This application seeks approval to demolish three residential rental buildings comprising 83 rental dwelling units at 40 Moccasin Trail and 50 and 60 Green Belt Drive. The property is also subject to related Official Plan Amendment and Zoning By-law Amendment applications (File No. 13 173059 NNY 34 OZ) for the development of an 8-storey condominium building and a 4-storey rental replacement building with a total of 294 residential units, of which 67 are proposed to be rental replacement. The Official Plan and Zoning By-law amendment applications are currently before the Ontario Municipal Board (OMB). A settlement hearing is scheduled on May 30, 2017.

The Rental Housing Demolition and Conversion application was submitted under Section 111 of the City of Toronto Act (Chapter 667 of the Municipal Code) and has been reviewed concurrently with the Official Plan and Zoning By-law Amendment applications.

This report recommends approval of the Section 111 permit application under Chapters 363 and 667 of the Toronto Municipal Code for all the residential rental units on the site, subject to conditions.
RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council approve the application for a Section 111 permit in accordance with Municipal Code Chapter 667 to allow the demolition of the 83 residential rental units at 40 Moccasin Trail and 50 - 60 Green Belt Drive subject to the following conditions:

   a. The owner shall provide and maintain 100 rental dwelling units, inclusive of 67 rental replacement dwelling units, on the site at 40 Moccasin Trail and 50 Greenbelt Drive for a period of at least 20 years, with the following minimum standards for the 67 rental replacement dwelling units, with any changes to the satisfaction of the Chief Planner and Executive Director City Planning:

   i. Twelve (12) shall be one-bedroom units and shall be not less than a minimum gross floor area of 54 m², of which
      1. Six (6) shall be not less than 58 m²;
      2. Three (3) shall be not less than 62 m²; and,
      3. All shall have bedrooms with a window on an exterior wall.

   ii. Forty-six (46) shall be two-bedroom units, of which at least thirty-eight (38) shall have all sleeping areas with a window on an exterior wall, and further, shall have minimum gross floor areas not less than the following:
      1. Two (2) shall be not less than 67 m²
      2. Thirteen (13) shall be not less than 74 m²
      3. Fifteen (15) shall be not less than 76 m²
      4. Thirteen (13) shall be not less than 81 m²
      5. Three (3) shall be not less than 85 m²

   iii. At least nine (9) shall be three-bedroom units, of which at least five (5) shall have all sleeping areas with a window on an exterior wall, and further, shall have minimum gross floor areas not less than the following:
      1. One (1) shall be not less than 94 m²
      2. Four (4) shall be not less than 98 m²
      3. Three (3) shall be not less than 108 m²
      4. One (1) shall be not less than 120 m²

   iv. All units shall have access to a balcony or private terrace.

   v. The Gross Floor Area measurements shall be carried out in accordance with Tarion Builder Bulletin No. 22
b. The owner shall provide rents for the required rental replacement dwelling units as follows: 12 one-bedroom units, 26 two-bedroom units and 4 three-bedroom units shall have affordable rents for a minimum of 10 years, with the rents for the remainder of the rental replacement dwelling units being 8 one-bedroom units which may have interior bedrooms, 11 two-bedroom units, 4 two-bedroom units which may have interior bedrooms and 1 three-bedroom unit not exceeding mid-range rents for a minimum of 10 years. For clarity the 33 new rental dwelling units that do not comprise rental replacement dwelling units will have unrestricted rents;

c. The owner shall provide tenant relocation assistance to all eligible tenants, including the right to return to a rental replacement dwelling unit, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

d. The owner shall enter into and register on title one or more Agreement(s) to secure the conditions outlined in (a), (b) and (c) above to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division, including an agreement pursuant to section 111 of the City of Toronto Act, 2006; and,

e. The owner shall enter into and register on title, a Section 118 Restriction under the Land Titles Act, to the satisfaction of the City Solicitor, agreeing not to transfer or charge those parts of the lands comprising the 100 rental dwelling units without the written consent of the Chief Planner and Executive Director, City Planning Division or her designate, to assist with the securing of the Section 111 Agreement against future owners and encumbrancers of the lands until such time as the City Solicitor determines that its registration on title is no longer required to secure the provisions of the Section 111 Agreement.

2. City Council authorize the Chief Planner and Executive Director, City Planning Division to issue the Preliminary Approval for the application under Municipal Code Chapter 667 for the demolition of the residential rental units at 50 and 60 Green Belt Drive after all of the following have occurred:

a. Satisfaction or securing of the conditions in Recommendation 1 above, including amongst other matters, the registration of the Section 111 Agreement and the registration of the Section 118 Restriction, and the registration of the related Section 37 Agreement required by the City Council settlement at its meeting of March 28 and 29, 2017;

b. The related Official Plan Amendment, in a form in accordance with the settlement approved by City Council at its meeting of March 28 and 29, 2017, has been approved by the Ontario Municipal Board and has come into full force and effect; and,
c. The related Zoning By-law Amendments in a form in accordance with the settlement approved by City Council at its meeting of March 28 and 29, 2017, has been approved by the Ontario Municipal Board and has come into full force and effect.

3. City Council authorize the Chief Planner and Executive Director, City Planning Division to issue the Preliminary Approval for the application under Municipal Code Chapter 667 for the demolition of the residential rental units at 40 Moccasin Trail after all of the following have occurred:
   a. Satisfaction or securing of the conditions in Recommendation 1 above, including amongst other matters, the registration of the Section 111 Agreement and the registration of the Section 118 Restriction, and the registration of the related Section 37 Agreement required by the City Council settlement at its meeting of March 28 and 29, 2017;
   b. The related Official Plan Amendment, in a form in accordance with the settlement approved by City Council at its meeting of March 28 and 29, 2017, has been approved by the Ontario Municipal Board and has come into full force and effect; and,
   c. The related Zoning By-law Amendments in a form in accordance with the settlement approved by City Council at its meeting of March 28 and 29, 2017, has been approved by the Ontario Municipal Board and has come into full force and effect.
   d. The issuance of the Notice of Approval Conditions for site plan approval by the Chief Planner and Executive Director, City Planning Division or her designate, pursuant to Section 114 of the City of Toronto Act, 2006;
   e. The issuance of excavation and shoring permits for the approved structure on the 40 Moccasin Trail portion of the site; and
   f. The execution and registration of a Section 37 Agreement pursuant to the Planning Act securing Recommendations 1 (a), (b) and (c) and any other requirements of the Zoning By-law Amendment;

4. City Council authorize the Chief building Official to issue Section 111 permits for each respective building under Municipal Code Chapter 667 after the Chief Planner and Executive Director, City Planning Division has given the respective Preliminary Approvals referred to in Recommendations 2 and 3.

5. City Council authorize the Chief Building Official to issue the permits under Section 33 of the Planning Act for the residential buildings at 50 and 60 Green Belt Drive no earlier than the issuance of the Preliminary Approval from Recommendation 2, which permit may be included in the demolition permit for Chapter 667 and under 363-11.1 of the Municipal Code, on the 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 to 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 a charge upon the land for which the demolition permit is issued.

6. City Council authorize the Chief Building Official to issue the permits under Section 33 of the Planning Act for the residential building at 40 Moccasin Trail no earlier than the 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 from Recommendation 3, which permit may be included in the demolition permit for Chapter 667 and under 363-11.1 of the Municipal Code, on the condition that:

   a. The owner erect a residential building on the site no later than three (3) years from the day that 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 to 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 a charge upon the land for which the demolition permit is issued.

7. City Council authorize the appropriate City officials to take such action as are necessary to implement the foregoing, including the execution of the Section 111 Agreement.

Financial Impact
The recommendations in this report have no financial impact.

DECISION HISTORY

The Official Plan and Zoning By-law Amendment applications, together with the Residential Rental Demolition and Conversion application, were received on May 23, 2013. On October 17, 2013 North York Community Council considered a Preliminary Report on the applications and adopted Staff’s recommendations with amendments. The Preliminary Report is available at:

At its meeting of July 12, 2016, City Council directed the City Solicitor, together with City Planning staff and other appropriate staff, to attend the Ontario Municipal Board (OMB) hearing to oppose the Official Plan and Zoning By-law Amendment applications (13 173059 NNY 34 OZ) for 40 Moccasin Trail and 50 Green Belt Drive in their current form, as recommended by the Director, Community Planning, North York District in the May 27, 2016 Request for Direction Report:
At its meeting of March 28, 2017, City Council received a report from the City Solicitor prepared in consultation with the Chief Planner and Executive Director, City Planning and the Executive Director of Engineering and Construction Services, recommending among other matters, that the City Solicitor and staff attend at the OMB to support the revised proposal submitted by the applicant on February 3rd and March 8th, 2017 and that the Board withhold its Order until City Council has made a decision on the Rental Housing Demolition and Conversation application under Chapter 667 of the Toronto Municipal Code regarding the conditions of the demolition of the 83 residential rental units on the site:
http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.CC27.4

ISSUE BACKGROUND

Proposal
On February 3, 2017 and March 8, 2017, for the related Official Plan and Zoning By-law amendment applications, City Planning received a revised proposal including drawings for two buildings of 8 storeys (the East building) and 4 storeys (the West building). The East building proposes 194 condominium units and the West building proposes 100 rental units, of which 67 would be rental replacement units.

The 67 rental replacement units would comprise: 12 one-bedroom, 46 two-bedroom, and 9 three-bedroom units. The total rental replacement gross floor area proposed is 5,229m². Thirty-three (33) market rental units are also proposed within the west building and are also proposed to be secured.

The West building would include 2 m² each of indoor and outdoor amenity space per unit as well as 123 parking spaces. The three existing residential rental buildings on the lands would be demolished.

Site and Surrounding Area
The site is located east of Don Mills Road on the north side of Green Belt Drive. The subject lands are comprised of two blocks with a total site area of 1.22 hectares separated by a public street (Nob Lane). The municipal address of the east block is 50-60 Green Belt Drive and has a gross site area of 0.75 hectares. The municipal address of the west block is 40 Moccasin Trail and has a gross site area of 0.47 hectares. There are 3 existing buildings with 83 rental apartment units on the subject lands.

East Block – 50-60 Green Belt Drive
The east block contains two existing but unoccupied 3-storey rental apartment buildings with a combined total of 49 units. The easterly building was damaged by arson in 2008 and has been unoccupied for some time. The westerly building on the east block, which was served by the heating plant in the easterly building, was closed down permanently in 2011. The remaining tenants in the westerly building were offered the opportunity to relocate to the 40 Moccasin Trail apartment building on the west block.
The 49 existing rental dwelling units are comprised of studio, junior, 1 bedroom and 2 bedroom units. There are 21 ground floor units and 28 two-storey units (2nd and 3rd floor) in the existing buildings. Vehicular access to the existing buildings is off a driveway from Green Belt Drive. There are 42 surface parking spaces and 26 spaces within two garage structures.

**West Block – 40 Moccasin Trail**
The west block contains a 3-storey rental apartment building with 34 existing rental dwelling units, comprised of studio, junior, one-bedroom and two-bedroom units. There are 14 ground floor units and 20 two-storey units (2nd and 3rd floor) in the building.

The original unit mix of the three buildings was 83 units comprising: 18 bachelor units, 17 one-bedroom units and 48 two-bedroom units, and one unit was a superintendent unit. At the time of application, the buildings had 1 bachelor, 9 one-bedrooms and 14 two-bedrooms at midrange rents, and the remainder of the units were affordable.

**Provincial Policy Statement and Provincial Plans**
Section 2 of the *Planning Act* sets out matters of provincial interest which City Council shall have regard to carrying out its responsibilities, including: the orderly development of safe and healthy communities; the conservation of features of significant architectural, cultural and historical interest; the adequate provision of employment opportunities; and the appropriate location of growth and development.

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; providing an appropriate range of housing types and affordability to meet projected requirements of current and future residents; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council’s planning decisions are required, by the *Planning Act*, to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; providing housing options to meet the needs of people at any age; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council’s planning decisions are required, by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan for the Greater Golden Horseshoe. Staff have reviewed the proposal for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.
Official Plan

Section 3.2.1 of the Official Plan sets out policies for the provision of a full range of housing in terms of form, tenure and affordability within neighbourhoods. Policy 3.2.1.3 encourages investment in new rental housing and Policy 3.2.1.6 protects existing rental housing by providing that new development that would result in the loss of 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) the following are secured:
   i) at least the same number, size and type of rental housing units are replaced and maintained with rents similar to those in effect at the time the redevelopment application is made;
   ii) for a period of at least 10 years, rents for replacement units will be the rent at first occupancy increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and
   iii) an acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement units at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardship, or

c) 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.

Rental Housing Demolition and Conversion By-law

Section 111 of the City of Toronto Act, 2006 authorizes Council to regulate the demolition and conversion of residential rental properties in the City where there are six or more dwelling units on a site or within related group of buildings, of which at least one unit has been used, or intended for use, for residential rental purposes.

Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law (885-2007), implements Section 111 of the City of Toronto Act, 2006. The By-law prohibits the demolition or conversion of rental housing units in buildings containing six or more residential units, of which at least one unit is rental, even if vacant, without obtaining a permit from the City. Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. These conditions often implement the City’s Official Plan policies protecting rental housing. Council approval of demolition under Section 33 of the Planning Act may also be required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the Building Code Act.
Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion, City Council typically considers both applications at the same time. Unlike Planning Act applications, decisions made by City Council under By-law 885-2007 are not appealable to the Ontario Municipal Board.

**Reasons for Application**

An application to permit the demolition of the 83 rental dwelling units existing on the site is required under Chapter 667 of the Toronto Municipal Code to redevelop the site, as the site contains more than six existing rental units.

**Tenant Consultation**

A tenant consultation meeting was held on March 2, 2017 with the remaining tenants of the buildings. Due to the vacancy of two of the buildings since 2008-11, and the deteriorating condition of the occupied building, only 12 tenant households remain in the buildings, including the superintendent.

The remaining tenants had several concerns with the proposed redevelopment including:

- the nature, amount and timing of compensation;
- irregularities with the current rents;
- the condition of the existing buildings; and,
- the right to return to a new unit, including the process of selection and changing unit sizes to fit their households’ changing needs.

**COMMENTS**

The applicant has applied to amend policy 3.2.1.6 of the Official Plan for this site to permit a development with fewer, and a different unit mix replacement rental housing units, including units with interior bedrooms. The applicant proposes 67 instead of the required 83 replacement units. The applicant also proposes eliminating bachelor units and reducing the number of one and two-bedroom apartments, and in their place, adding three-bedroom units some of which would include interior bedrooms as part of the proposed new unit mix (i.e. bedrooms with no exterior windows whereas all existing bedrooms have windows on an exterior wall).

**Replacement Rental Units**

The applicant's original proposal comprised three buildings (1 on the east block and two buildings on the west block), including one that would have had 61 rental replacement units and a separate 23 unit condominium building on the west block. Discussions with Planning Staff included a comprehensive review of the site’s constraints, including the existing buildings being partially located below the top-of-bank area, the nature of the loss of the rental units due to a previous fire, and the possibility of adding larger two-bedroom and three-bedroom units to an area popular with larger households.

The applicant's revised proposal is for 67 rental replacement units which includes four two-bedroom units with a third interior bedroom (a bedroom without a window on an exterior wall, but natural light provided by a transom or transparent glazing from a room...
in the unit), and 5 three-bedroom units of which 4 will have affordable rents. They have also proposed to increase the total rental square footage by providing 33 more secured rental units in the building at full market rent.

This proposal meets the intent of the Official Plan by proposing a unit mix that can support a more diverse selection of households, including larger households at secured rents and providing more rental units in the market overall.

Rent Provisions for the Rental Replacement Units

The following table illustrates the new unit mix and rents for the West Building:

<table>
<thead>
<tr>
<th>Type</th>
<th>Unit #s</th>
<th>Affordable</th>
<th>Mid-range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bachelor</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1 bedroom</td>
<td>12</td>
<td>12</td>
<td>0</td>
</tr>
<tr>
<td>1 bedroom + interior bedroom (2Bi)</td>
<td>8</td>
<td>0</td>
<td>8</td>
</tr>
<tr>
<td>2 bedroom</td>
<td>38</td>
<td>27</td>
<td>11</td>
</tr>
<tr>
<td>2 bedroom + interior bedroom (3Bi)</td>
<td>4</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>3 bedroom</td>
<td>5</td>
<td>4</td>
<td>1</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td><strong>43</strong></td>
</tr>
<tr>
<td></td>
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<td></td>
<td><strong>24</strong></td>
</tr>
</tbody>
</table>

Rents will be secured at similar levels for tenants who elect to return, should they choose to return to a larger unit. Rents for new tenants will be secured so that any new tenant in the rental replacement units, in the first ten years, will be subject to increases as per the Provincial Guidelines for units built before 1991. After that, newly tenanted units will be subject to whatever Provincial regulation is in place at that time.

Tenant Relocation and Assistance Plan

The applicant will be providing an acceptable tenant relocation and assistance beyond the standards of the Residential Tenancies Act by providing at least 6 months’ notice to vacate and three months’ worth of their rent at the time of the Notice to Vacate. Additionally, tenants will receive a moving allowance of $1,500 for bachelor and one-bedroom units, and $2,100 for two-bedroom units, and an equivalent sum should they choose to return.

Furthermore, they will receive an extra sum of money based on the length of tenancy so that they receive for:

- 1-5 years: 2 additional months' rent
- 5-10 years: 3 additional months' rent
- 10+ years: 4 additional months' rent

Special needs and very long-term tenants receive an extra two months’ worth of rent, and possibly other assistance, as needed. The superintendent will also receive a moving allowance, as per the other tenanted units.
Provincial Policy Statement and Provincial Plans
This proposal is consistent with the PPS as it provides new rental housing choice, amenity space and new facilities, such as modern laundry and kitchens, and includes new affordable rental options for larger households.

The new buildings will be required to conform to new building standards, including accessible units suitable for an aging population and therefore conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Rental Housing Demolition Control By-law
The recommendations in this report contemplate a phased approach with early demolition of the two buildings that were vacated almost 10 years previously due to the circumstances of a fire.

The tenanted building will continue to provide rental housing in a low vacancy housing market until such time as the standard conditions are met and the property is ready for the redevelopment.

Tenure
The West Building is proposed to be entirely secured as a rental building with no applications for demolition or conversion for 20 years. The replacement rental units are spread throughout the buildings, providing a variety of sizes and types of units at different price points throughout the building.

Conclusion
The Owner has agreed to provide rental replacement units in a form and tenure that conform to the Official Plan Amendment to be approved by the Ontario Municipal Board, as well as compensation to tenants above the requirements of the Residential Tenancies Act, including the right to return. Staff recommend that Council approve the early demolition of 50-60 Green Belt Drive and the regular demolition of 40 Moccasin Trail with conditions.

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SIGNATURE
Joe Nanos, Director
Community Planning, North York District
ATTACHMENTS

Attachment 1: Site Plan – East Site
Attachment 2: Site Plan – West Site
Attachment 3: Existing Zoning (Former City of North York No. 7625)
Attachment 4: Existing Zoning (Toronto By-law 569-2013)
Attachment 5: Official Plan
Attachment 1: Site Plan – East Site
Attachment 2: Site Plan – West Site