

136 Kingston Road – Rental Housing Demolition Application – Final Report

Date: November 16, 2020

To: Toronto and East York Community Council

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

Wards: 19, Beaches-East York

Planning Application Number: 19 219751 STE 19 RH

SUMMARY

An application for a Rental Housing Demolition and Conversion permit under Chapter 667 of the Municipal Code has been filed for the residential property at 136 Kingston Road. This application seeks approval to demolish and replace twelve (12) social housing units within an existing residential rental apartment building which is owned and operated by Akwa Honsta Non-profit Aboriginal Homes Inc., a non-profit housing provider. The applicant has proposed to provide on-site replacement of the existing units within a five-storey rear addition to the existing building.

A minor variance application to alter the existing four-storey apartment building by constructing a five-storey rear addition to the west side was approved by the Committee of Adjustment on September 2, 2020. The addition would result in twenty-four (24) net new dwelling units, for a total of one hundred and seventeen (117) social housing units (inclusive of the replacement of the 12 social housing units) on the site. The application was approved under the Open Door Affordable Housing Program in 2017.

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

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council approve the Rental Housing Demolition Application File No. 19 219751 STE 19 RH in accordance with Chapter 667 of the Toronto Municipal Code and pursuant to Section 111 of the *City of Toronto Act, 2006* which allows for the demolition of twelve (12) existing rental dwelling units located at 136 Kingston Road, subject to the following conditions:
 - a) The owner shall provide and maintain twelve (12) replacement rental dwelling units on the subject site for a period of at least 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, at minimum, 20 year period; the twelve (12) replacement rental dwelling units shall be comprised of eight (8) one-bedroom units, and four (4) two-bedroom units, as generally illustrated in the plans submitted to the City Planning Division dated June 8, 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, as part of the twelve (12) replacement rental dwelling units required in Recommendation 1.a above, provide at least, eight (8) one-bedroom, and four (4) two-bedroom, replacement rental dwelling units at affordable rents, as currently defined in the City's Official Plan, all for a period of at least 20 years beginning from the date of first occupancy of each unit;
- c) The owner shall provide and maintain an additional twenty-four (24) new secured rental dwelling units on the subject site for a period of at least 20 years beginning from the date that each new secured rental dwelling unit is first occupied, as generally illustrated in the plans submitted to the City Planning Division dated June, 08, 2020. Any revision to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- d) The owner shall provide an acceptable tenant relocation and assistance plan for all Eligible Tenants of the twelve (12) existing rental dwelling units proposed to be demolished at 136 Kingston Road, addressing the right to return to occupy one of the replacement rental dwelling units . The tenant relocation and assistance plan shall be developed in consultation with, and to the satisfaction of, Director Housing Stability Services, Shelter Support and Housing Administration;
- e) The owner shall provide tenants of all twelve (12) replacement rental dwelling units and all tenants of the retained rental building with access to, and use of, all indoor and outdoor amenities in the proposed 5-storey addition to the existing residential rental apartment building at no extra charge. Access to, and use of, these amenities shall be on the same terms and conditions as any other resident of the building without the need to pre-book or pay a fee, unless specifically required as a customary practice for private bookings;
- f) The owner shall provide and maintain 52.4 square metres of new indoor amenity space and 188 square metres of outdoor amenity space within the existing rental apartment building and new 5-storey addition with the final programming be determined through the site plan application review process and secured in a Site Plan Agreement; and

- g) The owner shall provide and maintain a common laundry room within the existing rental apartment with the final design to be determined through the site plan application review process and secured in a Site Plan Agreement; and
 - h) The owner shall enter into, and register on title at 136 Kingston Road, one or more agreement(s), to secure the conditions outlined in Recommendations 1.a. through 1.h. 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 Preliminary Approval of the Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* for the demolition of the twelve (12) existing rental dwelling units located at 136 Kingston Road after all the following have occurred:
- a) All conditions in Recommendation 1 above have been fully satisfied and secured;
 - b) 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*;
 - c) The issuance of excavation and shoring permits (conditional or full permit) for the approved development on the site;
 - d) The owner has confirmed, in writing, that all existing rental dwelling units proposed to be demolished are vacant; and
 - e) The execution and registration of an agreement pursuant to Section 45.9 of the *Planning Act* securing Recommendations 1.a. through 1.i. above.
3. City Council authorize the Chief Building Official and Executive Director, Toronto Building 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 given Preliminary Approval referred to in Recommendation 2 above.
4. City Council authorize the Chief Building Official and Executive Director, Toronto Building to issue a Building Permit under Section 33 of the Planning Act and Chapter 363 of the Toronto Municipal Code for subject site address after the Chief Planner and Executive Director, City Planning Division has given Preliminary Approval referred to in Recommendation 2 above, which may be included in the Rental Housing Demolition Permit under Chapter 667 pursuant to section 6.2 of Chapter 363, on condition that the owner erects solid construction

hoarding to the satisfaction of the Chief Building Official and Executive Director, Toronto Building.

5. 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 and other related agreements.

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

On September 2, 2020, a Minor Variance application (A0310/20TEY) was brought forward and approved by the Chair and Committee Members of the Committee of Adjustment, Toronto and East York. The approval was subject to conditions, including entering into a Section 45(9) Agreement Decision of the Committee of Adjustment. No appeals were submitted and the Final and Binding letter was issued on September 23, 2020.

Executive Committee on July 17, 2018, adopted EX36.31 Open Door Affordable Housing Program 2017 Annual Activity Report which provided the results and review of activities in 2017 under the City's Open Door Affordable Housing Program. The Decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EX36.31>

SITE AND SURROUNDING AREA

The subject property is located on the west side of Kingston Road, north of Dundas Street East and west of Woodbine Avenue. The property is irregular in shape, with a frontage of approximately 24.47 metres on Kingston Road and a depth of 143.07 metres. The site has a total lot area of approximately 7,703.27 square metres.

APPLICATION BACKGROUND

Proposal

The Residential Rental Demolition application proposes to demolish twelve (12) social housing units to facilitate the alteration of the existing four-storey apartment building by constructing a five-storey rear addition to the west side. The existing rental apartment building at 136 Kingston Road contains ninety-three (93) social housing units. This building is currently owned and operated by Akwa Honsta Non-profit Aboriginal Homes

Inc, a non-profit housing provider. The applicant proposes to replace all twelve of the social housing units in the 5-story addition.

A minor variance application to alter the existing four-storey apartment building by constructing a five-storey rear addition to the west side was approved by the Committee of Adjustment on September 2, 2020. The addition would result in twenty-four (24) net new dwelling units, for a total of one hundred and seventeen (117) social housing units (inclusive of the replacement of the 12 social housing units). The addition would also result in 12 long-term bicycle parking spaces, 52.4 square metres of new indoor amenity space and an adjacent 189 square metres of new outdoor amenity space.

The application was approved under the Open Door Affordable Housing Program in 2017.

Akwa Honsta Non-profit Aboriginal Homes Inc.

Akwa Honsta Non-profit Aboriginal Homes Inc., is a social housing provider offering rent-g geared-to-Income (RGI) and market apartments to low and moderate income households including Aboriginal households under a housing program. Akwa Honsta began operations in 1991 and is governed by an aboriginal board of directors.

Reasons for Application

A Rental Housing Demolition and Conversion Permit pursuant to Chapter 667 of the City of Toronto Municipal Code is required for the demolition of the existing residential rental units as the subject lands contain 6 or more residential dwelling units, of which at least one is rental.

POLICY CONSIDERATIONS

Planning Act

Section 2 of the *Planning Act* sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities, including: the supply, efficient use and conservation of energy and water; the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems; the orderly development of safe and healthy communities; the adequate provision of a full range of housing, including affordable housing; the appropriate location of growth and development; and the promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

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

Provincial Policy Statements and geographically specific Provincial Plans, together with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as Zoning By-laws, Plans of Subdivision and Site Plan Agreements.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the "PPS") provides province-wide policy direction on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- the efficient use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex interrelationships among environmental, economic and social factors in land use planning.

The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

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. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with provincial plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with provincial plans.

Housing

Section 3.2.1 of the Official Plan includes policies 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 3.2.1.7 states that the redevelopment of social housing properties, including those which propose a mix of housing including varying levels of rental assistance, varying housing types and forms and/or the inclusion of affordable ownership housing options, that would have the effect of removing a social housing building or related group of buildings containing one or more social housing units, will secure:

- a) full replacement of the social housing units;
- b) replacement social housing units at rents similar to those at the time of the application, including the provision of a similar number of units with rents geared to household income; and
- c) an acceptable tenant relocation and assistance plan addressing provision of alternative accommodation for tenants at similar rents, including rent-geared-to-income subsidies, right-of-first-refusal to occupy one of the replacement social housing units and other assistance to mitigate 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. 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 September 11, 2019, the applicant made an application for a Section 111 permit pursuant to Chapter 667 of the City of 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

The application is subject to Site Plan Control. A Site Plan Control application was submitted on June 20, 2019 and is under review by City Planning staff and other appropriate agencies and City divisions.

COMMUNITY CONSULTATION

Tenant Consultation

On August 19, 2020, City Planning and Shelter, Support and Housing Administration staff hosted a Tenant Consultation Meeting. The purpose of the meeting was to review the impact of the proposal on tenants, present the City's rental housing policies, and provide information on the proposed redevelopment of the site. The applicant in consultation with Shelter, Support and Housing Administration presented a proposed Tenant Relocation and Assistance Plan and explained how these plans are designed to address the impact on tenants incurred because of the need to move to an alternative unit within the building or alternative accommodation outside of Akwa Honsta's housing portfolio, during the construction of replacement units.

This meeting was attended by Shelter, Support and Housing Administration Staff, City Planning staff, the local Councillor's office, the applicant and 5 tenants. During the meeting, tenants asked specific questions about the timing of the notice to vacate their homes, eligibility for moving supports, whether or not the applicant would assist with finding alternative accommodations during construction, and expected length of construction.

COMMENTS

Existing Social Housing Units

The existing 4-storey rental apartment building at 136 Kingston Road contains a total of ninety-three (93) social housing units, comprised of thirty-five (35) bachelor units, thirty-four (34) one-bedroom unit, and twenty-four (24) two-bedroom units. The existing building includes a common laundry facility, inaccessible indoor amenity space, and no outdoor amenity space.

Replacement Social Housing Units

The applicant has proposed to provide and maintain twelve (12) replacement social housing units on the basement to fourth floor of the 5- storey addition to the existing building.

These twelve (12) replacement social housing units will have the following unit mix and rent classification:

- Eight (8) one-bedroom, and four (4) two-bedroom replacement rental dwelling units at affordable rents.

The replacement rental dwelling units are well configured with functional layouts. Tenants of the replacement social housing units, retained social housing units and new secured social housing units will have access to all 52.4 square meters of indoor amenity space and 189 square meters of outdoor amenities and 12 long-term bicycle parking spaces on the same terms and conditions.

One or more Agreements pursuant to the Planning Act and City of Toronto Act will secure all details regarding the replacement rental housing, retained social housing units, and new units approved under Open Door, including the number of replacement units, minimum unit sizes, and future tenants' access to all facilities and amenities.

Existing Tenants Right-To-Return to a Replacement Social Housing Unit

Only eligible tenants of the occupying one of the twelve social housing units proposed for demolition at 136 Kingston Road may be given the right-to-return to occupy one of the new replacement social housing units. However, Akwa Honsta Non-Profit Aboriginal Homes Inc. will provide tenant relocation and assistance to all affected tenants currently living in the twelve social housing units proposed for demolition at 136 Kingston Roads outlined below. Tenant eligibility for the right-to-return is detailed in the tenant relocation and assistance plan below.

Tenant Relocation and Assistance Plan

Awka Honsta Non-Profit Aboriginal Homes Inc. has agreed to provide tenant relocation and assistance to all tenants occupying one of the twelve social housing units proposed for demolition at 136 Kingston Road, all of which would be to the satisfaction of the Director Housing Stability Services, Shelter Support and Housing Administration and secured through one or more agreements with the City. This tenant relocation and assistance plan would assist tenants find, secure, and maintain alternative accommodations. As part of this Plan, tenants would:

- Receive at least 5 months' notice of the date that they must vacate their apartment unit;
- Be offered access to alternative Social Housing Units within Awka Honsta Non-Profit Aboriginal Homes Inc. portfolio of units or a unit in a building operated by another non-profit housing provider; and,
- Receive a move-out moving allowance, and a move-back moving allowance if they are eligible to return to a replacement units at 136 Kingston Road.

Tenants are deemed eligible to return to a rental replacement unit if they provide Akwa Honsta Non-Profit Aboriginal Homes Inc. with up-to-date household composition information and continue to meet eligibility requirements. For households receiving RGI assistance, they must also continue to meet all the conditions set out in the HSA and Toronto Local Rules.

Shelter, Support and Housing Administration and City Planning staff are satisfied with the applicant's proposed Tenant Relocation and Assistance Plan.

Replacement Social Housing Units

The applicant has agreed to provide and maintain the twelve (12) replacement rental dwelling units within the proposed building for at least 20 years, beginning from the date that each replacement rental dwelling unit is first occupied and until the owner obtains approvals for a Zoning By-law Amendment removing the requirement for the replacement rental dwelling units to be maintained as rental units.

The applicant has also agreed to secure the rents for all twelve (12) of the replacement rental dwelling units for at least 20 years, beginning from the date that each replacement rental dwelling unit is first occupied.

Existing Rental Apartment Building

The applicant has agreed to retain and maintain the existing eighty-one (81) rental dwelling units within the existing building for at least 20 years, beginning from the date that the first rental replacement unit is first occupied and until the owner obtains approvals for a Zoning By-law Amendment removing the requirement for the replacement rental dwelling units to be maintained as rental units.

The applicant has also agreed to secure the rents for the eighty-one (81) retained rental dwelling units within the existing building for at least 20 years, beginning from the date that replacement rental dwelling unit is first occupied

New Units Approved Under Open Door Program

The Open Door Program is designed to assist the City in achieving the goals of its Housing TO 2020-2030 Action Plan; approval of 40,000 new affordable rental homes and 4,000 new affordable ownership homes by 2030.

The applicant has been awarded various financial incentives from the City of Toronto's Open Door Program, in order to improve the City's capacity to work with non-profit and private-housing sectors to create affordable housing at a faster pace. The applicant has agreed to secure the rents for all twenty-four (24) new units approved under the Open Door Program.

The applicant has also agreed to provide and maintain the twenty-four (24) new secured rental dwelling units within the 5-storey addition for at least 20 years, beginning from the date that each of the new secured rental dwelling unit is first occupied and until the owner obtains approvals for a Zoning By-law Amendment removing the requirement for the replacement rental dwelling units to be maintained as rental units.

CONCLUSION

Staff is recommending that Council approve the demolition of the 12 existing Social Housing Units located at 136 Kingston Road Queen Street East subject to the conditions set out in the recommendations in this report.

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SIGNATURE

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ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Location Map Attachment 1: Location Map; 136 Kingston Road

