACT

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

Attachment 1: City Planning Division Review
Rezoning Application 2 Spencer Avenue

Attachment 1- City Planning Division Review Rezoning Application – 2 Spencer Avenue

The application is to maintain six (6) dwelling units in the existing converted house at 2 Spencer Avenue. The units will consist of one bachelor unit and five 1-bedroom units.

Site and Surrounding Area

The site is a wedge-shaped property with a 9.14 metre frontage onto the west side of Spencer Avenue, a depth of 36.58 metres and area of 262.03 square metres. The existing 2.5 storey detached building is to be maintained.

The site is surrounded by the following uses:

North: A mix of single and semi-detached dwellings on Spencer Avenue and Springhurst Avenue.

South: The Canadian National Railway corridor and Gardiner Expressway.

East: Semi-detached dwellings on Spencer Avenue.

West: A mix of single and semi-detached dwellings and garages on Springhurst and Cowan Avenues.

Official Plan

The City of Toronto Official Plan designated the site as *Neighbourhoods*, which are regarded as physically stable and permit land to be used for residential purposes. No amendments to the Official Plan are required.

Zoning

The site is zoned R2 Z1.0 by Zoning By-law 438-86, as amended. This residential zoning category permits a variety of residential uses. A site specific Zoning By-law Amendment is required to permit an increase in the gross floor area, the average floor area of the units to be less than 65 square metres, an increase in the permitted building depth, and to permit less than the required number of parking spaces.

Site Plan Control

The proposal is not subject to Site Plan Approval under Section 41 of the Planning Act.

Reasons for Application

The building was originally constructed as a detached dwelling. According to City records the building was converted from a 9 room lodging house to a 4 unit dwelling house around 1965. Sometime between 1965 and 1999, the building was further altered to create an additional 2 units, for a total of 6 units and this was confirmed by city inspectors in 1999. No permits were issued by the City for the construction of the additional 2 units.

In 2000, Toronto City Council adopted a strategy, called the Parkdale Pilot Project, to deal with the many units in Parkdale which had been in existence for many years, but were illegally converted and consequently not in compliance with the Zoning By-law. Although an application for the property at 2 Spencer Avenue was made as part of this program, at the time that the Parkdale Pilot Project concluded, the property at 2 Spencer did not comply with the criteria adopted by City Council for the Parkdale Pilot Project, and as such were not legalized as part of that project.

The property does not conform to Zoning Bylaw 438-86, as amended, with respect to parking, density, building depth and minimum unit size. An amendment to the Zoning By-law is required in order to regularize the building.

COMMENTS

The City of Toronto Official Plan designates the subject property as *Neighbourhoods*. The intent of the Official Plan is to encourage the retention and conservation of existing housing stock, provide low end-of-market housing and decent housing to all residents in a suitable living environment, while preserving the stability of *Neighbourhoods*. Land use changes in *Neighbourhoods* must be sensitive to and compatible with local conditions.

City inspectors have found two additional units within the building, beyond the four units permitted, without corresponding building permits. As was the case with many buildings in Parkdale, as a result of the reconfiguration of the units, the building was rendered not in conformity with the By-law.

The City Council adopted a strategy in 2000, seeking to regularize these long-term units subject to principles and criteria established in consultation with the local community: in order to minimize tenant dehousing; ensure that units meet Provincial and City codes; and maintain the stability of the neighbourhood by limiting applicable buildings to those created prior to 1996. New units constructed or converted since November 1996 were considered illegal and would be subject to prosecution if necessary.

In the case of the building at 2 Spencer Avenue, the date of establishment of the additional 2 units is unknown. It appears based on complaints received that there was construction occurring on the property, without a permit in 1998. Notwithstanding the building not meeting the eligibility requirements of the Parkdale Pilot Project, and therefore the non-decision, the units if brought into conformity with the Building and Fire Code and the City's property standards requirements, would provide for suitable affordable housing.

Terms of Settlement

It is recommended that the City Solicitor appear before the Ontario Municipal Board and support the proposed Zoning Amendment and that the City Solicitor request the Ontario Municipal Board to withhold their Order until such time that the building located at 2 Spencer Avenue complies with the Building Code, Fire Code, Municipal Housing

Standards By-laws and that the applicant address any outstanding property standards issues to comply with the Toronto Municipal Code, Chapter 629, Property Standards. The property owner will also be required to obtain and maintain a municipal rooming house license from the City.

Development Charges

Development Charge levies will be assessed at the time of building permit submission.

Conclusion

The regularization of this property will provide safe, affordable housing by ensuring that the units comply with City and Provincial regulations and not result in the de-housing of existing residents. This will ensure the stability of the neighbourhood by continuing the housing balance that has existed in the neighbourhood.

CONTACT

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