

75 and 77 Garthdale Court – Rental Housing Conversion Application – Final Report

Date: June 25, 2020

To: North York Community Council

From: Acting Director, Community Planning, North York District

Ward: Ward 6 - York Centre

Planning Application Number: 19 249665 NNY 06 RH

SUMMARY

This application proposes to permit the conversion of an existing building containing a total of six residential dwelling units into two triplex buildings, all of which are currently tenanted. The property was constructed in the 1960's and is currently under a single legal ownership. The proposed conversion, subject to applications to the Committee of Adjustment for consent to sever the lot and minor variance, will result in two separate conveyable lots, with three rental units per lot, and would allow for each triplex building to potentially be sold separately.

The proposed conversion is consistent with Official Plan policies as all the rental dwelling units have high-end rents.

Separate applications have been submitted for severance and minor variance to the Committee of Adjustment.

This report recommends approval of the Rental Housing Conversion application under Chapter 667 of the Toronto Municipal Code for the consent to sever, which will result in reducing the number of rental dwelling units on each lot to less than six.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council approve the application for a Rental Housing Conversion permit in accordance with Chapter 667 of the Toronto Municipal Code to allow the severance of a rental housing property with more than six residential rental units into two lots, each containing three residential rental units, subject to the following condition:

- a) the owner applies for, and obtains, a Consent from the Committee of Adjustment or the Toronto Local Appeal Body, if applicable, to permit the severance of the lands into two lots and the separate conveyance of the lots at 75 and 77 Garthdale Court.

2. City Council authorize the Chief Planner and Executive Director, City Planning Division to issue the approval of the Rental Housing Demolition and Conversion permit under Chapter 667 of the Toronto Municipal Code after the following has occurred:

a) the owner applies for, and obtains, a Consent to sever from the Committee of Adjustment or the Toronto Local Appeal Body, if applicable, to permit the severance of the lands into two lots and the separate conveyance of the lots at 75 and 77 Garthdale Court.

FINANCIAL IMPACT

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

DECISION HISTORY

The Rental Housing Conversion application was submitted on November 15, 2019, and deemed complete on December 5, 2019.

Consistent with the City's practice for stand-alone Rental Housing Conversion applications where there is no associated zoning by-law or official plan amendment, a preliminary report was not prepared for this application.

PROPOSAL

This application proposes to permit the conversion of an existing building containing a total of six residential dwelling units into two triplex buildings. The owner intends to sever the existing lot into two, resulting in each lot containing three residential units. The owner advised staff that each half of the existing building was once individually owned and merged on title into single ownership

This severance would allow for the sale of one or both of the two buildings and may result in their eventual demolition or conversion of any or all of the three rental units to owner-occupancy or non-residential uses.

The owner has applied to the Committee of Adjustment for minor variance and consent to permit the severance and separate conveyance of the property into two conveyable lots. A Rental Housing Conversion permit under Chapter 667 of the Toronto Municipal Code is required because the subject site consists of six or more rental dwelling units, and the proposed severance will result in two separate lots, with the number of rental units on each lots being reduced to less than six.

Site and Surrounding Area

The subject site contains two triplex buildings with a total of six residential rental dwelling units and is used for residential rental purposes. The site includes a landscaped area in the front yard, which is also the common outdoor space. The property does not include common storage lockers or bicycle parking. The property currently has two separate driveways that access the parking in the rear lot. There are five parking spots accommodated in the rear for the tenants. The total Gross Floor Area (GFA) for both 75 and 77 Garthdale Court is 471.6 m².

Reasons for Application

The owner intends to sever and potentially convey each divided lot, resulting in each lot containing three residential units. The potential sale of one or both of the two buildings may result in their eventual demolition or the conversion of any or all of the three rental units to owner-occupancy or non-residential uses.

The owner has applied to the Committee of Adjustment for minor variance and to permit the severance and separate conveyance of the property into two lots. A Rental Housing Demolition and Conversion permit under Chapter 667 of the Toronto Municipal Code is required because the subject site consists of six or more rental dwelling units, and the proposed severance will result in two separate parcels, lowering the number of rental units on each lots to less than six.

APPLICATION BACKGROUND

Application Submission Requirements

The following reports/studies were submitted in support of the application:

- A Housing Issues Report
- Six letters of support from all the existing tenant households

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions.

Tenant Meeting Comments

As per Chapter 667-14 of the Toronto Municipal Code, a tenant consultation meeting was held on March 5, 2020, at Herbert H. Carnegie Centennial Centre (580 Finch Avenue West, North York). Planning staff prepared a presentation to describe the City's policies and practices when considering applications that involve the conversion of rental housing. Staff ensured that tenants were provided with written notice at least two weeks in advance of the tenant meeting. None of the six tenant households attended the tenant meeting. However, as indicated above, letters of support for this proposal were received from all existing tenants.

POLICY CONSIDERATIONS

Toronto Official Plan

This application has been reviewed against the policies of the City of Toronto Official Plan as follows:

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

[Chapter 3 - Building a Successful City](#)

The Official Plan provides for a full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods, and the protection of existing rental housing. Specifically, Policy 3.2.1.8 provides that the conversion to condominium, or the severance or subdivision, of any building or related group of buildings, containing six or more rental dwelling units will not be approved unless:

- (a) all of the rental dwelling units have rents that exceed mid-range rents at the time of application, or
- (b) in Council's opinion, the supply and availability of rental housing in the City has returned to a healthy state and is able to meet the housing requirements of current and future residents.

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 City's Municipal Code, the Rental Housing Demolition and Conversion By-law, implements Section 111. The By-law prohibits the demolition or 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.

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 demolition under Section 33 of the Planning Act may also be required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the Building Code Act.

Where an application for rezoning 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 November 15, 2019, the applicant made an application for a Rental Housing Conversion permit pursuant to Chapter 667 of the Toronto Municipal Code. As per

Chapter 667-14, a tenant consultation meeting was held to review the impact of the proposal on tenants of the residential rental property and matters under Section 111.

Site Plan Control

Site Plan approval is not applicable in this case as no new development is proposed.

COMMENTS

Housing Issues

All six of the rental housing units existing on the property currently have tenants residing in them. The units are comprised of two two-bedroom units and four three-bedroom units. All the rental dwelling units have rents that exceed mid-range rents, as defined in the Official Plan as greater than one and a half times average market rent for the City of Toronto by bedroom type.

There are no current redevelopment plans for the building and no building permit applications filed that would result in a change to the existing building in terms of the number or bedroom type of rental units. The proposed conversion is consistent with Official Plan policy 3.2.1.8, as all of the rental housing units have rents that exceed mid-range rents at the time of application. As all of the units have rents above mid-range, Official Plan policies requiring replacement of the housing should an owner wish to demolish the units would also not apply to the building. If approved, the severance will result in the creation of two lots, each of which will have less than six dwelling units. In the future, should an owner wish to demolish the existing rental units or alter the number of bedrooms in the building, the units will no longer be protected under the City's Rental Housing Demolition and Conversion By-law and there would be no requirements for rental replacement or a tenant relocation and assistance plan.

Should the severance be approved, each lot resulting from the owner's proposal would have fewer than five rental units. Under the *Residential Tenancies Act* (RTA), tenants will continue to have the same protections as they currently have for a period of two years, after which time an owner would be able to demolish their unit or convert to non-rental housing without having to provide financial compensation to the tenants. After the two years, tenants who are residing in their unit at the time of the severance will be provided with additional protections under the RTA, as an owner or purchaser of the building will not be permitted to occupy their unit for personal use at any point in the future.

Conclusion

City Planning staff have reviewed the Rental Housing Conversion application in accordance with the Toronto Official Plan and Chapter 667 of the Toronto Municipal Code and recommend that City Council approve the application.

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SIGNATURE

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ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Location Map

Attachment 1: Location Map

