

## **174, 176, 178 and 180 Broadway Avenue – Rental Housing Demolition Application Under Municipal Code 667– Final Report**

**Date:** June 15, 2018

**To:** North York Community Council

**From:** Director, Community Planning, North York District

**Ward:** 25 – Don Valley West

**Planning Application Number:** 17 257562 NNY 25 RH

### **SUMMARY**

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An application for Rental Housing Demolition and Conversion under Section 111 of the *City of Toronto Act* (Chapter 667 of the Municipal Code) has been filed for residential properties at 174, 176, 178 and 180 Broadway Avenue (17 257562 NNY 25 RH). This application seeks approval to demolish the 8 rental dwelling units in the existing rental buildings at 174 (2 units), 176 (2 units), 178 (2 units) and 180 Broadway Avenue (2 units) to enable the subject lands to be dedicated to the City as off-site parkland for approved developments in the vicinity, at 100 Broadway Avenue and 223-225 Redpath Avenue (15 228723 NNY 25 OZ), and 117-127 Broadway Avenue (15 228738 STE 22 OZ).

As all 8 existing rental dwelling units had high-end rents at the time of application, replacement of these units is not required under the City's Official Plan rental demolition and replacement policy 3.2.1.6. However, the applicant is proposing to replace the existing rental dwelling units within the 2 above-noted developments and to provide tenant relocation and assistance.

This report recommends approval of the Section 111 permit application under Chapter 667 of the Toronto Municipal Code and demolition permit under Chapter 363 of the Toronto Municipal Code for 174-180 Broadway Avenue, subject to conditions. This report also outlines the details of how the replacement units and tenant relocation and assistance will be secured.

## RECOMMENDATIONS

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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 8 existing rental dwelling units at 174-180 Broadway Avenue subject to the following conditions:

a. The owner shall enter into and register on title to the 174-180 Broadway Avenue lands agreements under Section 37 of the *Planning Act* and Section 111 of the *City of Toronto Act* to secure the parkland dedication and the replacement units and tenant relocation and assistance to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division;

b. The owner shall enter into and register on title to the lands benefiting from the parkland dedication, 100 Broadway Avenue and 223-225 Redpath Avenue, and 117-127 Broadway Avenue, Section 37 and 111 Agreements to secure the parkland dedication and the replacement units and tenant relocation and assistance to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division; and

c. The owner shall 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 174, 176, 178 or 180 Broadway Avenue, without the written consent of the Chief Planner and Executive Director, City Planning Division or his designate, to assist with securing the parkland dedication until the City has accepted the conveyance of the site as parkland, and the City Solicitor determines that its registration on title is no longer required.

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 8 existing rental dwelling units at 174-180 Broadway Avenue after all of the following have occurred:

a. Satisfaction or securing of the conditions in Recommendation 1 above.

3. 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 preliminary approval referred to in Recommendation 2.

4. City Council authorize the Chief Building Official to issue a permit under Section 33 of the *Planning Act* after the Chief Planner and Executive Director, City Planning Division has given preliminary approval referred to in Recommendation 2, which permit may be included in the demolition permit for Chapter 667 under 363-11.1, of the Municipal Code.

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

6. City Council authorize the City Solicitor to take the necessary steps to release the Section 118 Restriction from title after 174, 176, 178 and 180 Broadway Avenue have been dedicated to the City as parkland in accordance with the Section 37 Agreement.

## **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## **DECISION HISTORY**

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The properties at 100 Broadway Avenue and 223-225 Redpath Avenue, and 117-127 Broadway Avenue, are subject to Zoning By-law Amendment applications (File Nos. 15 228723 NNY 25 OZ and 15 228738 STE 22 OZ). The Zoning By-law Amendment applications for both 100 Broadway Avenue and 223-225 Redpath Avenue, and 117-127 Broadway Avenue, were the subject of settlement hearings at the Ontario Municipal Board, with final Orders pending until all outstanding matters, including the final form of the amending zoning by-law, functional servicing and transportation matters and the necessary agreements with the City are secured. The Decisions on both applications include off-site parkland dedication consisting of the lands at 174-180 Broadway Avenue.

The January 22, 2018 Ontario Municipal Board Decision for 100 Broadway Avenue and 223-225 Redpath Avenue is available at (File PL160910):

<http://www.omb.gov.on.ca/e-decisions/pl160910-Jan-22-2018.pdf>

The May 31, 2018 Ontario Municipal Board Decision for 117-127 Broadway Avenue is available at (File PL160941):

<http://www.omb.gov.on.ca/e-decisions/pl160941-May-31-2018.pdf>

## **ISSUE BACKGROUND**

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### **Proposal**

The residential rental demolition application proposes to demolish the eight existing rental dwelling units to enable the subject lands to be dedicated to the City as off-site parkland dedication for approved developments at 100 Broadway Avenue and 223-225 Redpath Avenue, and 117-127 Broadway Avenue.

As all 8 existing rental dwelling units had high-end rents at the time of application, replacement of these units is not required under the City's Official Plan rental demolition and replacement policy 3.2.1.6. However, the applicant is proposing to replace the existing rental dwelling units within the 2 above-noted developments and to provide tenant relocation and assistance.

These applicants have agreed to provide eight replacement rental dwelling units of at least the same unit type and generally the same size in the new building(s) at one or both of these sites. The replacement rental dwelling units will be secured as rental for 20 years and all eligible tenants will receive tenant assistance. Section 37 and Section 111 agreements for 100 Broadway Avenue and 223-225 Redpath Avenue and/or 117-127 Broadway Avenue will secure the above replacement details to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

### **Site and Surrounding Area**

The site is comprised of two 2-storey rental apartment buildings, each containing four high-end rental apartment units, for a total of eight rental dwelling units on site, all of which were occupied at the time of application.

According to the October 2017 rent rolls submitted to the City by the applicant, all 8 of the existing one-bedroom rental dwelling units at 174-180 Broadway Avenue have high-range rents (approximately \$2,100 per month).

### **Provincial Land-Use Policies: 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 (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The PPS also contains specific policies relating to housing, including Policy 1.4.1 of Section 1.4 Housing, which requires that a planning authority maintain the ability to accommodate residential growth for a minimum of 10 years through residential intensification and redevelopment and where new development is to occur, sufficient servicing capacity to accommodate that growth.

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 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; the provision of infrastructure to support growth; providing housing options to meet the needs of people at any age; 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.

### **Toronto Official Plan**

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 3.2.1.6 states that new development that would result in the loss of six or more rental housing units will not be approved unless all of the rental housing units have rents that exceed mid-range rents at the time of application, or in cases where planning approvals other than site plan approval are sought, that the following be secured:

- at least the same number, size and type of rental housing units are replaced and maintained with similar rents to those in effect at the time the redevelopment application was made;
- 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
- An acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement rental units at similar rent, the provision of alternative accommodation at similar rents and other assistance to lessen the hardship of relocation.

As all 8 existing rental dwelling units had high-end rents at the time of application, replacement of these units is not required under the City's Official Plan policy 3.2.1.6.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

### **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. Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law, implements Section 111. Chapter 667 prohibits the demolition or conversion of rental housing units in buildings containing six or more residential dwelling units, of which at least one unit is rental, without obtaining a permit from the City and requires a decision

by either City Council or, where delegated, the Chief Planner and Executive Director, City Planning Division.

Pursuant to Chapter 667, Council may refuse an application, or approve the demolition and may impose conditions, including conditions that must be satisfied before a demolition permit is issued. These conditions further the intent of the City's Official Plan policies protecting rental and affordable housing.

Pursuant to the City's demolition control by-law Chapter 363 of the Municipal Code, Council approval of the demolition of residential dwelling units under Section 33 of the Planning Act is also required where six or more residential dwelling 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 and an application under Chapter 363 for residential demolition control, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under Chapter 667 are not appealable to the Ontario Municipal Board.

On November 1, 2017, the applicant made an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code.

### **Reasons for Application**

An application to permit the demolition of the eight existing rental dwelling units is required under Chapter 667 of the Toronto Municipal Code as the site contains at least six residential dwelling units of which at least one was used for residential rental purposes. As all 8 existing rental dwelling units had high-end rents at the time of application, replacement of these units is not required under the City's Official Plan policy 3.2.1.6.

### **Tenant Consultation**

On May 14, 2018, City Planning hosted a Tenant Consultation meeting to review the City's housing policies and by-law relating to rental housing demolition, provide tenants with information on the proposed use of the subject lands and proposal to replace the existing rental dwelling units at 100 Broadway Avenue and 223-225 Redpath Avenue, and 117-127 Broadway Avenue, and outline the various components of the proposed Tenant Relocation and Assistance Plan. This meeting was attended by four of the eight tenant households, City Planning staff and the applicant. During this meeting tenants asked questions about the estimated timing for when the replacement units would be ready; when notice to vacate their existing units may be issued; and access to building amenities and parking.

## COMMENTS

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### **Provincial Policy Statement and Growth Plan**

The proposed development contributes to the City of Toronto's ability to accommodate residential growth by acting as the parkland dedication for 100 Broadway Avenue and 223-225 Redpath Avenue, and 117-127 Broadway Avenue, so that those residential sites can be intensified. The proposal is consistent with the Provincial Policy Statement (2014), conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe (2017). The proposal conforms to the policies of the Official Plan.

### **Rental Housing**

The existing 2-storey rental apartment buildings at 174-180 Broadway Avenue contain eight one-bedroom rental dwelling units. The average size of these units is approximately 880 square feet (82 square metres).

As all 8 existing rental dwelling units had high-end rents at the time of application, replacement of these units is not required under the City's Official Plan rental demolition and replacement policy 3.2.1.6. However, the applicant has other active development sites in the nearby vicinity, at 100 Broadway Avenue and 223-225 Redpath Avenue, and/or 117-127 Broadway Avenue, and has agreed to provide eight replacement rental dwelling units of at least the same unit type and generally the same size in the new building(s). The replacement rental dwelling units will be secured as rental for 20 years and all eligible tenants will receive assistance for relocation and to help mitigate hardship.

All replacement rental dwelling units will be provided with ensuite laundry facilities and air conditioning. Tenants of the replacement rental units will have access to bicycle and vehicle parking on the same terms and conditions as the residents of the remainder of the building(s).

In order to secure the above noted replacement rental dwelling units, the Section 37 and Section 111 agreements for 100 Broadway Avenue and 223-225 Redpath Avenue and/or 117-127 Broadway Avenue will secure the following requirements to the satisfaction of the Chief Planner and Executive Director, City Planning Division:

- a. Provide and maintain 8 replacement one-bedroom rental dwelling units at 100 Broadway Avenue and 223-225 Redpath Avenue and/or 117-127 Broadway Avenue for a period of at least 20 years;
- b. Provide ensuite laundry in all replacement rental dwelling units;
- c. Provide tenants of the replacement rental dwelling units access to all the same amenity spaces indoors and outdoors on the same terms and conditions as the occupants of the remainder of the building;
- d. Provide tenants of the replacement rental dwelling units with access to bicycle parking spaces on the same terms and conditions as condominium residents,

and vehicle parking spaces generated on the same basis as residents of the remainder of the building; and

e. Provide tenant relocation and assistance to all eligible tenants, including an extended notice period, financial compensation beyond the minimum requirements set out in the Residential Tenancies Act, and the right to return to a replacement rental dwelling unit.

The agreements will also secure the unit types and sizes and future tenants' access to the proposed facilities and amenities.

### **Tenure and Rents for Replacement Rental Dwelling Units**

The applicant has agreed to provide and maintain the eight replacement rental dwelling units within one or both of the proposed building(s) at 100 Broadway Avenue and 223-225 Redpath Avenue and/or 117-127 Broadway Avenue for at least 20 years, beginning from the date that each replacement rental dwelling unit is first occupied and until the owner obtains approvals for a Zoning By-law Amendment removing the requirement for the replacement rental dwelling units to be maintained as rental units.

At the time of application, all eight existing rental dwelling units had high-end rents. No restrictions on rent will be required for replacement rental dwelling units where there is no existing tenant exercising their right to return to the unit.

### **Tenant Relocation and Assistance Plan**

The owner has agreed to provide tenant relocation and assistance which will be to the satisfaction of the Chief Planner and Executive Director, City Planning Division and secured through the Section 37 and Section 111 Agreements with the City.

As part of this Plan, tenants will:

- Receive at least 6 months notice of the date that they must vacate their rental unit;
- Have the right to return to one of the replacement rental units in the new building(s);
- Receive compensation equal to 3 months rent or an acceptable alternative rental dwelling units, pursuant to *the Residential Tenancies Act*;
- Receive a move-out moving allowance of \$1,500 and, if they decide to exercise their right to return to a replacement rental dwelling unit in the new building(s), a move-back moving allowance of \$1,500; and
- Receive additional financial compensation based on length of tenure.

## **Conclusion**

Staff is recommending that City Council approve the demolition of the eight existing rental dwelling units at 174-180 Broadway Avenue subject to the conditions set out in the recommendations in this report to accommodate an off-site parkland dedication for approved developments in the vicinity, at 100 Broadway Avenue and 223-225 Redpath Avenue, and 117-127 Broadway Avenue.

## **CONTACT**

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## **SIGNATURE**

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Joe Nanos, Director,  
Community Planning, North York District

## **ATTACHMENTS**

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**City of Toronto Data/Drawings**  
Attachment 1: Location Map

Attachment 1: Location Map

