

## **64-86 Bathurst Street - Zoning Amendment Application and Rental Housing Demolition Applications – Supplementary Report**

Date: September 9, 2020

To: Toronto and East York Community Council

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

Ward: 10 - Spadina - Fort York

**Planning Application Numbers:** 18 176812 STE 19 OZ & 18 176824 STE 19 RH

### **SUMMARY**

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This Supplementary Report provides a revision to the recommendations in the Final Report from the Director of Community Planning dated August 5, 2020. Staff recommend approval of the Zoning Amendment and the Rental Housing Demolition applications.

This report recommends deleting recommendations 5, 6 and 7 and adding four new recommendations (recommendations 5, 6, 7 and 8). This change allows for the demolition of 82 Bathurst Street prior the demolition of the 6 existing rental dwelling units located at 64 and 66 Bathurst Street.

The property at 82 Bathurst Street has predominantly been used as a commercial building, however as part of the review of the rental housing demolition application, one existing rental unit was found in the building. The commercial uses at 82 Bathurst Street require the developer to obtain a record of site condition (RSC) prior to allowing new residential uses on the site. There are currently no tenants in the existing rental unit at 82 Bathurst Street.

The new recommendations include separate conditions of Preliminary Approval for the demolition of the one existing rental dwelling unit located at 82 Bathurst Street and for the demolition of the six existing rental dwelling units located at 64 and 66 Bathurst Street.

Staff are in support of the demolition of the vacant rental dwelling unit at 82 Bathurst Street prior to demolition of the rental dwelling units located at 64-66 Bathurst Street, as it will facilitate the redevelopment of the subject properties and will benefit the tenants currently residing in the rental dwelling units at 64-66 Bathurst Street. The tenants currently residing at 64 and 66 Bathurst Street will continue to reside in their units, will not be required to vacate prematurely due to the demolition of 82 Bathurst Street, and will benefit from a shorter construction timeline by having the opportunity to return to a replacement rental dwelling unit within the new mixed-use building in a more timely

manner. Staff recommend approval of the Zoning Amendment application and the corresponding Rental Housing Demolition application, as provided in the revised recommendations.

## **RECOMMENDATIONS**

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This report recommends deleting recommendation 5, 6 and 7 from the Final Report, dated August 5, 2020 and replacing them with the following:

5. 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 one existing rental dwelling unit at 82 Bathurst Street after all of the following have occurred:

- a. the Zoning By-law Amendments have been approved by City Council;
- b. vacant possession of all existing rental dwelling units at 82 Bathurst Street;
- c. issuance of excavation and shoring permits for the proposed mixed-use building on the site or excavation permits for the purpose of environmental remediation; and
- b. the owner shall enter into and register on title to the subject site a Section 111 Agreement pursuant to Section 111 of the City of Toronto Act, 2006 to secure the conditions outlined in (a) through (g) of Recommendation 4, all to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division.

6. 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 6 existing rental dwelling units at 64 and 66 Bathurst Street after all of the following have occurred:

- a. the satisfaction or securing of the conditions in Recommendation 4 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 6 existing rental dwelling units has been confirmed, in writing, by 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 4.a through (h) and any other requirements of the Zoning-Bylaw Amendment.

7. City Council authorize the Chief Building Official to issue the Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code for 82 Bathurst Street after the Chief Planner and Executive Director, City Planning Division, has given Preliminary Approval referred to in Recommendation 5 above, and authorize the Chief Building Official to issue the Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code for 64 and 66 Bathurst Street after the Chief Planner and Executive Director, City Planning Division, has given Preliminary Approval referred to in Recommendation 6 above.

8. 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 for 64 and 66 Bathurst Street referred to in Recommendation 6, 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 3 years from the day demolition of the existing buildings at 64 and 66 Bathurst Street is commenced; and

d. Should the owner fail to complete the new building within the time specified in condition 7.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.

## **FINANCIAL IMPACT**

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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.

## COMMENTS

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The existing building at 82 Bathurst Street contained commercial uses at-grade and therefore, as advised by the applicant, a record of site condition (RSC) is required for 82 Bathurst Street by the Province prior to the redevelopment of 64-86 Bathurst Street. A RSC is required when a property owner proposes to change the use of a property to a more sensitive use. The applicant has advised that obtaining an RSC for 82 Bathurst Street could take approximately 30 months, which would delay the redevelopment of 64-84 Bathurst Street, including the timely provision of the replacement rental dwelling units. This is partly due to the configuration of the site, as there are a number of commercial properties located between 64 and 66 Bathurst Street and 82 Bathurst Street. The applicant has advised that, should the demolition of 82 Bathurst Street be delayed until Preliminary Approval is issued to demolish the remaining rental dwelling units, the construction timeline scheduled for the redevelopment would be increased.

The new separate recommendation for 82 Bathurst, relating to Preliminary Approval of the Rental Housing Demolition Permit for the demolition of the one existing rental dwelling unit at 82 Bathurst Street, includes four conditions requiring (a) the Zoning By-law Amendments be approved by City Council, (b) the one rental dwelling unit be vacant, (c) the excavation and shoring permits for the proposed mixed-use building on the site or excavation permits for the purpose of environmental remediation be issued, and (d) the applicant to enter into and register on title to the subject site a Section 111 Agreement pursuant to Section 111 of the City of Toronto Act, 2006, to secure the conditions outlined in (a) to (g) of Recommendation 4. This will allow for the demolition of the one existing rental dwelling unit, which is currently vacant and falls within the high-end rent classification, prior to the demolition of the remaining 6 rental dwelling units located at 64-66 Bathurst Street, in order to provide the applicant with the opportunity to obtain an RSC from the Province.

Staff are in support of the demolition of the vacant rental dwelling unit at 82 Bathurst Street prior to demolition of the rental dwelling units located at 64-66 Bathurst Street as it will enable the RSC process to be completed sooner and provide the opportunity for tenants to return to a replacement rental dwelling unit in a more timely manner.

## CONTACT

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## SIGNATURE

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