

117 - 127 Broadway Avenue – Rental Housing Demolition Application – Final Report

Date: October 3, 2019

To: Toronto & East York Community Council

From: Lynda H. Macdonald, Director, Community Planning, Toronto & East York District

Ward: 12 - Toronto St Paul's

Rental Housing Application Number: 15 233435 STE 22 RH

Related Planning Application Number: 15 228738 STE 22 OZ

SUMMARY

This report recommends approval of a Rental Housing Demolition application to demolish and replace 131 rental dwelling units, and recommends approval of the Residential Demolition Permit under Chapter 363 of the Toronto Municipal Code, subject to conditions. This report also recommends entering into Section 37 and Section 111 agreements.

A Rental Housing Demolition application at 117 - 127 Broadway Avenue seeks approval to demolish two existing residential rental apartment buildings containing a total of 131 rental dwelling units. All 131 units would be replaced within a new purpose-built rental building across the street at 100 Broadway Avenue and 223-233 Redpath Avenue. The replacement rental units will have similar unit sizes and rents. The unit mix for the replacement rental units would be an improvement on the existing rental units at 117 - 127 Broadway Avenue with some one-bedroom units replaced with two-bedroom units. A Tenant Relocation and Assistance Plan will appropriately address the impacts on tenants.

The rental building at 100 Broadway Avenue and 223-233 Redpath Avenue will contain 413 rental units, which includes 131 replacement rental units from 117 - 127 Broadway Avenue, and 193 replacement rental units associated with four other nearby rental housing demolition applications at 100 Broadway Avenue and 223-225 Redpath Avenue, 227-233 Redpath Avenue, 110-120 Broadway Avenue, and 174-180 Broadway Avenue for a total of 324 replacement rental units. The remaining 89 rental units comprise of 50 new affordable rental units secured in a Section 37 Agreement from the 110-120 Broadway Avenue development application and 39 market-rate rental units with unrestricted rents.

The land at 117 - 127 Broadway Avenue is also subject to an application under the *Planning Act* for an amendment to the Zoning By-law (Application No. 15 228738 STE

22 OZ), which was the subject of a settlement hearing at the Local Planning Appeal Tribunal (LPAT) (Case No. PL160941) on November 20, 2017.

City Council endorsed the settlement for the Zoning By-law Amendment application subject to conditions, including a rental replacement requirement. City Council also withheld its decision on the related Rental Housing Demolition application until a Decision was issued by the LPAT on the related Zoning By-law Amendment application.

The LPAT issued a Decision on May 31, 2018, approving the Zoning By-law Amendment in principle, with the final Order being held 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 Rental Housing Demolition Application in accordance with Chapter 667 of the Toronto Municipal Code to allow for the demolition of one-hundred and thirty-one (131) existing rental dwelling units located at 117 and 127 Broadway Avenue, subject to the following conditions:
 - a. The owner shall provide and maintain one-hundred and thirty-one (131) replacement rental dwelling units at 100 Broadway Avenue and 223, 225, 227 and 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 one-hundred and thirty-one (131) replacement rental units shall be comprised of at least thirty-three (33) bachelor units, eighteen (18) one-bedroom units and eighty (80) two-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 one-hundred and thirty-one (131) replacement rental dwelling units required above, provide at least fifteen (15) bachelor, eight (8) one-bedroom, and forty-nine (49) two-bedroom replacement rental dwelling units at affordable rents, as defined in the City's Official Plan, and seventeen (17) bachelor, ten (10) one-bedroom and thirty-one (31) two-bedroom replacement rental dwelling units at mid-range rents, as defined in the City's Official Plan, and one (1) bachelor rental dwelling unit at high-end rent, 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 tenants of the replacement rental dwelling 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;

d. The owner shall provide all one-hundred and thirty-one (131) replacement rental dwelling units with a balcony or terrace and ensuite laundry;

e. The owner shall provide tenants of the one-hundred and thirty-one (131) replacement rental dwelling units with access to all bicycle parking, all car parking, visitor parking and storage lockers on the same terms and conditions as any other resident of the building;

f. The owner shall provide tenant relocation and assistance to all eligible tenants occupying the existing one-hundred and thirty-one (131) rental dwelling units proposed to be demolished at 117-127 Broadway Avenue, including the right to return to a replacement rental dwelling unit at 100 Broadway Avenue and 223, 225, 227 and 233 Redpath Avenue, all to the satisfaction of the Chief Planner and Executive Director, City Planning; and

g. The owner shall enter into and register on title at 117-127 Broadway Avenue and 100 Broadway Avenue and 223, 225, 227 and 233 Redpath Avenue one or more agreement(s), including a Section 111 Agreement and a Section 37 Agreement, to secure the conditions outlined in (a) through (f) 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 thirty-one (131) existing rental dwelling units at 117 and 127 Broadway 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.(f) and any other 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.

6. City Council authorize the appropriate City officials to take such actions as are necessary, including execution of the Section 37 and 111 Agreements and other related agreements, to secure the following timing provisions related to the construction and occupancy of the replacement rental units: The owner shall obtain the shoring and excavation permits for the new residential building at 100 Broadway Avenue and 223, 225, 227 and 233 Redpath Avenue prior to issuance of the above-grade building permit for the new residential building at 117-127 Broadway Avenue.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of January 19, 2016, Toronto and East York Community Council considered a preliminary report for 117-127 Broadway Avenue, a copy of which is available on the City's website at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE13.34>

On September 15, 2016 the landowner appealed Council's failure to make a decision within 120 days to the Ontario Municipal Board, now continued as the LPAT.

At its meeting on October 2, 3 and 4, 2017, City Council adopted the recommendations to authorize the City Solicitor, together with the appropriate staff, to attend the Ontario Municipal Board hearing to oppose the applicant's appeal respecting the Zoning By-law Amendment application for 117-127 Broadway Avenue in a Request for Direction report dated August 15, 2017, related to the LPAT appeal of the applications. The City Council Decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.24>

On November 20, 2017, the LPAT rendered a decision to allow the appeal in part, and amend in principle the zoning by-law amendments to permit the redevelopment of the subject site with respect to the application. The LPAT decision history can be found at the following link:

<https://www.omb.gov.on.ca/ecs/CaseDetail.aspx?n=PL160941>

At its meeting on June 18 and 19, 2019, City Council adopted a Request for Directions Report regarding a settlement offer from the City Solicitor with respect to Local Planning Appeal Tribunal Hearing (Item No. CC8.11) at 100 Broadway Avenue and 223-233 Redpath Avenue. The Settlement proposes that 100 Broadway Avenue and 223-233 Redpath Avenue be the recipient site for the rental housing replacement units for which demolition is either approved or proposed at 100 Broadway Avenue and 223-233 Redpath Avenue, 110-120 Broadway Avenue, 117-127 Broadway Avenue and 174-180 Broadway Avenue. A copy of the report 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 and 223-233 Redpath Avenue. The LPAT decision history can be found at the following link:

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

At its meeting of October 2 and 3, 2019, City Council approved the Rental Demolition Application for 100 Broadway Avenue and 223-233 Redpath Avenue, subject to conditions. The conditions include that 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 provision of replacement rental units at 100 Broadway and 223-233 Redpath Avenue for the existing rental units to be demolished at 100 Broadway Avenue and 223-233 Redpath Avenue, 110-120 Broadway Avenue, 117-127 Broadway Avenue and 174-180 Broadway Avenue. A copy of the report can be found on the City's website at:

ISSUE BACKGROUND

Proposal

Two rental apartment buildings are proposed to be demolished at 117-127 Broadway Avenue, which together contain 131 rental dwelling units. The application proposes to replace all 131 replacement rental dwelling units within a new purpose-built rental building located at 100 Broadway Avenue and 223-233 Redpath Avenue.

The replacement rental dwelling units would be the same in number and substantially the same size on average. The unit mix for the replacement rental units would be an improvement on the existing rental units at 117-127 Broadway Avenue. The proposed mix would be 33 bachelor, 18 one-bedroom and 80 two-bedroom units, whereas currently there are 33 bachelor and 98 one-bedroom rental units. The rents for the replacement rental units would be the same as the existing mix of affordable and mid-range rents.

This application for 117-127 Broadway Avenue is one of four sites in the immediate vicinity that are subject to Zoning By-law Amendment applications to redevelop the sites and Rental Housing Demolition applications. The Zoning By-law Amendment applications for each site have either been approved by City Council or have been settled at the LPAT with final orders being withheld until all outstanding matters are secured, including City Council decisions on the Rental Housing Demolition applications for each site.

There are a combined total of 324 existing rental units on the four sites as follows:

- 117-127 Broadway Avenue (131 rental units)
- 100 Broadway Avenue and 223-233 Redpath Avenue (64 rental units)
- 110-120 Broadway Avenue (121 rental units)
- 174-180 Broadway Avenue (8 rental units)

Given the proximity of the sites to each other, the applicants for all four sites have coordinated that all replacement units (324 units) will be provided in a single purpose-built rental building at the 100 Broadway Avenue and 223-233 Redpath Avenue site. The new building will contain a total of 413 rental units comprised of the 324 replacement rental units, as well as an additional 50 net new affordable 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.

City Council approved the Rental Housing Demolition applications for 100 Broadway Avenue and 223-233 Redpath Avenue at its meeting of October 2 and 3, 2019 with the condition that the new purpose-built rental building will accommodate all of the rental

housing replacement obligations for the above-noted sites and the 50 net new affordable rental units.

This report for 117-127 Broadway Avenue includes a recommendation that reflects the conditions of the 100 Broadway Avenue and 223-233 Redpath Avenue approval. This recommendation requires that an above-grade building permit for the subject site will not be issued until excavation and shoring permits have been issued for the development at 100 Broadway Avenue and 223–233 Redpath Avenue. The applicants for 117-127 Broadway Avenue and 100 Broadway Avenue and 223-233 Redpath Avenue have agreed to these conditions.

Subject Site

The two buildings proposed to be demolished on the subject lands currently contain 131 rental dwelling units. A four-storey rental building is located at 117 Broadway Avenue and contains 71 existing rental units. A three-storey building is located at 127 Broadway Avenue and contains 60 existing rental units. The unit mix of both buildings is comprised of 33 bachelor units and 98 one-bedroom units. The affordability of the rental dwelling units consisted of 72 units in the affordable rent category, 58 in the mid-range rent category and 1 within the high-end rent category. The rent categories were determined at the time of the application being made in 2015, 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: The 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.

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 117-127 Broadway Avenue was submitted to the City on October 6, 2015. The application was deemed complete on November 18, 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.

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

Tenant consultation meetings were hosted by City Planning Staff on November 13 and 15, 2018. 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. This meeting was attended by approximately 35 tenant households, City Planning staff, applicant representatives, and a staff member of the local councillor.

Tenants asked questions at the tenant consultation meeting that included details of the replacement rental units, permitted rent increases for the replacement rental dwelling units, and the expected length of construction. The terms of Tenant Relocation and Assistance Plan contained are summarised in the corresponding section below.

COMMENTS

Rental Housing Units

The applicant proposes to replace all 131 existing rental dwelling units currently located at 117-127 Broadway Avenue within a purpose-built rental building located at 100 Broadway Avenue and 223-233 Redpath Avenue. The replacement building is located approximately 50 metres north-west of 117-127 Broadway Avenue.

The unit mix for the replacement rental units would be an improvement on the existing rental units at 117-127 Broadway Avenue. The proposed mix would be 33 bachelor, 18 one-bedroom and 80 two-bedroom units, whereas currently there are 33 bachelor and 98 one-bedroom rental units.

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

Table 1: Unit Mix

Type	Existing	Proposed
Bachelor	33	33
One-bedroom	98	18
Two-bedroom	0	80
Total	131	131

The total gross floor area for the 131 replacement rental dwelling units upon completion would be substantially the same total gross floor area for the 131 existing rental dwelling units. The average unit size for the replacement bachelor and one-bedroom units would be similar to the existing bachelor and one-bedroom units they replace. The two bedroom units would be substantially the same size as the one-bedroom units they replace. 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 54 of the 131 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 at 100 Broadway Avenue and 223-233 Redpath Avenue.

The Section 37 and Section 111 Agreements will secure the 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 131 replacement rental dwelling units associated with 117-127 Broadway Avenue within a proposed replacement rental building at 100 Broadway Avenue and 223-233 Redpath Avenue 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 rental dwelling units consisted of 72 units in the affordable rent category, 58 units in the mid-range rent category and 1 unit in the high-end rent category, as defined by the Official Plan and the Canadian Housing and Mortgage Corporation Fall Market Report for 2015. The applicant has agreed to secure the rents for the 130 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.

Tenant Relocation and Assistance Plan

The owner has agreed to provide tenant relocation and assistance to all tenants currently residing at 117-127 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 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; or tenants may elect to return to a larger unit type with similar rent;
- Compensation equal to three (3) month's 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 an alternative accommodation.

The Tenant Relocation and Assistance Plan also assists post-application tenants, which are tenant households that leased an existing rental unit at 117-127 Broadway Avenue after the Rental Housing Demolition application for the site was deemed complete and were informed of the owner's intent to redevelop the site through a City-approved Lease Addendum prior to signing their lease agreement for an existing rental unit. As part of the Tenant Relocation and Assistance Plan, all post-application tenants would receive:

- At least six (6) months' notice of the date that they must vacate their rental unit;
- The opportunity to lease available replacement rental units prior to the available units being offered and made available to the public;
- Compensation equal to three (3) month's rent pursuant to the *Residential Tenancies Act*;
- 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 an alternative accommodation.

Conclusion

Staff recommend that City Council approve the demolition of the 131 existing rental dwelling units located at 117 - 127 Broadway Avenue subject to the conditions set out in the recommendations of this report. All 131 rental dwelling units will be replaced in a new purpose-built rental building at 100 Broadway Avenue and 223-233 Redpath Avenue.

CONTACT

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SIGNATURE

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ATTACHMENTS

City of Toronto Data/Drawings
Attachment 1: Location Map

Attachment 1: Location Map

