

470, 490 and 530 Wilson Avenue – Rental Housing Demolition Application – Final Report

Date: April 3, 2019

To: North York Community Council

From: Joe Nanos, Director, Community Planning, North York District

Ward: 6 - York Centre

Rental Housing Application Number: 16 270452 NNY 10 RH

Related Planning Application Number: 16 270444 NNY 10 OZ

SUMMARY

This report recommends approval of the Rental Housing Demolition application to demolish and replace 110 rental dwelling units, subject to conditions.

A Rental Housing Demolition application at 470, 490 and 530 Wilson Avenue seeks approval to demolish two existing residential apartment buildings at 470 and 490 Wilson Avenue. Both buildings contain 110 rental dwelling units. All 110 units would be replaced within a new residential building on the property. A commercial building is located at 530 Wilson Avenue and would also be demolished to enable the proposed development.

The related Zoning By-law Amendment application for a condominium apartment building and a rental apartment building property at 470, 490 and 530 Wilson Avenue was the subject of a settlement hearing at the Local Planning Appeal Tribunal (LPAT) (Case No. PL171059) on October 9, 2018. City Council approved the settlement for the application subject to a number of conditions including the rental replacement. The final LPAT Order is being held until all outstanding matters, including the necessary agreements with the City, are secured. The approval permits two 12-storey residential buildings which would contain 551 residential units, including 110 replacement rental dwelling units and would also secure an additional fifty (50) rental units.

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 one-hundred and ten (110) existing rental dwelling units located at 470 and 490 Wilson Avenue, subject to the following conditions:

a. The owner shall provide and maintain one-hundred and ten (110) replacement rental dwelling units on the subject site for a period of at least twenty (20) years, beginning from the date that each replacement rental unit is first occupied and, during which time, no application may be submitted to the City for condominium registration, or for any other conversion to a non-rental housing purpose, or for demolition without providing for replacement during the, at minimum, twenty (20) year period; the one-hundred and ten (110) replacement rental units shall be comprised of twenty (20) bachelor units, sixty (60) one-bedroom units and thirty (30) two-bedroom units, as shown on the March 15, 2019 Floor Plans submitted to the City Planning Division with any revisions to the satisfaction of the Chief Planner and Executive Director, City Planning;

b. The owner shall, as part of the one-hundred and ten (110) replacement rental dwelling units required above, provide at least twenty (20) bachelor, fifty-four (54) one-bedroom, and twenty-nine (29) two-bedroom replacement rental dwelling units at affordable rents, as defined in the City's Official Plan, and six (6) one-bedroom and one (1) two-bedroom replacement rental dwelling units at mid-range rents, as defined in the City's Official Plan, all for a period of at least ten (10) years, beginning from the date of first occupancy;

c. The owner shall provide and maintain an additional fifty (50) rental dwelling units with unrestricted rents on the subject site for a period of at least ten (10) years beginning from the date that each such additional rental dwelling unit is first occupied, as shown on the March 15, 2019 Floor Plans submitted to the City Planning Division with any revisions to these plans to the satisfaction of the Chief Planner and Executive Director, City Planning;

d. The owner shall provide tenants of the replacement rental dwelling units with access to all indoor and outdoor amenities in the proposed rental replacement building at no extra charge. Access and use of these amenities shall be on the same terms and conditions as any other building resident without the need to pre-book or pay a fee, unless specifically required as customary practices for private bookings;

e. The owner shall provide ensuite laundry facilities in each of the replacement rental dwelling units, at no additional cost to the tenants;

f. The owner shall provide at least thirty-eight (38) rental vehicle parking spaces to tenants of the replacement rental dwelling units, first made available to returning tenants who previously used a vehicle parking space, secondly to returning tenants who did not previously use a vehicle parking space, and thirdly to new tenants occupying one of the rental replacement dwelling units;

g. The owner shall provide each of the one-hundred and ten (110) replacement rental dwelling units with a balcony or terrace;

h. The owner shall provide tenants of the replacement one-hundred and ten (110) rental dwelling units and the additional fifty (50) rental units with access to

all bicycle parking and visitor parking on the same terms and conditions as any other resident of the building;

i. The owner shall provide tenant relocation and assistance to all eligible tenants occupying the existing one hundred and ten (110) rental units proposed to be demolished, including the right to return to a replacement rental dwelling unit, all to the satisfaction of the Chief Planner and Executive Director, City Planning; and

j. The owner shall enter into and register on title one or more agreement(s), including a Section 111 Agreement and a Section 37 Agreement, to secure the conditions outlined in (a) through (i) above to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning.

2. City Council authorize the Chief Planner and Executive Director, City Planning to issue the Preliminary Approval for the application under Chapter 667 of the Toronto Municipal Code for the demolition of the one-hundred and ten (110) existing rental dwelling units at 470 and 490 Wilson Avenue after all of the following have occurred:

a. the conditions in Recommendation 1 above have been fully satisfied;

b. The Zoning By-law Amendment has 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 structure on the site; and

e. The execution and registration of a Section 37 Agreement pursuant to the *Planning Act* securing Recommendation 1.(a) through 1.(i) and any other prescribed matters.

3. City Council authorize the Chief Building Official and Executive Director, Toronto Building 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 above.

4. City Council authorize the Chief Building Official and Executive Director, Toronto Building to issue a 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 given preliminary approval referred to in Recommendation 2 above, which permit may be included in the demolition permit for Chapter 667 under 363-11.1, of the Municipal Code, on condition that:

a. the owner remove all debris and rubble from the site immediately after demolition;

b. the owner erect solid construction hoarding to the satisfaction of the Chief Building Official and Executive Director, Toronto Building;

c. the owner erects a residential building on site no later than four (4) years from the day demolition of the buildings is commenced; and

d. should the owner fail to complete the new building within the time specified in condition (c) 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 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. City Council authorize the appropriate City officials to take such actions as are necessary to implement the foregoing, including execution of the Section 111 Agreement and other related agreements.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

On February 22, 2017, North York Community Council (NYCC) adopted the Preliminary Report dated January 31, 2017, on the Zoning By-law Amendment and Rental Housing Demolition applications for the original proposal at 470, 490 and 530 Wilson Avenue. This application proposed to amend the zoning by-law to permit a 13-storey condominium building (353 units), a 12-storey rental apartment building (158 units) and two stacked townhouse buildings (112 units) for a total of 623 residential units. The preliminary report recommendations were adopted by North York Community Council and they expanded the notice area for the community consultation meeting. The preliminary report can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.NY20.29>.

On October 3, 2017, the owner appealed the Zoning By-law Amendment to the former Ontario Municipal Board (OMB), continuing under the name Local Planning Appeal Tribunal, citing City Council's failure to make a decision within the prescribed time frames set out in the *Planning Act*.

On January 31 and February 1, 2018, City Council adopted the Request for Direction Report dated December 15, 2017, authorizing the City Solicitor, together with appropriate staff to attend any Tribunal hearings in opposition to the appeal. The Request for Direction Report can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.NY27.3>.

The applicant made numerous revisions to the original development application to address the issues outlined in the Request for Direction report. This included changes to the proposed height and density of the development, inclusion of on-site parkland dedication and office space replacement, and site and built form re-organization. Based on these revisions, on July 23 to 30, 2018, City Council adopted Recommendations in support of a without prejudice settlement offer, in Decision Item CC44.35 found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.CC44.35>.

A settlement hearing was held at the Local Planning Appeal Tribunal on October 9, 2018, and a decision approving the proposal for two 12-storey residential buildings was issued on October 30, 2018 (Case No. PL171059).

ISSUE BACKGROUND

Proposal

Three buildings are proposed to be demolished, two of which are residential rental buildings containing 110 rental dwelling units, and one building is a commercial building.

The development would consist of two buildings, both 12-storeys in height. The eastern building known as Building B, would contain the 110 replacement rental dwelling units. Replacement rental dwelling units would have a mix of affordable and mid-range rents consistent with the existing mix. There would be 103 affordable and seven (7) mid-range replacement rental dwelling units as defined by the Canadian Housing and Mortgage Corporation's latest Fall Market Report. An additional 50 rental dwelling units would be located in the same building as the replacement rental units. The rents for the additional 50 rental units would not be secured as part of this development. However, the rental tenure of the additional 50 rental units would be secured for a minimum of 10 years.

The replacement rental units and the additional rental units will be located in a newly proposed building in the general vicinity of the current 470 Wilson Avenue property. The proposed western building, known as Building A would contain 398 condominium units, with separate indoor and outdoor amenities to Building B. Both buildings would be connected via a shared underground garage.

Site and Surrounding Area

Three buildings currently occupy the subject lands, of which two are residential rental buildings containing 110 rental dwelling units combined and one is a commercial building. The existing rental dwelling units located at 470 and 490 Wilson Avenue proposed to be demolished are comprised of the following unit mix:

- 20 bachelor units;
- 60 one-bedroom units; and
- 30 two-bedroom units.

The affordability of the rental dwelling units at the time of the application being made consisted of 103 units in the affordable rent category and seven (7) in the mid-range rent category as defined by the Official Plan and the Canadian Housing and Mortgage Corporation Fall Market Report for that year. All rents will be secured in the appropriate legal agreements.

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; 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.

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 (GGH) 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, cultivating a culture of conservation and promoting 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.

The Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. Staff have reviewed the proposed development for consistency with the PPS and for conformity 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.

Rental replacement 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 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, the following are 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.

This proposal has been reviewed against the policies described above as well as the policies of the Official Plan as a whole.

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 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 or approve an application to demolish a rental building and may impose conditions upon such an approval, 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*.

On December 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 six (6) residential dwelling units, of which at least one (1) was used for residential rental purposes.

Tenant Consultation

A tenant information meeting was held in the summer of 2017, hosted by the applicant to inform tenants of the expected process.

Planning staff hosted a Tenant Consultation Meeting on January 9, 2019, as required by the related by-law. The purpose of the meeting was to review the City's rental housing policies, provide information on the proposed redevelopment and outline the proposed Tenant Relocation and Assistance Plan. This meeting was attended by approximately 75 tenant households, City Planning staff, the applicant, and the local ward councillor.

During the meeting, tenants asked questions about the proposed development including details of the replacement rental units, whether the applicant would assist with finding alternative accommodations during construction, permitted rent increases for the replacement rental dwelling units, and the expected length of construction. During the meeting, many tenants expressed concerns about their ability to find alternative accommodation within the area at similar rents, utilising the proposed financial compensation.

COMMENTS

Rental Housing Units

The applicant proposes to provide 110 replacement rental dwelling units within a rental replacement building. The unit mix for the replacement rental units would be the same as the existing rental units at 470 and 490 Wilson Avenue: 20 bachelor, 60 one-bedroom and 30 two-bedroom units.

Upon completion, the total gross floor area for the 110 replacement rental dwelling units would be approximately equal to or greater than the total gross floor area for the 110 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.

As an improvement of the existing condition, all of the replacement rental dwelling units would be provided with a balcony, whereas currently none of the existing rental units have access to a private balcony. All replacement rental dwelling units would be provided with ensuite laundry, whereas a shared laundry currently exists. Air conditioning would be provided in each unit. Tenants of the replacement rental units would have access to all indoor and outdoor amenity space provided within the rental replacement building shared with tenants of the 50 additional rental units with unrestricted rents. At least 38 car parking spaces would be made available to returning

tenants. Bicycle and visitor parking would be available to tenants of the replacement rental dwelling units on the same terms as other residents of the residential rental building. Storage lockers would be made available to tenants.

The Section 37 and Section 111 Agreements will secure all details regarding minimum unit sizes and 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 110 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 affordability of the rental dwelling units consisted of 103 units in the affordable rent category, and seven (7) in the mid-range rent category, as defined by the Official Plan and the Canadian Housing and Mortgage Corporation Fall Market Report for that year. All rents will be secured in the appropriate legal agreements. The applicant has agreed to secure the rents for the 110 affordable replacement rental units for at least 10 years. These matters will be secured in the appropriate agreements registered on title to the property.

Additional Rental Dwelling Units

Fifty (50) additional rental dwelling units would be constructed within the replacement rental building (Building B). The rents charged for these units would be unrestricted. The rental tenure of the fifty (50) additional rental dwelling units would be secured for a period of at least 10 years without application being made to demolish, register as condominium title or convert to a non-residential use; secured with one or more legal agreements. These units would contribute to the City's rental dwelling stock.

Tenant Relocation and Assistance Plan

The owner has agreed to provide tenant relocation and assistance to all tenants currently residing at 470 and 490 Wilson 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 six (6) months' notice of the date that they must vacate their rental unit;
- The right to return to a replacement rental unit of the same bedroom type in the new building, with similar rent;

- Compensation equal to three (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 the difference between rent paid and prevailing rents in the area as defined by the Canadian Mortgage and Housing Corporation's (CMHC) latest fall update; and
- Additional compensation and assistance for special needs tenants 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 470 and 490 Wilson Avenue.

Conclusion

Staff are recommending that City Council approve the demolition of the 110 existing rental dwelling units located at 470 and 490 Wilson Avenue subject to the conditions set out in the recommendations of this report.

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SIGNATURE

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ATTACHMENTS

City of Toronto Data/Drawings
Attachment 1: Location Map

Attachment 1: Location Map

