

**2400 Bathurst Street –Residential Rental Demolition
Application under Municipal Code Chapter 667 – Final
Report**

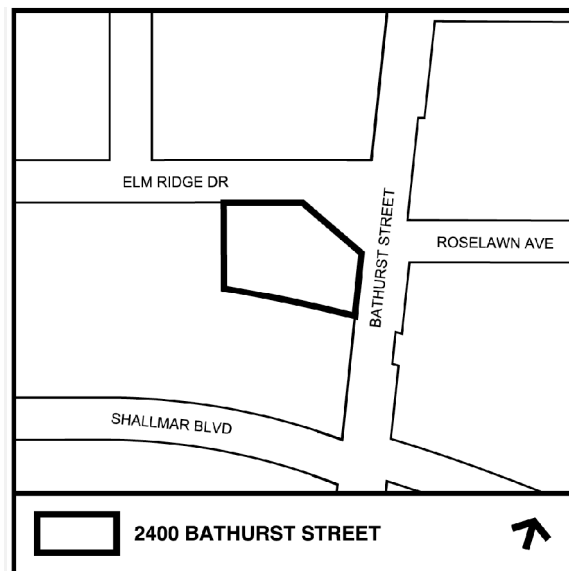
Date:	May 15, 2013
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 21 – St. Paul's
Reference Number:	11 326855 STE 21 RH

SUMMARY

This application for a Section 111 permit, under the City of Toronto Act, proposes to demolish an existing five-storey apartment building with 31 residential rental units at 2400 Bathurst St. The Applicant has approval from the Ontario Municipal Board (OMB) to construct a new 13-storey residential building with a condominium and full replacement of the 31 existing rental units within the building, with a slightly different unit mix.

This report's recommendations are in regard to the rental demolition application on the subject site under Municipal Code Chapter 667, pursuant to the City of Toronto Act.

The related Zoning and Official Plan Amendment applications for the proposed redevelopment were appealed to the Ontario Municipal Board (OMB) on July 16, 2012. In November 2012, Council gave Staff direction to settle the appeals with the applicant. The Official Plan and Zoning by-law Amendments were approved by the OMB on May 13, 2013.



This report provides the results of the

negotiations on the rental housing matters, an overview of the approved development, and makes recommendations to approve a Section 111 permit under Chapter 667 and Chapter 363 of the Municipal Code, for the demolition of the 31 existing rental units subject to conditions. The conditions include the full replacement of the 31 rental units and the provision of tenant relocation assistance, including the right for tenants to return to occupy a rental unit in the new building. This report recommends entering into an agreement under Section 111 to secure these conditions.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council approve the application to demolish the 31 existing residential rental units located at 2400 Bathurst Street pursuant to Municipal Code Chapters 667 and 363 subject to the following conditions under Chapter 667 which provide for the replacement of rental housing as outlined in this report:
 - a. the owner shall provide and maintain thirty one (31) residential rental units on the subject site as rental housing for a period of at least 20 years, comprising one studio, 7 one-bedroom units and 22 two-bedroom units and 1 three-bedroom unit, of which at least 6 shall have affordable rents and 24 shall have rents no higher than mid-range rents, and 1 will have no rent stipulation;
 - b. the owner shall provide tenant relocation assistance including the right to return to a replacement rental unit for the eligible tenants to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - c. the owner shall enter into and register one or more Section 111 Agreement(s) to secure the conditions outlined in (a) and (b) above and as described in the zoning by-law amendment approved by the Ontario Municipal Board on May 13, 2013 (Attachment 2) to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division; and
 - d. the owner shall enter into and register, a Section 118 Restriction under the Land Titles Act (to the satisfaction of the City Solicitor) agreeing not to transfer or charge those parts of the lands, comprising the 31 replacement rental units, without the written consent of the Chief Planner and Executive Director, City Planning Division or their designate (to assist with securing the Section 111 Agreement against future owners and encumbrances of the lands).

2. City Council authorize the Chief Planner and Executive Director, City Planning Division to issue preliminary approval to the application under Municipal Code Chapter 667 after all of the following has occurred:
 - a. satisfaction of the conditions in Recommendation 1;
 - b. after the Official Plan and Zoning By-law amendments approved by the Ontario Municipal Board have come into full force and effect; and
 - c. the issuance of the Notice Of Approval Conditions for site plan approval by the Chief Planner or her designate, pursuant to Section 114 of the City of Toronto Act, 2006.
3. City Council authorize the Chief Building Official to issue a Section 111 permit under Municipal Code Chapter 667 after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval referred to in Recommendation 2.
4. City Council authorize the Chief Building Official to issue a permit under Section 33 of the Planning Act no earlier than issuance of the first building permit for excavation and shoring of the development, and after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval referred to in Recommendation 2, which permit may be included in the demolition permit for Chapter 667 under 363-11.1, of the Municipal Code, on condition that:
 - a. the owner erect a residential building on site no later than three (3) years from the day demolition of the buildings is commenced; and
 - b. should the owner fail to complete the new building within the time specified in condition (a), the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000.00) for each dwelling unit for which a demolition permit is issued, and that each sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.
5. Authorize the appropriate City officials to take such actions as are necessary to implement the foregoing, including execution of the Section 111 Agreements.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On September 30, 2011, applications for Zoning By-law and Official Plan amendments were submitted to demolish an existing 5-storey rental building with 31 rental units, and

construct a new 20-storey residential building with 197 units (28 rental and 169 condominium units), and 222 parking spaces located in an underground parking garage.

As part of the development review process, the applications were revised to propose the construction of a new 16-storey residential building with 165 units (28 rental and 137 condominium units), and 202 parking spaces located in an underground parking garage.

The applications were appealed to the Ontario Municipal Board (OMB) on July 16, 2012. Council approved the basis for settlement of the OMB appeal in November 2012. The settlement, as presented to the OMB, proposed to construct a new 13-storey residential building with 147 units (31 rental and 116 condominium units), and 149 parking spaces located in an underground parking garage.

With respect to the rental demolition and replacement matters, Council's requirements for settlement of the appeal of the redevelopment, to satisfy the Official Plan policy on rental demolition included:

1. The replacement of all 31 existing residential rental units and the provision of tenant relocation assistance.
2. The unit mix to be provided shall be either the same unit mix as the existing building (1 studio, 6 one-bedroom and 23 two-bedroom units, and 1 three-bedroom unit), or alternatively shall be as follows: one (1) studio; seven (7) one-bedroom; twenty-two (22) two-bedroom and one (1) three-bedroom.
3. The floor area of the replacement units may be smaller than the floor area of the existing rental units, provided that the reduced unit areas will generally be approximately at least 90% of the existing rental unit areas. Up to eight of the replacement rental units may contain a single bedroom that is an interior bedroom.
4. All replacement rental units will include en-suite laundry facilities and central air, as well as access to new indoor and outdoor amenity space, bicycle parking and new lockers. Seventeen parking spaces will be provided for tenants, as well as six visitor parking spaces.
5. The revised plans and terms for the replacement of the rental units, and the tenant relocation and assistance plan, shall be in accordance with standard City practice and policies, and to the satisfaction of City Council.

On May 13, 2013, the OMB provided an oral decision approving the Official Plan amendment and the Zoning By-law amendments. The OMB will withhold their Order until advised by the Parties that the Section 37 Agreement has been registered. The Section 37 agreement for this application secures the rental housing replacement matters, as well as, a payment of \$800,000 to be used for capital improvements to local parks and streetscape improvements in Ward 21.

The Zoning By-law Amendment and Official Plan Amendment approved by the Board on May 13, 2013 are attached to this report as Attachment 1 and Attachment 2 respectively.

This property has not been the subject of a previous application for demolition or conversion of any rental units over the previous five year period.

ISSUE BACKGROUND

Proposal

This application for a Section 111 permit proposes to demolish an existing five storey apartment building with 31 existing residential rental units, and provide full replacement of the 31 rental units.

The Applicant has approval from the Ontario Municipal Board (OMB) to construct a new 13-storey residential building with a condominium and full replacement of the 31 existing rental units within the building, with a slightly different unit mix.

Site and Surrounding Area

The subject site is irregularly shaped and approximately 2,754 square metres (29,645 square feet) in size. The frontages on Bathurst Street and Elm Ridge Drive are approximately 30.5 metres and 74.4 metres respectively. There is currently a 5-storey apartment building on the site.

The existing apartment building has a unit mix that comprises one (1) bachelor, six (6) one bedroom units, and twenty-three (23) two bedroom units and one (1) three bedroom unit. Facilities include a shared laundry room, lockers for apartment units, and parking. Of the units in the building, 6 were deemed to have affordable rents, 24 had mid-range rents and 1 unit had high end rents.

The following uses abut the property:

North: Directly north is a 10-storey apartment building. Further north are apartment buildings ranging from 4 to 10 storeys in height. A low-rise neighbourhood is northwest of the subject site.

South: Directly south is the Kay Gardner Beltline trail. Further south, are apartment buildings ranging from 4 to 11 storeys in height and low-rise residential buildings.

East: Apartment buildings ranging from 5 to 10 storeys in height.

West: Low-rise residential houses.

The site is not flat. It rises approximately 2.5 m from the south property line to the north property line and approximately 3.0 metres from the east property line to the west property line.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

Section 3.2.1 Housing Policy

This redevelopment proposal and demolition application was subject to the Official Plan's Housing policies, in particular 3.2.1.6.

The Official Plan states that proposals involving the demolition of 6 or more units of rental housing shall not be approved by Council unless all of the rental housing units have rents that exceed mid-range rents at the time of application. Approvals should provide for their replacement with at least the same number, size and type of rental housing units. The rental housing is to be maintained as rental housing with no condominium registration, with rents similar to those in effect at the time the application is made, for a period of at least 10 years. An acceptable tenant relocation and assistance plan is required, addressing: the right to return to occupy one of the replacement units at similar rents; the provision of alternative accommodation; and other assistance to lessen hardship.

The applicant applied for relief from this policy in order to slightly change the unit mix. The proposal involves reducing the number (23) of two-bedroom units to 22, and increasing the number (6) of one-bedroom apartments to 7.

Rental Housing Demolition and Conversion By-law

The Rental Housing Demolition and Conversion By-law (885-2007), contained in Chapter 667 of the City's Municipal Code, implements the City's Official Plan policies protecting rental housing. The City's Official Plan protects groups of six or more rental units from demolition. The By-law implements the City's policies protecting rental housing, which include providing and maintaining a full range of housing, within neighbourhoods as well as across the City. The By-law prohibits demolition or conversion of rental housing units without obtaining a permit from the City issued under Section 111 of the City of Toronto Act. Proposals involving the loss of six or more

residential units, wherein one or more of the units are rental; require the submission of a Section 111 application. Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued under the Building Code Act.

A related application such as an Official Plan amendment or rezoning triggers the requirement for an application under Chapter 667 for rental demolition or conversion, and typically City Council decides on both applications at the same time. Unlike Planning Act applications, decisions made by the City under By-law 885-2007 are not appealable to the OMB. In this case, the development's Official Plan amendment, Rezoning and Section 37 Agreements have been approved at the Ontario Municipal Board.

Under Section 33 of the *Planning Act* and Municipal Code Chapter 363, Council has the authority to approve or refuse a demolition permit, except in cases where a building permit has been issued to construct a new building. The proposed demolition requires approval under both Section 33 of the *Planning Act* and Section 111 of the *City of Toronto Act*. Section 363-11.1 of the Municipal Code provides for the co-ordination of these two processes. The Chief Building Official may issue one demolition permit for the purposes of Section 33 of the Planning Act and Chapter 667 of the Municipal Code. The Chief Planner in consultation with the Chief Building Official may report on the application for a City Council Decision.

Toronto Buildings staff were consulted in the preparation of this report.

Site Plan Control

The proposal is subject to Site Plan Control. The applicant has not yet submitted a Site Plan Control application.

Reasons for Application

A Rental Housing Demolition and Conversion Application under Section 111 of the City of Toronto Act (Chapter 667 of the Municipal Code) is required to permit the demolition of the existing building which contains a total of 31 rental dwelling units at affordable and mid-range rents.

Community Consultation

Chapter 667 requires City Planning to hold a community consultation meeting to consider matters under the by-law and the impact on tenants prior to the submission of a report to Community Council. Invitations were extended to the affected tenants and other interested parties to a meeting which was held on May 16, 2012 to consider the rental housing issues as well as the general development application. An earlier version of the redevelopment proposal and rental replacement was presented, and concerns raised included: that not all the rental apartments were being replaced; and there was a reduced number of the two-bedroom apartments in favour of more one-bedroom and bachelor units. Tenants described their building and area as being "a two-bedroom community"

and felt that more family units were required. Since then, the revised plans involve a reduction of only 1 two-bedroom apartment from the existing levels.

A subsequent consultation meeting with the tenants was held on May 15, 2013, to present the revised plans for the development and rental replacement, as approved by the Ontario Municipal Board on May 13, 2013 and to discuss the recommended conditions for approval by City Council of a Section 111 permit. Residents raised concerns that the new units in general will not be as large and bright as the existing units, and that not all of the units will have balconies. Residents were pleased that they would be allowed to select which of the new units they would have occupancy in. A number of residents were concerned about the timing of the proposed demolition and finding alternative housing within their current price ranges. Questions were also raised with regard to the purchasing of the condominium units.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Rental Housing

The existing building is a 31-unit residential rental building with 6 affordable and 24 mid-range rental units, and one unit with a high-end rent. Currently, only 7 of the units are occupied by tenants. The rental building is subject to the Residential Tenancies Act, which has provisions for tenants asked to vacate for demolition.

Replacement Rental Housing

The owner has agreed to replace the 31 rental units with similar rents, with a slightly different unit mix, at a slightly smaller size. They will be located in the new building on the lower floors, with separate entry and amenity areas for the rental component of the condominium building. The rental units will be secured as rental housing for at least twenty years with no application for condominium registration during this period.

The replacement proposal, including tenant assistance, meets the Official Plan policy and generally is consistent with the City's standard practices. The Zoning By-law Amendment provides for securing these matters in a Section 37 Agreement. The Official Plan Amendment permitted the slight change to the unit mix, by reducing by 1 the two-bedroom units and increasing by 1 the one-bedroom units. The Council directions for a settlement allowed two variations from the City's practices of achieving floor areas for

the replacement units that are as close as possible to the size of the existing units, and ensuring they are of the same type. Specifically, the City would accept replacement rental units that were on average at least 90% of the floor area of the existing units, and up to 8 apartments could provide one of the bedrooms as an interior unit with no windows on an exterior wall. The City practice is not to deem such replacement units as a comparable type of unit where the existing units have conventional bedrooms with openable windows.

Staff worked with the applicant and is satisfied with the revised plans for the replacement units. The size of a number of the apartments was increased and many unit layouts were improved. Although the by-law and Section 37 and S111 Agreements will require that the new units be at least 90% of the size of the existing units, the current plans actually achieve a 92% replacement size.

The number of affordable units was increased from 6 to 7, with 1 one-bedroom apartment permitted to be rented at an unrestricted rent, because it was replacing a very large one-bedroom apartment that rented above mid-range. The proposed unit mix and rents are shown in Table 1.

Table 1: 2400 Bathurst St – Proposed Unit Mix and Rents

Type	Unit #s	Affordable	Mid-range	High-end
Studio	1	1		
1 bedroom	7	3	3	1
2 bedroom	22	3	19	
3 bedroom	1		1	
	31	7	23	1

Further details of the replacement rental housing

The zoning by-law and Section 37 agreement specify the minimum requirements as follows:

- 1 bachelor/studio unit of not less than 48 m²;
- 7 one-bedroom units with a minimum of 52 m² of which 2 units shall be larger than 60 m²;
- 22 two-bedroom units, of which no more than 8 apartments may contain one bedroom which is an interior bedroom, and all 22 units shall have a floor area of not less than 69 m², of which 8 shall be over 80 m² and a further 7 shall be at least 100 m²;
- There will be one three bedroom unit of not less than 140 m²;
- The combined floor areas for all 31 replacement rental units shall not be less than about 90% of the combined floor areas for the 31 existing rental units (not less than 2,517 m²);
- At least 18 units shall have a balcony or terrace for private use and access;

- There will be 17 parking spaces for the use of the rental tenants and 6 visitor parking spaces for visitors to the rental portion of the building;
- Residents of the rental portion of the building will have access to the combined visitor drop-off area with the condominium residents;
- At least 31 new bicycle storage spaces shall be provided with 20 of them in a sheltered and secure location;
- At least 31 lockers will be provided to each of the rental units in a secure location, at a minimum size for each of 1.5 m²;
- All units shall have Laundry facilities provided en-suite;
- There shall be two indoor amenity spaces made available to the rental residents for their exclusive use of 26m² and 50 m²; and
- A landscaped outdoor amenity space shall be provided for the exclusive use of the rental residents which shall include furnishings and a BBQ;

Tenant Relocation and Assistance Plan

The proposal goes beyond the minimum requirements of the Residential Tenancies Act by increasing the 4 months notice period for tenants to vacate to 5 months, and by providing additional financial assistance beyond the required payment equal to 3 months rent. This includes a moving allowance, extra compensation on a sliding scale based on length of tenancy, and special assistance for tenants deemed to have special needs.

All tenants will have the right to return to a similar rental unit in the new building.

Rent Provisions

The 7 affordable rental units and 23 mid-range rental units will have rents secured according to the City's standard practices. Rents for tenants moving in during the first 10 years shall be no higher than the CMHC average market rent in the case of affordable rents, and no more than 1.5 times average market rent for the mid-range units. For returning tenants, the initial rents shall be based on their last rent paid with permitted annual rent guideline increases that would have otherwise occurred during the intervening period until the building is available for move-in, and a 4% increase representing a new building allowance.

Annual increases are limited to the provincial rent guideline increase, and above-guideline increases if applicable, during this first 10 year period. For any tenant who remains after the tenth year, these protections will continue until the earlier of when they move out or the 20th year of the new building's occupancy, followed by a 3 year phase in to unrestricted market rent.

Commencing in the 11th year, any new tenants may be charged market rents, unrestricted by the owner's agreement with the City.

Conclusion

Staff is recommending that Council approve the demolition of 31 residential rental units conditional on the applicant providing the replacement rental housing and tenant assistance as outlined in this report, and entering a Section 111 agreement to the satisfaction of the Chief Planner to secure these conditions and which is consistent with the provisions of the Zoning By-law as approved by the Ontario Municipal Board, and consistent with the rental housing provisions of the Section 37 Agreement.

CONTACTS

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SIGNATURE

Gregg Lintern, MCIP, RPP
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Toronto and East York District

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ATTACHMENTS

Attachment 1: Zoning By-law
Attachment 2: Official Plan Amendment

Attachment 1: Zoning By-law Amendment

ZONING BY-LAW AMENDMENT TO BY-LAW NO. 438-86

Authority:
Enacted by Council:

**CITY OF TORONTO
BY-LAW NO. -2013**

**To amend the General Zoning By-law No. 438-86, as amended, of the former City of Toronto with respect to the lands municipally known as
2400 Bathurst Street**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set out in the by-law;

WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an *owner* of land elects to provide facilities, services or matters in return for any increase in the height or density of development, the municipality may require the *owner* to enter into one or more agreements with the municipality dealing with the facilities, services, and matters;

WHEREAS the *owner* of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth;

WHEREAS the Official Plan of the City of Toronto contains provisions relating to the authorization of the height and density of development; and

WHEREAS the increases in density or height permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provisions of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the *owner* of such lands and the City of Toronto (hereinafter referred to as the “City”).

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Section 2 with respect to “*height*”, “*lot*” and “*grade*” and Sections 4(2), 4(4), 4(12), 4(13), 4(16) and 6(3) of By-law No. 438-86, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection and use of an *apartment building* on the lands delineated by heavy lines on Map 1 attached to and forming part of this by-law (hereinafter referred to as the “*lot*”), being municipally known as 2400 Bathurst Street, provided:
 - (a) the *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - (b) the total *residential gross floor area* erected or used on the *lot*, excluding all *residential amenity space*, shall not exceed 14,100 square metres;
 - (c) a maximum of 147 *dwelling units* shall be permitted on the *lot* of which:
 - (i) at least 35% shall be *dwelling units* with 2 or more *bedrooms*; and
 - (ii) 31 *dwelling units* shall be secured as rental *dwelling units* comprised of: 1 bachelor *dwelling unit*, 7 one *bedroom dwelling units*, 22 two *bedroom dwelling units* (of which no more than 8 *dwelling units* may each contain one bedroom without an exterior window) and 1 three *bedroom dwelling unit*.
 - (d) no portion of any building or structure above *grade* is located other than wholly within the areas delineated by heavy lines on Map 2 attached to and forming part of this By-law, with the exception of the following:
 - (i) canopies, cornices, lighting fixtures, awnings, ornamental elements, parapets, trellises, eaves, window sills, window washing equipment, guardrails, balustrades, railings, stairs, wheel chair ramps, vents, fences, screens, landscape and public art features may project to a maximum of 2 metres beyond the heavy lines on the attached Map 2 and does not exceed 13 storeys.
 - (e) the *height* of any building or structure, or portion thereof erected or used on the *lot*, including the elements provided for in Section 4(2)(a)(i) of By-law No. 438-86 does not exceed the *height* limits in metres as shown on the attached Map 2.
 - (f) Paragraph (e) above does not prevent the erection or use of the following:
 - (i) window washing equipment, roof access hatches, vents, stacks, pipes, and chimneys provided:

- a. The maximum *height* of the top of such elements is no higher than the sum of three metres and the *height* limit as shown on Map 2
 - b. Such elements or structures are not within **2 metres of an adjacent outside wall or vertical projection of the wall.**
 - c. The aggregate horizontal area of such structure, including the area contained within an enclosure, measured at a point above the level of the *height* limit, does not exceed 30 percent of the area of the roof of the building; and
 - d. The width of such structure, including the width of an enclosure, within an enclosure does not exceed 20 percent of the width of the main wall of the building facing the *lot* line, provided the width is to be measured parallel to the *lot* line.
- (ii) parapets and ornamental elements may extend up to 1.2 metres above the *height* limits in metres as shown on the attached Map 2 where the *height* limit on Map 2 is 35.5 metres or less

- (g) the minimum *residential amenity space* for use by condominium *dwelling units* shall be:

Interior	374 square metres
Exterior	232 square metres

- (h) the minimum *residential amenity space* for use by rental *dwelling units* shall be:

Interior	76 square metres
Exterior	48 square metres

- (i) the minimum ratio of *parking spaces* per *dwelling unit* to be provided and maintained on the *lot* for condominium *dwelling units* shall be:

Bachelor units	0.80 spaces per unit
1 - bedroom units	0.90 spaces per unit
2 - bedroom units	1.00 spaces per unit
3+ bedroom units	1.2 spaces per unit
Visitors	0.2 spaces per unit

- (j) the minimum ratio of *parking spaces* per *dwelling unit* to be provided and maintained on the *lot* for rental *dwelling units* shall be:

<i>Dwelling unit</i>	0.55 spaces per unit
Visitor	0.20 spaces per unit

- (k) For each on-site *car-share parking space* provided on the *lot*, up to a maximum of 2 *car-share parking spaces*, the minimum resident parking required by paragraphs (i) and (j) above shall be reduced by 5 *parking spaces*.
- (l) a maximum of 12 *parking spaces* shall be exempt from the provisions of Section 4(17)(e) of By-law No. 438-86; and
- (m) the minimum number of *bicycle parking spaces* provided and maintained on the *lot* for *dwelling units* shall be:

<i>Bicycle Parking Space - Occupant</i>	89 parking spaces
<i>Bicycle Parking Space - Visitor</i>	22 parking spaces

2. For the purposes of this By-law,
- (a) each word or expression that is italicized in the By-law herein shall have the same meaning as each word or expression as defined in By-law No. 438-86, as amended unless the contrary is expressed in this By-law;
- (b) “*grade*” means 177.11 metres Canadian Geodetic Datum;
- (c) “*height*” means the vertical distance between *grade* and the highest point of the building or structure except for those elements otherwise expressly prescribed in this By-law.
- (d) “*lot*” means those lands delineated by heavy lines on the attached Map 1; and,
- (e) “*car share parking space*” means a parking space used exclusively for the parking of a motor vehicle available for short-term rental, including an option for hourly rental, and intended primarily for use by the occupants of the building erected on the *lot*.
3. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.

4. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole *lot* as if no severance, partition or division occurred.

ENACTED AND PASSED this _____ day of _____, A.D. 2013.

Appendix 1

Section 37

1. The *owner* of the *lot* is required to enter into an agreement pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to secure the facilities, services and matters referred to below, which agreement shall be registered against the title of the *lot* in the manner and to the extent specified in such agreement. The *owner* of the *lot*, at the *owner's* expense and in accordance with and subject to the agreements referred to above, shall provide the following facilities, services and/or matters on terms satisfactory to the Chief Planner and Executive Director, City Planning Division and the City Solicitor:
2. The *owner* shall provide a payment of \$800,000 to be used for capital improvements to local parkland in Ward 21 and beautification and street enhancement projects in Ward 21 in consultation with the local councillor to be paid prior to issuance of an above-grade building permit for the development, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.
3. The *owner* shall replace the existing rental apartment units to the satisfaction of City Council, in accordance with standard practice and policies, applicable law and official plan amendment, as required. The terms regarding replacement and the provision of tenant relocation assistance will be secured in the Section 111 permit/agreement, zoning by-law amendment, Section 37 agreement and official plan amendment, if required.
4. The *owner* shall provide and maintain not less than 31 rental replacement *dwelling units* on the *lot* of which a minimum of 7 *dwelling units* shall be provided as affordable rental replacement *dwelling units* and a minimum of 23 *dwelling units* shall be provided as mid-range rental replacement *dwelling units*, subject to the following:
 - (a) The 31 rental replacement *dwelling units* shall be provided entirely on the *lot*; and shall comprise a unit mix of at least one bachelor, seven one-bedrooms, twenty two two-bedrooms and one three-bedroom unit. The rental replacement dwelling units shall generally be of similar size as the existing units, on the subject site at the date of enactment of this By-law to the satisfaction of the Chief Planner. Subject to the following;
 - i. the bachelor unit shall not be less than 48 m², the one bedroom units shall be at least 52 m² of which 2 shall be at least 60 m², the two-bedroom units shall be at least 69 m², of which 8 shall be at least 80 m² and a further 7 shall be at least 100 m², and no more than 8 two-bedroom units may contain a single interior bedroom in

addition to a conventional bedroom with exterior windows, and a three-bedroom unit of at least 140 m².

- (b) The rental replacement *dwelling units* shall be maintained as rental units for at least 20 years, beginning with the date that each unit is occupied and until the owner obtains approval for a zoning by-law amendment removing the requirement for the rental replacement units to be maintained as rental units. No application may be submitted for condominium or for any other conversion to non-rental housing purposes, or for demolition without providing for replacement during the 20 year period.
- (c) All of the rental replacement *dwelling units* shall be ready and available for occupancy no later than the date by which 90% of the other *dwelling units* erected on the *lot* after the date of enactment of this amendment are available and ready for occupancy;
- (d) The *owner* shall provide and maintain affordable rents charged to the tenants who rent each of the 7 affordable rental replacement *dwelling units* during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount based on the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent for the City of Toronto by unit type, and over the course of the 10 year period, annual increases shall not exceed the Provincial Rent Guideline and, if applicable, permitted above-Guideline increases. Upon turn-over during the 10 year period, the rent charged to any new tenant shall not exceed an amount based on the initial rent, increased annually by the Provincial Rent Guideline, and any above-Guideline increase, if applicable;
- (e) The *owner* shall provide and maintain rents no greater than mid-range rents charged to the tenants who rent each of the 23 mid-range rental replacement *dwelling units* during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount based on the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent times 1.5 for the City of Toronto by unit type, and over the course of the 10 year period, annual increases shall not exceed the Provincial Rent Guideline and, if applicable, permitted above-Guideline increases. Upon turn-over during the 10 year period, the rent charged to any new tenant shall not exceed an amount based on the initial rent, increased annually by the Provincial Rent Guideline, and any above-Guideline increase, if applicable;
- (f) The *owner* is entitled to charge an unrestricted rent for 1 one-bedroom unit;

- (g) Rents charged to tenants occupying an affordable rental replacement *dwelling unit* or a mid-range rental replacement *dwelling unit* at the end of the 10 year period set forth in subsections (d) and (e) shall be subject only to annual increases which do not exceed the provincial rent guideline and, if applicable, permitted above guideline increases, so long as they continue to occupy their *dwelling unit* or until the expiry of the rental tenure period set forth in subsection (b) with a phase-in period of at least three years for rent increases; and
 - (h) Rents charged to tenants newly occupying a rental replacement *dwelling unit* after the completion of the 10 year period set forth in subsections (d) and (e) will not be subject to restrictions by the City of Toronto under the terms of subsections (d) and (e).
5. The *owner* shall provide tenant relocation assistance to the tenants of the existing units affected by the demolition, to the satisfaction of the Chief Planner. The assistance shall include at least: an extended notice period before having to vacate for demolition, financial assistance with relocation beyond the amounts required by provincial legislation, and the right to return to a rental replacement unit.
6. The *owner* shall enter into an agreement with the City pursuant to Section 37 of the *Planning Act*, to secure the provision of said facilities, services and matters, in a form satisfactory to the City's Solicitor as set forth in this Appendix 1 with conditions providing for indexed escalation of financial contributions, no credit for development charges, indemnity, insurance, HST, termination and unwinding, and registration and priority of the agreement.

Attachment 2: Official Plan Amendment

AMENDMENT NO. XXX TO THE OFFICIAL PLAN

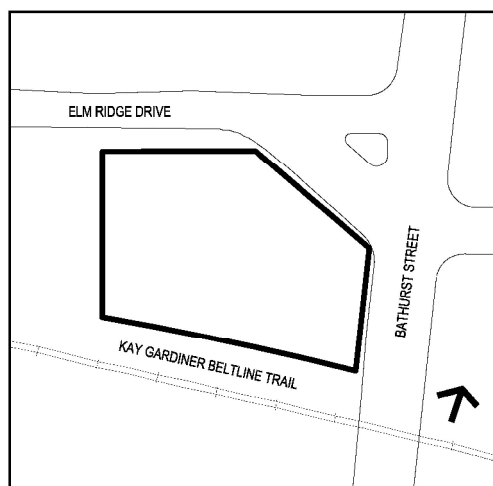
LANDS MUNICIPALLY KNOWN IN THE YEAR 2013 AS 2400 BATHURST STREET

The Official Plan of the City of Toronto is amended as follows:

1. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. XXX for the lands known municipally in 2013 as 2400 Bathurst Street as follows:

XXX. 2400 Bathurst Street

Notwithstanding Policy 3.2.1.6(b)(i), the replacement of the same mix of rental dwelling units is not required, provided that at least 31 replacement rental dwelling units are included in the new development with a unit mix to include at least one bachelor unit, 7 one-bedroom units, 22 two-bedroom units and one three-bedroom unit. The total floor area of the replacement component shall comprise no less than 2,517 meters squared.



2. Chapter 7, Map 28, Site and Area Specific Policies, is revised to add the lands known municipally in 2013 as 2400 Bathurst Street shown on the map above as Site and Area Specific Policy No. XXX.