

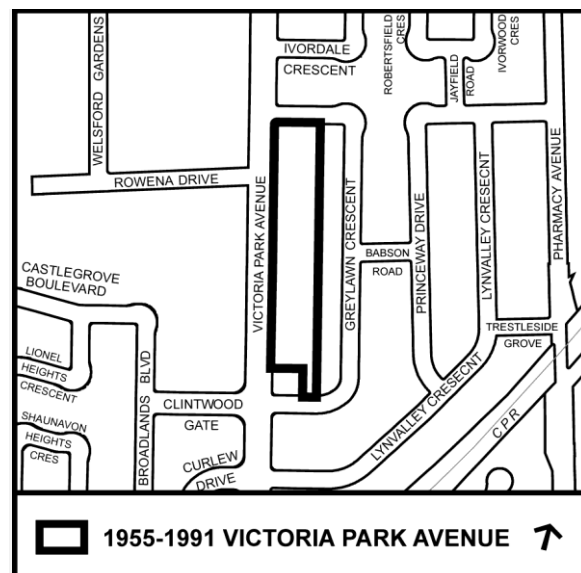
**1955 – 1991 Victoria Park Avenue
Residential Rental Housing Property Demolition and
Conversion and Draft Plan of Condominium Applications
- Preliminary Report**

Date:	March 16, 2016
To:	Scarborough Community Council
From:	Acting Director, Community Planning, Scarborough District
Wards:	Ward 37 – Scarborough Centre
Reference Number:	15 270704 ESC 37 CD 15 270707 ESC 37 RH

SUMMARY

These applications are for conversion of an existing residential rental property to condominium pursuant to Chapter 667 of the Toronto Municipal Code, being the Residential and Rental Property Demolition and Conversion Control By-law, and pursuant to the *Condominium Act*. The owners propose to convert 84 existing grade-related residential rental townhouses located within 7 buildings to 84 condominium ownership townhouses (within the 7 buildings) at 1955, 1961, 1967, 1973, 1979, 1985 and 1991 Victoria Park Avenue. The Draft Plan of Condominium application is for Condominium Approval under the *Condominium Act*.

This report provides preliminary information on the above-noted applications and seeks Community Council's directions on further processing of the applications and on the community consultation process.



The report recommends that a community consultation meeting and a tenant meeting be scheduled together with the Ward Councillor. A Final Report and a Public Meeting will be scheduled following community and tenant consultations and once all identified issues have been satisfactorily resolved and all required information is provided in a timely manner.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation and tenant meeting(s) for the lands at 1955, 1961, 1967, 1973, 1979, 1985 and 1991 Victoria Park Avenue, together with the Ward Councillor.
2. Notice for the community consultation and tenant meeting(s) be given to landowners and residents within 120 metres of the site.
3. Notice of the tenant meeting be given to tenants of the seven buildings by prepaid first class mail.
4. Notice for the tenant meeting (and community meeting if combined) be given to the general public by placing an advertisement in the local newspaper.
5. Notice for the public meeting under the Planning Act be given according to the regulations of the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

Magnus Opus Developments (Victoria Park) Corporation, are the owners of seven residential buildings at 1955, 1961, 1967, 1973, 1979, 1985 and 1991 Victoria Park Avenue. The seven buildings contain a total of 84 grade-related (rental) townhouses.

In 2010, the owners received approval for an official plan amendments permitting the re-designation of the site from Neighbourhoods to Apartment Neighbourhoods, together with a Site and Area Specific Policy No. 346 for the site, and a zoning by-law amendment (File No. 09 190110 ESC 37 OZ)). Further, the owners received conditional approval of a residential rental housing property demolition and conversion application (File No. 10 106199 ESC 00 RH) to permit the redevelopment of the site with 86 rental replacement dwelling units (townhouses and apartment dwelling units) comprising of affordable and mid-range rents and three condominium buildings containing 575 dwelling units. A total of 661 residential units were approved for the site. The Official Plan Amendment (By-law 1076-2010) and Zoning By-law Amendment (1077-2010) were enacted by the City on August 27, 2010 to permit the proposed development, accompanied by the entering into, and registration of a Section 37 Agreement. .

Section 37 Agreement

The Section 37 Agreement secured, amongst other matters, the replacement on site of the rental housing units at affordable and midrange rents; the right of tenants to return to a replacement unit at a similar rent, and tenant relocation assistance to tenants at the time that they received a notice of termination of their lease. This Agreement provides for the execution of a Section 111 Agreement prior to the demolition of the existing rental units. The Section 37 Agreement also provides for the replacement of the 84 rental units with not less than 86 new rental dwelling units on site, comprised of 26, three-bedroom dwelling units, 54, two bedroom dwelling units and 6, one-bedroom dwelling units, of which at least 43 dwelling units shall have affordable rents and the remaining dwelling units shall have rents no higher than mid-range rents. The replacement rental dwelling units are to be generally of the same type and size as contained in the existing buildings on the site at the date of enactment of Zoning By-law 1077-2010. The owner is also required to provide tenant relocation assistance for tenants in the existing buildings

Pre-Application Consultation

A pre-application consultation meeting was held with the owners on December 4, 2015 to discuss complete application submission requirements. At this meeting, the legislative and policy framework related to the conversion and condominium approval requests was discussed including a number of potential issues such as conformity to the Official Plan, compliance to relevant agreements (such as the Section 37 Agreement), compliance to Section 111 of the City of Toronto Act and Chapter 667 of the Municipal Code, Zoning By-law compliance and servicing requirements.

ISSUE BACKGROUND

Proposal

Magnus Opus Developments (Victoria Park) Corporation, owners of the properties, at 1955, 1961, 1967, 1973, 1979, 1985 and 1991 Victoria Park Avenue have submitted a Residential Rental Housing Property Demolition and Conversion application (File No 15 270707 ESC 37 RH) to convert the existing 84 grade-related (rental) townhouses to 84 condominium ownership townhouses. The owners have also made a concurrent application (File No. 15 270704 ESC 37 CD) for Condominium Approval under the *Condominium Act* for the 84 townhouse units and lands.

The owners substantially renovated all seven buildings and units following the 2010 approval of the redevelopment of the site. Renovations appear to have included the reconfiguration of interior hallways which may have altered unit sizes. All tenants moved from the units. The buildings were vacant as renovations occurred. The units are now tenanted. It is staff's understanding that the owners intend to retain the existing (now renovated) 84 units but convert the rental units to condominium ownership. See Attachment 3: Draft Plan of Condominium and Attachment 4: Application Data Sheet for more information respecting the applications.

Site and Surrounding Area

The 2.09 ha site is located on the east side of Victoria Park Avenue, north of Lawrence Avenue and south of Ellesmere Road, on the west portion of a block of land bounded by Victoria Park Avenue and Greylawn Crescent. The site occupies the majority of the Victoria Park Avenue frontage. Currently, the site is developed with seven blocks of rental townhouse units, two storeys in height. A small, one storey commercial plaza is located on an adjacent property, at the southwest corner of the block. One storey, single detached residential dwellings are located on the east side of the block, fronting Greylawn Crescent.

The surrounding land uses in the vicinity of the site can be described as follows:

- North: One storey, single detached dwellings fronting on Greylawn Crescent;
- South: Across Greylawn Crescent (south), there is a one storey commercial plaza and one storey, single detached residential dwellings and apartments;
- East: One storey, single detached dwellings; and
- West: Two storey townhouses (similar in character to the existing townhouses on the site) and apartment buildings ranging in height from 11 to 13 storeys.

LEGISLATIVE AND POLICY FRAMEWORK

CONDOMINIUM ACT

The *Condominium Act* states that the provisions of Section 51, 51.1 and 51.2 of the *Planning Act* that apply to a plan of subdivision also apply to plans of condominium.

PLANNING ACT

Section 51(24) of the *Planning Act* provides criteria that the City must consider in determining whether to allow the draft plan of condominium. Specifically, and relevant to this application, this section requires that:

“in considering a draft plan of subdivision [condominium], regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to:

- a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in Section 2;
- b) whether the proposed subdivision is premature or in the public interest;
- c) whether the plan conforms to the Official Plan and adjacent plans of subdivision, if any;
- d) the suitability of the land for the purposes for which it is to be subdivided;
- f) the dimensions and shapes of the proposed lots; and

- g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land”.

Section 2 of the *Planning Act* includes that: “the council of a municipality... in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as:

- i) the adequate provision of a full range of housing;
- ii) the protection of the financial and economic well-being of the Province and its municipalities; and
- iii) the appropriate location of growth and development.”

RESIDENTIAL TENANCIES ACT

The *Residential Tenancies Act* sets forth minimum requirements for the related rights and responsibilities of tenants in rental buildings throughout the province and requires that tenants be given at least four months' notice and three months' compensation prior to eviction for renovation or demolition. A tenant who receives notice of termination of a tenancy for the purpose of repairs or renovations may have a right of first refusal to occupy the rental unit as a tenant when the repairs or renovations are completed and may reoccupy the rental unit at a rent that is no more than what the landlord could have lawfully charged if there had been no interruption in the tenant's tenancy.

HOUSING SERVICES ACT

The *Housing Services Act* states that it is a matter of provincial interest that there be a system of housing and homelessness services. Such a system should among other matters, address the housing needs of individuals and families, and allow for a range of housing options to meet this broad range of needs.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 2014 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 housing policies of the Provincial Policy Statement require planning authorities to provide for an appropriate range of housing, including affordable housing, to meet the needs of current and future residents. The PPS requires municipalities to establish and implement minimum targets for the provision of affordable housing. The PPS recognizes that local context and character is important.

The PPS, through Policy 1.2.1 h, directs municipalities to address housing needs in accordance with the Ontario Housing Policy Statement (OHPS). The OHPS states that

municipalities, through careful land use planning, can regulate their private market housing growth while satisfying important social, economic and environmental concerns.

The Growth Plan for the Greater Golden Horseshoe, 2006 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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe, 2006.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe, 2006.

Official Plan

The subject property is designated *Apartment Neighbourhoods* in the Official Plan (See Attachment 1: Official Plan). The site was re-designated to *Apartment Neighbourhoods* from *Neighbourhoods* through Council's approval of official plan and zoning by-law amendments in 2010 (File No. 09 190110 ESC 37 OZ). The site is subject to "Site and Area Specific Policy No. 346" which provides for intensification on the site provided, amongst other matters, a minimum of 86 replacement rental housing units are located on the site. New replacement rental housing will be of similar size and type as the existing rental housing units and are to have rents similar to those at the time "a redevelopment application is made".

Section 3.2.1 of the Official Plan includes policies that encourage the provision of a full range of housing, in terms of form, tenure and affordability, and the protection of rental housing units. Policy 3.2.1.8 provides that the conversion to condominium, or the severance or subdivision, of any building or related group of buildings, containing six or more rental housing units will not be approved unless:

- a) all of the rental housing units have rents that exceed mid-range rents at the time of application, or
- b) in Council's opinion, the supply and availability of rental housing in the City has returned to a healthy state and is able to meet the housing requirements of current and future residents. This decision will be based on a number of factors, including whether:
 - i) rental housing in the City is showing positive, sustained improvement as demonstrated by significant net gains in the supply of rental housing including significant levels of production of rental housing, and continued projected net gains in the supply of rental housing;
 - ii) the overall rental apartment vacancy rate for the City of Toronto, as reported by the Canada Mortgage and Housing Corporation, has been at or above 3.0 per cent for the preceding four consecutive annual surveys;

- iii) the proposal may negatively affect the supply or availability of rental housing or rental housing sub-sectors including affordable units, units suitable for families, or housing for vulnerable populations such as seniors, persons with special needs, or students, either in the City, or in a geographic sub-area or a neighbourhood of the City; and
- iv) all provisions of other applicable legislation and policies have been satisfied.

City of Toronto Act, Section 111

Section 111 of the *City of Toronto Act, 2006* authorizes Council to regulate the demolition and conversion of residential rental properties in the City. By-law No. 885-2007 (also known as the Residential and Rental Property Demolition and Conversion Control By-law), which established Chapter 667 of the Municipal Code, assists with implementing the City's Official Plan policies protecting rental housing.

The By-law makes it an offence to demolish or convert to condominium the whole or any part of a residential rental property where there are six or more dwelling units, unless approval has been granted for a Section 111 permit for the demolition or conversion. City Council may refuse an application, or approve the application with conditions.

Unlike *Planning Act* applications, decisions made by the City under By-law 885-2007 are not appealable to the OMB.

Zoning

The site is subject to the prevailing by-laws and sections of the former City of Scarborough Zoning By-law (Maryvale Community) No. 9366, as amended and City of Toronto By-law 1077-2010 as amended. Zoning By-law 1077-2010 was enacted by Council to permit the redevelopment of the site with replacement rental dwelling units and condominium buildings as proposed by the owners in 2010. The site is zoned "Apartment Residential (A) Zone. Under the existing zoning, a "Holding Provision (H)" applies such that, until its removal, the use of the lands is restricted to the uses permitted under the "Multiple Family Residential (M) Zone". The M zone permits, amongst other uses, "Multiple-Family Dwellings" which is defined as "low density family type rental dwelling units".

Site Plan Control

Site plan application, No. 09 190125 ESC 37 SA was submitted for the development approved by Council in 2010. The owners have not proceeded with finalizing the application and have on several occasions requested that this application remain open.

Reasons for the Application

The owners have filed Residential Rental Housing Property Demolition and Conversion and Draft Plan of Condominium applications that seek approval from the City to convert existing housing units that currently have rental tenure to condominium tenure and

approve a standard condominium for the existing buildings/units on the site. City staff will examine these requests within the Provincial and Municipal legislative and policy framework.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Housing Issues Report
- Planning Rationale
- Arborist Declaration

A Notification of Complete Application was issued on February 8, 2016.

Issues to be Resolved

The application has been circulated to City divisions and public agencies for comment. Staff will review and discuss with the applicant the issues below that have been identified on a preliminary basis:

- Regard given to the provincial interests pursuant to Section 2 of the *Planning Act*;
- Consistency with the Provincial Policy Statement, 2014, the Ontario Housing Policy Statement and conformity to the Growth Plan for the Greater Golden Horseshoe, 2006;
- Compliance with all applicable legislation, including Section 111 of the *City of Toronto Act, 2006* and Chapter 667 of the Municipal Code, enacted pursuant to such provision, and legislation such as the *Residential Tenancies Act, 2006*;
- Regard given to the criteria under section 51(24) of the *Planning Act*;
- Conformity with the policies of the Official Plan;
- Potential measures to mitigate disruption to tenants;
- Impact on current and future tenants residing at the property;
- Compliance to City Zoning By-laws including the current zoning provision that applies to the site and requires that multi-residential housing be "rental" and By-law 1077-2010;
- Applicability of the Section 37 Agreement;
- Review of servicing and stormwater management; and
- In the event condominium conversion is determined to be appropriate, conditions to be imposed on the applications.

Additional issues may be identified through the review of the application, agency comments and the community and tenant consultation processes.

CONTACT

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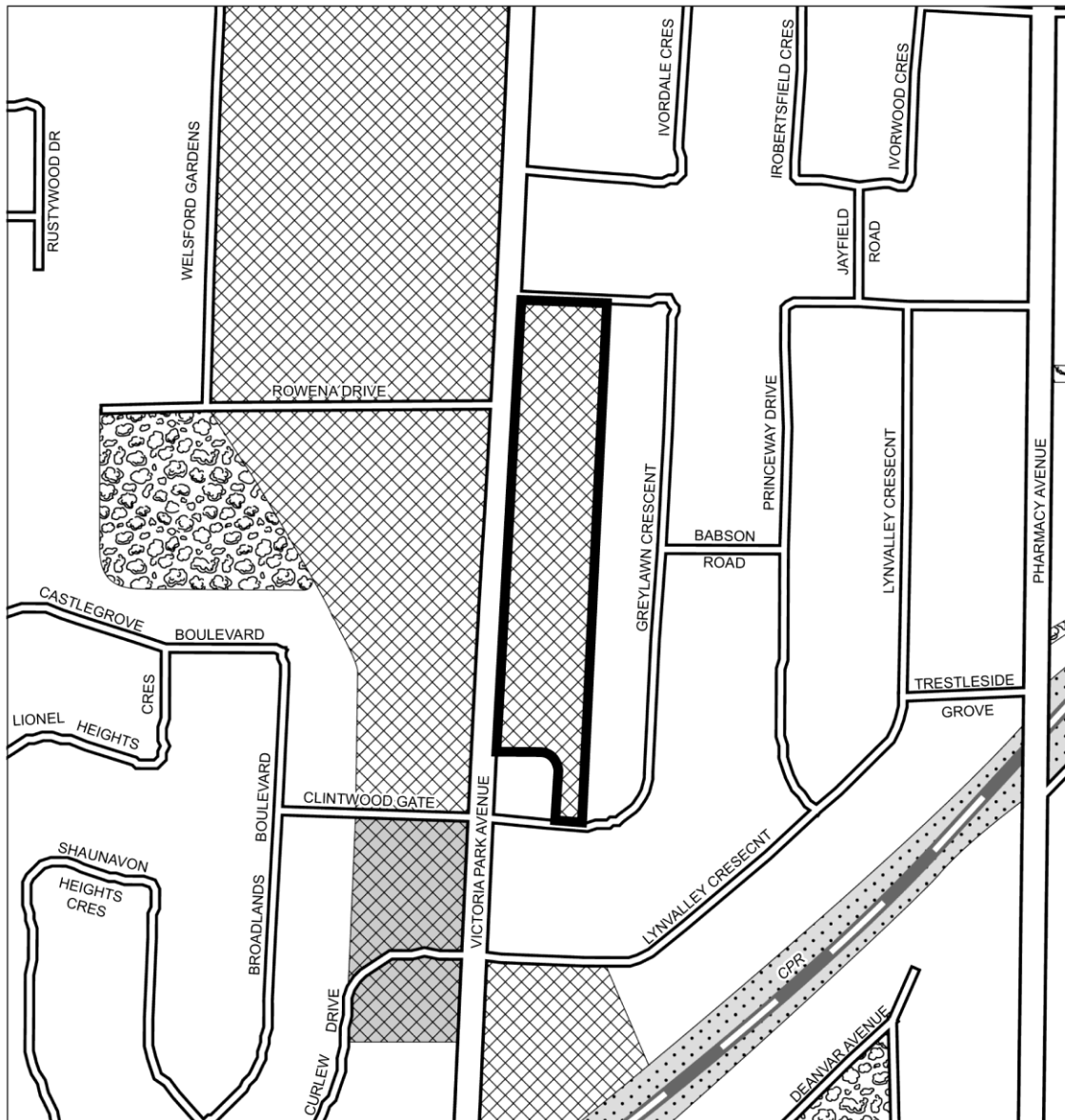
SIGNATURE

Paul Zuliani, Acting Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Official Plan
Attachment 2: Zoning
Attachment 3: Draft Plan of Condominium
Attachment 4: Application Data Sheet

Attachment 1: Official Plan



TORONTO City Planning
Extract from Official Plan

1955-1991 Victoria Park Avenue

File # 15 270704 ESC 37 CD and 15 270707 ESC 37 RH

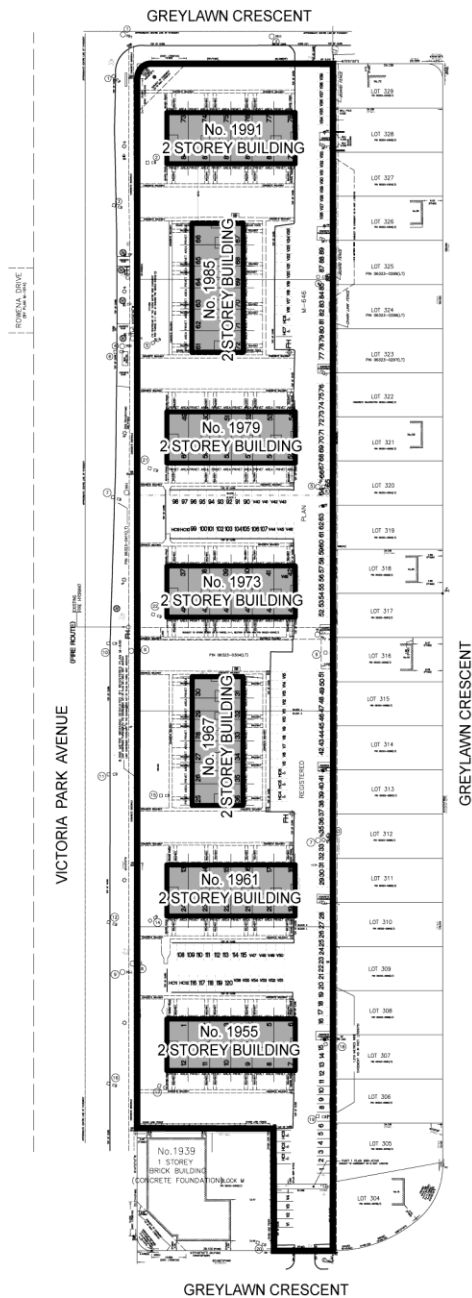
	Site Location		Parks & Open Space Areas		Utility Corridors
	Neighbourhoods		Parks		
	Apartment Neighbourhoods				
	Mixed Use Areas				

↑
Not to Scale
02/26/2016

The map displays a complex network of residential streets and lots. Key features include:

- Streets:** Rustywood Dr., Welsford Gardens, Rowena Drive, Victoria Park Avenue, Clintwood Gate, Broadlands, Curlew Drive, Lionel Heights Crescent, Castlegrove Boulevard, Shaunavon Heights Cres, Greylawn Crescent, Babson Road, Princeway Drive, Lynvalley Crescent, Pharmacy Avenue, Jayfield Road, Robertsfeld Cres, Ivordale Cres, Ivorywood Cres, Trestleside Grove, Deanar Avenue, and C.P.R.
- Zoning Designations:** RT (au220.0), RD (f15.0; a550) (x5), RA (f30.0; a1375; d1.5), RM (au199.0) (x165), RD (x301), R3, OR, A(H), HC, NC, CR 1.0 (c1.0; r1.0) SS3, UT, and RD (f12.0; a400) (x1241).
- Highlighted Lot:** A large lot is outlined with a thick black border, located near the intersection of Victoria Park Avenue and Greylawn Crescent. It contains two areas labeled A(H) and one area labeled HC.

Attachment 3: Draft Plan of Condominium



Draft Plan of Condominium

1955-1991 Victoria Park Avenue

Applicant's Submitted Drawing

Not to Scale
2/25/16



File # 15 270704 ESC 37 CD and 15 270707 ESC 37 RH

Attachment 4: Date Application Sheet

Application Type	Residential Rental Housing	Application Number:	15 270707 ESC 37
	Property Demolition & Conversion		RH
Details	Conversion Not Delegated	Application Date:	December 31, 2015

Municipal Address: 1955 - 1991 VICTORIA PARK AVE

Location Description: PLAN M646 PT BLK J BLKS K AND L **GRID E3702

Project Description: Magnus Opus Developments (Victoria Park) Corporation, owners of 1955, 1961, 1967, 1973, 1979, 1985 & 1991 Victoria Park Ave. have submitted a Residential Rental Housing Property Demolition & Conversion application (File No 15 270707 ESC 37 RH) to convert the existing 84 (rental) townhouses to 84 condominium ownership townhouses. A concurrent application has also been made (File No. 15 270704 ESC 37 CD) for Condominium Approval under the Condominium Act.

Applicant:	Agent:	Architect:	Owner:
PMG PLANNING CONSULTANTS			MAGNUM OPUS DEVELOPMENTS (VICTORIA PARK)

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhoods	Site Specific Provision:	
Zoning:	Apartment Residential (H)	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	20900	Height:	Storeys:	2
Frontage (m):	18.29		Metres:	0
Depth (m):	326			
Total Ground Floor Area (sq. m):	4480			Total
Total Residential GFA (sq. m):	13440		Parking Spaces:	188
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	13440			
Lot Coverage Ratio (%):	23.3			
Floor Space Index:	0.64			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	13440	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	56	Industrial GFA (sq. m):	0	0
3 + Bedroom:	28	Institutional/Other GFA (sq. m):	0	0
Total Units:	84			
CONTACT:	PLANNER NAME:	Russell Crooks, Senior Planner		
	TELEPHONE:	(416) 396-7040		

