

100 Broadway Avenue, 223-225 Redpath Avenue and 227-233 Redpath Avenue – Rental Housing Demolition Applications – Final Report

Date: August 28, 2019

To: North York Community Council

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

Ward: 15 - Don Valley West

Rental Housing Application Numbers:

- 100 Broadway Avenue and 223-225 Redpath Avenue: 15 231391 NNY 25 RH
- 227-233 Redpath Avenue: 19 142275 NNY 15 RH

Related Planning Application Number: 15 228723 NNY 25 OZ

SUMMARY

This report recommends approval of two Rental Housing Demolition applications to demolish and replace 64 rental dwelling units subject to conditions.

Two Rental Housing Demolition applications at 100 Broadway Avenue, 223-225 Redpath Avenue and 227-233 Redpath Avenue seek approval to demolish four existing residential rental apartment buildings. Together, these four buildings contain a total of 64 rental dwelling units. All 64 of the units would be replaced by the same bedroom type and size within a purpose-built rental building at 100 Broadway Avenue. A Tenant Relocation and Assistance Plan will appropriately address the impacts on tenants.

The rental building at 100 Broadway Avenue will contain 413 rental units. In addition to the 64 replacement rental units that will replace the existing rental units, the building will also be the recipient site for 260 other replacement units associated with three nearby rental housing demolition applications at 110-120 Broadway Avenue, 117-127 Broadway Avenue and 174-180 Broadway Avenue for a total of 324 replacement rental units. The remaining 89 rental units would be comprised of 50 new affordable rental units secured as part of the Section 37 contribution for the 110-120 Broadway Avenue development application and 39 market-rate rental units with unrestricted rents.

This land is also subject to an application under the *Planning Act* for an amendment to the Zoning By-law, Application No. 15 228723 NNY 25 OZ, which was the subject of a settlement hearing at the Local Planning Appeal Tribunal (LPAT) (Case No. PL160910) on July 29, 2019. The LPAT issued a decision on August 9, 2019, approving the Zoning By-law Amendment in principle, with the final Tribunal Order being held until all outstanding matters, including the necessary agreements with the City, are secured.

City Council endorsed the settlement on June 18 and 19, 2019 in advance of the LPAT settlement hearing, subject to conditions, including a rental replacement requirement. City Council also withheld its decision on both related Rental Housing Demolition applications until a Decision was issued by the LPAT on the related Zoning By-law Amendment application. The final LPAT Order was withheld until all outstanding matters, including the necessary agreements with the City, are secured, including rental housing matters.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council approve the two Rental Housing Demolition Applications in accordance with Chapter 667 of the Toronto Municipal Code to allow for the demolition of sixty-four (64) existing rental dwelling units located at 100 Broadway Avenue, 223-225 Redpath Avenue and 227-233 Redpath Avenue, subject to the following conditions:

a. The owner shall provide and maintain three-hundred and twenty-four (324) replacement rental dwelling units at 100 Broadway Avenue, 223-225 Redpath Avenue and 227-233 Redpath Avenue 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 three-hundred and twenty-four (324) replacement rental units shall be comprised of at least fifty-eight (58) bachelor units, one-hundred and ninety-two (192) one-bedroom units, sixty-eight (68) two-bedroom and six (6) three-bedroom units as shown on the floor plans by IBI Group Architects dated July 26, 2019 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 three-hundred and twenty-four (324) replacement rental dwelling units required above, provide at least twenty-one (21) bachelor units, eighty-seven (87) one-bedroom units, thirty-eight (38) two-bedroom and four (4) three-bedroom units at affordable rents, as defined in the City's Official Plan, and thirty-six (36) bachelor, ninety-seven (97) one-bedroom, thirty (30) two-bedroom and two (2) three-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 of each unit;

c. The owner shall provide and maintain fifty (50) new secured rental units on the subject site for a period of at least twenty (20) years beginning from the date that each such additional rental dwelling unit is first occupied, as shown on the floor plans by IBI Group Architects dated July 26, 2019 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, as part of the fifty (50) new secured rental units required above, provide all units at affordable rents, as defined in the City's Official Plan,

all for a period of at least fifteen (15) years, beginning from the date of first occupancy;

e. The owner shall provide tenants of the replacement rental dwelling units and new secured rental units with access to all indoor and outdoor amenities in the proposed rental replacement building as shown on the floor plans by IBI Group Architects dated July 26, 2019 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;

f. The owner shall provide all three-hundred and twenty-four (324) replacement rental dwelling units and all fifty (50) new secured rental units with a balcony or terrace and ensuite laundry;

g. The owner shall provide tenants of the three-hundred and twenty-four (324) replacement rental dwelling units and the additional fifty (50) affordable rental dwelling units with access to all bicycle parking and all car parking and visitor parking and storage lockers on the same terms and conditions as any other resident of the building;

h. The owner shall provide tenant relocation and assistance to all eligible tenants occupying the existing sixty-four (64) rental dwelling units proposed to be demolished at 100 Broadway Avenue and 223, 225, 227 and 233 Redpath Avenue, 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

i. 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 (h) 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 sixty-four (64) existing rental dwelling units at 100 Broadway Avenue and 223, 225, 227 and 233 Redpath 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 (h) and any other related 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

At its meeting of January 19, 2016, North York Community Council considered a preliminary report for 100 Broadway Avenue and 223 - 225 Redpath Avenue, a copy of which is available on the City's website at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.NY11.30>

On September 22, 2016, the landowner appealed Council's failure to make a decision within 120 days to the Ontario Municipal Board, now continued as the LPAT.

City Council on July 4, 5, 6 and 7, 2017 adopted confidential Recommendations in a Request for Direction report from the City Solicitor dated June 27, 2017, related to the LPAT appeal of the applications. The City Council Decision and City Solicitor Report can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.CC31.15>

On January 22, 2018, the LPAT rendered a decision with respect to the application. The LPAT decision can be found at the following link:

<https://elto.gov.on.ca/tribunals/lpat/e-decisions/>

The Settlement proposes that 100 Broadway Avenue be the recipient site for the rental housing replacement units for which demolition is either approved or proposed at 100 Broadway Avenue, 223-225 Redpath Avenue, 117-127 Broadway Avenue and 174-180 Broadway Avenue. The properties located at 174-180 Broadway Avenue presently serves as the offsite parkland dedication for the LPAT-approved developments at 100 and 117-127 Broadway Avenue and 223-225 Redpath Avenue.

On July 23, 2018, City Council approved 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 conditions. The Final Report and Council decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.NY32.5>

At its meeting on June 18 and 19, 2019, City Council adopted a Request for Directions Report from the City Solicitor regarding a Local Planning Appeal Tribunal Hearing (Item No. CC8.11), on the larger consolidated lands at 100 Broadway Avenue and 223-225 Redpath Avenue which now includes the additional sites at 227-233 Redpath Avenue, which can be found on the City's website at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC8.11>

On August 9, 2019, the LPAT issued a decision approving the Zoning By-law Amendment at 100 Broadway Avenue, 223-225 Redpath Avenue and 227-233 Redpath Avenue. The LPAT decision history can be found at the following link:

<https://www.omb.gov.on.ca/ecs/CaseDetail.aspx?n=PL160910>

A related Rental Housing Demolition Application report for 117-127 Broadway Avenue will be considered at a future meeting of the Toronto and East York Community Council.

A related Rental Housing Demolition Application report for 110-120 Broadway Avenue will be reported to the North York Community Council once a requisite Tenant Consultation Meeting is scheduled and held.

ISSUE BACKGROUND

Proposal

Four rental apartment buildings are proposed to be demolished at 100 Broadway Avenue, 223-225 Redpath Avenue and 227-233 Redpath Avenue, which together contain 64 rental dwelling units. The applicant proposes to replace all 64 existing rental dwelling units within a purpose-built rental building to be constructed at 100 Broadway Avenue.

The replacement rental dwelling units would be the same in number, bedroom type and substantially the same size on average. The rents for the replacement rental units would represent a marginal improvement to the existing mix of affordable, mid-range and high end rents.

The replacement rental building at 100 Broadway Avenue would contain 413 rental dwelling units. Of the 413 units, 324 would be replacement units. The proposed building would be the recipient for the replacement of the existing rental dwelling units that are part of the subject application at 100 Broadway Avenue, 223-225 Redpath Avenue and 227-233 Redpath Avenue (64 units) as well as for the surrounding rental housing demolition applications at 110-120 Broadway Avenue (121 units), 117-127 Broadway Avenue (131 units), and a previously approved Rental Housing Demolition application at 174-180 Broadway Avenue (8 units).

Subject Site

The four buildings proposed to be demolished on the subject lands contain 64 existing rental dwelling units. A ten-storey rental building is located at 100 Broadway Avenue and contains 47 existing rental units. Three, two-storey buildings are located along Redpath Avenue containing a total of 17 rental units. The unit mix of all buildings is comprised of 8 bachelor, 44 one-bedroom, 7 two-bedroom and 5 three-bedroom rental dwelling units. The affordability of the rental dwelling units consisted of 10 units in the affordable rent category and 54 in the mid-range rent category. The rent categories were determined at the time of the applications being made in 2015 and 2019, defined by the Official Plan and the Canadian Housing and Mortgage Corporation Fall Market Report for that year.

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.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) 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.

A Place to Grow: Growth Plan (2019) 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.

The subject site is designated *Apartment Neighbourhoods* in the City's Official Plan. 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*.

An application for a Rental Housing Demolition permit at 100 Broadway Avenue and 223 - 225 Redpath Avenue was submitted to the City on October 1, 2015. The application was deemed complete on December 4, 2015 and a notice informing the applicant and Councillor was sent on the same day. Tenants were informed of the complete application via a notice delivered by the applicant.

An application for a Rental Housing Demolition permit at 227 - 233 Redpath Avenue was submitted to the City on April 18, 2019. The application was deemed complete on May 1, 2019 and a notice informing the applicant and Councillor was sent on the same day. Tenants were informed of the complete application via a notice delivered by the applicant.

Reasons for Applications

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 consultation meeting is a requirement of the Rental Housing Demolition By-law to review the City's rental housing policies, provide information on the proposed redevelopment and outline the proposed Tenant Relocation and Assistance Plan. Separate tenant consultation meetings were held for both applications.

A tenant consultation meeting for 100 Broadway Avenue and 223-225 Redpath Avenue was hosted by City Planning Staff on November 8, 2018. The meeting was attended by approximately 20 tenant households, City Planning staff, and applicant representatives.

A tenant consultation meeting for 227-233 Redpath Avenue was hosted by City Planning Staff on May 16, 2019. The meeting was attended by approximately 11 tenant households, City Planning staff, Councillor staff and applicant representatives.

The format and contents of both meetings were the same, and tenant questions and comments were similar. Tenants asked questions covering details of the replacement rental units, permitted rent increases for the replacement rental dwelling units, the expected length of construction and details regarding the Tenant Relocation and Assistance Plans. The components of this Plan are summarised in the corresponding section below.

COMMENTS

Rental Housing Units

The applicant proposes to replace all 64 existing rental dwelling units currently located at 100 Broadway Avenue, 223-225 Redpath Avenue and 227-233 Redpath Avenue. The units will be replaced alongside 260 other units associated with the replacement commitments of nearby redevelopment sites. The proposed building at 100 Broadway Avenue is proposed to include the 64 replacement rental units for 100 Broadway Avenue, 223-225 Redpath Avenue and 227-233 Redpath Avenue along with the replacement rental dwelling units for the applications at 110-120 Broadway Avenue (121 units) and 117-127 Broadway Avenue (131 units), and a previously approved Rental Housing Demolition application at 174-180 Broadway Avenue (8 units).

In total there would be 324 replacement rental units within a 413 unit purpose-built rental building at 100 Broadway Avenue. The remaining 89 rental units would be comprised of 50 new affordable rental units secured as part of the Section 37 contribution for the 110-120 Broadway Avenue development application and 39 market-rate rental units with unrestricted rents.

The proposed bedroom mix would be marginally improved, per Table 1 below.

Table 1: Unit Mix

Type	Existing	Proposed
Bachelor	8	8
One-bedroom	44	43
Two-bedroom	7	7
Three-bedroom	5	6
Total	64	64

The total gross floor area for the 64 replacement rental dwelling units upon completion would be the same total gross floor area for the 64 existing rental dwelling units. The average unit size for each bedroom type would be substantially the same as the existing units. Internal floor plans for the replacement units have been reviewed by City Planning staff, and the size and layouts of the replacement rental units are considered to provide good quality living conditions and take advantage of modern building efficiencies.

As an improvement of the existing condition, all of the replacement rental dwelling units would be provided with a balcony. Currently, only 36 of the 64 existing rental units have access to a private balcony. Ensuite laundry is proposed to be located within each replacement unit, while most existing units only have access to communal laundry facilities. Heating and air conditioning on an individually set thermostat would be provided in each unit. Tenants of the replacement rental units would have access to all indoor and outdoor amenity spaces and site.

Bicycle and visitor parking would be available to tenants of the replacement rental dwelling units on a first come first served basis. Storage lockers and long term car parking would be available to tenants of the replacement rental dwelling units on a first come first served basis, unless they had an agreement to rent one in their existing building; in which case they would have priority.

The Section 37 and Section 111 Agreements will secure all details above, alongside the number, bedroom type mix and minimum sizes for the replacement and new secured rental units.

Tenure and Rents for the Replacement Rental Dwelling Units

The applicant has agreed to provide and maintain the 64 replacement rental dwelling units associated with 100 Broadway Avenue, 223-225 Redpath Avenue and 227-233 Redpath Avenue, alongside the 260 replacement rental unit commitments of surrounding sites within a proposed stand-alone replacement rental building for at least 20 years. The time period would begin 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 64 rental dwelling units consisted of ten (10) units in the affordable rent category, and 54 units in the mid-range rent category as defined by the Official Plan and the Canadian Housing and Mortgage Corporation Fall Market Report for the years that each application was made in 2015 and 2019. The applicant has agreed to secure the rents for the 64 affordable and mid-range replacement rental units for at least 10 years for tenants. These matters will be secured in the appropriate agreements registered on title to the property.

The affordability of the 324 existing rental dwelling units on the combined sites at the time of the subject applications, consisted of 150 units with affordable rents, 165 units with mid-range rents and nine (9) units with high-end rents, all as defined by the Official Plan. The affordable rents for the 324 replacement rental dwelling units would be secured for at least 10 years, consistent with the existing affordability mix described above.

The applicant has also agreed to secure the rents for 50 of the non-replacement rental dwelling units with affordable rents as part of the Section 37 contribution for 110-120 Broadway Avenue. The affordable rents for the 50 rental units would be secured for at least 15 years. The rents for the remaining 39 rental units would be unrestricted, set in accordance with the practice of the landlord and market conditions.

Tenant Relocation and Assistance Plan

The owner has agreed to provide tenant relocation and assistance to all tenants currently residing at 100 Broadway Avenue, 223-225 Redpath Avenue and 227-233 Redpath 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 would assist affected tenants in finding and securing alternative accommodations while the replacement rental dwelling units are being constructed.

As part of this plan, all 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 at least the same bedroom type in the new building, with similar rent;
- Compensation equal to three (3) months rent pursuant to the *Residential Tenancies Act*;
- Moving allowances for move-out and move-back;
- Additional compensation based on length of tenure within the building;
- Additional compensation and assistance for special needs tenants, with the final determination by the Chief Planner and Executive Director, City Planning; and
- Lists of bona-fide rental listings within the surrounding area to assist with finding alternative accommodation.

Conclusion

Staff are recommending that City Council approve the demolition of the 64 existing rental dwelling units located at 100 Broadway Avenue and 223, 225, 227 and 233 Redpath Avenue, subject to the conditions set out in the recommendations of this report. All 64 rental dwelling units will be replaced in a new purpose-built rental building at 100 Broadway Avenue.

CONTACT

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SIGNATURE

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Community Planning, North York District

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Location Map

Attachment 1: Location Map

