

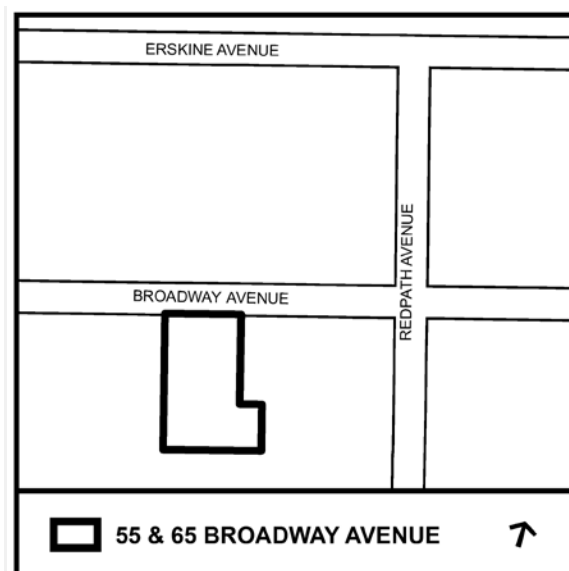
55 and 65 Broadway Avenue – Rental Housing Demolition Application – Final Report

Date:	June 12, 2018
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 22 – St. Paul's
Reference Number:	16 118650 STE 22 RH

SUMMARY

A Rental Housing Demolition application under Chapter 667 of the Toronto Municipal Code (Section 111 of the *City of Toronto Act*) for a residential rental property at 55 and 65 Broadway Avenue (File No. 16 118650 STE 22 RH) seeks approval to demolish two existing residential apartment buildings containing a total of 130 rental dwelling units and proposes to provide 130 replacement rental dwelling units within a new residential building.

The related Zoning By-law Amendment application for a residential rental property at 55 and 65 Broadway Avenue (File No. 16 118645 STE 22 OZ) was the subject of a hearing at the Local Planning Appeal Tribunal (No. PL160873). The final Order is being held until all outstanding matters, including the necessary agreements with the City, are secured. The approval permits two 39-storey residential towers linked by a two-storey base building containing a total of 777 residential dwelling units, including 130 replacement rental dwelling units.



This report recommends approval of the Rental Housing Demolition application under Chapter 667 of the Toronto Municipal Code and the Residential Demolition Permit under Chapter 363 of the Toronto Municipal Code, subject to conditions.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council approve the Rental Housing Demolition Application in accordance with Chapter 667 of the Toronto Municipal Code to allow for the demolition of 130 existing rental dwelling units located at 55 and 65 Broadway Avenue subject to the following conditions:
 - a. The owner shall provide and maintain 130 replacement rental dwelling units, comprised of 10 bachelor units, 100 one-bedroom units and 20 two-bedroom units on the subject site, as illustrated on the plans submitted to the City Planning Division dated December 22, 2017, for a period of at least twenty years beginning from the date that each replacement rental dwelling unit is first occupied. Any revision to these plans must be to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - b. The owner shall provide at least 1 bachelor, 18 one-bedroom and 6 two-bedroom replacement rental dwelling units at affordable rents and at least 9 bachelor, 82 one-bedroom and 14 two-bedroom replacement rental dwelling units at mid-range rents for a period of at least ten years beginning from the date that each replacement rental dwelling unit is first occupied;
 - c. The owner shall provide tenants of the replacement rental dwelling units with access to all indoor and outdoor amenities located within the rental tower as illustrated on the plans submitted to the City Planning Division on December 22, 2017, and any revisions shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - d. The owner shall provide at least 50 vehicle parking spaces to tenants of the replacement rental dwelling units, and any revisions shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - e. The owner shall provide storage lockers to tenants of the replacement rental dwelling units. The number, size, location and monthly rent of the storage lockers shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;

- f. The owner shall provide ensuite laundry facilities in each of the replacement rental dwelling units, at no additional cost to the tenants;
 - g. The owner shall provide tenant relocation and assistance to all eligible tenants, including the right to return to a replacement rental dwelling unit, to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - h. The owner shall enter into and register on title one or more Agreement(s) to secure the conditions outlined in a, b, c, d, e, f and g above to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning; and
2. City Council authorize the Chief Planner and Executive Director, City Planning, to issue the Preliminary Approval for the permit under Chapter 667 of the Toronto Municipal Code for the demolition of 130 existing rental dwelling units at 55 and 65 Broadway Avenue after all the following have occurred:
- a. Satisfying or securing of the conditions in Recommendation 1 above;
 - b. The Zoning By-law Amendments, which were the subject of a decision of a Local Planning Appeal Tribunal, have come into full force and effect;
 - c. The issuance of the Notice of Approval Conditions for site plan approval by the Chief Planner and Executive Director, City Planning, or their designate, pursuant to Section 114 of the *City of Toronto Act, 2006*;
 - d. The issuance of excavation and shoring permits for the approved development of the site; and
 - e. The execution and registration of a Section 37 Agreement pursuant to the *Planning Act* securing Recommendation 1 a, b, c, d, e, f and g and any other requirements of the Zoning-Bylaw Amendment.
3. City Council authorize the Chief Building Official to issue the Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code after the Chief Planner and Executive Director, City Planning has issued the Preliminary Approval referred to in Recommendation 2.
4. City Council authorize the Chief Building Official to issue a Residential Demolition Permit under Section 33 of the *Planning Act* 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, has issued the Preliminary Approval referred to in Recommendation 2, which may be included in the demolition permit for Chapter 667 under 363-11.1, of the Toronto Municipal Code, on condition that:

- a. The owner erects a residential building on 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 4 a above, 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 rental 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.
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.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On May 10, 2016, Toronto East York Community Council (TEYCC) adopted the Preliminary Report dated April 22, 2016, on the Zoning By-law Amendment and Rental Housing Demolition applications. The report can be accessed at:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE16.33>

On August 29, 2016, the owner appealed the Zoning By-law Amendment to the Local Planning Appeal Tribunal (the "LPAT") citing City Council's failure to make a decision within the prescribed time frames set out in the *Planning Act*.

On July 4, 2017, City Council adopted the Request for Directions Report dated May 30, 2017, authorizing the City Solicitor, together with appropriate staff to attend any LPAT hearings in opposition to the appeal. The report can be accessed at:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE25.19>

On November 7, 2017, City Council adopted the Request for Directions Report dated October 30, 2017, to authorize the City Solicitor, together with appropriate staff to attend any LPAT hearings in support of a settlement offer. The report can be accessed at:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.CC34.7>

On May 10, 2018, the LPAT issued a decision approving the proposal for two 39-storey residential buildings linked by a 4-storey base building (Case No. PL160873).

ISSUE BACKGROUND

Proposal

The proposal consists of two 39-storey residential towers linked by a 4-storey base building. Each building would have a maximum height of 125 metres (134 metres including the mechanical penthouse). The proposed development includes 130 rental replacement units and 257 new purpose built rental units located in the north portion of the building and 390 condominium units in the south portion of the building. Vehicular access would be provided off Broadway Avenue near the east limit of the site.

The Rental Housing Demolition Application proposes to demolish 130 rental dwelling units at 55 and 65 Broadway Avenue and construct and maintain 130 replacement rental dwelling units of at least the same unit type as the existing rental units. The rental tenure for the proposed replacement rental units would be secured for at least 20 years and rents for the replacement rental dwelling units would be secured at either affordable or mid-range rents for at least 10 years.

Site and Surrounding Area

The 130 existing rental dwelling units located at 55 and 65 Broadway Avenue proposed to be demolished, are comprised of the following unit mix and rent classifications:

- 10 bachelor units (1 with affordable rents and 9 with mid-range rents);
- 100 one-bedroom units (18 with affordable rents and 82 with mid-range rents); and
- 20 two-bedroom units (6 with affordable rents and 14 with mid-range rents).

At the time of application, approximately 20 of the existing rental dwelling units at 55 and 65 Broadway Avenue were vacant.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 2014 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:

Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment; and
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

The City of Toronto uses the PPS to guide its Official Plan and inform decisions on planning and development matters. The PPS is issued under Section 3 of the Planning Act and all decisions of Council affecting land use planning matters shall be consistent with the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards; and
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by City Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

Staff have reviewed the proposed development 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 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 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 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.

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 Toronto 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.

Pursuant to Chapter 667, City 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 housing.

Pursuant to the City's Residential Demolition Control By-law Chapter 363 of the Toronto Municipal Code, City 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 Local Planning Appeal Tribunal (LPAT).

On February 23, 2016, the applicant made an application for a Rental Housing Demolition permit pursuant to Chapter 667 of the City of Toronto Municipal Code.

Reasons for Application

A Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code is required as the site contains at least 6 residential dwelling units of which at least one was used for residential rental purposes.

Tenant Consultation

On February 12 and 13, 2018, planning staff hosted two Tenant Consultation Meetings to review the City's rental housing policies, provide information on the proposed redevelopment of the site and outline the various components of a typical Tenant Relocation and Assistance Plan. These meetings were attended by approximately 100 tenants, planning staff and the applicant.

During these meetings, tenants asked specific questions about the proposed replacement rental units (unit layouts, amenities and laundry), whether or not the applicant would assist with finding alternative accommodations during construction, the availability and cost of parking in the proposed building, permitted rent increases for the replacement rental dwelling units and expected length of construction. During the meeting, a number of tenants expressed concerns about their ability to find alternative accommodations within the Yonge-Eglinton area at similar rents.

COMMENTS

Rental Housing Units

The applicant proposes to provide 130 replacement rental dwelling units within the new 39-storey rental tower. The unit mix for the replacement rental units would be the same as the existing rental units; 10 bachelor, 100 one-bedroom and 20 two-bedroom units.

Upon completion, the total gross floor area for the 130 replacement rental dwelling units would be equal to the total gross floor area for the 130 existing rental dwelling units. The average unit size for the bachelor, one-bedroom and two-bedroom replacement rental dwelling units would be similar to the average size of existing rental dwelling units.

At least 128 of the replacement rental dwelling units would be provided with a balcony or terrace. All replacement rental dwelling units would be provided with ensuite laundry. Tenants of the replacement rental units would have access to all indoor and outdoor amenity space provided within the rental tower and at least 50 vehicle parking spaces. Bicycle and visitor parking would be provided to tenants of the replacement rental dwelling units on the same terms and conditions as other residents of the rental tower.

The Section 37 and Section 111 Agreements will secure all details regarding minimum unit sizes and future tenants' access to all facilities and amenities.

Tenure and Rents for the Replacement Rental Dwelling Units

The applicant has agreed to provide and maintain the 130 replacement rental dwelling units within the proposed stand-alone replacement rental building 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, the existing buildings contained 25 affordable units (1 bachelor, 18 one-bedroom unit and 6 two-bedroom units) and 105 mid-range rental units (9 bachelor, 82 one-bedroom and 14 two-bedroom units). The applicant has agreed to secure the rents for the 25 affordable and 105 mid-range replacement rental units for at least 10 years.

Tenant Relocation and Assistance Plan

The owner has agreed to provide tenant relocation and assistance to all tenants residing at 55 and 65 Broadway Avenue, all of which would be to the satisfaction of the Chief Planner and Executive Director, City Planning, and secured through the Section 37 and Section 111 Agreements with the City.

The Tenant Relocation and Assistance Plan will assist affected tenants in finding and securing alternative accommodations while the replacement rental dwelling units are being constructed.

As part of this plan, all pre-application eligible tenants would receive:

- At least 6 months' notice of the date that they must vacate their rental unit;
- The right to return to a replacement rental unit in the new building, with rent protected for at least to 20 years;
- Compensation equal to 3 month's rent pursuant to the *Residential Tenancies Act*;
- A move-out moving allowance and a move-back moving allowance if they exercise their right to return to a replacement rental dwelling unit;
- Additional compensation based on length of tenure; and
- Special needs compensation as determined by the Chief Planner and Executive Director, City Planning.

As part of this plan, all post-application eligible tenants would receive:

- At least 6 months' notice of the date that they must vacate their rental unit; and
- Compensation equal to 3 month's rent pursuant to the *Residential Tenancies Act*;

Post-application tenants are tenants who moved into the rental building after the date of application and who were informed of the applicant's intent to redevelop the site through the City approved disclosure form prior to signing a lease agreement for an existing rental dwelling unit at 55 and 65 Broadway Avenue.

Housing Access Plan and Rent Supplement Units

Staff are currently in discussions with the owner about developing a housing access plan and securing a number of affordable replacement rental dwelling units as rent supplement units. In consultation with the City of Toronto's Shelter, Support and Housing Administration Division, such rental units may then be made available to tenant households on the City's centralized waiting list. Details regarding the number and unit mix for the rent supplement units would be secured through one or more agreements with the City.

CONCLUSION

Staff are recommending that City Council approve the demolition of the 130 existing rental dwelling units located at 55 and 65 Broadway Avenue subject to the conditions set out in the Recommendations of this report.

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SIGNATURE

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