

City Council**Notice of Motion**

MM9.36	ACTION			Ward:22
--------	--------	--	--	---------

Technical Amendment to Item TE4.5 respecting 97 Walmer Road and 88-100 Spadina Road - Official Plan Amendment, Zoning Amendment and Rental Housing Conversion Applications - by Councillor Joe Cressy, seconded by Councillor Kristyn Wong-Tam

** Notice of this Motion has been given.*

** This Motion is subject to a re-opening of Item TE4.5. A two-thirds vote is required to re-open that Item. If re-opened, the previous Council decision remains in force unless Council decides otherwise.*

Recommendations

Councillor Joe Cressy, seconded by Councillor Kristyn Wong-Tam, recommends that:

1. City Council delete Parts 1 to 6 of Item TE4.5 adopted by City Council in respect of the Final Planning Report dated January 26, 2015, from the Director, Community Planning, Toronto and East York District, and replace them with the following paragraphs prepared on the recommendation of the Chief Planner and Executive Director, City Planning and the City Solicitor:

"1. City Council amend the Official Plan, for the lands at 97 Walmer Road and 88-100 Spadina Road substantially in accordance with the revised draft Official Plan Amendment prepared by the Director, Community Planning, Toronto and East York District and attached as Attachment 1 to the Motion MM9.36.

2. City Council amend Zoning By-law 438-86, as amended by Site Specific By-law 1091-2005 for the lands at 97 Walmer Road and 88-100 Spadina Road, substantially in accordance with the revised draft Zoning By-law Amendment prepared by the Director, Community Planning, Toronto and East York District and attached as Attachment 2 to Motion MM9.36.

3. City Council amend Zoning By-law 569-2013 for the lands at 97 Walmer Road and 88-100 Spadina Road, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 3 to Motion MM9.36.

4. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendments as may be required.

5. City Council determine that no further notice is required pursuant to the Planning Act with respect to the Official Plan and Zoning By-law Amendments authorized in Parts 1 to 3 above.
6. City Council approve the application for a Section 111 permit for the lands at 97 Walmer Road and 88-100 Spadina Road made pursuant to Municipal Code Chapter 667 to allow the conversion through severance of a rental housing property with more than six rental dwelling units into two lots, one of which (97 Walmer Road) will have fewer than six rental dwelling units following such severance, subject to the following conditions:
 - a. the owner maintains 215 existing rental dwelling units at 100 Spadina Road as rental housing for a minimum period of at least 20 years from July 2009 being the date the building at 88 Spadina Road was first occupied and agrees during such time period not to apply to: convert such existing rental dwelling units or any part of such building, including to any non-residential rental housing purpose; not to apply to register the existing rental dwelling units or any part of such building under the Condominium Act; and not to apply to demolish the existing rental dwelling units or any part of such building without replacement satisfactory to the City;
 - b. of the 215 rental dwelling units referred to in Part 6a. above, the owner shall provide at least two two-bedroom dwelling units at affordable rents for a continuous period of at least ten (10) years commencing from the date each such unit is newly occupied by tenants at affordable rents following the date the Official Plan Amendment in Part 1 above and the Zoning By-law Amendments in Parts 2 and 3 above come into full force and effect in a form satisfactory to the City as determined to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - c. the owner applies for and obtains consent to sever from the Committee of Adjustment (or on appeal, from the Ontario Municipal Board) to permit the severance and separate conveyance of the lands comprising 97 Walmer Road and the owner obtains a Certificate of Consent, all satisfactory to the Chief Planner and Executive Director, City Planning;
 - d. prior to the issuance of any Certificate of Consent to sever the lands comprising 97 Walmer Road required in Part 6c. above, the owner provides tenant relocation assistance to the affected tenant in the rental building at 97 Walmer Road, all to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - e. prior to the issuance of any Certificate of Consent to sever the lands comprising 97 Walmer Road required in Part 6c. above, the owner enters into and registers on title to the lands known as 97 Walmer Road and 88-100 Spadina Road, an amending Section 37 Agreement to secure the conditions in Parts 6a., b., c. and d. above, all to the satisfaction of the City Solicitor in consultation with the Chief Planner and Executive Director, City Planning; and
 - f. prior to the issuance of any Certificate of Consent to sever the lands

comprising 97 Walmer Road required in Part 6c. above, the related Section 111 permit for the conversion through severance has issued.

7. City Council authorize the Chief Planner and Executive Director, City Planning to issue the Section 111 permit for conversion through severance for the application under Municipal Code Chapter 667 after the latest of the following has occurred to the satisfaction of the Chief Planner and Executive Director, City Planning:

- a. the related Official Plan and Zoning Bylaw Amendments are in full force and effect in a form satisfactory to the City as determined to the satisfaction of the Chief Planner and Executive Director, City Planning;
- b. a final and in force decision has been issued from the Committee of Adjustment or, on appeal, from the Ontario Municipal Board, approving the consent to sever to permit the severance and separate conveyance of the lands comprising 97 Walmer Road, which decision amongst other matters is satisfactory to the Chief Planner and Executive Director, City Planning;
- c. the Chief Planner and Executive Director, City Planning Division is satisfied that but for the issuance of the Section 111 Permit, the Certificate of Consent required in Part 6c. above is ready to be issued; and
- d. the owner has satisfied the conditions in Parts 6d. and e. above."

Summary

At its meeting on March 31, 2015, City Council adopted recommendations authorizing Official Plan and Zoning By-law amendments and approved a Rental Housing Conversion application at 97 Walmer Road and 88-100 Spadina Road. The applications arise from the owner's request to sever the property at 97 Walmer Road from the remaining rental buildings on the lands. Once severed the building at 97 Walmer Road comprising 3 rental dwelling units will no longer fall under the City's Official Plan provisions protecting rental housing nor under c.667 of the Municipal Code protecting rental housing, and financial compensation provided to tenants of the property at 97 Walmer Road who receive a Notice of Termination would thereafter be limited to that required under the Residential Tenancies Act unless provided.

In consultation with City Legal, City Planning staff have determined that technical revisions to the recommendations and draft by-laws contained within the Final Report dated January 26, 2015 are required to implement the intent of the recommendations and by-laws.

The recommendations and draft by-laws have been revised to amongst other matters further describe the affordable two – bedroom rental dwelling units to be secured in the apartment building at 100 Spadina Road as compensation for the loss of three rental dwelling units in 97 Walmer Road. Also, the 10 year time period for which the two units will be secured at affordable rents is clarified as commencing from the date that the units are newly occupied by tenants at affordable rents.

Due to the technical nature of the revisions and the notice previously provided, staff are recommending Council approve the official plan and zoning by-law amendments pursuant to the Planning Act without the need for further public notice.

This Motion has been prepared in consultation and with the assistance of the Chief Planner and Executive Director, City Planning and the City Solicitor.

The final staff report dated January 26, 2015 can be viewed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE4.5>

REQUIRES RE-OPENING:

Item TE4.5 adopted by City Council on March 31, April 1 and 2, 2015.

Background Information (City Council)

Revised Member Motion MM9.36

(<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84183.pdf>)

Attachment 1 - Revised Official Plan Amendment; Attachment 2 - Revised Draft Zoning By-law Amendment (By-law 438-86, as amended by By-law 1091-2005; Attachment 3 - Revised Draft Zoning By-law Amendment (By-law 569-2013)

(<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84184.pdf>)