

980, 982, 984, 986 and 990 Bloor Street West and 756 Dovercourt Road - Rental Housing Demolition Application – Final Report

Date: Date report is signed

To: Toronto and East York Community Council

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

Ward: Ward 9 - Davenport

Planning Application Number: 17 207632 STE 18 RH

Related Planning Application Number: 17 207556 STE 18 OZ

SUMMARY

This application proposes to demolish nine existing dwelling units (one owner occupied dwelling unit and eight rental dwelling units) located at 980, 982, 984, 986 and 990 Bloor Street West and 756 Dovercourt Road and provide eight replacement rental dwelling units within the proposed development.

The lands at 980, 982, 984, 986 and 990 Bloor Street West and 756 Dovercourt Road are subject to a related application under the *Planning Act* for an amendment to the Zoning By-law (Application No. 17 207556 STE 18 OZ), which was the subject of a settlement hearing at the Local Planning Appeal Tribunal (LPAT) (Case No. PL171458) on January 27, 2020.

The LPAT issued a Decision on February 13, 2020, approving the Zoning By-law Amendment in principle, with the final Order being withheld until all outstanding matters, including the necessary agreements with the City, are secured, including rental housing matters.

This report reviews and recommends approval of the Rental Housing Demolition Application under Chapter 667 of the Toronto Municipal Code and the Residential Demolition Permit Application under Chapter 363 of the Toronto Municipal Code, to demolish nine residential dwelling units (one owner occupied dwelling unit and eight rental dwelling units), subject to conditions, which include the provision of eight replacement rental dwelling units and Tenant Relocation and Assistance.

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 eight (8) existing rental dwelling units located at 980, 982, 984, 986 and 990 Bloor Street West and 756 Dovercourt Road, subject to the following conditions:

- a) The owner shall provide and maintain eight (8) replacement rental dwelling units within the proposed mixed-use building for a period of at least twenty (20) years, beginning from the date that each replacement rental dwelling 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 twenty (20) year period. The eight (8) replacement rental dwelling units shall be comprised of at least six (6) one-bedroom units, one (1) two-bedroom unit, and one (1) three-bedroom unit as shown on the Floor Plans prepared by Diamond Schmitt Architects, dated November 5, 2019 and submitted to the City Planning Division. Any revisions 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 at least six (6) one-bedroom and one (1) two-bedroom replacement rental dwelling units at affordable rents and at least one (1) three-bedroom replacement rental dwelling unit at mid-range rent 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 tenants of the replacement rental dwelling units with access to all indoor and outdoor amenities in the proposed mixed-use building as shown on the floor plans prepared by Diamond Schmitt Architects and dated November 5, 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 eight (8) replacement rental dwelling units with ensuite laundry appliances and central air conditioning;
- e) The owner shall provide tenants of the eight (8) replacement rental dwelling units with access to all bicycle parking, 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 of the existing rental dwelling units to be demolished, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- g) 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) through (f) above, all to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division, including a Section 111 Agreement pursuant to Section 111 of the *City of Toronto Act*, 2006 and a Section 37 Agreement pursuant to the *Planning Act*.

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 eight (8) existing rental dwelling units at 980, 982, 984, 986 and 990 Bloor Street West and 756 Dovercourt Road 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 mixed-use building on the subject site;
- e) vacant possession of all eight (8) existing rental dwelling units has been provided to the owner; and
- f) the execution and registration of a Section 37 Agreement pursuant to the *Planning Act*, as a matter legal convenience, to secure Recommendation 1 (a) through (f) 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 Chief Building Official to issue a Residential Demolition Permit under Section 33 of the *Planning Act* no earlier than the issuance of the excavation and shoring permit for the proposed development, and after the Chief Planner and Executive Director, City Planning Division, has issued the Preliminary Approval referred to in Recommendation 2, which may be included in the demolition permit for Chapter 667 under 363-6.2, of the Toronto Municipal Code, on condition that:

- a) The owner shall remove all debris and rubble from the site immediately after demolition;
- b) The owner shall erect solid construction hoarding to the satisfaction of the Chief Building Official and Executive Director, Toronto Building;
- c) The owner erects a mixed-use building on site no later than three (3) years from the day demolition of the existing buildings is commenced; and
- d) Should the owner fail to complete the new building within the time specified in condition 4 (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 rental 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.

FINANCIAL IMPACT

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

DECISION HISTORY

The Zoning By-law Amendment and Rental Housing Demolition Applications were submitted on July 28, 2017 and on December 15, 2017 respectively. The original owner appealed the site specific Zoning By-law Amendment application to the former Ontario Municipal Board, now the LPAT, citing City Council's failure to make a decision on the application within the time period prescribed by the *Planning Act*.

A Request for Directions Report dated May 28, 2018 was adopted by City Council on June 26, 2018. The Request for Directions Report and City Council's Decision can be viewed at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE33.13>

The subject site was sold to a new owner, Timbercreek 4Q Urban Redevelopment LP (Toronto), which has continued the LPAT Appeal.

On November 26, 2019, City Council adopted the recommendations of the Request for Directions Report for 980, 982, 984, 986 and 990 Bloor Street West and 756 Dovercourt Road accepting the Settlement Offer dated November 19, 2019 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.CC12.5>

On February 13, 2020, the Local Planning Appeal Tribunal issued a written 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 November 26, 2019.

ISSUE BACKGROUND

Proposal

This proposal entails the demolition of the existing buildings at 980, 982, 984, 986 and 990 Bloor Street West and 756 Dovercourt Road, and the construction of a Local Planning Appeal Tribunal (LPAT) recently approved 11-storey mixed-use building.

The Rental Housing Demolition application proposes to demolish one (1) owner occupied dwelling unit and eight (8) existing rental dwelling units within the existing buildings at 980, 982, 984, 986 and 990 Bloor Street West and 756 Dovercourt Road and provide eight (8) replacement rental dwelling units within the Local Planning Appeal Tribunal (LPAT) recently approved 11-storey mixed-use building.

Site

The subject site is located at the northwest corner of Bloor Street West and Dovercourt Road. According to the plans provided by the applicant and a site visit conducted by City Planning staff the existing rental dwelling units are comprised of:

- Six (6) one-bedroom units all with affordable rents;
- One (1) two-bedroom unit with affordable rent; and
- One three bedroom unit with mid-range rent.

At the time of this report, seven of the eight 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 ten (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 July 28, 2017, the applicant submitted an application for a Rental Housing Demolition permit pursuant to Chapter 667 of the Toronto Municipal Code.

Reasons for Application

A Rental Housing Demolition Permit is required because the application seeks approval to demolish 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 January 16, 2020, staff held a first tenant consultation meeting with impacted tenants to provide an overview of the City's rental replacement policy and Rental Housing Demolition By-law, review the proposed Tenant Relocation and Assistance Plan and the floor plans of the replacement units, and outline next steps. This meeting was attended by six tenants.

During the tenant consultation meeting, tenants raised questions and concerns about the tenant assistance plan.

COMMENTS

Rental Demolition and Replacement

The proposed unit mix for the replacement rental dwelling units reflects that of the existing rental dwelling units to be demolished. The total gross floor area for the eight (8) replacement rental dwelling units is similar to the floor area of the eight (8) existing rental dwelling units proposed to be demolished.

The eight (8) replacement rental dwelling units will include ensuite laundry appliances and central air conditioning. 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 eight (8) replacement rental dwelling units within the proposed residential building for at least twenty (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 seven units at affordable rents, and one unit at mid-range rent for at least 10 years, beginning from the date that each replacement rental dwelling unit is first occupied. All of which reflects the rents for the existing rental dwelling units at the time of application and will be secured through one or more agreements with the City.

Tenant Relocation Assistance Plan

The owner has agreed to provide assistance to all eligible tenants residing in the eight (8) existing rental dwelling units to be demolished. As part of this plan, all eligible tenants and past eligible tenants shall receive the following:

- At least six (6) months' notice of the date that they must vacate their rental unit;
- Compensation equal to three (3) months' rent pursuant to the *Residential Tenancies Act*;

- Additional compensation based on length of tenure within the building;
- A move-out moving allowance;
- The right to return to a replacement rental dwelling unit within the proposed mixed-use 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
- Additional compensation and assistance for special needs tenants, with the final determination by the Chief Planner and Executive Director, City Planning.

Staff are satisfied with the applicant's proposed Tenant Relocation and Assistance Plan as it is in line with the City's current practices and will be secured through one or more agreements with the City.

Conclusion

City Planning Staff have reviewed the Rental Housing Demolition Application 980, 982, 984, 986 and 990 Bloor Street West and 756 Dovercourt Road and recommend that City Council approve, with conditions, this Rental Housing Demolition Permit Application in accordance with Chapter 667 of the Toronto Municipal Code to allow for the demolition of the eight (8) existing rental dwelling units on the subject site.

CONTACT

Graham Haines, Planner
Tel. No. 416-392-8124
E-mail: Graham.Haines@toronto.ca

Barry Brooks, Senior Planner
Tel. No. 416-392-1316
E-mail: Barry.Brooks@toronto.ca

SIGNATURE

Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA
Director, Community Planning
Toronto and East York District

ATTACHMENTS

City of Toronto Data/Drawings
Attachment 1: Location Map

Attachment 1: Location Map

