



STAFF REPORT

Committee of Adjustment Application

Date:	March 22, 2017
To:	Chair and Members of the Committee of Adjustment Toronto and East York District c/o Anita MacLeod, Manager & Deputy Secretary-Treasurer Toronto and East York District
From:	Director, Community Planning, Toronto and East York District
Ward:	Ward 22, St. Paul's
Reference:	File No.: B0040/16TEY Address: 16-18 & 20-22 Acacia Rd. & 219-221 Millwood Rd. Applicant: Patricia Nancy Nobrega & Janet Elder Agent: Donald D'arcy William Lamont Application to be considered: March 28, 2017

RECOMMENDATION

Planning staff respectfully recommend that the Committee:

- 1) Defer Application No. B0040/16TEY until such time as the owner has filed the following with the City:
 - i. A Rental Housing Declaration of Use and Screening Form pursuant to Chapter 667 of the Toronto Municipal Code, and
 - ii. A Rental Demolition and Conversion Application pursuant to Chapter 667 of the Toronto Municipal Code, or
- 2) In the event the Committee of Adjustment chooses to hear these matters, refuse the consent application (B0040/16TEY) made pursuant to Section 53 of the *Planning Act* for reasons discussed in this report which include noncompliance with the Toronto Official Plan.

APPLICATION

The applicant is seeking consent to sever the residential property comprised of three residential buildings containing a total of 12 rental dwelling units into three residential lots. Each resulting lot would have one residential building containing 4 rental dwelling units. Two lots will have frontage on Acacia Rd. and one lot will have a frontage on Millwood Rd.

CONTEXT

The subject property is located on the west side of Acacia Road, west of Mount Pleasant Road. The property is in an area designated *Neighbourhoods* in the Official Plan, which are "considered physically stable areas made up of residential uses in lower scale buildings".

The property is zoned Residential (R) under City of Toronto Zoning By-law 569-2013 and Residential (R2) under former City of Toronto Zoning By-law 438-86.

COMMENTS

Chapter 667 of the Toronto Municipal Code states that no person shall convert a residential property containing six or more dwelling units of which at least one dwelling unit was used, or intended for use for rental purposes, unless the person has received a rental demolition and conversion permit from the City. For greater certainty, conversion of a residential rental property to a purpose other than a residential rental property includes conversion as a result of a consent to sever land under section 53 of the *Planning Act*.

To date, the applicant has not submitted a Rental Demolition and Conversion Application pursuant to Chapter 667 of the Toronto Municipal Code and has not received a rental demolition and conversion permit from the City.

The Official Plan has policies, found in Chapter 3, which relate to the severance of lands which contain rental housing. Policy 3.2.1.8 states the following:

The conversion of condominium, or the severance of 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.

Based on the information provided by the applicant, the property is comprised of three residential buildings containing a total of 12 rental dwelling units, all of which are said to have mid-range rents.

To date, Council has not determined that the supply and availability of rental housing in the City has returned to a healthy state. As currently proposed, an Official Plan Amendment would be required in order to sever this residential property as the related group of buildings contains more than six rental dwelling units.

For these reasons, Planning Staff respectfully recommend deferral of Application B0060/16TEY. Should the Committee choose not to defer the decision, Planning staff respectfully recommend the application be refused.


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SIGNATURE

A handwritten signature in blue ink, appearing to read 'Gregg Lintern', is written over a horizontal line.

 Gregg Lintern, MCIP RPP
Director, Community Planning
Toronto and East York District

Copy: Councillor Josh Matlow, Ward 22
Donald D'arcy William Lamont, Agent for the Applicant

