

523 Rogers Road – Rental Housing Demolition Application – Final Report

Date: June 17, 2020

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: 5 - York South-Weston

Planning Application Number: 19 244273 WET 05 RH

SUMMARY

This Rental Housing Demolition application proposes to reconfigure five rental dwelling units located within a residential rental building at 523 Rogers Road, which currently has a total of six rental dwelling units. The condition of the existing building on the subject property does not meet applicable Ontario Building Code and Ontario Fire Code requirements, and was not in compliance with the Zoning By-law. Interior alterations were previously made to the building without building permits and without zoning approvals, converting one commercial space and one residential unit in the building into six rental dwelling units.

In order to bring the building on the subject property into compliance with applicable Ontario Building Code and Ontario Fire Code requirements, the six-unit residential rental building is proposed to be reconfigured into a five-unit residential rental building. The five rental dwelling units would include one new rental dwelling unit, one existing rental dwelling unit to be retained in its current form and three rental dwelling units to be created as a result of the required internal reconfiguration.

A Minor Variance application (File No. A0561/19EYK) was approved by the Etobicoke York panel of the Committee of Adjustment on December 5, 2019, approving the variances required to permit the proposed five-unit residential rental building. The Committee of Adjustment approval is subject to a condition that the owner obtain a Rental Housing Demolition Permit from the City pursuant to Chapter 667 of the Toronto Municipal Code.

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

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council approve Rental Housing Demolition application No. 19 244273 WET 05 RH in accordance with Chapter 667 of the Toronto Municipal Code and pursuant to Section 111 of the *City of Toronto Act, 2006* to allow for the reconfiguration of five (5) rental dwelling units located at 523 Rogers Road into three (3) rental dwelling units, and to create one (1) new rental dwelling unit and retain one (1) existing rental dwelling unit, subject to the following conditions:

a. The owner shall provide and maintain five (5) rental dwelling units, comprising one (1) bachelor unit, two (2) one-bedroom units and two (2) two-bedroom units, on the subject site for a period of at least twenty (20) years beginning from the date that each rental dwelling unit is first occupied, as generally shown on the plans submitted to the City Planning Division and dated March 2, 2020. Any revision to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

b. The owner shall provide and maintain a communal laundry room in the basement which shall be equipped with at least two (2) washers and two (2) dryers, as generally illustrated in the plans submitted to the City Planning Division and dated March 2, 2020. Any revision to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

c. The owner shall provide and maintain five (5) bicycle parking spaces in the basement of the building as generally illustrated in the plans submitted to the City Planning Division and dated March 2, 2020;

d. The owner shall provide tenant relocation and assistance to all Eligible Tenants, including the right to return to a rental dwelling unit at the subject site, to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and

e. The owner shall enter into, and register on title at 523 Rogers Road, one or more agreement(s) to secure the conditions outlined in 1.a. through 1.d. above, including an agreement pursuant to Section 111 of the *City of Toronto Act, 2006*, all to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division.

2. City Council authorize the Chief Planner and Executive Director, City Planning Division to issue the Preliminary Approval for the application under Chapter 667 of the Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* for the reconfiguration of five (5) existing rental dwelling units into three (3) rental dwelling units, and to create one (1) new rental dwelling unit and retain one (1) retained rental dwelling unit, at 523 Rogers Road after all conditions in Recommendation 1 above have been fully satisfied and secured.

3. City Council authorize the Chief Building Official and Executive Director, Toronto Buildings to issue a Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code after the Chief Planner and Executive Director, City Planning Division has issued the 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 City Council's decision, including execution of the Section 111 Agreement.

FINANCIAL IMPACT

City Planning confirms there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

On December 5, 2019, the Etobicoke York panel of the Committee of Adjustment approved a Minor Variance application (File No. A0561/19EYK) for the subject site. The application proposed a residential building containing a total of five residential rental dwelling units, with an ancillary building in the rear yard. The Minor Variance application sought to vary the Zoning By-law to permit an increased Floor Space Index and a deficiency in vehicle and bicycle parking spaces, and to allow for an ancillary building for waste and recycling to be located closer to an Open Space zone than permitted.

The Committee of Adjustment's approval of the Minor Variance application is conditional on the owner satisfying the following matters, to the satisfaction of the Director, Community Planning, Etobicoke York District:

- The owner shall obtain a Rental Housing Demolition Permit from the City pursuant to Chapter 667 of the Toronto Municipal Code;
- The floor plans submitted in support of the Minor Variance application be revised to illustrate, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division:
 - Only one dwelling unit in the basement;
 - Unit 3 be limited to the ground floor; and
 - The basement include bicycle parking spaces and storage; and
- The owner enter into an agreement with the City to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, to secure the above-noted matters.

ISSUE BACKGROUND

Proposal

This Rental Housing Demolition application proposes to reconfigure five rental dwelling units located within a residential rental building at 523 Rogers Road, which currently contains a total of six rental dwelling units. To bring the property into compliance with the Ontario Building Code and the Ontario Fire Code, the building requires a reduction in the number of rental dwelling units from six dwelling units to five dwelling units, through interior reconfigurations. The five-unit residential rental building would comprise

one rental dwelling unit retained in its current form, one new rental dwelling unit and three rental dwelling units created through the required internal reconfiguration. In particular, the basement is only able to accommodate one dwelling unit, where three dwelling units currently exist.

According to the Housing Issues Report submitted in support of this application, the building on the subject site previously contained a personal service shop on the ground floor and one rental dwelling unit on the second floor. Interior alterations were subsequently made to the building without building permits and without zoning approvals, converting the ground floor and basement into five additional rental dwelling units. As a result of these alterations, the building contained one bachelor unit in the basement, two one-bedroom units in the basement and two two-bedroom units on the ground floor, in addition to the one existing two-bedroom unit on the second floor. A seventh unit was also under construction on the second floor, however it was not completed or occupied. All six completed rental dwelling units were occupied.

On May 26, 2019, a fire occurred within the building which required all tenants to vacate the property.

Site

The subject site is located on the south side of Rogers Road, west of Old Weston Road and east of Keele Street. A laneway abuts the property to the south. The subject site has a frontage of 8.28 metres and a total lot area of 212.52 m².

Rental Housing Demolition and Conversion By-law

Section 111 of the *City of Toronto Act, 2006* authorizes City 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 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 the Chief Planner. Applications which propose to reduce the number of rental dwelling units to below six require a decision by City Council.

City Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. Unlike *Planning Act* applications, decisions made by City Council under By-law 885-2007 are not appealable to the Local Planning Appeal Tribunal.

On November 1, 2019, the applicant submitted an application for a Rental Housing Demolition Permit pursuant to Chapter 667 of the Toronto Municipal Code.

Reasons for the Application

A Rental Housing Demolition Permit is required because the application seeks approval to reconfigure rental dwelling units within a building with six residential dwelling units, of

which at least one is rental, which would reduce the number of rental dwelling units to five.

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 rental dwelling units to be reconfigured. The applicant has advised that two of the tenant households no longer reside in the country, therefore there are four impacted tenant households.

On February 25, 2020, staff held a tenant consultation meeting for impacted tenants to provide an overview of the Rental Housing Demolition By-law and to discuss the Tenant Relocation and Assistance Plan. The meeting was attended by one tenant. During the meeting, the tenant raised questions and concerns about the right of return, tenant relocation and assistance, and the construction timeline. City Planning staff have also been in contact with other tenant households that did not attend the tenant consultation meeting.

COMMENTS

A Section 111 Agreement would be entered into to secure all required conditions of approval, each of which would be to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

Rental Reconfiguration and Replacement

The applicant proposes to reconfigure five of the six existing rental dwelling units at 523 Rogers Road, in order to bring the building into compliance with the Ontario Building Code and the Ontario Fire Code.

The five rental dwelling units proposed to be provided include one existing two-bedroom unit to be retained on the second floor, and four new rental dwelling units including one bachelor unit on the second floor, two one-bedroom units on the ground floor and one two-bedroom unit in the basement.

The new bachelor unit on the second floor is the unit which was under construction at the time of the fire. The three other new rental dwelling units proposed, including one within the basement and two on the ground floor, would replace units that did not meet all applicable Ontario Building Code and / or Ontario Fire Code requirements, and required alterations which resulted in a change of unit type.

Table 1: Unit Mix Comparison

Unit Type	Existing Rental Units	Reconfigured Rental Units	Retained Rental Units	New Created Rental Units	Total Proposed Rental Units
Bachelor	1	1	-	1	1
One-bedroom	2	2	-	2	2
Two-bedroom	3	2	1	1	2
Total	6	5	1	4	5

The application also proposes a new communal area in the basement, with laundry facilities, a small storage area and five bicycle parking spaces. All tenants of the building would have access to the communal area and facilities.

Rental Tenure and Rents

The applicant has agreed to provide, maintain and secure the rental tenure of the five rental dwelling units within the proposed residential rental building for at least 20 years, beginning from the date that each replacement rental dwelling unit is first occupied.

The applicant has agreed that the rent of returning tenants will not exceed the amount last paid by the tenant at the time the tenant was required to vacate as a result of the fire on May 26, 2019, increased only by the annual rent increases permitted by the Provincial Rent Increase Guideline. Rental dwelling units not occupied by returning tenants are proposed to have unrestricted rents.

Tenant Relocation and Assistance Plan

The owner has agreed to provide, at its own expense, tenant relocation and assistance to impacted tenants that occupied the units at the time of the fire on May 26, 2019. The Tenant Relocation and Assistance Plan will assist in addressing any hardship the impacted tenants have faced as a result of this process. As part of this Plan, impacted tenants would receive:

- Compensation equal to three (3) months' rent pursuant to the *Residential Tenancies Act*;
- A \$1,500 move-back allowance, should the tenant choose to return to a rental dwelling unit 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
- Should the rental dwelling units not be ready for occupancy within 12 months of the date of execution of the Section 111 Agreement, returning tenants will be compensated one (1) months' rent for every six (6) month period of delay.

All four impacted tenant households will have the right to return to a unit in the building once construction is complete.

Conclusion

Staff have reviewed the Rental Housing Demolition application submitted for 523 Rogers Road and recommend that City Council approve, with conditions, this Rental Housing Demolition application in accordance with Chapter 667 of the Toronto Municipal Code to allow for the reconfiguration of five existing rental units on the subject site into three rental dwelling units. In addition to the three reconfigured rental dwelling units, the building would contain one new rental dwelling unit and one retained rental dwelling unit.

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SIGNATURE

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ATTACHMENTS

City of Toronto Data/Drawings
Attachment 1: Location Map

Attachment 1: Location Map

