

**1327, 1329, 1333, 1335, 1337 and 1339 Queen Street East
– Residential Rental Demolition Application Under
Municipal Code Chapter 667 – Final Report**

Date:	April 15, 2016
To:	Toronto East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 32 – Beaches-East York
Reference Number:	14-148293 STE 32 RH

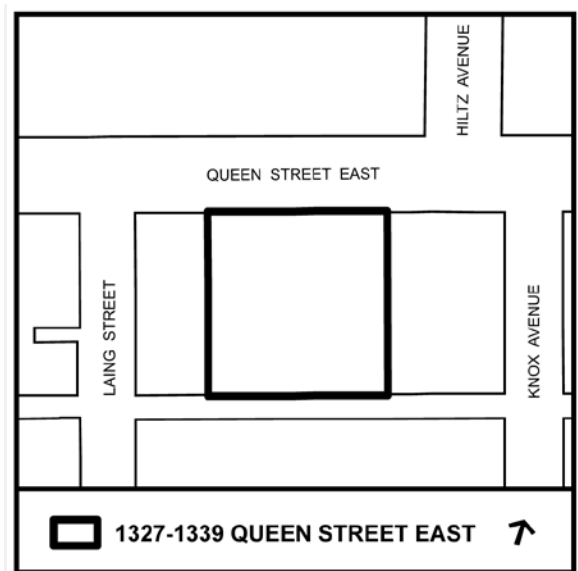
SUMMARY

This application seeks approval to demolish 6 residential properties at 1327, 1329, 1333, 1335, 1337 and 1339 Queen Street East, containing a total of 8 dwellings, of which 5 are residential rental dwelling units. These 6 properties are also subject to a related Zoning By-law Amendment and Site Plan application for the development of an 8-storey mixed-use building containing 96 residential units (File nos. 14 125514 STE 32 OZ / 15 145265 STE 32 SA). The Zoning By-law Amendment and Site Plan Control applications have been approved by the Ontario Municipal Board and a Board order is pending.

This report recommends approval of the Section 111 permit application under Chapters 667 and 363 of the Toronto Municipal Code for the demolition of 6 residential properties containing 5 residential 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 5 residential rental dwelling units at 1333, 1335, 1337 and 1339 Queen Street East after all of the following have occurred:
 - a. The Zoning By-law Amendment 14 125514 STE 32 OZ approved by the Ontario Municipal Board has come into full force and effect;
 - b. Site Plan Control Approval has been granted by the Ontario Municipal Board; and,
 - c. The issuance of excavation and shoring permits for the development on the site.

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 6 existing residential properties at 1327, 1329, 1333, 1335, 1337 and 1339 Queen Street East 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 the 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 application was submitted to the City on March 6, 2014, proposing the redevelopment of the six residential properties for an 8 storey mixed-use building. An associated Site Plan Approval application was submitted on April 22, 2015.

On April 24, 2014, 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 5 residential rental dwelling units contained within the residential properties at 1333, 1335, 1337 and 1339 Queen Street East.

The applicant appealed the Zoning By-law Amendment and Site Plan applications to the Ontario Municipal Board (OMB) citing Council's failure to make a decision on the application within the prescribed timelines of the *Planning Act*. On December 9, 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, Toronto and East York District.

On March 7, 2016, the Ontario Municipal Board approved the Zoning By-law Amendment and Site Plan applications. The OMB has 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 have been satisfied.

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 5 residential rental dwelling units.

The 5 residential rental dwelling units are located at 1333, 1335, 1337 and 1339 Queen Street East. The rental units consist of 5 two-bedroom units; 1 unit with high-end rent and 4 units with mid-range rents. This property is part of a related group of residential properties containing a total of 8 residential units and 2 commercial units and is subject to a Zoning By-law Amendment application for redevelopment. All of the units are currently vacant.

The 6 properties at 1327, 1329, 1333, 1335, 1337 and 1339 Queen Street East 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 subject site is located on the south side of Queen Street East, mid-block between Knox Avenue and Laing Street. The site has an overall area of approximately 2,428 square metres. The properties comprise 4 house-form residential buildings containing 8 residential dwelling units, 5 of which are residential rental dwelling units.

To the east of the proposed building are multi unit house-form building and automotive uses. To the west of the proposed building is a three-storey apartment building. On the north side of Queen Street East immediately across from the property are 3-storey apartments and 2-storey mixed-use buildings. To the south is a low density residential neighbourhood.

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 used for rental purposes 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 5 existing residential rental dwelling units because the application involves a related group of buildings with at least 6 residential dwelling units and at least 1 rental dwelling 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 conducted via a conference call with the 1 affected tenant on March 7, 2016. During this conference call, City staff provided an overview of the rental housing application, the applicable Official Plan policies and the City's standard Tenant Relocation and Assistance Plan.

Tenant Assistance and Relocation

On February 10, 2016, the last remaining tenant and Rockport Inc. reached an agreement with respect to the conditions under which this tenant will vacate their rental unit and the required financial compensation. Staff are satisfied that an appropriate Tenant Assistance Plan was provided by the applicant. As of the date of this report, the last remaining tenant has since vacated their rental dwelling unit.

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 March 7, 2016, 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 5 residential 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 5 residential rental dwelling units are now vacant, no further tenant relocation and assistance plan is being recommended as a condition of approval for this application.

Staff recommend that the demolition of the 6 residential properties at 1327, 1329, 1333, 1335, 1337 and 1339 Queen Street East 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 5 residential rental dwelling 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 Approval by the Ontario Municipal Board; and the issuance of excavation of shoring permits for the approved development.

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SIGNATURE

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