

# AIRD & BERLIS LLP

Barristers and Solicitors

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March 5, 2013

Our File No. 109829

BY EMAIL

City Clerk  
Attention: Francis Pritchard,  
Planning and Growth Management Committee  
Toronto City Hall  
100 Queen Street West  
10<sup>th</sup> Floor, West Tower  
Toronto, ON M5H 2N2

## PG21.1.211

Dear Ms. Pritchard:


**Re: Statutory Public Meeting – March 6, 2013  
Proposed City-wide Zoning By-law  
25 Augusta Avenue, Toronto, ON  
Ward 20, City of Toronto**

Aird & Berlis LLP acts for St. Felix Centres Social Ministries Outreach (“St. Felix Centre”), a program operated under the ownership and direction of the Felician Sisters of St. Francis of Canada.

Attached please find our correspondence addressed to the Planning and Growth Management Committee dated October 9, 2012 providing comments on behalf of our client with respect to the proposed City-wide Zoning By-law. To date, these comments have not been addressed. Please consider the enclosed correspondence as our client’s submissions to Council respecting the proposed City-wide Zoning By-law.

Yours truly,

AIRD & BERLIS LLP

  
Patricia A. Foran  
PAF/jad  
Encl.

c. Paddy Bowen, Executive Director, St. Felix Centre

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**AIRD & BERLIS LLP**

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Barristers and Solicitors

Patricia A. Foran  
Direct: 416.865.3425  
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October 9, 2012

Our File No. 109829

BY EMAIL

Merle MacDonald  
Planning and Growth Management Committee  
10<sup>th</sup> Floor City Hall West Tower  
100 Queen Street West  
Toronto Ontario  
M5H 2N2

Dear Ms. MacDonald:

**Re: Planning and Growth Management Committee Meeting Oct 12 2012  
Recommended Changes to the Draft Citywide Zoning By-law  
25 Augusta Avenue  
Ward 20, City of Toronto  
Item: PG18.7**

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Aird & Berlis LLP acts for St. Felix Centres Social Ministries Outreach ("St. Felix Centre"), a program operated under the ownership and direction of the Felician Sisters of St. Francis of Canada. The purpose of this letter is to provide to you our client's comments and concerns respecting the proposed new Zoning By-law for the City, as it would affect the property at 25 Augusta Avenue.

**Recommendations and Request**

1. That the new Zoning By-law be amended to specifically recognize a range of permitted uses at 25 Augusta Avenue which includes a **Religious Residence** which may either occupy all or a portion of the building(s) on the lot; a **non-profit Community Centre**; a **day nursery** within the non-profit Community Centre; a **Place of Worship**; and based on current plans, a **Rooming House** with permission for up to 16 dwelling rooms with minimum dwelling room size of 7.7 square metres of interior floor area and the provision of a minimum of 8 parking spaces for all uses on the lot.
2. That the specific exception allow for the Residential redevelopment of the site at a density of 1.0 FSI in compliance with the R Zone District should the existing non-profit operations of the Religious Residence, and the Rooming House, and the non-profit Community Centre cease to operate in the future.

## Background

The Felician Sisters own 25 Augusta Avenue. The property has been owned and operated on a long-standing basis by the Sisters as a Religious Residence with an associated non-profit community outreach facility ("St. Felix Centre"). The property is occupied by two buildings - a Main House which has been used as a nun's residence by the Felician Sisters, as well as a separate building at the rear of the property which is occupied by St. Felix Community Centre and Outreach Facility, a non-profit community centre.<sup>1</sup>

Over the past year, the Felician Sisters have made relocation arrangements to enable St. Felix Centre to use the Main Building as a non-profit rooming house known as St. Felix House, offering women in transition room and board at a reduced rental fee in an independent living arrangement on the site. St. Felix House is designed at present to have up to 14 dwelling rooms and 2 Community Worker Rooms along with common rooms, common kitchen and a common dining room. The existing Place of Worship within the Main House will also be retained. Both the Felician Sisters and St. Felix Centre are registered Canadian charities. Most recently, St. Felix's response to the City's request for Proposal under the Federal Homelessness Partnering Strategy was recommended for approval, and funding has now been approved through the Office for Affordable Housing.

## Existing Permissions Under Zoning By-law 438-86

Under the existing City of Toronto Zoning Bylaw 438-86, the property is zoned R3 Z1.0 on Map 51H-11 by By-law 438-86. The range of permitted uses includes:

- (i) a nunnery or religious retreat provided it uses the whole of the building or structure;
- (ii) a converted dwelling and rooming house is also permitted subject to qualifications [Section 6(2)(5)] which requires, among other things, a minimum dwelling room size of 9 square metres for single occupancy and 7 square metres per person for double occupancy;
- (iii) while Zoning Bylaw 438-86 limits the total number of dwelling rooms to twelve (12) in the Central Area, under permissive exception Section 12(1)(61) of the By-law, the use of a converted dwelling and rooming house operated by an agency of government or by a charitable institution or non-profit group incorporated as such under any Act and using NHA funds in an R3 district that does not otherwise comply with section 4(4)(b), 4(5)(b)[*parking supply*], 6(2)(1) and 6(2)(5);

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<sup>1</sup> St Felix Centre Community Centre and Outreach facility was approved through Decisions of the Committee of Adjustment in 1997 and 1998

- (iv) as noted, through Committee of Adjustment decisions in 1997 and 1998, a community outreach centre and daycare is permitted in the rear building on the property.

### **New Draft Zoning By-law**

We have reviewed the Draft Zoning By-law which is not acceptable in its current form. The new Zoning By-law proposes to zone the property R(d 1.0) (x 853) but does not fully recognize and carry forward the existing permissions under Zoning By-law 438-86.

Our client requires that the zoning of the property at 25 Augusta Avenue provide clarity and certainty for the continued operations of the Felician Sisters and the St. Felix Centres Social Ministries Outreach by fully recognizing the historic and current proposed uses on the property.

#### **(i) *Continued Permissions for Religious Residence Without Restrictions***

Under the exception regulation a Religious Residence is permitted if it occupies the whole of a building. Because the property is owned and operated by the Felician Sisters it is very important that a Religious Residence at 25 Augusta Avenue continue to be a permitted use without restriction and regardless of whether the use occupies all or a portion of the building as a specific use within the zoning by-law.

#### **(ii) *Rooming House Permissions***

Under the proposed R Zone regulations a rooming house is permitted if it complies with the requirements set out in proposed Section 150.25. That section caps the number of dwelling rooms at 12, which is insufficient to permit the current St. Felix House proposal. Additionally, the section proposes a minimum dwelling room size and parking requirement that does not reflect the St. Felix House proposal (which complies with the existing zoning on the property).

The City has confirmed in writing that there is no comparable permissive exception similar to Exception 12(1)61 under City of Toronto By-law 438-86 that provides relief for not-for-profit rooming houses. Our client requests that the new Zoning By-law carry forward the permissive exception for not-for-profit rooming houses that exists today.

#### **(iii) *Recognition for Community Centre Use***

While a community centre use is proposed to be permitted in R Zones, the permission only exists in relation to community centres operated by or on behalf of the City of Toronto. Although the definition of a Community Centre encompasses a non-profit community centre facility, the existing non-profit Community Outreach Centre is not a specifically permitted use for 25 Augusta within the R Zone. It is insufficient to require our clients to

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rely upon the limited minor variance recognition within the draft bylaw respecting the community centre use, particularly in light of its long and valued history.

Similarly, our client requests that its after-school programs to community children be recognized through permission for Day Care uses in conjunction with St. Felix Centre on the property.

*(iv) Transition Provisions Inappropriate*

We have reviewed the proposed transition provisions as they would relate to the existing building permit application filed respecting St. Felix House. Our clients are not prepared to rely upon this very limited permission to recognize St. Felix House and the transition housing being offered to women. Additionally, because of incremental funding arrangements coming forward from the City and from other funding agencies there may be building permits filed after the date of the passing of the new Zoning By-law which are not protected under the transition clause, or it may be the case that the CBO deems that some of the current building permit applications are not yet "complete" and still conditional in nature and therefore excluded under the transition clause.

Building and plumbing permits were obtained and have remained open pending the very recent confirmation of funding. In the interim, minor renovations are being done to the first and second floors. When full funding is received there may be a need for technical revisions to the building permits.

Summary:

The range of land use permissions that our client wishes to have recognized represent good planning and are fully supportable. Our clients are respectfully appreciative of the assistance and interest which the City has provided to our client over the years.

St. Felix Centre has been an invaluable community resource for 75 years and its current efforts to add to the community uses by offering affordable rental housing to under-housed women in transition should not have to rely upon transition clauses within the new Zoning By-law, which are subject to the need for continual interpretation by the CBO and which are time-limited.

Our clients therefore request full recognition in the new zoning bylaw for their uses and operations to specifically recognize the diverse and valued services provided at 25 Augusta Avenue by St. Felix Centre.

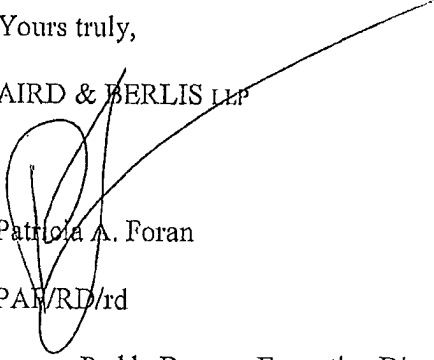
If you have any questions, please do not hesitate to call the undersigned or Rob Dolan of this office.

We would be pleased to meet with city staff and go over the zoning in detail at their convenience.

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Yours truly,

AIRD & BERLIS LLP

  
Patricia A. Foran

PAF/RD/rd

c. Paddy Bowen, Executive Director, St. Felix Centre

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