# **DA** TORONTO

## **REPORT FOR ACTION**

### 1886 to 1920 Eglinton Avenue West – Rental Housing Demolition Application and Exemption from City of York Beautification By-law No. 3102-95 – Final Report

Date: August 23, 2021 To: North York Community Council From: Acting Director, Community Planning, North York District Ward: 8 - Eglinton-Lawrence

Planning Application Number: 20 198558 NNY 08 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 and commercial properties at 1894, 1898 to 1908, 1914 to 1918, and 1920 Eglinton Avenue West. This Rental Housing Demolition and Conversion application proposes to demolish ten (10) existing residential rental units and replace them on-site as part of a new development.

The proposed development includes all properties from 1886 to 1920 Eglinton Avenue West and would result in a 9-storey residential building with one-hundred and ninety-four (194) purpose-built rental dwelling units, inclusive of the replacement of the ten rental replacement units.

This report reviews and recommends approval of the Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code. The report also provides recommendation to exempt the proposed development from By-law No. 3102-95 of the former City of York and to issue Demolition Permits under By-law No. 3102-95 of the former City of York, and allow for the demolition of the non-rental residential units and commercial units under Section 33 of the *Planning Act*, and Chapter 363 of the Toronto Municipal Code.

#### RECOMMENDATIONS

The City Planning Division recommends that:

 City Council approve the Rental Housing Demolition Application File 20 198558 NNY 08 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 ten (10) existing rental dwelling units located at 1894, 1898 to 1908, 1914 to 1918, and 1920 Eglinton Avenue West, subject to the following conditions:

- a) The owner shall provide and maintain ten (10) 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, at minimum, the 20 year period; the ten (10) replacement rental dwelling units shall be comprised of five (5) one-bedroom units, three (3) two-bedroom units, and two (2) three-bedroom units, as generally illustrated in the plans submitted to the City Planning Division dated June 2, 2021, attached as Attachment 3 to this report. 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 ten (10) replacement rental dwelling units required in Recommendation 1.a above, provide all ten (10) replacement rental dwelling units at affordable rents, as currently defined in the City's Official Plan, all for a period of at least 10 years beginning from the date of first occupancy of each unit;
- c) The owner shall provide and maintain all new residential dwelling units as 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 2, 2021, attached as Attachment 3 to this report. 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 ten (10) existing rental dwelling units proposed to be demolished at 1894, 1898 to 1908, 1914 to 1918, and 1920 Eglinton Avenue West, addressing the right to return to occupy one of the replacement rental dwelling units at similar rents and other assistance to mitigate hardship. The tenant relocation and assistance plan shall be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning Division;
- e) The owner shall provide tenants of all ten (10) replacement rental dwelling units with access to, and use of, all indoor and outdoor amenities in the proposed nine-storey mixed-use 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 a common laundry room on the 2<sup>nd</sup> floor of the proposed mixed-use building, which shall be equipped with at

least three (3) washers and three (3) dryers, and to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

- g) The owner shall provide central air conditioning in each of the ten (10) replacement rental dwelling units within the proposed mixed-use building on the same terms and conditions as any other resident of the proposed mixed-use building and to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- h) The owner shall provide and make available for rent a minimum of four (4) vehicle parking spaces to tenants of the replacement rental dwelling units;
- The owner shall provide tenants of the ten (10) replacement rental dwelling units with access to all bicycle and visitor parking on the same terms and conditions as any other resident of the proposed mixed-use building;
- j) The owner shall provide ten (10) storage lockers to tenants of the replacement rental dwelling units to the satisfaction of, the Chief Planner and Executive Director, City Planning Division; and
- k) The owner shall enter into, and register on title 1894, 1898 to 1908, 1914 to 1918, and 1920 Eglinton Avenue West, one or more agreement(s), to secure the conditions outlined in Recommendations 1.a. through 1.j. 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.
- 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 ten (10) existing rental dwelling units located at 1894, 1898 to 1908, 1914 to 1918, and 1920 Eglinton Avenue West 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.k. above
- 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 Residential Demolition Permit under Section 33 of the *Planning Act* and Chapter 363 of the Toronto Municipal Code for 1894, 1898 to 1908, 1914 to 1918, and 1920 Eglinton Avenue West 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:
  - a) The owner removes all debris and rubble from the site immediately after demolition;
  - b) The owner erects solid construction hoarding to the satisfaction of the Chief Building Official and Executive Director, Toronto Building;
  - c) The owner erects the proposed mixed-use building on the site no later than four (4) years from the date that the demolition of such building commences, subject to the timeframe being extended to the discretion of the Chief Planner and Executive Director, City Planning Division; and
  - d) Should the owner fail to complete the proposed mixed-use building within the time specified in Recommendation 4.c. above, the City Clerk shall be entitled to enter on the collector's roll, as with municipal property taxes, an amount equal to the sum of twenty thousand dollars (\$20,000.00) per dwelling unit for which a demolition permit is issued, and that such amount shall, until payment, be a lien or charge upon the land for which the Residential Demolition Permit is issued.
- 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.
- 6. City Council approve the application to demolish the existing buildings at 1886 to 1920 Eglinton Avenue West, pursuant to By-law No. 3102-95 as amended, of the former City of York without the owner entering into a beautification agreement with the City and without any conditions.

- 7. City Council authorize the Chief Building Official and Executive Director, Toronto Building to issue a Demolition Permit under Section 33 of the *Planning Act*, By-law No. 3102-95 as amended, of the former City of York and Chapter 363 of the Toronto Municipal Code which allows for the demolition of two (2) non-rental residential units and ten (10) commercial units for 1886, 1890, 1892, 1896, 1910 and 1912 Eglinton Avenue West, on condition that:
  - a) The owner removes all debris and rubble from the site immediately after demolition;
  - 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 owner erects solid construction hoarding to the satisfaction of the Chief Building Official and Executive Director, Toronto Building; and,
  - d) The owner erects the proposed mixed-use building on the site no later than four (4) years from the date that the demolition of such building commences, subject to the timeframe being extended to the discretion of the Chief Planner and Executive Director, City Planning Division.

#### **FINANCIAL IMPACT**

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**

On June 17, 2021, Minor Variance application (A0243/21NY) was approved by the North York Committee of Adjustment to permit a 9-storey residential building with ground floor commercial uses. The variances as approved included an increase in the permitted building height from 8 storeys (25.5 metres) to 9 storeys (31.7 metres), minor encroachments into a 45 degree angular plane, reduction in the required number of parking spaces, and a reduction in the required building stepbacks.

The approval was subject to a number of conditions, including entering into an agreement pursuant to Section 45(9) of the *Planning Act* to secure ten (10) replacement rental dwelling units with access to, and use of, all indoor and outdoor amenities in the proposed 9-storey mixed-use building. No appeals were submitted and the Final and Binding letter implementing the decision of the Committee of Adjustment was issued on July 8, 2021.

#### **APPLICATION BACKGROUND**

#### Proposal

The applicant proposes to demolish the buildings on the sites located at 1886-1920 Eglinton Avenue West in order to construct a 9-storey residential building containing retail uses at grade and 194 residential dwelling units. There are currently ten (10) existing rental dwelling units on the development site, located at 1894, 1898-1908, 1914-1918, and 1920 Eglinton Avenue West, which consist of five (5) one-bedroom, three (3) two-bedroom, and two (2) three-bedroom rental dwelling units, of which two (2) were occupied at the time of Rental Housing Demolition application. Two (2) existing non-rental residential dwelling units and ten (10) existing commercial units are also proposed for demolition as part of the cumulative project.

This application also seeks exemption from former City of York By-law No. 3102-95 (York Beautification By-law) for the entire site from 1886-1920 Eglinton Avenue West, The York Beautification By-law designates the entire area of the former City of York as an area of demolition control. The By-law includes special demolition control legislation for the purpose of securing beautification measures on the lands and abutting municipal boulevards, where appropriate, as a condition of the issuance of demolition permits.

#### **Subject Site**

The overall development site is an assembly of properties consisting of each of the municipal addresses at 1886-1920 Eglinton Avenue West. Of these properties, the sites subject to this Rental Housing Application include 1894, 1898-1908, 1914-1918, and 1920 Eglinton Avenue West. The ten (10) existing residential rental dwelling units are located within four (4) two-storey mixed use buildings at 1894, 1898-1908, 1914-1918, and 1920 Eglinton Avenue West. The existing rental units are comprised of:

- Five (5) one-bedroom unit with affordable rents;
- Three (3) two-bedroom units with affordable rents; and
- Two (2) three-bedroom units with affordable rents.

#### **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 six (6) or more residential dwelling units, of which at least one is rental.

Additionally, in accordance with Section 33 of the *Planning Act* and the City of Toronto Municipal Code Ch. 363, Article 6 "Demolition Control", any application for demolition of a building is referred to the North York Community Council to consider as a building permit has not been issued for a replacement building.

The subject properties are located in the former City of York and in accordance with Bylaw No. 3102-95 of the former City of York, demolition on lands abutting boulevards are subject to City Council for consideration and decision to grant or grant with conditions, approval of any demolition permit application, which includes the requirement for the owner to enter into a beautification agreement prior to the issuance of the demolition permit. This application seeks exemption from this requirement.

#### POLICY CONSIDERATIONS

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

Provincial Policy Statements and geographically specific Provincial Plans, along 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 plans.

#### The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the "PPS") provides policy direction provincewide 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 to 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 to Provincial Plans.

The Growth Plan provides policies how to support the achievement of complete communities. Section 2.2.1.4 c) states that municipal policies should provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stage of life, and to accommodate the needs of all household sizes and incomes. The subject application will protect and provide rental housing in a designated growth area.

#### **Toronto Official Plan**

This application has been reviewed against the policies of the City of Toronto Official Plan and in particular, the following:

#### Chapter 3 - Building a Successful City

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 3.2.1.6 states that new development that 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, and the following is secured:

- at least the same number, size and type of rental housing units are replaced and maintained with similar rents to those in effect at the time the redevelopment application was made;
- for a period of at least 10 years, rents for replacement units will be the rent at first occupancy, increased annually by not more than the Provincial Rent Increases Guideline or a similar guideline as Council may approve from time to time; and,
- An acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement rental units at similar rent, the provision of alternative accommodation at similar rents and other assistance to lessen the hardship of relocation.

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

#### York Beautification By-law - Former City of York By-law No. 3102-95

Under the *City of York Act, 1994* (Bill PR147), By-law No. 3102-95 was passed designating the entire area of the former City of York as an area of demolition control.

The *City of York Act, 1994,* provides the authority for Council in the former City of York area to enact special demolition control legislation for the purpose of securing beautification measures on the lands and abutting municipal boulevards, where appropriate, as a condition of the issuance of demolition permits. The legislation and By-law are still in force and effect.

The applicant is seeking relief from this by-law as they wish to demolish and develop a 9-storey purpose-built rental building.

#### **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. Pursuant to the City's Residential Demolition Control By-law, Chapter 363 of the Toronto Municipal Code, City Council approval of the demolition of residential dwelling units under Section 33 of the *Planning Act* is also required where six or more residential dwelling 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 Ontario Land Tribunal.

On September 25, 2020, the applicant made an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code applicable to the properties at 1894, 1898-1908, 1914-1918, and 1920 Eglinton Avenue West. 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 August 26, 2020 and is under review by City Planning staff and other appropriate agencies and City divisions (file no. 20 185654 NNY 08 SA).

#### **Tenant Consultation**

On May 17, 2021, a tenant consultation meeting was held by City staff pursuant to section 14B of Chapter 667 of the Toronto Municipal Code to review the City's housing policies, the impact of the rental demolition proposal on tenants of the ten (10) existing

rental units and the proposed Tenant Relocation and Assistance Plan for Eligible Tenants. Eight (8) of the ten (10) rental dwelling units are unoccupied. This meeting was attended by two (2) Eligible Tenant Households. During the tenant consultation meeting, tenants raised questions and concerns about the tenant relocation and assistance plan, specific questions about the size and bedroom type of the existing and replacement rental units, 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.

On July 28, 2021, a second tenant consultation meeting was held by City staff and the applicant to discuss outstanding issues related to the financial compensation and the right to return. This meeting was attended by the two (2) remaining Eligible Tenant Households. During the tenant consultation meeting, tenants concerns about the relocation and financial compensation were addressed.

#### COMMENTS

#### **Replacement Rental Housing**

The applicant has proposed to construct and maintain ten (10) replacement rental dwelling units on the second floor of the proposed mixed-use building. These ten (10) replacement rental dwelling units will have the same unit mix as currently exists.

The average unit size and total gross floor area of the replacement rental dwelling units are 63.54 and 635.40 square metres or one-hundred and one per cent (101%) of the existing residential rental gross floor area. The replacement rental dwelling units are well configured with functional layouts. A laundry room on the same floor of the rental replacement units will be provided, and central air conditioning will also be provided in each replacement rental dwelling unit at no additional cost to tenants.

Tenants of the replacement rental units will have access to all indoor and outdoor amenities and long-term bicycle parking spaces on the same terms and conditions as residents of the remainder of the building, and with dedicated access to long term bicycle storage spaces.

The applicant has agreed to provide the tenants of the replacement rental units with dedicated access to a total of four (4) vehicle parking spaces and ten (10) storage lockers.

One or more agreements pursuant to the *Planning Act* and *City of Toronto Act* will secure all details regarding the replacement rental housing, including the number of replacement units, minimum unit sizes, and future tenants' access to all facilities and amenities.

#### **Tenure and Rents for the Replacement Rental Dwelling Units**

The applicant has agreed to provide and maintain the ten (10) 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 affordable rents for all ten (10) of the replacement rental dwelling units for at least ten years, beginning from the date that each replacement rental dwelling unit is first occupied.

#### **Tenant Relocation and Assistance Plan**

The owner has agreed to provide tenant relocation and assistance to the satisfaction of the Chief Planner and secured through the Section 45(9) and Section 111 Agreements with the City. The tenant relocation and assistance plan will assist tenants in finding and securing alternative accommodations while the replacement rental dwelling units are being constructed. As part of this plan, eligible tenants will receive the following:

- At least 6 months' notice of the date that they must vacate their rental dwelling unit;
- The right to return to one of the replacement rental dwelling units in the new building;
- Compensation equal to 3 months' rent pursuant to the Residential Tenancies Act;
- A move-out moving allowance and a move-back moving allowance if they exercise their right to return to a replacement rental dwelling unit;
- A rental leasing agent available upon request;
- Additional compensation based on length of tenure, a rental gap payment or additional rental supports to satisfaction of the Chief Planner and Executive Director, City Planning Division; and,
- Any special needs compensation as determined by the Chief Planner.

City Planning staff are satisfied with the applicant's proposed tenant relocation and assistance plan as it is in line with the City's standard practice.

# Demolition of Non-Rental Residential Units, Commercial Units and Exemption from York Beautification By-law

The subject properties are located in the former City of York and in accordance with Bylaw No 3102-95 of the former City of York, any demolition permit application is submitted to the North York Community Council for consideration and decision to grant or grant with conditions, approval of any demolition permit application, including the requirement for the owner to enter into a beautification agreement prior to the issuance of the demolition permits.

The property would be developed with a 9-storey mixed use building. An application for Site Plan Control (File No. 20 185654 NNY 08 SA) has been made and review is in progress. The applicant is requesting the demolition application be approved without entering into a beautification agreement or conditions.

#### Conclusion

City Planning Staff have reviewed the Rental Housing Demolition Application at 1894, 1898-1908, 1914-1918, and 1920 Eglinton Avenue West and recommend that City Council approve, with conditions, the Rental Housing Demolition Permit Application in accordance with 667 of the Toronto Municipal Code to allow for the demolition of the ten (10) existing rental dwelling units on the subject site.

Staff are satisfied that, through the site plan process, sufficient landscaping and streetscape improvements can be secured for the redevelopment of the site. Therefore, there are no concerns with the exemption of the subject site from the York Beautification By-law, without the owner entering into a beautification agreement with the City and without any conditions.

In addition, staff recommend that City Council issue Demolition Permits under By-law No. 3102-95 of the former City of York, and to allow for the demolition of the non-rental residential units and commercial units under Section 33 of the *Planning Act*, and Chapter 363 of the Toronto Municipal Code.

#### CONTACT

Hiba Hussain, Planner Tel. No. (416)392-5575 E-mail: <u>Hiba.Hussain@toronto.ca</u> Adam Kebede, Planner Tel. No. (416) 392-6501 E-mail: Adam.Kebede@toronto.ca

#### SIGNATURE

John Andreevski, Acting Director Community Planning, North York District

#### **ATTACHMENTS**

#### **City of Toronto Data/Drawings**

Attachment 1: Location Map; 1886-1920 Eglinton Avenue West Attachment 2: Site Plan Attachment 3: Architectural Plans submitted June 2, 2021

#### Attachment 1: Location Map; 1886-1920 Eglinton Avenue West





Site Plan

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