

## **101 Lawton Boulevard – Rental Housing Demolition Application – Final Report**

Date: June 24, 2020

To: Toronto and East York Community Council

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

Ward: Ward 12 - Toronto-St. Paul's

**Planning Application Number:** 20 121854 STE 12 RH

### **SUMMARY**

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A Rental Housing Demolition application (File No. 20 121854 STE 12 RH) has been submitted under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* for a residential rental property at 101 Lawton Boulevard. The application proposes to undertake interior alterations to an existing rental building that would have the effect of demolishing eight (8) rental dwelling units, of which four (4) are one-bedroom rental units and four (4) are two-bedroom rental units, in order to create four (4) larger-sized three-bedroom rental units. The proposed alterations are in response to an Inspection Order issued by Toronto Fire Services pursuant to the *Fire and Prevention Act, 1997*.

This report reviews and recommends approval of the Rental Housing Demolition application under Chapter 667 of the Toronto Municipal Code and the permit under Chapter 363 of the Toronto Municipal Code.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council approve the Rental Housing Demolition application under Chapter 667 of the Toronto Municipal Code to permit the demolition of eight (8) existing rental dwelling units at 101 Lawton Boulevard, subject to the following condition:
  - a. the owner shall provide and maintain four (4) replacement rental dwelling units, all of which shall be three-bedroom rental units, as generally shown on the floor plans submitted to the City Planning Division, dated November 14, 2019. Any revision to these plans must be to the satisfaction of the Chief Planner and Executive Director, City Planning.

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 Toronto Municipal Code for the demolition of the eight (8) existing rental dwelling units at 101 Lawton Boulevard.

3. City Council authorize the Chief Building Official to issue a Rental 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 No. 2 (above).

4. City Council authorize the Chief Building Official and Executive Director, Toronto Building to issue a permit for interior demolition under Section 33 of the *Planning Act* and Chapter 363 of the Toronto Municipal Code for 101 Lawton Boulevard after the Chief Planner and Executive Director, City Planning Division has issued the Preliminary Approval referred to in Recommendation No. 2 (above), which may be included in the Rental Housing Demolition permit pursuant to section 6.2 of Chapter 363.

## **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

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The Rental Demolition and Conversion application was submitted on March 4, 2020.

Consistent with the City's practice for standalone Rental Housing Demolition and Conversion applications, since there is no associated Zoning By-law Amendment or Official Plan Amendment application, a preliminary report was not prepared for this application.

## **ISSUE BACKGROUND**

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### **Background**

On March 20, 2018, Toronto Fire Services conducted an inspection of the residential rental building at 101 Lawton Boulevard and issued an Inspection Order pursuant to Section 21 of the *Fire Protection and Prevention Act, 1997* requiring the owner to provide a second and separate exit for four bachelor units located contiguously between the second and fifth floors (one unit per floor) in the east side of the building.

## **Proposal**

The applicant proposes to undertake interior alterations to the residential rental building at 101 Lawton Boulevard in order to comply with the Inspection Order issued by Toronto Fire Services. The alterations would affect two rental units on each of the second through fifth floors, for a total of eight affected rental units within the existing building. On each floor, the proposed alterations involve:

- Consolidating a bachelor rental unit (currently without direct access to a second and separate exit, as determined by Toronto Fire Services) with an adjacent one-bedroom rental unit (currently with access to a second and separate exit) by removing walls that separate the units; and
- Converting the floor space of the consolidated rental units into a three-bedroom rental unit by erecting a wall in the space currently occupied by the living room of the one-bedroom rental unit (creating two new bedrooms in addition to the existing bedroom) and transforming the space currently occupied by the bachelor rental unit into a living room for the newly created three-bedroom rental unit.

Toronto Fire Services has confirmed that the proposed alterations would bring the building into compliance with the Inspection Order issued on March 20, 2018. All eight rental units that would be impacted by the alterations are currently vacant.

## **Subject Site**

The subject site is occupied by a five-storey residential apartment building comprised of 46 rental dwelling units, of which five are bachelor units, 31 are one-bedroom units, and 10 are two-bedroom units. Available units within the building are fully furnished and marketed as extended-stay apartments that bridge the gap between short- and long-term accommodation (i.e. corporate housing, accommodation for individuals and families between living arrangements).

Rent rolls submitted by the applicant indicate that all eight rental units that are proposed to be demolished have high-end rents (with monthly rents ranging from \$1,995 and \$2,195 for a bachelor unit and from \$2,075 and \$2,595 for a one-bedroom unit) and relatively frequent turnover (with most tenancies ranging between one month and two years in duration). All eight units were vacant at the time of application.

## **Reason for Application**

Chapter 667 of the Toronto Municipal Code, the Rental Housing Demolition and Conversion By-law, prohibits the demolition of all or part of a building that contains six or more dwelling units, of which at least one is a rental unit, without obtaining a permit from the City. Under the By-law, interior alterations that would result in a change to the overall number of dwelling units or the number of dwelling units by bedroom type meets the definition of demolition.

The proposed interior alterations to the building at 101 Lawton Boulevard, which contains a total of 46 rental dwelling units, would result in a net loss of four rental units plus the enlargement of four units resulting in a change to the bedroom type of eight

rental units. Consequently, this proposal is subject to Chapter 667 and the owner has submitted a Rental Housing Demolition application to the City.

## **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement, 2020 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS.

The PPS suggests that healthy, liveable, and safe communities are sustained by accommodating an appropriate affordable and market-based range and mix of residential types. Section 1.4 states that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet the projected needs of current and future residents.

*A Place to Grow: The Growth Plan for the Greater Golden Horseshoe* (2019) builds upon the policy foundation of the PPS and provides a strategic framework for managing growth in the Greater Golden Horseshoe (GGH) region. The Growth Plan is issued under Section 7 of the *Places to Grow Act, 2005* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan.

A guiding principle of the Growth Plan is to support the achievement of complete communities that provide a diverse range and mix of housing options to accommodate people at all stages of life and the needs of all household sizes. Policy 2.2.6.3 states that municipalities will support the achievement of complete communities by considering the use of available tools to ensure that multi-unit residential developments incorporate a mix of unit sizes.

## **Toronto Official Plan**

Section 3.2.1 of the Official Plan contains policies pertaining to the provision, maintenance, and replacement of rental housing. Policy 3.2.1.6 states that new development that would have the effect of removing all or a part of a private building and would result in the loss of six or more rental housing units will not be approved unless all of the 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, at least the same number, size and type of rental units are replaced and maintained with rents similar to those in effect at the time of application.

## **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 Control By-law, 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 is a rental unit, 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 Division.

Council may refuse an application or approve an application with conditions, including requirements to replace the rental units and/or to provide tenant relocation and other assistance, which must be satisfied before a demolition permit is issued. These conditions implement the City's rental housing protection policies in the Official Plan. However, unlike *Planning Act* applications, decisions made by City Council under Chapter 667 are not appealable to the Local Planning Appeal Tribunal (LPAT).

Section 33 of the *Planning Act* also authorizes Council to regulate the demolition of residential properties. Section 33 is implemented through Chapter 363 of the Toronto Municipal Code, the Building Construction and Demolition By-law, which requires Council approval of the demolition of any residential property that contains six (6) or more dwelling units (irrespective of whether any are rental) before the Chief Building Official can issue a demolition permit or building permit for interior alterations under the *Building Code Act*. Where a proposal requires Council approval of a demolition application under Chapter 363 and a Rental Housing Demolition application under Chapter 667, City Council typically considers both applications at the same time.

The proposal for 101 Lawton Boulevard requires approval under both Chapters 363 and 667 of the Toronto Municipal Code because it involves the demolition of at least six dwelling units and at least one rental unit. Section 6.2 of Chapter 363 provides for the coordination of approval processes, allowing the Chief Building Official to issue a single demolition permit for the purposes of Chapters 363 and 667.

On March 4, 2020 the applicant submitted a Rental Housing Demolition application pursuant to Chapter 667 of the Toronto Municipal Code. Since all of the rental units proposed for demolition were vacant at the time of application, a tenant consultation meeting was not held. The applicant has also submitted written documentation from former tenants confirming that they vacated these units on their own accord and not as a result of this application.

## **COMMENTS**

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### **Housing Issues**

The proposal to demolish eight rental units at 101 Lawton Boulevard is not subject to policy 3.2.1.6 of the Official Plan. All eight rental units have high-end rents and no application has been submitted under the *Planning Act* (the only approval being sought is a demolition permit for interior alterations). Nevertheless, the applicant is proposing to replace the eight rental units proposed for demolition with four three-bedroom rental units. Four of the rental units to be demolished are uninhabitable from a fire safety standpoint.

Through the proposed alterations, the applicant is proposing to create four three-bedroom units. Currently, there are no three-bedroom units in the rental building at 101

Lawton Boulevard. The proposed demolition would alter the unit mix of the building such that there would be one bachelor unit (2%), 27 one-bedroom units (64%), 10 two-bedroom units (24%), and four three-bedroom rental units (10%). Floor plans submitted by the applicant indicate that the three-bedroom units would be 102 square metres in size.

## **Conclusion**

City staff recommend that City Council approve the application to demolish eight rental dwellings at 101 Lawton Boulevard, subject to the condition that the owner replaces the eight demolished rental units with four three-bedroom rental units. The proposed alterations to the existing residential rental property will address issues identified by Toronto Fire Services and would contribute to the provision of a broader range and mix of unit types and sizes in the building.

## **CONTACT**

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## **SIGNATURE**

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Lynda Macdonald, MCIP, RPP, OALA, FCCLA  
Director, Community Planning  
Toronto & East York District

## **ATTACHMENT**

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Attachment 1: Location Map

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