

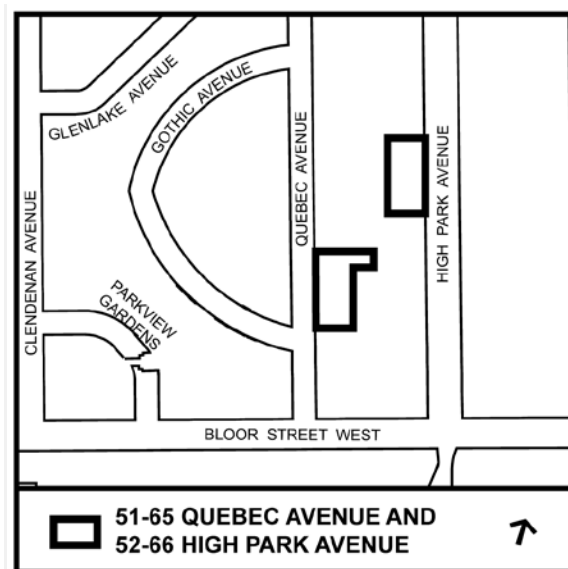
**51-65 Quebec Avenue and 52-66 High Park Avenue –
Residential Rental Demolition Application – Final Report**

Date:	October 20, 2015
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 13 – Parkdale High Park
Reference Number:	13 101863 WET 13 RH (13 101 816 WET 13 OZ)

SUMMARY

This application for a Section 111 permit proposes to demolish two existing blocks of townhouses containing a total of 16 three-bedroom rental units under the City's Rental Property Demolition and Conversion Control By-law. No replacement rental housing is being proposed or required as the townhouses have high-end rents. Through an appeal to the Ontario Municipal Board, the owners were granted permission to construct two 25-storey apartment buildings as part of a related planning application for the property known as 51 to 77 Quebec Avenue and 40 to 66 High Park Avenue.

This report's recommendations are in regard to the rental demolition application for the subject site under Municipal Code Chapter 667, pursuant to the *City of Toronto Act*. The related planning application for the proposed redevelopment was appealed to the Ontario Municipal Board on November 27, 2013 citing City Council's failure to make a decision within the time prescribed by the *Planning Act*. On July 20, 2015 the OMB issued its decision to approve the appeal of the planning application. This report provides the results of staff's review of the rental housing demolition application for the approved redevelopment, and makes recommendations to approve a Section 111



permit under Chapter 667 and Chapter 363 of the Municipal Code for the demolition of the 16 existing rental units subject to conditions. This report recommends entering into an agreement to secure these conditions.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council approve the application to demolish the 16 existing residential rental units located at 51-65 Quebec Avenue and 52-66 High Park Avenue pursuant to Municipal Code Chapters 667 and 363 subject to the following conditions under Chapter 667 which provide for the relocation and assistance for all tenants affected by the proposed development:
 - a. The owner shall provide relocation assistance for the tenants of the residential rental properties to the satisfaction of the Chief Planner and Executive Director, City Planning Division, as set out in Attachment 1 of the report (October 20, 2015) from the Director, Community Planning, Etobicoke York District; and
 - b. The owner shall enter into and register a Section 111 Agreement with the City to secure the conditions outlined in 1a. above to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division.
2. City Council authorize the Chief Planner and Executive Director, City Planning Division to issue the Preliminary Approval of the application under Municipal Code Chapter 667 for the demolition of the 16 residential rental units after all of the following have occurred:
 - a. Securing and satisfying the conditions in Recommendation 1;
 - b. The Zoning By-law Amendments approved by the Ontario Municipal Board have come into full force and effect;
 - c. The Section 37 Agreement is executed and registered on title;
 - d. The issuance of the Notice Of Approval Conditions for site plan approval by the Chief Planner and Executive Director, City Planning Division, or her designate, pursuant to Section 114 of the *City of Toronto Act, 2006*; and
 - e. The issuance of excavation and shoring permits for the approved structures on the site.
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 for the existing residential rental units.

4. City Council authorize the Chief Building Official to issue a demolition permit under Section 33 of the *Planning Act* for the existing residential units 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 4a. above, 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. City Council authorize the appropriate City officials to take such actions as are necessary to implement the foregoing, including execution of the Agreement(s) to secure conditions for tenant relocation and assistance.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A Zoning By-law Amendment application was submitted on January 7, 2013 requesting permission to construct two new 31 storey residential apartment buildings and a two storey amenity building at 51-77 Quebec Avenue and 40-66 High Park Avenue. The redevelopment also proposed to demolish two existing townhouse blocks on site containing a total of 16 rental units at 51-65 Quebec Avenue and 52-66 High Park Avenue.

On January 7, 2013, a Rental Housing Demolition and Conversion application was submitted under Chapter 667 of the Municipal Code and Section 111 of the *City of Toronto Act*. This application was reviewed concurrently with the related Planning application for a Zoning By-law Amendment.

The applicant appealed the Zoning By-law Amendment application to the Ontario Municipal Board (OMB) on November 27, 2013, citing City Council's failure to make a decision with respect to the applications within the time prescribed by the *Planning Act*. Pre-hearing conferences were held on March 21 and June 6, 2014. A settlement offer was

submitted to the City Solicitor on August 11, 2014. The revised proposal was for two new 26-storey residential apartment buildings and a two-storey amenity building and one-storey amenity pavilion.

On August 25, 26, 27 and 28, 2014 City Council considered a report from the City Solicitor on the proposed settlement. City Council rejected the settlement proposal and directed the City solicitor to oppose the appeal at the Board and retain outside consultants.

On July 20th 2015, the Board issued a decision approving the draft Zoning By-law Amendment. The OMB withheld its final Order until the Zoning By-law Amendment and Section 37 Agreement have been finalized and submitted to the Board for approval. Staff are currently working with the owner to finalize the Zoning By-law Amendment and Section 37 Agreement required to be submitted to the OMB by October 20, 2015.

With respect to the rental demolition, City Council's approval under Chapter 667 pursuant to Section 111 of the *City of Toronto Act* is required for the rental demolition and related conditions for tenant relocation and assistance. This property has not been the subject of a previous application for demolition or conversion of any rental units during the previous five-year period.

ISSUE BACKGROUND

Proposal

This application for a Section 111 permit proposes to demolish two existing blocks of townhouses containing a total of 16 residential rental units. The existing rental units are located at 51-65 Quebec Avenue and 52-66 High Park Avenue consisting of three-bedroom units at high-end rents.

The OMB approved the draft Zoning By-law Amendment to construct two 25-storey apartment buildings in the location of two existing rental townhouse blocks. This Final Report and Section 111 permit, would fulfill the City's requirements for the demolition of the existing residential rental units affected by the Board's decision on the related Planning application.

Site and Surrounding Area

The site is located north of Bloor Street West, fronting on both Quebec Avenue and High Park Avenue. The site is approximately 2 ha in size, generally rectangular in shape, with a relatively flat topography.

The site is currently occupied by two blocks of townhouses and two 20-storey rental apartment buildings. The townhouses at 51-65 Quebec Avenue and 52-66 High Park Avenue each consist of 8 three-bedroom rental units and are two storeys in height.

The 20-storey apartment building fronting High Park Avenue (40 High Park Avenue) contains a total of 329 rental units that include 38 bachelor, 213 one-bedroom and 78 two-bedroom units. The second 20-storey apartment building at 77 Quebec Avenue contains a total of 330 rental units that include 38 bachelor, 212 one-bedroom and 80 two-bedroom units.

The surrounding area is described below:

- North: is 70 High Park Avenue, a 20 storey apartment building fronting onto High Park Avenue, and three storey apartment buildings fronting onto Quebec Avenue and further north is a 24 storey apartment building.
- South: the subject site is adjacent to the Toronto Transit Commission (TTC) High Park Subway Station. South of the TTC station fronting the north side of Bloor Street West are several low-rise apartment buildings, retail stores and restaurants. High Park is on the south side of Bloor Street West.
- West: on the west side of Quebec Avenue are two apartment buildings having heights of 19 and 25 storeys. Further west is a 9 storey apartment building and low rise residential buildings fronting Gothic Avenue and Quebec Avenue.
- East: the block to the east contains a mix of residential and mixed-use house-form buildings, small apartment buildings and a number of apartment towers ranging in height from 15 to 30 storeys.

Rental Housing Demolition and Conversion By-law

The Rental Housing Demolition and Conversion By-law (885-2007), Chapter 667 of the Municipal Code, 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*. The By-law allows for conditions to be applied with respect to the impact on tenants of a rental property, including relocation or other assistance.

Proposals in which six or more rental housing units will be affected require a decision by City Council. 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*. 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 Zoning By-law Amendment will be 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.

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 16 existing residential rental units.

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 of the residential rental property prior to the submission of a report to Community Council. A tenant consultation meeting was held on October 30, 2013. Three tenant households attended the consultation meeting and one other household submitted written comments. An additional eight residents from the surrounding neighbourhood also attended the meeting.

The meeting provided an overview of the rental housing application under consideration and the tenant relocation and assistance package proposed by the applicant. Tenants were provided the opportunity to ask questions about the City's rental demolition policies and review process, and give feedback on the proposed tenant relocation and assistance plan.

Tenant concerns included: timing of the proposed demolition; length of the notification period; lack of comparable townhouse rental units in the area; the special needs of family households; and up keep of the existing rental units prior to the proposed redevelopment.

COMMENTS

Rental Housing Demolition

There are 16 existing rental townhouses proposed for demolition through the OMB approved rezoning application for 51-77 Quebec Avenue and 40-66 High Park Avenue. These units are located in two two-storey townhouse blocks located at 51-65 Quebec Avenue and 52-66 High Park Avenue. Each unit has a private driveway, front porch and rear yard. The rents for all 16 units exceeded mid-range rents (more than one and a half times the average market rent) at the time of application and therefore, replacement is not required under Official Plan Policy 3.2.1.6.

All 16 rental townhouse units were occupied by tenants at the time of application. Existing tenants will have no right to return. The owner has agreed to provide tenant relocation assistance beyond what is required under provincial legislation. Tenants will receive an extended notice period for the demolition and eligible tenants will receive financial assistance beyond the equivalent of three months rent specified in the *Residential Tenancies Act*.

The owner has also agreed to provide a moving allowance, additional financial assistance to tenants based on their length of tenancy or special needs, as well as the services of a professional realtor for long-term tenants. All tenants will be provided the opportunity to select a rental unit, if available, elsewhere in the owner's portfolio of rental buildings.

In response to concerns raised by tenants at the consultation meeting, the proposed tenant assistance package includes additional assistance for family households and enhanced communications from the owner to existing tenants on the status of the proposed redevelopment.

Staff are satisfied with the proposed Tenant Relocation and Assistance Provisions (see Attachment 1) and are recommending that it be required as a condition of the Section 111 approval.

Conclusion

Staff are recommending that City Council approve the demolition of the 16 rental townhouse units conditional on the applicant providing the Tenant Relocation and Assistance Provisions to all eligible tenants as outlined in this report, and entering a Section 111 Agreement to the satisfaction of the Chief Planner and Executive Director, City Planning Division to secure these conditions.

CONTACTS

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SIGNATURE

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Director of Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1: Tenant Relocation and Assistance Provisions

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The owner shall provide tenant relocation assistance in accordance with the more detailed Tenant Relocation and Assistance Plan to be included in the Section 111 Agreement, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, for tenants in the 16 existing rental townhouses, and that requires at least:

- i. All tenants to receive 6 months notice prior to being required to vacate for demolition;
- ii. All tenants eligible for financial assistance provided for in the Tenant Relocation and Assistance Plan will receive a moving allowance and other financial assistance beyond provincial requirements based on length of tenure and any special needs;
- iii. All eligible tenants will receive the opportunity to select a rental unit elsewhere in the owner's rental portfolio, if available;
- iv. Realtor assistance for long-term and special needs tenants;
- v. Assistance shall be provided prior to the issuance of any permit to demolish any residential dwelling units on the lot; and
- vi. An initial payment is to be made at the time that each tenant receives the Notice to Vacate for demolition.