

117, 121, 123 and 129 Roselawn Avenue –Residential Rental Demolition Application Under Municipal Code Chapter 667 – Final Report

Date:	September 17, 2015
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 16 – Eglinton-Lawrence
Reference Number:	13 143806 NNY 16 RH (13 133965 NNY 16 OZ / 13 133970 NNY 16 SA)

SUMMARY

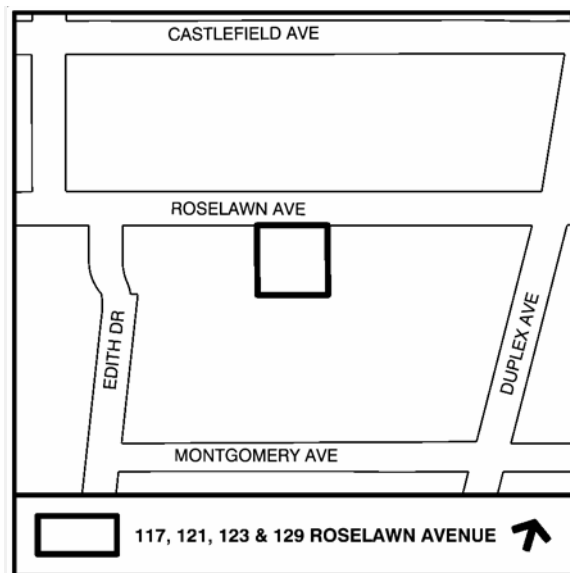
This application seeks approval to demolish residential dwelling units at 117, 121, 123 and 129 Roselawn Avenue. There are 8 dwelling units in total, of which four are rental units. These four properties are also subject to a related Zoning By-law Amendment and Site Plan application for the development of four 3-storey residential townhouse blocks totalling 12 units (File Nos. 13 133965 NNY 16 OZ & 13 133970 NNY 16 SA). The Zoning By-law Amendment and Site Plan Control applications are currently before the Ontario Municipal Board.

This report recommends approval of the Section 111 permit application under Chapters 667 and 363 of the Toronto Municipal Code for the demolition of 8 residential dwelling units, of which 4 are rental dwelling units, subject to conditions.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the Chief Planner and Executive Director, City Planning Division to issue



Preliminary Approval of the application under Municipal Code Chapter 667 for the demolition of the 4 residential rental dwelling units at 123 Roselawn Avenue after all of the following have occurred:

- a. The Zoning By-law Amendment 13 133965 NNY 16 OZ approved by the Ontario Municipal Board has come into full force and effect;
 - b. The issuance of the Notice Of Approval Conditions for Site Plan Control Approval by the Chief Planner and Executive Director for City Planning Division or her designate, pursuant to Section 114 of the *City of Toronto Act*, 2006; and,
 - c. The issuance of excavation and shoring permits for the development on the site approved by the Ontario Municipal Board (File No. PL141099).
2. 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 1 for the existing residential rental dwelling units.
3. City Council authorize the Chief Building Official to issue a demolition permit under Section 33 of the *Planning Act* for the existing residential units at 117, 121, 123 and 129 Roselawn Avenue 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 1, 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.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

Zoning By-law amendment and Site Plan applications were submitted to the City on March 18, 2013, proposing the redevelopment of the four residential properties for four blocks of 3-storey residential townhouse condominiums totalling 12 units and one level of underground parking. Redevelopment of the four properties would include the demolition of the residential dwellings on each of the properties.

On April 11, 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 seeking approval to demolish the four residential rental units contained in the residential dwelling on the 123 Roselawn Avenue property.

The applicant appealed the Zoning By-law Amendment and Site Plan applications to the Ontario Municipal Board (OMB) due to Council's failure to make a decision with respect to the applications within the time prescribed by the *Planning Act*. On May 5, 6 and 7, 2015, City Council considered a report from Legal Services on the Zoning By-law Amendment and Site Plan applications and authorized staff to attend the Ontario Municipal Board hearing generally in support of a revised proposal, provided that outstanding matters identified in the report were secured through the Zoning By-law Amendment and Site Plan Control Approval to the satisfaction of the Director, Community Planning, North York District.

The Zoning By-law Amendment and Site Plan applications are before the OMB. By a Decision dated May 21, 2015, the OMB has allowed the appeals but withheld its final order until such time as it receives a final form of the amendment, which is satisfactory to both the City and the applicant. The order will also be withheld until written confirmation is received from the City Solicitor confirming that the pre-approval conditions for site plan control approval have been satisfied. City Planning staff are working with the appellant to finalize the Zoning By-law and associated Site Plan Control Application.

ISSUE BACKGROUND

Proposal

This application is made under Chapter 667 of the Toronto Municipal Code, requesting issuance of a Section 111 permit pursuant to the City of Toronto Act to permit the demolition of four residential rental units.

The four residential rental units are located at 123 Roselawn Avenue. The rental units consist of 4 two-bedroom units; 3 units with high-end rents and 1 unit with affordable rent. This property is part of a related group of four properties containing a total of 8 residential units subject to a Zoning By-law Amendment application for redevelopment. The other three properties contain two owner-occupied single detached dwellings and one owner-occupied duplex.

The four properties at 117, 121, 123 and 129 Roselawn Avenue meet the definition of a residential rental property under Chapter 667 of the Municipal Code. 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.

Site and Surrounding Area

The four properties which comprise the site are located on the south side of Roselawn Avenue, west of Yonge Street. The site has a frontage of approximately 41 metres on Roselawn Avenue and a depth of approximately 41 metres, is generally flat and has minimal tree cover. The site is located in a neighbourhood that contains a variety of residential uses in terms of housing type, built form and tenure.

Each of the four properties is currently occupied by a residential dwelling. There are a total of eight residential units, including four rental units as noted below. All of the units were vacant at the time the application was submitted.

- 117 Roselawn Avenue – 2-storey detached dwelling unit;
- 121 Roselawn Avenue – 2-storey detached dwelling unit;
- 123 Roselawn Avenue – 3-storey, 4-unit rental apartment building; and
- 129 Roselawn Avenue – 3-storey duplex dwelling (2 units).

Rental Housing Demolition and Conversion By-law

The Rental Housing Demolition and Conversion By-law (885-2007), Chapter 667 of the City's Municipal Code, prohibits demolition or conversion of rental housing units without obtaining approval from City Council for a permit to be issued under Section 111 of the *City of Toronto Act*. Proposals involving the loss of six or more residential dwelling 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*.

When there is a related application, such as the Zoning By-law Amendment for these properties, City Council typically decides on the development application and the residential rental demolition application at the same time. Unlike *Planning Act* applications, decisions made by City Council under By-law 885-2007 are not appealable to the OMB.

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, because the application involves more than six residential dwelling units and at least one rental unit, 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 4 existing residential rental units because the application involves a related group of buildings with at least six residential dwelling units and at least one rental unit.

Community Consultation

Chapter 667 requires City Planning to hold a community consultation meeting to consider matters under the Demolition and Conversion 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 together with the community consultation meeting on the related Zoning By-law Amendment application on January 7, 2014. At that meeting City staff provided an overview of the rental housing application and applicable Official Plan policies.

COMMENTS

This application was considered through the review of the related Zoning By-law Amendment and Site Plan application which are before the Ontario Municipal Board. By a Decision dated May 21, 2015, the OMB has allowed the appeals but withheld its final order until such time as it receives a final form of the amendment, which is satisfactory to both the City and the applicant. The order will also be withheld until written confirmation is received from the City Solicitor confirming that the pre-approval conditions for site plan control approval have been satisfied. City Planning staff are working with the appellant to finalize the Zoning By-law and associated Site Plan Control Application. Staff have no objection to the requested demolition of the rental dwelling units.

Since this development proposal is for a related group of buildings with fewer than 6 rental units, Official Plan policy 3.2.1.6 does not apply and no replacement of rental housing is required. As all 4 rental dwelling units are vacant, no tenant relocation and assistance plan is being recommended as a condition of approval for this application.

Staff recommend that the demolition of the 4 residential buildings at 117, 121, 123 and 129 Roselawn Avenue occur once all the necessary approvals have come into full force to ensure the buildings are not prematurely demolished.

Conclusion

Staff is recommending that Council approve the demolition of the four residential rental units subject to the Ontario Municipal Board issuing its Order and bringing the Zoning By-law into full force and effect; the issuance of Site Plan Notice of Approval Conditions for the approved development; and the issuance of excavation of shoring permits for the approved development.

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SIGNATURE

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