

## **89-101 Roehampton Avenue - Request for directions regarding OMB Hearing**

**Date:** September 25, 2017

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 22 - St. Paul's

### **REASON FOR CONFIDENTIAL INFORMATION**

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This report is about litigation or potential litigation that affects the City or one of its agencies or corporations.

This report contains advice or communications that are subject to solicitor-client privilege.

### **SUMMARY**

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The purpose of this report is to seek instruction for the upcoming Ontario Municipal Board (OMB) Hearing on the above-noted matter. The hearing is scheduled to take place from October 16 – 20, 2017.

### **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. The recommendations contained in the Confidential Attachment 1 to this report be made public if City Council adopts the recommendations. All other information contained in the Confidential Attachment 1 is to remain confidential at the discretion of the City Solicitor.

## FINANCIAL IMPACT

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Adopting this report will have no financial impact beyond what has already been approved in the current year's budget.

## DECISION HISTORY

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The owner of the property at 89-101 Roehampton has appealed its Zoning By-Law amendment application to the Ontario Municipal Board (OMB) due to City Council's failure to make a decision within the time allotted by the Planning Act. A one week hearing has been scheduled to begin on October 16, 2017.

This application proposes a 36-storey rental apartment building containing 236 units at 89-101 Roehampton Avenue. The proposed tower would be attached to the existing 19-storey, 128-unit rental apartment building on the site and internally connected to it on the ground floor.

An application for Rental Demolition and Conversion pursuant to Chapter 667 of the Toronto Municipal Code was submitted by the applicant on January 24, 2017. This application was not the subject of the appeal and a final report the rental housing demolition will be brought forward for a decision by Council should the OMB approve the proposed development.

A Request for Directions report by the Director, Community Planning, Toronto and East York District, was adopted by City Council on October 5, 2016. The report recommended that City Council authorize the City Solicitor and appropriate staff to appear at the OMB in opposition to the proposal. The report sets out several concerns with the proposal, including overdevelopment of the site (density, height and massing), poor site organization, and a deficiency in amenities and services for tenants of the existing building, who would be negatively impacted by the proposal. The report also expressed concern about potential conflict between the proposal and the emerging policy direction of OPA 320, the City Council adopted policies respecting Healthy Neighbourhoods, Neighbourhoods and Apartment Neighbourhoods.

For more detailed Decision History, see the Request for Directions Report dated August 8, 2016 from the Director, Community Planning, Toronto and East York District, at the following link:

<http://www.toronto.ca/legdocs/mmis/2016/te/bgrd/backgroundfile-95763.pdf>

## ISSUE BACKGROUND

Further information has been received which has resulted in the need for directions from City Council prior to the October 16, 2017 OMB hearing. A with prejudice settlement offer (the "Offer") has been made to the City Solicitor. A copy of the letter containing the Offer (and revised plans) is attached as Appendix "A" to this report.

The Offer sets out a revised proposal which addresses many of the concerns that Staff described in the Request for Directions report. These include:

- The portion of the base building north of the new tower has been reduced from 8-storeys to 4-storeys;
- The base building, above the 4th floor, has been stepped back an additional 2 metres from the west property line;
- Access to amenity space has been improved with additional connections between the new and existing building at the 5th floor;
- There has been a reduction of the tower floorplate on floors 10-19 for the new tower from 454 square metres to 408 square metres;
- There is a significant increase in the landscaped area at grade, including a reduction in the number of vehicular access points and surface parking spaces;
- A north-south midblock connection, 4 metres in width, has been added along the east side of the property
- An increase in the number of storeys from 36 to 38, which raises the height from the proposed 111.9 metres to 115.23 metres

In addition to these changes, the Offer proposes a nine hundred thousand dollar (\$900,000) Section 37 contribution to be directed toward local improvements in Ward 22. The applicant also commits to a number of rental housing matters including a tenant relocation and assistance plan to be provided to affected tenants residing in the existing rental dwelling units impacted by the proposal, a Tenant Consultation Plan and a Construction Mitigation Strategy, the details of which would be to the satisfaction of the Chief Planner. The applicant has also offered to secure all of the existing and proposed rental dwelling units as Rental Housing for a minimum of 20 years. Of note is the fact that the Republic Resident's Association, a party to the upcoming hearing, has been copied on the Offer.

## **COMMENTS**

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This report is about litigation before the OMB and contains advice or communications that are subject to solicitor-client privilege. The attachment to this report contains confidential advice and should be considered by Council in camera.

## **CONTACT**

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Jessica Braun, Solicitor, Planning & Administrative Law; Tel: (416) 392-7237; Fax: (416) 397-5624; Email: [Jessica.Braun@toronto.ca](mailto:Jessica.Braun@toronto.ca)

## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Confidential Attachment 1 -

APPENDIX "A"



Barristers & Solicitors

Bay Adelaide Centre - West Tower  
333 Bay Street, Suite 3400  
Toronto, Ontario M5H 2S7

Telephone: 416.979.2211  
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goodmans.ca

Direct Line: 416.597.4299  
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September 27, 2017

Our File No.: 151963

**WITH PREJUDICE**

Legal Services, City of Toronto  
Metro Hall, 55 John Street, 26<sup>th</sup> Floor  
Toronto, ON M5V 3C6

**Attention: Jessica Braun**

Dear Sirs/Mesdames:

**Re: 89-101 Roehampton Avenue  
OMB Case No. PL160796**

We are solicitors for Pabs Limited Partnership and Roehampton Apartments Limited, who are the owners of the property known municipally as 89-101 Roehampton Avenue (the "Property") respectively. As you know, an Ontario Municipal Board hearing is scheduled to commence on October 16, 2017 regarding our client's appeal of the rezoning application filed in respect of the Property.

Further to our client's extensive discussions with the Republic Residents' Association (copied on this correspondence) and City staff, we are writing on a with prejudice basis to confirm the revisions to the proposed development that we believe will result in a full settlement of our client's appeal. This settlement offer remains open until the end of the City Council meeting scheduled to commence on October 2, 2017.

**With Prejudice Settlement**

The fundamental components of the with prejudice settlement offer are as follows:

1. The Property would be developed generally in accordance with the attached plans and statistics prepared by Quadrangle Architects Limited dated September 20, 2017 (the "Plans"). The Plans include the following, which would be finalized in the zoning by-law amendments to be presented to the Ontario Municipal Board at a settlement hearing:
  - a. an overall height of 38-storeys (with a height of 122.4 metres to the top of the mechanical penthouse), including a sculpted base building with a maximum

- height of 9-storeys, which has been redesigned in consultation with the Republic Residents' Association;
  - b. a total gross floor area of approximately 27,520 square metres for the Property, including approximately 19,570 square metres of additional residential gross floor area (as calculated by Zoning By-law 569-2013);
  - c. a minimum of two square metres of indoor amenity space per unit and two square metres of outdoor amenity space per unit for the new units, including a potential ground floor area for dogs;
  - d. an overall parking ratio of 0.25 spaces per unit for residents and visitors;
  - e. the provision of a minimum of 8% of the proposed units as 3-bedroom units; and,
  - f. extensive on-site green space, including the provision of landscaped open space between the building and the sidewalk to achieve the objectives of the City's Park Street Loop and the protection for a mid-block connection from Roehampton Avenue to Eglinton Avenue East.
2. With respect to rental housing matters, our client would agree to:
- a. secure the rental tenure of the existing and proposed residential rental dwelling units for at least 20 years beginning from the date that the zoning by-law amendment(s) come into full force and effect;
  - b. continue to work reasonably with City staff to develop appropriate unit layouts for the rental dwelling units (minimum one-bedroom) to be reconfigured and/or modified, to the satisfaction of the Chief Planner;
  - c. develop, in consultation with City staff, the local councillor and any impacted tenants residing in the retained rental dwelling units on the Property, a Construction Mitigation Strategy and Tenant Consultation Plan, to the satisfaction of the Chief Planner, prior to the issuance of the first building permit for the proposed development of the of the Property;
  - d. secure appropriate tenant relocation and assistance for any affected tenants residing in the existing rental dwelling units proposed to be reconfigured and/or modified in order to accommodate the proposed development of the Property, including but not limited to extended notice to vacate beyond the requirements of the *Residential Tenancies Act*, financial compensation in accordance with the *Residential Tenancies Act*, additional financial compensation based on length of tenure, moving allowances, special needs compensation (when applicable) and the right to return to a similar unit in the existing building or proposed building at a

similar rent, all to the satisfaction of the Chief Planner and to be secured in one or more agreement(s) with the City; and,

- e. continue to work reasonably with City staff to identify any needed building improvements and renovations to the existing rental building as per Official Plan Policy 3.2.1.5, including but not limited to securing access to amenity space in the new building for residents of the existing building, to be secured through one or more agreement(s) with the City in accordance with Section 5.1.1 of the Official Plan, without pass-through of such costs in the rents to the tenants.
3. Our client will provide an indexed Section 37 contribution of \$900,000.00 to be directed towards local improvements in Ward 22, to be determined in consultation with City planning, the local community and the local councillor, which would be paid prior to the first above-grade building permit for the development.
4. Our client's parkland requirement would be satisfied through a cash-in-lieu payment in accordance with the Municipal Code.
5. Implementation of the settlement will be conditional upon the following matters, which must be completed prior to issuance of any final order from the OMB regarding the proposed zoning by-law amendments(s):
  - a. preparation of zoning by-law amendment(s), in a form acceptable to the parties; and,
  - b. the execution of a Section 37 agreement, in a form satisfactory to the City solicitor, for which the City and our client will work cooperative and in good faith to finalize as soon as possible; and,
  - c. approval of Rental Housing Demolition Application No. 17 108468 STE 22 RH under Chapter 667 of the *City of Toronto Act, 2006*.

Our client is extremely appreciative of the good faith efforts of all stakeholders in this matter and hopes that City Council will accept this with prejudice settlement offer. As noted above, this settlement offer remains open until the end of the City Council meeting scheduled to commence on October 2, 2017.

Yours truly,

**Goodmans LLP**



David Bronskill

cc. The Republic Residents' Association

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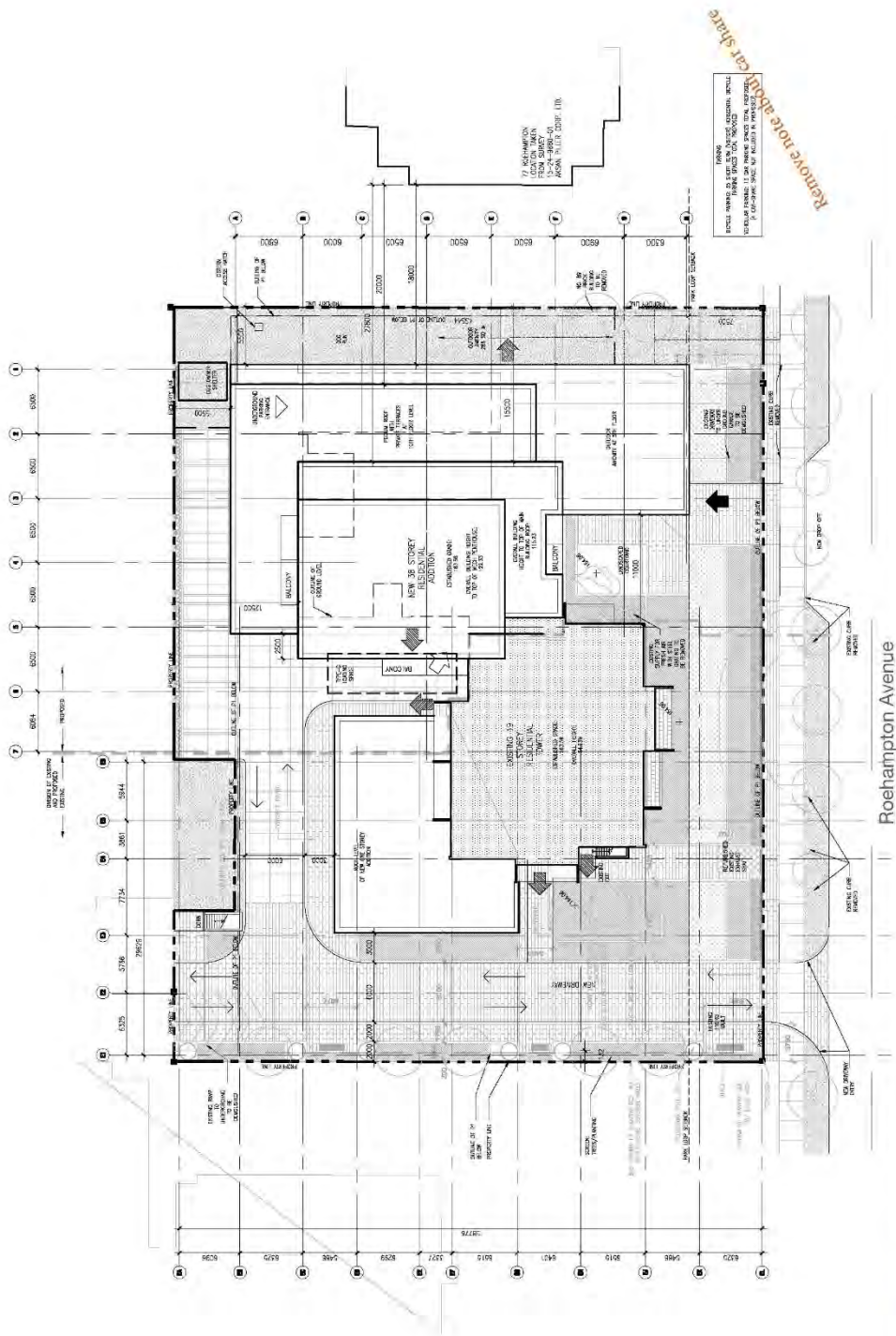


## 89 - 101 Roehampton Avenue

Toronto, Ontario  
Proposed Residential Addition  
20 September 2017

t 416 598 1240  
[www.quadrangle.ca](http://www.quadrangle.ca)  
Quadrangle Architects Limited  
901 King Street West, Suite 701  
Toronto, ON M5V 3H6

inspiration realized



Roof Level Site Plan



Scale 1:100

89-101 Roehampton Avenue

Toronto, Ontario  
Project No. 15027  
20 September 2017



**Quadrangle**

Quadrangle Architects Limited  
901 King Street West, Suite 701  
Toronto, ON M5V 3H5



Ground Floor Level



89-101 Roehampton Avenue

Toronto, Ontario  
Project No. 15027  
20 September 2017

**Quadrangle**

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801 Kensington Road, Suite 101  
Toronto, ON M5V 3H5



# Third-Fourth Floor Levels



Scale 1/100

89-101 Roehampton Avenue

Toronto, Ontario  
Project No. 15027  
20 September 2017



**Quadrangle**

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# Fifth Floor Level



Scale 1/100

89-101 Roehampton Avenue

Toronto, Ontario  
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20 September 2017



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# Sixth-Nineteenth Floor Levels



Scale 1/100

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20 September 2017



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# Tenth-Nineteenth Floor Levels



Scale 1/100

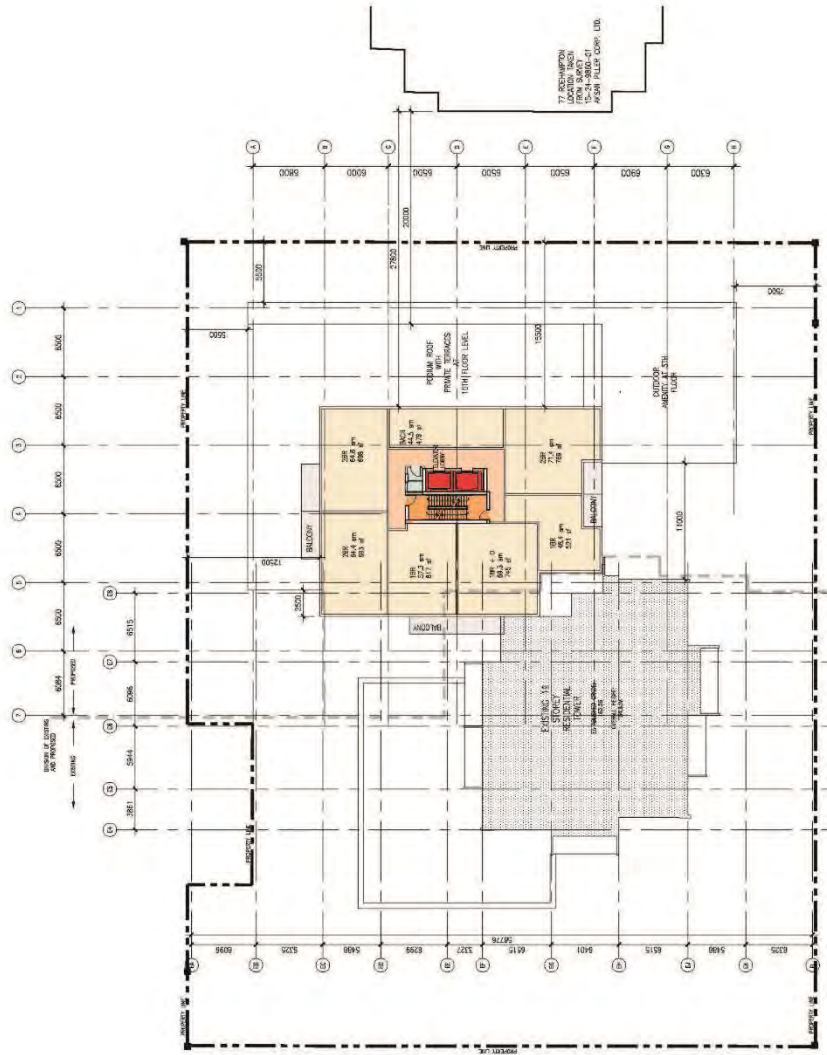
89-101 Roehampton Avenue

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20 September 2017

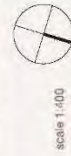


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# Twenty-third-Eighth Floor Levels



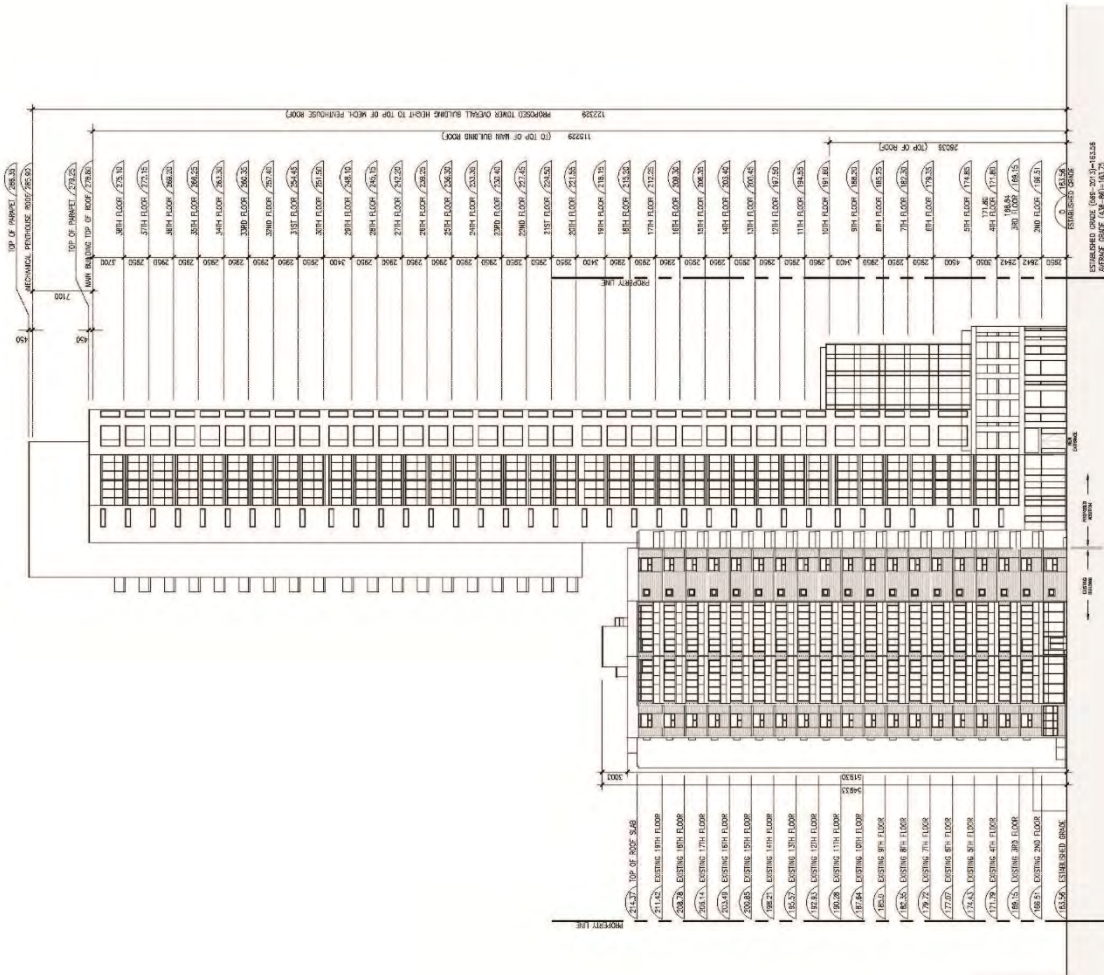
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20 September 2017



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# 89-101 Roehampton Avenue / North Elevation

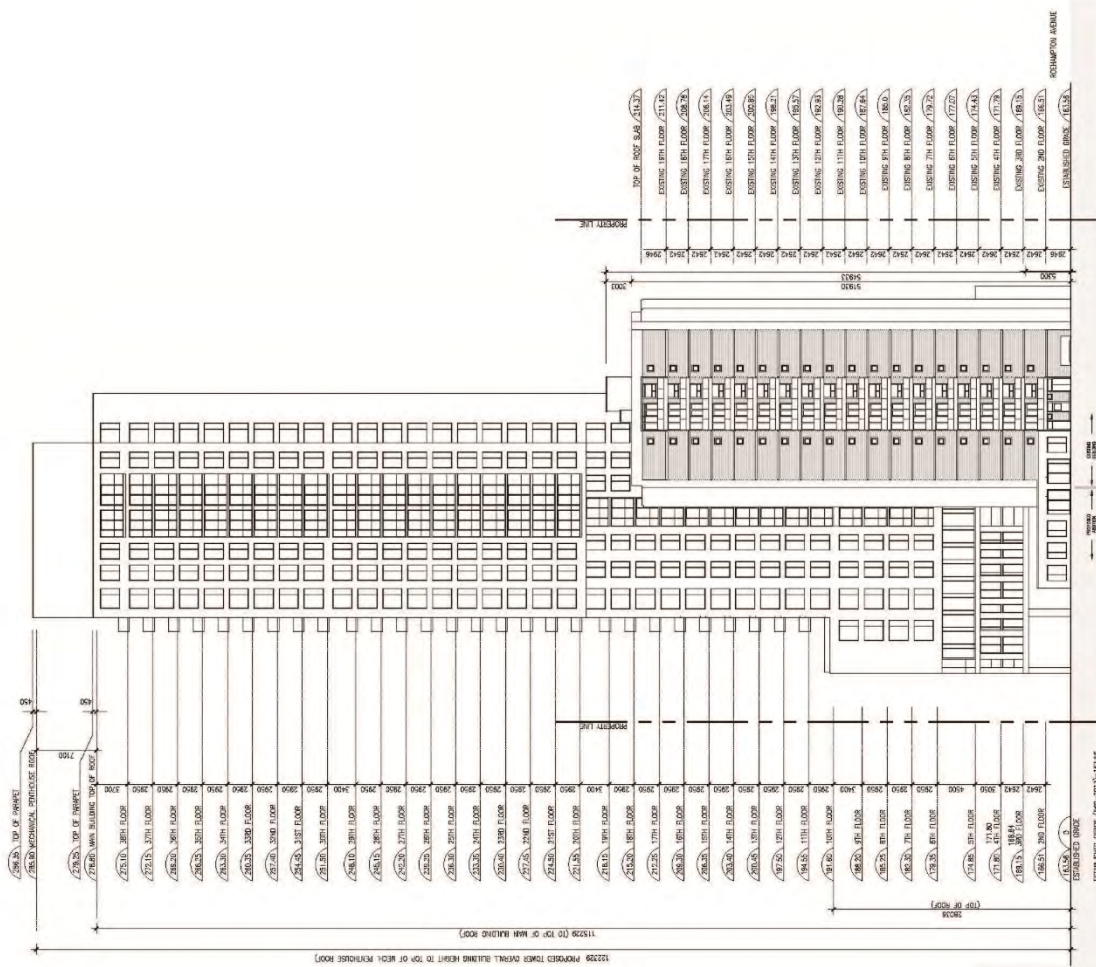
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20 September 2017



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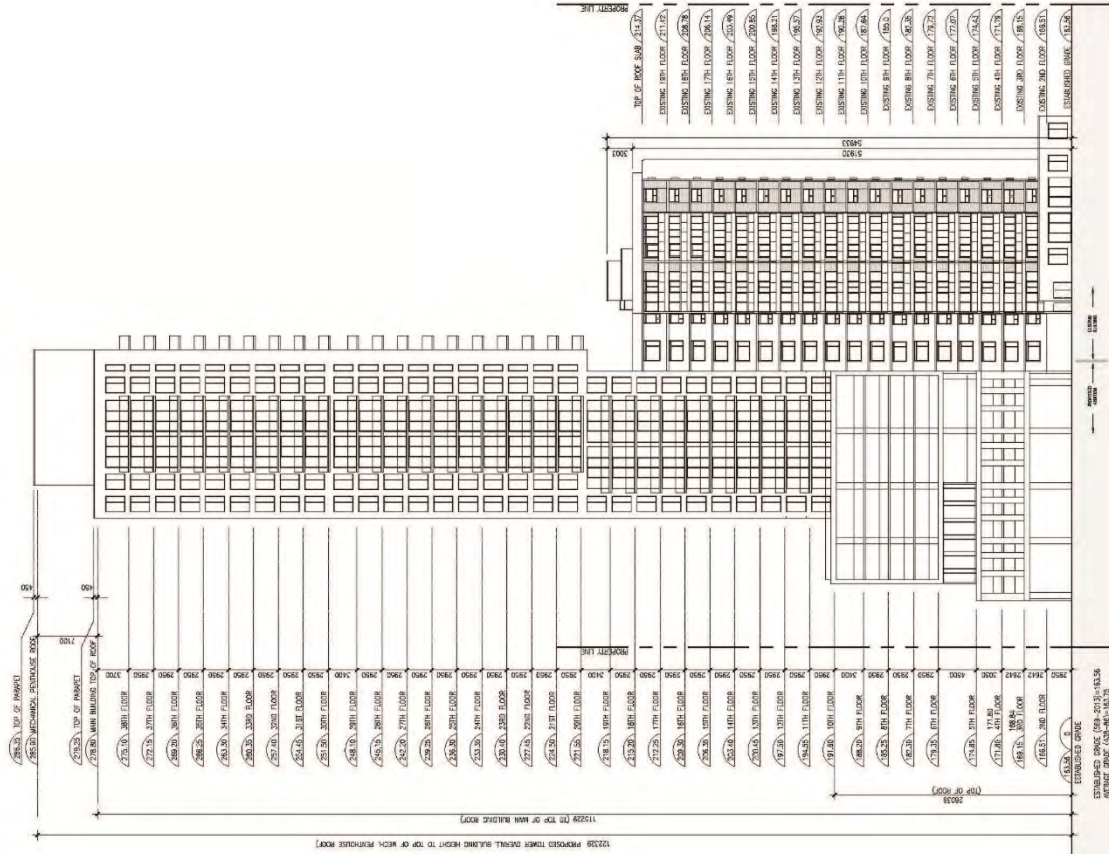
# 89-101 Roehampton Avenue / East Elevation

Scale 1:500

Toronto, Ontario  
Project No. 15027  
20 September 2017



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# 89-101 Roehampton Avenue / South Elevation

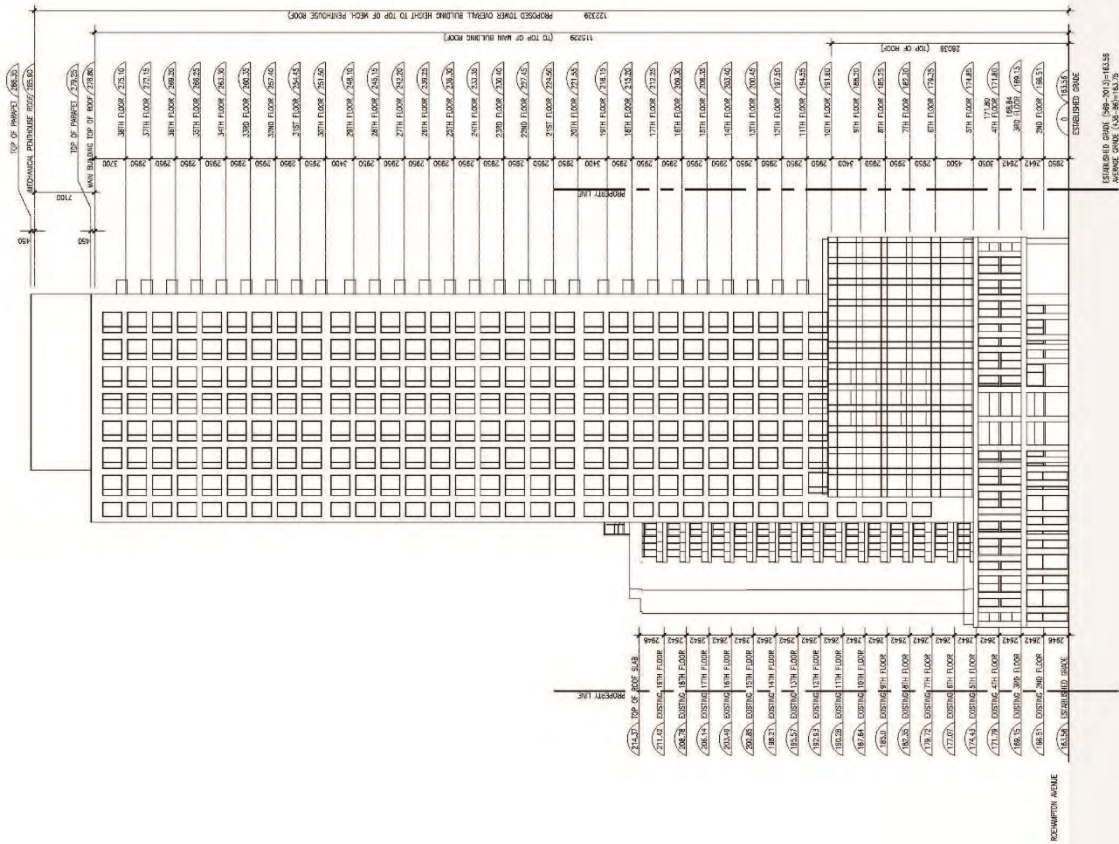
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Toronto, Ontario  
Project No. 15027  
20 September 2017



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# 89-101 Roehampton Avenue / West Elevation

Scale 1/500

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20 September 2017



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Street Level View from Northwest

Perspective View

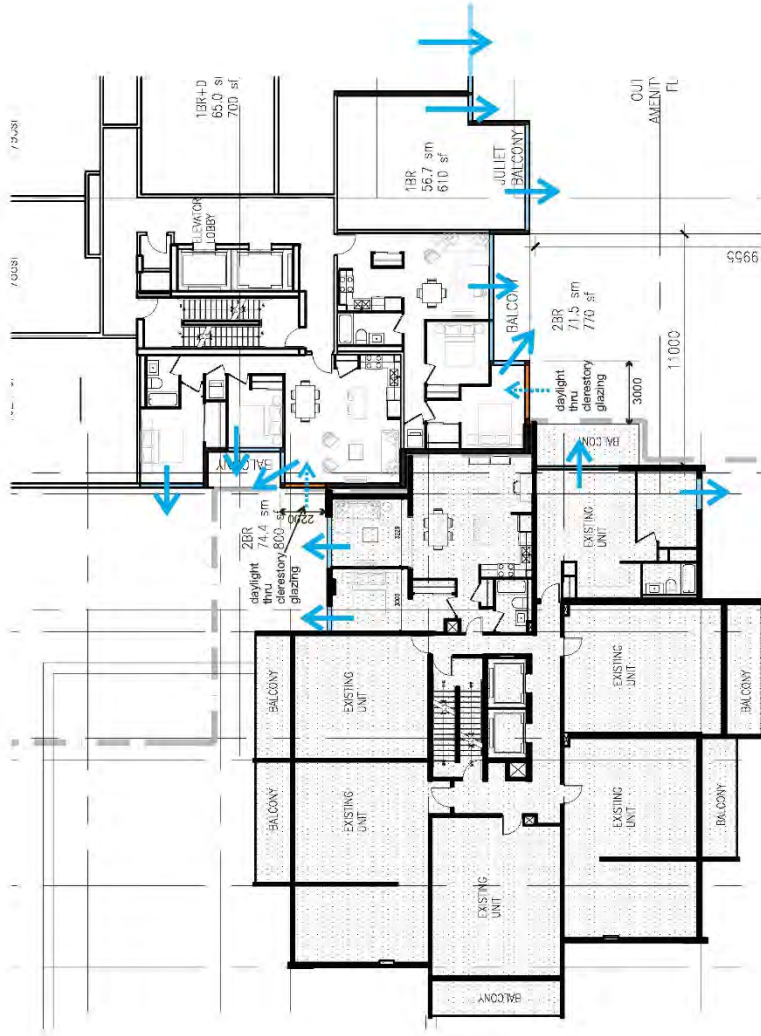
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20 September 2017



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# Typical Adjacency Conditions



89-101 Roehampton Avenue

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20 September 2017

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