

75 Broadway Avenue – Rental Housing Demolition Application – Final Report

Date: May 14, 2019

To: Toronto and East York Community Council Community Council

From: Director, Community Planning, Toronto and East York District

Ward: 12 – Toronto St. Paul's

Planning Application Number: 17 150328 STE 22 RH

SUMMARY

The Rental Housing Demolition (RH) application proposes to demolish 20 existing rental dwelling units located in the north west portion of the existing 184-unit rental building at 75 Broadway Avenue. All 20 demolished rental units are to be replaced in a new 38-storey residential building addition to the existing residential building. The associated Zoning By-law Amendment application (17 150315 STE 22 OZ) was the subject of a settlement hearing at the Local Planning Appeal Tribunal (LPAT). The final Board Order is pending until all outstanding matters, including the determination of this Rental Housing Demolition application are resolved.

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

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council approve the application for a Rental Housing Demolition Permit in accordance with Chapter 667 of the Toronto Municipal Code to allow for the demolition of 20 existing rental dwelling units located at 75 Broadway Avenue, subject to the following conditions:

a. the owner shall provide and maintain not less than 20 replacement rental dwelling units, comprised of 20 two-bedroom units, within the proposed residential building addition to the existing rental building, for a period of at least 20 years, beginning from the date that each replacement rental dwelling unit is first occupied, and as generally illustrated in the architectural plans provided to the City Planning Division dated July 10, 2018, and May 3, 2019. Any revision to these plans with regard to the proposed rental replacement unit location or configuration shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

- b. the owner shall provide and maintain not less than 10 two-bedroom replacement rental dwelling units at mid-range rents and no more than 10 two-bedroom replacement rental dwelling units with unrestricted rents, for a period of at least 10 years, beginning from the date that each replacement rental dwelling unit is first occupied;
- c. the owner shall provide ensuite laundry in each replacement rental dwelling unit;
- d. the owner shall provide all replacement rental dwelling units with a balcony or terrace;
- e. the owner shall provide tenants of the replacement rental dwelling units with access to all indoor and outdoor amenities in the proposed residential building without passing on the cost of said amenities to existing residents. Access and use of these amenities shall be on the same terms and conditions as any resident of the non-replacement rental dwelling units without the need to pre-book or pay a fee, unless specifically required as customary practices for private bookings;
- f. the owner shall make available at least 94 vehicle parking spaces to tenants of the 20 replacement rental dwelling units and 164 retained rental dwelling units;
- g. the owner shall make available at least 78 storage lockers to tenants of the 20 replacement rental dwelling units and 164 retained rental dwelling units;
- h. the owner shall provide tenant relocation and assistance to all eligible tenants of the existing rental dwelling units 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 Division;
- i. the owner shall enter into and register on title to the subject site one or more agreement(s) to secure the conditions outlined in a, b, c, d, e, f, g and h above to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division, including an agreement pursuant to Section 111 of the *City of Toronto Act, 2006*.

2. City Council authorize the Chief Planner and Executive Director, City Planning Division, to issue Preliminary Approval for the Rental Housing Demolition permit under Chapter 667 of the Toronto Municipal Code for the demolition of the 20 existing rental dwelling units at 75 Broadway Avenue after all of the following have occurred:

- a. the satisfaction or securing of the conditions in Recommendation 1 above;
- b. the site-specific Zoning By-law Amendments 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 Division, or their designate, pursuant to Section 114 of the *City of Toronto Act, 2006*;
- d. the issuance of excavation and shoring permits for the proposed residential building on the subject site; and

e. the execution and registration of a Section 37 Agreement pursuant to the *Planning Act*, as a matter legal convenience, to secure Recommendation 1 a, b, c, d, e, f, g and h 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 Division, has given Preliminary Approval referred to in Recommendation 2 above.

4. 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.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

On October 17, 2017, Toronto and East York Community Council adopted the recommendations of the Preliminary Report for 75 Broadway Avenue.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE27.38>

On November 28, 2017, the applicant appealed the Zoning By-law Amendment application to the Ontario Municipal Board due to Council's failure to make a decision on the application within the prescribed time frames set out in the *Planning Act*.

On December 4, 2018, City Council adopted the recommendations of the Request for Directions Report for 75 Broadway Avenue accepting the Settlement Offer dated July 12, 2018 and directing the City Solicitor and staff to attend the Local Planning Appeal Tribunal in support of the revised proposed development.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC1.20>

On May 13, 2019, the Local Planning Appeal Tribunal issued an oral decision provisionally approving the Zoning By-law Amendment application subject to conditions which were identified in the Request for Directions Report adopted by Council at its meeting on December 4, 2018.

ISSUE BACKGROUND

Proposal

The proposal entails the demolition of the north west portion of the existing 10-storey residential rental building on the site, and the construction of a new 38-storey residential building (122.85 metres to the top of the mechanical penthouse) at the north west corner of the site, attached to the existing building. The new 38-storey tower would contain 336 residential rental units (including 20 rental replacement units). The new

addition and the existing building will generally be self-contained with an interior pedestrian connection at the ground floor and a common parking garage.

A 327 square metre Privately Owned Publicly-Accessible Space (POPS) will be located at the north east corner of the site facing onto Broadway Avenue.

The residential lobby of the existing building will be retained, and the lobby of the new building will be accessed from Broadway Avenue. The garage and loading space will be accessed from a driveway on the west side of the site.

The Rental Housing Demolition application proposes to demolish 20 existing rental dwelling units within the existing rental building at 75 Broadway Avenue and provide 20 replacement rental dwelling units within the proposed 38-storey building addition. The existing rental units to be demolished, identified as units '02' and '03' on floors 1 through 10 of the existing rental building, are located in the north western portion of the building. According to the plans provided by the applicant, the 20 existing rental dwelling units to be demolished are comprised of 20 two-bedroom units. These unit will be replaced by at least 20 two-bedroom units of the same average unit size.

Site

The site is located on the south side of Broadway Avenue between Yonge Street and Redpath Avenue. The existing rental building contains a total of 204 rental dwelling units with the following unit mix and rent classification (according to the updated information provided by the applicant in May 2019):

- 97 bachelor rental dwelling units with the following rent classifications: 3 affordable, 91 mid-range, and 3 high-end.
- 68 one-bedroom rental dwelling units with the following rent classifications: 1 affordable, 59 mid-range, and 8 high-end.
- 39 two-bedroom rental dwelling units with the following rent classifications: 2 affordable, 16 mid-range, and 21 high-end.

At the time of this report, approximately 9 of the 20 existing rental dwelling units to be demolished and replaced are occupied by tenants.

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; the adequate provision of a full range of housing, including affordable housing; and, the appropriate location of growth and development.

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; providing an appropriate range of housing types

and affordability to meet projected requirements of current and future residents; wise use and management of resources; and, protecting public health and healthy communities. 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.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) 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; planning for a range and mix of housing, taking into account affordable housing needs, and 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 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019).

Toronto Official Plan

This application was reviewed against all the policies of the Official Plan including the Housing Policies contained within Chapter 3 - Building a Successful City <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The housing policies of the Official Plan include those 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) provides that when new development requires the removal or the partial removal of rental housing containing six or more units, and any one of the units is affordable or mid-range, the units must be replaced by size, number, type and at rents similar to those at the time of application, that the rents of those units will be secured for at least 10 years and that an acceptable tenant relocation and assistance plan will address the right to return to a replacement unit and mitigation to lessen hardship.

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. By-law No. 885-2007 (also known as the Rental Housing Demolition and Conversion By-law), established Chapter 667 of the Toronto Municipal Code and implements Section 111. The By-law prohibits the demolition and conversion of rental housing units in buildings containing six or more residential 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 the Chief Planner and Executive Director, City Planning Division.

Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. These conditions implement the City's Official Plan policies protecting rental housing. Council approval of a demolition under Section 33 of the *Planning Act* may also be required where six or more residential units

are proposed to be demolished before the Chief Building Official can issue a permit for demolition under the *Building Code Act*.

Where a Zoning By-law Amendment application triggers an application under Chapter 667 for rental demolition or conversion, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under By-law 885-2007 are not appealable to the Local Planning Appeal Tribunal.

On April 27, 2017, the applicant submitted an application for a Rental Housing Demolition permit pursuant to Chapter 667 of the Toronto Municipal Code.

Reasons for Application

The applicant has submitted a Rental Housing Demolition application because the proposed development would require the demolition of at least six residential dwelling units and at least one rental dwelling unit.

Tenant Consultation

Pursuant to the City's Rental Housing Demolition By-law, a tenant consultation meeting is required to review the impact of the proposal on tenants of the residential rental property to be demolished. On September 12, 2017, staff held the first tenant consultation meeting with impacted tenants to provide an overview of the City's rental replacement policy and Rental Housing Demolition By-law. This meeting was attended by 10 tenants. On April 10, 2017, staff held a second tenant consultation meeting to review revised floor plans, discuss the updated Tenant Relocation and Assistance Plan and outline next steps. This meeting was attended by 15 tenants.

During the two tenant consultation meetings, tenants raised questions and concerns about future parking arrangements, rents for the replacement rental units should they decide to return, timing of compensation payments, new and expanded amenities and potential move out dates should City Council approve the Rental Housing Demolition application.

COMMENTS

Staff are satisfied with the applicant's replacement rental proposal and tenant relocation and assistance plan as they conform to the City's replacement rental policy (OP Policy 3.2.1.6) and standard replacement rental practices. Section 37 and Section 111 Agreements will be used to secure all of the required conditions of approval. All of which will be to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

Rental Demolition and Replacement

The applicant proposes to demolish 20 existing rental dwelling units at 75 Broadway Avenue and provide, maintain and secure 20 replacement rental dwelling units within the proposed residential building. The unit mix for the replacement rental dwelling units

will be comprised of 20 two-bedroom units. This proposed unit mix reflects that of the existing rental dwelling units to be demolished. The total gross floor area for the 20 replacement rental dwelling units is the same as the total 20 existing rental dwelling units proposed to be demolished.

The 20 replacement rental dwelling units will include ensuite laundry, central air conditioning and a balcony or terrace. Tenants of the replacement rental dwelling units will have access to all indoor and outdoor amenity space within the proposed residential building, all required resident and visitor bicycle parking and vehicle parking spaces.

Rental Tenure and Rents

The applicant has agreed to provide, maintain and secure the rental tenure of the 20 replacement rental dwelling units within the proposed residential building for at least 20 years, beginning from the date that each replacement rental dwelling unit is first occupied and until the owner obtains any necessary approvals removing the requirement for the replacement rental dwelling units to be maintained as rental units. The applicant has agreed to provide, maintain and secure at least 10 two-bedroom replacement rental dwelling units at mid-range rents and no more than 10 two-bedroom replacement rental dwelling units with unrestricted rent for at least 10 years, beginning from the date that each replacement rental dwelling unit is first occupied. All of which will be secured through one or more agreements with the City.

Tenant Relocation and Assistance

The owner has agreed to provide, at its own expense, assistance to all eligible tenants residing in the 20 existing rental dwelling units to be demolished, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division. As part of this Tenant Relocation and Assistance Plan, each eligible tenant will be provided with the following two options, subject to the availability of alternative rental units:

Option 1: Accept an alternative rental unit provided by the owner

- An acceptable alternative rental unit pursuant to the *Residential Tenancies Act*;
- At least 180 days' notice to vacate their existing rental dwelling unit for the purpose of demolition;
- A move-out moving allowance;
- The right to return to a replacement rental dwelling unit within the proposed residential building at similar rents to their existing rental dwelling unit. With rent protected for at least 20 years;
- A move-back moving allowance should they exercise their right to return to a replacement rental dwelling unit; and
- Special needs compensation equal to 4 months' rent.

Option 2: Do not accept an alternative rental unit provided by the owner

- Financial compensation equal to 3 months' rent pursuant to the *Residential Tenancies Act*;
- At least 180 days' notice to vacate their existing rental dwelling unit for the purpose of demolition;

- Additional compensation equal to 5 to 12 months' rent, depending on length of tenure;
- A move-out moving allowance;
- The right to return to a replacement rental dwelling unit within the proposed residential building at similar rents to their existing rental dwelling unit. With rent protected for at least 20 years;
- A move-back moving allowance should they exercise their right to return to a replacement rental dwelling unit; and
- Special needs compensation equal to 4 months' rent. Eligibility for special needs assistance shall be determined by the Chief Planner and Executive Director, City Planning Division.

Staff are satisfied with the applicant's proposed Tenant Relocation and Assistance Plan as it will help address hardship experienced by eligible tenants required to move from their current homes and is in line with the City's standard practices. All of which will be secured through one or more agreements with the City.

Other Related Rental Housing Matters

As part of the settlement of the related Zoning By-law Amendment application, the applicant has agreed to secure, through one or more agreements with the City, all of the following related rental housing matters.

- The rental tenure for the 184 existing rental dwelling units, including the 20 existing rental units to be vacated for the purpose of redevelopment, to be retained on site for at least 20 years, beginning from the date that the Zoning By-law Amendment comes into full force and effect;
- Building and amenity improvements which include a new garbage enclosure, renovated at-grade patio, dog run, rooftop amenity space and play area. All of which will be provided to existing tenants without pass-through of such costs in the rents to tenants; and
- An acceptable tenant relocation and assistance plan for tenants residing in the 20 existing rental dwelling units to be vacated for the purpose of redevelopment. This tenant relocation and assistance plan will reflect that provided to tenants residing in the existing rental dwelling units to be demolished.

Conclusion

Staff have reviewed the Rental Housing Demolition application against the City's rental housing demolition policies and have determined that the applicant's demolition and replacement proposal for 75 Broadway Avenue satisfy the City's rental replacement policies. This report recommends that City Council approve, with conditions, the application for a Rental Housing Demolition permit in accordance with Chapter 667 of the Toronto Municipal Code to allow for the demolition of the 20 existing rental dwelling units subject to conditions.

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SIGNATURE

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ATTACHMENTS

City of Toronto Data/Drawings
Attachment 1: Location Map

Attachment 1: Location Map

