

230-232 Carlton Street and 33 and 39 Aberdeen Avenue – Official Plan Amendment and Rental Housing Conversion Applications – Final Report

Date: November 3, 2021

To: Toronto and East York Community Council

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

Ward: 13 Toronto Centre

Planning Application: 20 233830 STE 13 OZ

Rental Housing Application: 20 233836 STE 13 RH

Related Applications: B0010/21TEY; B0011/21TEY; B0012/21TEY

SUMMARY

The Toronto Community Housing Corporation (TCHC) is proposing to amend the Official Plan and requesting approval under Chapter 667 of the Toronto Municipal Code to permit the severance of the existing social housing property at 230-232 Carlton Street and 33 and 39 Aberdeen Avenue into three separate properties that would be conveyed to qualified non-profit housing agencies as part of the Tenants First initiative. All eight existing rental dwelling units and all 16 existing dwelling rooms would continue to be provided and maintained by future owners as social housing with rents-geared-to-income. There will be no changes to the existing tenancies, and tenants will continue to reserve their existing rights under the *Residential Tenancies Act, 2006*.

The proposal is consistent with the Provincial Policy Statement (2020) and conforms with *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)*.

This report reviews and recommends approval of the application to amend the Official Plan and the Rental Housing Conversion application under Chapter 667 of the Toronto Municipal Code in order to implement the City's Tenants First Initiative.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan for the lands at 230-232 Carlton Street and 33 and 39 Aberdeen Avenue substantially in accordance with the draft Official Plan

Amendment attached as Attachment No. 5 to this report (November 3, 2021) from the Director, Community Planning, Toronto and East York District.

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment as may be required.

3. City Council approve the Rental Housing Conversion application (20 233836 STE 13 RH) under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* to sever the residential rental property containing eight (8) rental dwelling units at 230-232 Carlton Street and 33 and 39 Aberdeen Avenue into three separate properties, each containing fewer than six (6) rental dwelling units, subject to the following conditions:

- a) The owner shall apply for, and obtain approval for a Consent from the Committee of Adjustment or the Toronto Local Appeal Body, if applicable, to permit the severance of the lands at 230-232 Carlton Street and 33 and 39 Aberdeen Avenue into three separate properties for the purposes of conveying each of the properties to qualified non-profit housing providers as part of the Tenants First Initiative.
- b) The owner of the lands at 230-232 Carlton Street shall continue to provide and maintain two (2) rental dwelling units, including one (1) studio rental unit and one (1) one-bedroom rental unit, as social housing units and sixteen (16) dwelling rooms as social housing dwelling rooms for a period of at least 99 years from the date of issuance of the Certificate of Official permitting the severance of the lands at 230-232 Carlton Street and 33 and 39 Aberdeen Avenue, subject to a social housing program described in Section 453.1 of the *City of Toronto Act, 2006* ("social housing"). During such 99-year period, no social housing unit or dwelling room shall be registered as a condominium or any other form of ownership housing that provides a right to exclusive possession of a dwelling unit or dwelling room, including life-lease or co-ownership, and no application shall be made to demolish or convert any social housing unit or dwelling room to a non-residential rental purpose without replacement of same. The two (2) social housing units and sixteen (16) social housing dwelling rooms at 230-232 Carlton Street shall continue to be provided and maintained to the satisfaction of the Chief Planner and Executive Director, City Planning;
- c) The owner of the lands at 230-232 Carlton Street shall continue to provide the two (2) social housing units and sixteen (16) social housing dwelling rooms required in Recommendation 3.a above at rents-geared-to-income for a period of at least 25 years from the date of issuance of the Certificate of Official permitting the severance of the lands at 230-232 Carlton Street and 33 and 39 Aberdeen Avenue is final and binding, subject to the continued provision of funding from federal, provincial, and/or municipal government programs;
- d) The owner of the lands at 33 Aberdeen Avenue shall continue to provide and maintain two (2) rental dwelling units, including one (1) one-bedroom rental unit and one (1) three-bedroom rental unit, as social housing units for a period of at least 99 years from the date of issuance of the Certificate of Official permitting the severance of the lands at 230-232 Carlton Street and 33 and 39 Aberdeen Avenue, subject to a

social housing program described in Section 453.1 of the *City of Toronto Act, 2006* ("social housing"). During such 99-year period, no social housing unit shall be registered as a condominium or any other form of ownership housing that provides a right to exclusive possession of a dwelling unit, including life-lease or co-ownership, and no application shall be made to demolish or convert any social housing unit to a non-residential rental purpose without replacement of the same. The two (2) social housing units at 33 Aberdeen Avenue shall continue to be provided and maintained to the satisfaction of the Chief Planner and Executive Director, City Planning;

- e) The owner of the lands at 33 Aberdeen Avenue shall continue to provide the two (2) social housing units required in Recommendation 3.c above at rents-g geared-to-income for a period of at least 25 years from the date of issuance of the Certificate of Official permitting the severance of the lands at 230-232 Carlton Street and 33 and 39 Aberdeen Avenue, subject to the continued provision of funding from federal, provincial, and/or municipal government programs;
- f) The owner of the lands at 39 Aberdeen Avenue shall continue to provide and maintain four (4) rental dwelling units, including two (2) one-bedroom rental units and two (2) two-bedroom rental units, as social housing units for a period of at least 99 years from the date of issuance of the Certificate of Official permitting the severance of the lands at 230-232 Carlton Street and 33 and 39 Aberdeen Avenue, subject to a social housing program described in Section 453.1 of the *City of Toronto Act, 2006* ("social housing"). During such 99-year period, no social housing unit shall be registered as a condominium or any other form of ownership housing that provides a right to exclusive possession of a dwelling unit, including life-lease or co-ownership, and no application shall be made to demolish or convert any social housing unit to a non-residential rental purpose without replacement of the same. The four (4) social housing units at 39 Aberdeen Avenue shall continue to be provided and maintained to the satisfaction of the Chief Planner and Executive Director, City Planning;
- g) The owner of the lands at 39 Aberdeen Avenue shall continue to provide the four (4) social housing units required in Recommendation 3.e above at rents-g geared-to-income for a period of at least 25 years from the date that the severance of the lands at 230-232 Carlton Street and 33 and 39 Aberdeen Avenue is final and binding, subject to the continued provision of funding from federal, provincial, and/or municipal government programs;
- h) The owner shall enter into, and register on title to the lands at each of 230-232 Carlton Street, 33 Aberdeen Avenue, and 39 Aberdeen Avenue, agreements pursuant to Section 111 and 453.1 of the *City of Toronto Act, 2006* to secure the conditions outlined in Recommendations 3.a. to 3.f. above, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning.

4. City Council authorize the Chief Planner and Executive Director, City Planning to issue Preliminary Approval of the application under Chapter 667 of the Toronto Municipal Code for the severance of the residential rental property at 230-232 Carlton Street and 33 and 39 Aberdeen Avenue after all of the following have occurred:

- a) the conditions in Recommendation 3 above have been fully satisfied and secured;
- b) the severance is final and binding; and
- c) the execution and registration on title of agreements pursuant to Sections 111 and 453.1 of the *City of Toronto Act, 2006* for 230-232 Carlton Street, 33 Aberdeen Avenue, and 39 Aberdeen Avenue respectively, securing the conditions in Recommendation 3 above.

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 July 12, 2016, City Council adopted Tenants First: A Way Forward for Toronto Community Housing and Social Housing in Toronto and directed staff to develop an implementation plan.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EX16.11>

On July 4, 2017, City Council adopted Tenants First Phase One Implementation Plan and directed staff to further develop the governance and service model of the Seniors Housing and Services Entity, and report back on further financial analysis and the results of an REOI for TCHC's "scattered housing" portfolio.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.EX26.2>

On January 31, 2018, City Council adopted Implementing Tenants First - TCHC Scattered Portfolio Plan and an Interim Selection Process for Tenant Directors on the TCHC Board.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EX30.2>

On April 16, 2019, City Council adopted Accelerating the City's Tenants First Project, which included a proposed timeframe of recommendations coming forward in 2019, including recommendations on governance, accountability, and mandate for TCHC's key business areas.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EX4.3>

On January 15, 2020, the Deputy Secretary-Treasurer of the Toronto and East York District Committee of Adjustment approved Consent application B0102/19TEY to sever 234 and 236 Carlton Street from the subject property. This severance did not affect the number of rental dwelling units on the property and did not require an amendment to the Official Plan.

<http://app.toronto.ca/AIC/index.do?folderRsn=hQHxq5ur5sb51TkNk8HCQg%3D%3D>

On October 27, 2020, City Council adopted Implementing Tenants First: 2020 Updates, which made recommendations with respect to an updated mandate for TCHC and the transfer of TCHC's remaining 729-unit scattered house portfolio to the non-profit housing sector.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.EX17.2>

A pre-application meeting was held on January 20, 2020. The current application was submitted on December 24, 2020 and deemed complete on February 4, 2021. A Preliminary Report on the applications was adopted by Toronto and East York Community Council on February 24, 2021 authorizing staff to conduct a community consultation meeting. Community consultation is summarized below.

PROPOSAL

The Toronto Community Housing Corporation (TCHC) is proposing to amend the Official Plan to exempt the lands at 230-232 Carlton Street and 33 and 39 Aberdeen Avenue from Policy 3.2.1.8 of the Official Plan and permit the severance of the existing social housing property into three separate properties that could be conveyed by TCHC to qualified non-profit housing agencies as part of the Tenants First initiative. A related Rental Housing Conversion application has been submitted to permit the proposed severance.

The lands are currently occupied by four residential buildings that form part of TCHC's "scattered housing" portfolio, including two TCHC 'Rooming Houses' and two TCHC 'Single Family Houses'. The four buildings collectively contain 16 dwelling rooms and eight rental dwelling units, as follows:

Address	TCHC Scattered House Portfolio Type	Dwelling Rooms	Rental Dwelling Units				
			Studio	1-Bedroom	2-Bedroom	3-bedroom	Total
230 Carlton Street	Rooming House	8	1	0	0	0	1
232 Carlton Street	Rooming House	8	0	1	0	0	1
33 Aberdeen Avenue	Single Family House	0	0	1	0	1	2
39 Aberdeen Avenue	Single Family House	0	0	2	2	0	4
Total		16	1	4	2	1	8

At the time of application, all but one dwelling room (at 230 Carlton Street) and all eight rental dwelling units were occupied. Neither the eight existing rental dwelling units nor the 16 existing dwelling rooms on the property would be demolished or converted to a non-residential rental use, and none of the existing buildings would undergo any physical changes, as a result of the proposed severance. Tenants' leases would be transferred to the new owner(s) such that there would be no changes to the existing tenancies.

Reasons for Application

The Official Plan Amendment application is required as Official Plan Policy 3.2.1.8 prevents the severance or subdivision of any building or related group of buildings containing six or more rental housing units unless all of the units have rents that exceed mid-range rents at the time of application. The subject property contains eight rental housing units and 16 dwelling rooms with rents-geared-to-income in a related group of four buildings, and the proposed severance would establish three separate property titles such that there would be fewer than six rental units on each property.

The Rental Housing Conversion application under Chapter 667 is also required to permit the proposed severance since the subject property contains at least six dwelling units, of which at least one is rental, and the proposed severance would result in fewer than six dwelling units but at least one rental unit on each of the resulting properties.

APPLICATION BACKGROUND

Application Submission Requirements

The following reports/studies were submitted in support of the application:

- Planning Rationale;
- Public Consultation Strategy;
- Housing Issues Report; and
- Site Survey.

The application materials can be accessed at the following link:

<https://www.toronto.ca/city-government/planning-development/application-information-centre>.

Agency Circulation Outcomes

The applications together with the applicable reports noted above have been circulated to all appropriate agencies and City Divisions. Circulation responses have been used to assist in the evaluation of the applications and to formulate appropriate draft Official Plan amendments for Council's consideration.

Statutory Public Meeting Comments

In making their decision on the applications, Council members have been given an opportunity to view the oral submissions made at the statutory public meeting held by the Toronto and East York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

POLICY CONSIDERATIONS

Planning Act

Section 2 of the *Planning Act* sets out matters of provincial interest, to which City Council shall have regard in carrying out its responsibilities, including the:

- conservation of features of significant architectural, cultural, historical, archaeological, or scientific interest;
- adequate provision and efficient use of communication, transportation, sewage and water services, and waste management systems;
- orderly development of safe and healthy communities;
- adequate provision and distribution of educational, health, social, cultural, and recreational facilities;
- adequate provision of a full range of housing, including affordable housing;
- adequate provision of employment opportunities;
- appropriate location of growth and development;
- supply, efficient use, and conservation of energy and water;
- promotion of development that is designed to be sustainable, to support public transit, and to be oriented to pedestrians; and
- 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, 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.

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 Provincial Policy Statement (the "PPS") and shall conform with the applicable 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 the applicable Provincial Plans.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the "PPS") provides policy direction province-wide 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, including affordable housing, to meet changing needs;
- ensuring opportunities for job creation;
- ensuring 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 inter-relationships 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 4.7 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."

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan for the Greater Golden Horseshoe 2019 was prepared and approved under the *Places to Grow Act, 2005* to come into effect on May 16, 2019. Amendment 1 (2020) to the 2019 Growth Plan came into effect on August 28, 2020. The amended Growth Plan continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act*.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources, and infrastructure to reduce sprawl, contribute to environmental sustainability, and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving and maintaining a diverse range of housing options, protected employment zones, public service facilities, recreational opportunities, green space, and connectivity to public transit;
- Retaining viable lands designated as employment areas and ensuring lands outside of employment areas undergoing redevelopment retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. In accordance with Section 3 of the *Planning Act*, all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Staff have reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan. The outcome of staff analysis and review are summarized in the Comments section of this report.

Toronto Official Plan

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Toronto Official Plan policies related to building complete communities, including heritage conservation and environmental stewardship, may be applicable to any application.

This application has been reviewed against the policies of the City of Toronto Official Plan, including the Downtown Plan. The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Chapter 2 - Shaping the City

The site is identified as part of the Downtown and Central Waterfront on Map 2 of the Official Plan.

Policy 2.2.1.9 states that the quality of the Downtown will be improved, in part, by providing a diverse range and mix of housing options, including affordable housing, to accommodate the needs of all household sizes and avoid the displacement of vulnerably housed and at-risk groups.

Chapter 3 - Building a Successful City

Section 3.2.1 of the Official Plan contains policies pertaining to the provision, maintenance, and protection of rental housing.

Policy 3.2.1.8 prohibits the conversion and severance of any building or related group of buildings containing six or more rental housing units unless all of the units have rents that exceed mid-range rents at the time of application.

Chapter 4 - Land Use Designations

The portion of the site fronting on Carlton Street is designated *Mixed Use Areas* and the portion of the site fronting on Aberdeen Avenue is designated *Neighbourhoods* in Map 18 of the Official Plan.

Mixed Use Areas combine a broad array of residential uses, offices, retail and services, institutions, entertainment, recreation and cultural activities, and parks and open spaces.

Neighbourhoods contain a full range of residential uses within lower-scale buildings, as well as parks, schools, local institutions, and small-scale stores and shops serving the needs of area residents.

See Attachment 3 of this report for the land use map.

TOcore: Planning Downtown

Official Plan Amendment 406 ("OPA 406" or the "Downtown Plan") is now in force and effect. OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Secondary Plan, and applies to all applications deemed complete after June 5, 2019. The Downtown Plan – in conjunction with the associated infrastructure strategies that address water, energy, mobility, parks and public realm, and community services and facilities – provides a comprehensive and integrated policy framework to shape growth in Toronto's fast-growing Downtown over the next 25 years. It provides the City with a blueprint to align growth management with the provision of infrastructure, sustain liveability, and ensure there is space for the economy to grow. The Downtown Plan area is generally bounded by Lake Ontario to the south, Bathurst Street to the west, the mid-town rail corridor and Rosedale Valley Road to the north, and the Don River to the east.

Map 41-3-C designates the *Mixed Use Areas* designated portion of the site along Carlton Street as *Mixed Use Areas 3 - Main Street*.

The in-force Downtown Plan can be found at:

<https://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-135953.pdf>

The outcome of staff analysis and review of relevant Official Plan policies and designations and secondary plans are summarized in the Comments section of the report.

Zoning

The portion of the site fronting on Carlton Street is zoned Commercial Residential CR 1.5 (c1.0; r1.0) SS1 and is subject to exceptions x1757 and x1884 under the City's harmonized Zoning By-law 569-2013. This zoning designation permits a variety of commercial and residential uses, with a maximum height of 12.0 metres and a maximum floor space index of 1.5 times the area of the lot.

The portion of the site fronting on Aberdeen Avenue is zoned Residential R (d1.0) and is subject to exception x881 under the City's Harmonized Zoning By-law 569-2013. This zoning designation permits a variety of residential uses, with a maximum height of 12.0 metres and a maximum floor space index of 1.0 times the area of the lot. Refer to Attachment 4 of this report for a map illustrating the zoning for the site.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

The site is also subject to former City of Toronto Zoning By-law 438-86, under which it is zoned Commercial Residential CR T1.5 C1.0 R1.0 (H12.0) and Residential R3 Z1.0 (H12.0), which are substantially the same with respect to use, density, and height as the provisions under Zoning By-law 569-2013.

Site Plan Control

The application is not subject to Site Plan Control.

Rental Housing Demolition and Conversion By-law

Section 111 of the *City of Toronto Act, 2006* authorizes City Council to regulate the demolition and conversion of residential rental properties. Chapter 667 of the Toronto Municipal Code, the Residential Rental Property Demolition and Conversion Control By-law, implements Section 111. The By-law prohibits the conversion of any property containing six or more 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. Under the By-law, the conversion of a residential rental property includes conversion as a result of a consent to sever land under section 53 of the *Planning Act* if any parcel of land resulting from the severance would contain fewer

than six rental units and the original parcel contained at least six dwelling units and one rental unit at the time of application.

The proposal for 230-232 Carlton Street and 33 and 39 Aberdeen Avenue requires Council approval under Chapter 667 of the Toronto Municipal Code because it involves the severance of a property containing eight rental dwelling units and each parcel resulting from the proposed severance would contain fewer than six dwelling units but at least one rental unit. On December 24, 2020, an application for a Rental Housing Conversion permit was submitted under Chapter 667 of the Toronto Municipal Code to sever the existing rental property at 230-232 Carlton Street and 33 and 39 Aberdeen Avenue into three separate parcels of land.

COMMUNITY AND TENANT CONSULTATION

Planning staff have compiled feedback from residents from community meetings, the City's Application Information Centre, and direct phone and e-mail correspondence. On April 19, 2021, staff hosted a Community Consultation Meeting to discuss the applications. Seven members of the public were in attendance as well as staff from the Ward Councillor's office, Social Development, Finance and Administration, Toronto Community Housing, and the applicant. Questions raised regarding the applications included:

- Rights of current residential tenants through the City's rental housing conversion process, including their rights to continue living in their units during the application review process and after the proposed severance;
- Potential for tenants to reconfigure their existing dwelling rooms or units (tenants were informed that they are not permitted to undertake physical alterations to their rooms or units);
- Supports provided to residents; and
- Process of selecting future operators of the properties.

These matters are addressed in the Comments section below.

City Planning staff also organized a tenant consultation meeting for July 7, 2021 pursuant to section 14B of Chapter 667 of the Toronto Municipal Code to review the proposed severance in relation to the City's housing policies and Tenants First Initiative. Although the local Councillor, representatives of the applicant team, and City Planning staff were present for the meeting, no tenants attended within forty-five minutes of the meeting's organized start time. TCHC subsequently printed copies of the meeting presentation slides and delivered the slides to each of the tenants living at 230-232 Carlton Street and 33 and 39 Aberdeen Avenue for their reference.

Two separate notices of the tenant meeting were also delivered to tenants (the first notice was sent two weeks in advance of the meeting and the second notice was sent with the presentation slides after the meeting) inviting them to contact City Planning staff directly to share their comments and feedback on the applications. Since the organized date of the tenant meeting and the delivery of the meeting notices, City staff have received no direct correspondence from tenants.

COMMENTS

Planning Act

Section 2 of the *Planning Act* requires municipalities to have regard for matters of provincial interest, including the orderly development of safe and healthy communities; the adequate provision and distribution of educational, health, social, cultural, and recreational facilities; the adequate provision of a full range of housing, including affordable housing; and the appropriate location of growth and development.

The proposal has regard for relevant matters of provincial interest, as the proposed amendment would facilitate the transfer of existing social housing units to other non-profit housing operators while ensuring the preservation and long-term affordability of the housing units.

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS and the Growth Plan. Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan.

Policy 1.1.1 (b) of the PPS requires that an appropriate affordable and market-based range and mix of residential types (including affordable housing) be provided to meet long-term needs and to support accessible and safe communities.

Policy 1.4.3 (b) similarly requires the provision of an appropriate range and mix of housing options and densities, in part, to meet the social, health, economic, and well-being requirements of current and future residents.

Policy 2.2.1.4 (c) states that an objective of the Growth Plan is to ensure communities provide a diverse range and mix of housing options, including affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.

The proposal would facilitate the transfer of existing social housing to qualified, non-profit housing agencies and would secure the rental tenure and affordability of this housing. This would ensure that a range of housing options remain available to meet the needs of the immediate and broader community.

Toronto Official Plan

The proposal has been reviewed against the policies and direction contained in the Official Plan and Downtown Plan, and staff have determined that the proposal conforms with the intent of the Official Plan and Downtown Plan.

Housing Issues

The subject lands are occupied by four residential buildings that form part of TCHC's "scattered housing" portfolio, which consists of 'Agency Houses', 'Rooming Houses', and 'Single Family Houses'. The two single-detached houses at 230-232 Carlton Street, which contain eight dwelling rooms and one rental dwelling unit each, are both classified as 'Rooming Houses'. The semi-detached house at 33 Aberdeen Avenue and the single-detached house at 39 Aberdeen Avenue, which contain two and four rental dwelling units respectively, are both classified as 'Single Family Houses'. Altogether, the lands contain 16 dwelling rooms and eight rental dwelling units, all of which have rents-geared-to-incomes.

TCHC is proposing to amend Official Plan policy 3.2.1.8 to permit the severance of the lands into three separate properties that could be conveyed to qualified non-profit housing agencies as part of the Tenants First Initiative. The two 'Rooming Houses' at 230-232 Carlton Street would remain as one property, while each of the 'Single Family Houses' at 33 and 39 Aberdeen Avenue would become separate properties.

In October 2019, the City issued a Request for Proposals (RFP) to initiate the process of transferring TCHC's "scattered housing" portfolio and, in June 2021, announced that 33 and 39 Aberdeen Avenue were two of 547 properties that will be transferred to Circle Community Land Trust, a non-profit housing agency that was founded expressly to preserve and invest in TCHC's single-family homes. As of the date of this report, a successful proponent for the transfer of TCHC's 'Rooming Houses' has not been announced.

Both Circle Community Land Trust and the future owner(s) of 230-232 Carlton Street will be required to enter into agreements with the City pursuant to Sections 111 and 453.1 of the *City of Toronto Act, 2006* to secure the existing social housing buildings for a period of at least 99 years, during which the owners would be prevented from registering any of the rental units or dwelling rooms as condominiums or any other form of ownership housing, and from applying to demolish or convert any of the rental units or dwelling rooms without replacement of the same. Through the Section 111 agreement, the City will also secure the social housing at rents-geared-to-income for a minimum period of 25 years, subject to the continued provision of funding from federal, provincial, and/or municipal government programs, which is the City's standard practice for applications involving the demolition of social housing.

The Section 111 and 453.1 agreements would be registered on title to each of the properties at 230-232 Carlton Street, 33 Aberdeen Avenue, and 39 Aberdeen Avenue at the time of transfer, and would be in addition to a rent supplement agreement between the City and owner(s) under the non-profit rent supplement program. The latter agreement will set out the specificities of the funding arrangement between the City and owner(s) for delivering rent-geared-to-income housing in accordance with *Housing Services Act, 2011* regulations.

City Planning staff are satisfied with TCHC's proposal to sever the existing social housing property into three separate properties in order to implement the Tenants First Initiative. The proposal would continue to provide and maintain the existing 16 dwelling

rooms and eight rental dwelling units as social housing with rents-geared-to-incomes, which is consistent with the housing policy objectives of Section 3.2.1 of the Official Plan.

Tenant Rights

Rights under the Residential Tenancies Act

Tenants reserve specific rights under the *Residential Tenancies Act, 2006* (RTA) if a residential rental property such as 230-232 Carlton Street and 33 and 39 Aberdeen Avenue undergoes a severance.

Pursuant to section 55 of the RTA, a landlord must compensate a tenant in an amount equal to three months' rent or offer the tenant another rental unit acceptable to the tenant if:

- (a) before the severance, the residential property containing the tenant's rental unit had at least five residential units;
- (b) the new residential property created by the severance, in which the tenant's rental unit is located, has fewer than five residential units; and
- (c) the landlord gives the tenant a notice of termination of their tenancy for the purposes of demolition, conversion, or repairs within two years after the date of the severance.

Pursuant to section 56 of the RTA, where a rental unit becomes separately conveyable property due to a consent, a landlord may not issue, to any person who was a tenant of the rental unit *at the time of the consent*, a notice of termination of their tenancy for the purposes of personal use by the landlord or their family, or by any purchaser of the rental property. However, a landlord may issue a notice of termination of a tenancy for personal use to any tenant who began their tenancy *after* the consent.

Although the existing rental units and dwelling rooms at 230-232 Carlton Street, 33 Aberdeen Avenue, and 39 Aberdeen Avenue are subject to the RTA, sections 55 and 56 of the RTA will not be applicable to the proposed severance, as the properties would be conveyed to, and managed by, a non-profit housing provider, and because the City would be protecting tenants and the existing social housing from demolition, conversion, and repairs through agreements that would be registered on title to each of the properties.

As previously mentioned, the Section 111 agreement will prevent the future owner(s) from demolishing or converting the rental dwelling units and dwelling rooms for a period of 99 years without replacement of same. Should an application be submitted to the City to demolish and replace the existing social housing in the future, the owner(s) would be required to replace the existing social housing units and dwelling rooms and develop an acceptable tenant relocation and assistance plan, addressing the right for tenants to return to replacement social housing units and/or dwelling rooms, in accordance with Official Plan policies 3.2.1.7 and 3.2.1.11.

City staff do not foresee the need for extensive repairs requiring vacant possession of a dwelling unit or room within the next two years. However, should any such repairs be determined necessary, the future owner(s) would be required under the Section 111 agreement to develop a tenant relocation and assistance plan that addresses the provision of alternative rent-geared-to-income accommodation within the owner's portfolio as the repairs are underway, as well as the right for tenants to return to their existing rental units or dwelling rooms after the repairs are complete.

Lastly, since all of the existing rental dwelling units and dwelling rooms are social housing units/rooms that have rents-geared-to-income and will be preserved as such by one or more non-profit corporations, the future owner(s) would not be able to issue a notice of termination of their tenancy for the purposes of personal use to any tenant who occupied a rental unit or dwelling room after the proposed severance.

Internal Transfer Rights

Under TCHC's [Tenant Transfer Policy](#), tenants of TCHC-owned properties may request to transfer to another TCHC rental unit or dwelling room if their health and safety are at risk or if their needs are no longer being met in their existing unit or room. TCHC only accepts transfers in limited and clearly defined circumstances, which include:

- *Special Priority* – the tenant and/or their children are victims of domestic abuse, sponsorship abuse (in the case of sponsored immigrants), or human trafficking;
- *Crisis Priority* – the tenant is a victim of persistent intimidation or threats of violence, a witness to a crime and suffering intimidation or threats of violence as a result, or a victim or witness of a traumatic incident;
- *Accessibility/Accommodation* – the tenant cannot reasonably be accommodated in their current unit or room because of disability and/or other Ontario Human Rights Code-protected grounds; and
- *Underhoused or Overhoused* – a unit has fewer or too many bedrooms than required for the number of tenants based on the household's composition.

After the properties at 230-232 Carlton Street, 33 Aberdeen Avenue, and 39 Aberdeen Avenue are conveyed by TCHC to new owners, tenants will no longer be subject to TCHC's Tenant Transfer Policy. Instead, the new owner(s) will be required to develop their own [Internal Transfer Policy](#) and maintain an internal transfer list of priority households who have requested or are in need of transferring to another unit or room within the owner's portfolio. The copy of the Internal Transfer Policy will need to be given to the City, which may then establish additional rules or procedures for internal transfers in accordance with the *Housing Services Act, 2011*. The Internal Transfer Policy developed by the new owner(s) will be compliant with the City's rules under the authority of the *Housing Services Act, 2011*

Land Use

No changes are proposed to the existing residential uses that are permitted by both the Mixed Use Areas and *Neighbourhoods* designations in the Official Plan and Commercial Residential (CR) and Residential (R) zones in the Zoning By-law. The uses are compatible with the adjacent residential and commercial uses, and conform to the development criteria in the Official Plan as well as the policies of the Official Plan as a whole.

Heritage

The properties that comprise the site are designated under Part V of the *Ontario Heritage Act* as part of the Cabbagetown Northwest Heritage Conservation District. As no alterations to the properties are proposed as part of this application, Heritage Planning staff have not identified any concerns.

Conclusion

The proposal has been reviewed against the policies of the PPS, the Growth Plan, and the Toronto Official Plan, including the Downtown Plan. Staff are of the opinion that the proposal is consistent with the PPS, conforms with the Growth Plan, and conforms with the intent of the Official Plan. The proposal facilitates the transfer of existing social housing units to other non-profit housing agencies while still ensuring the preservation and long-term affordability of the units and rooms. Staff recommend that Council approve the application.

CONTACT

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E-mail: Keir.Matthews-Hunter@toronto.ca

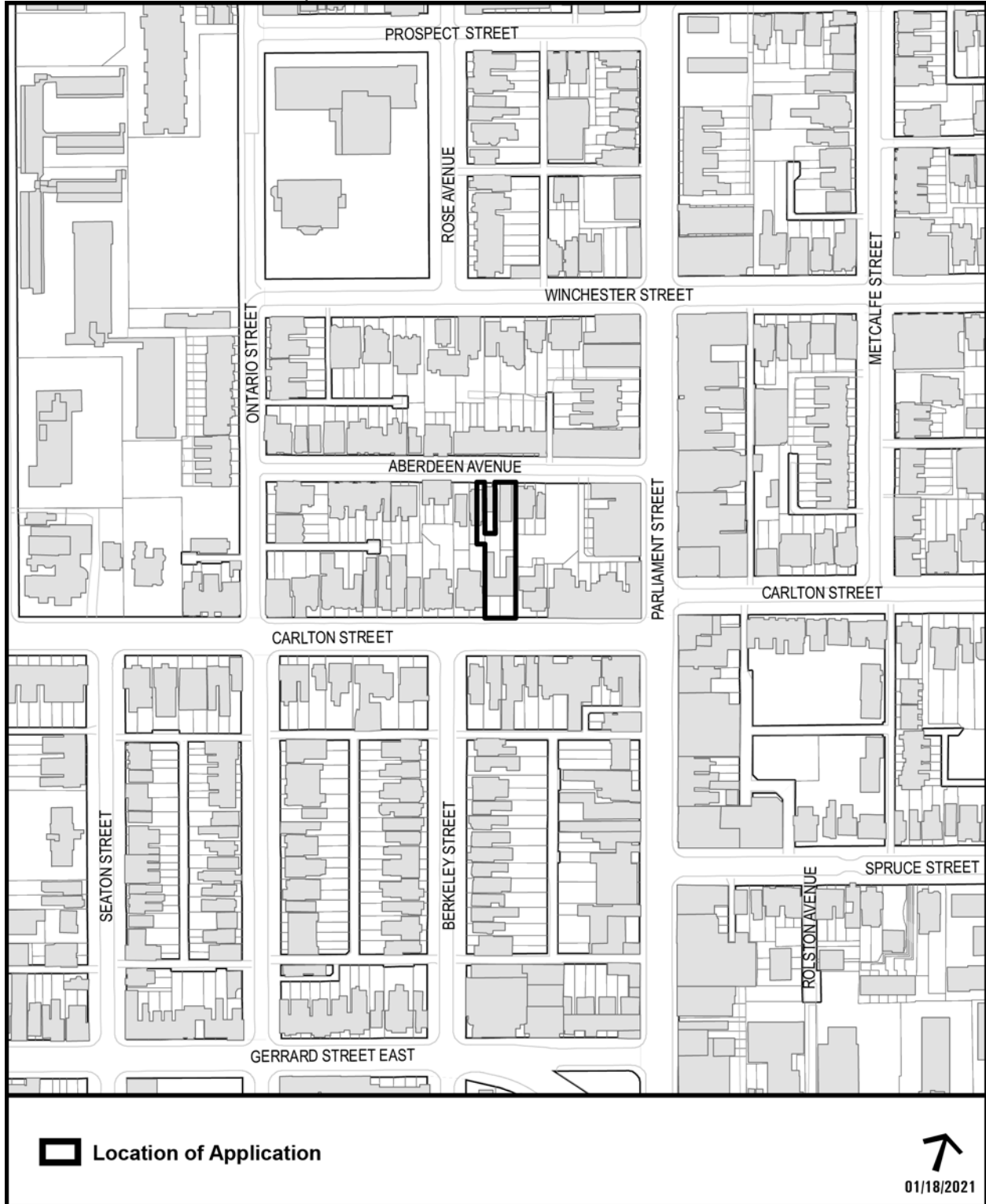
SIGNATURE

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

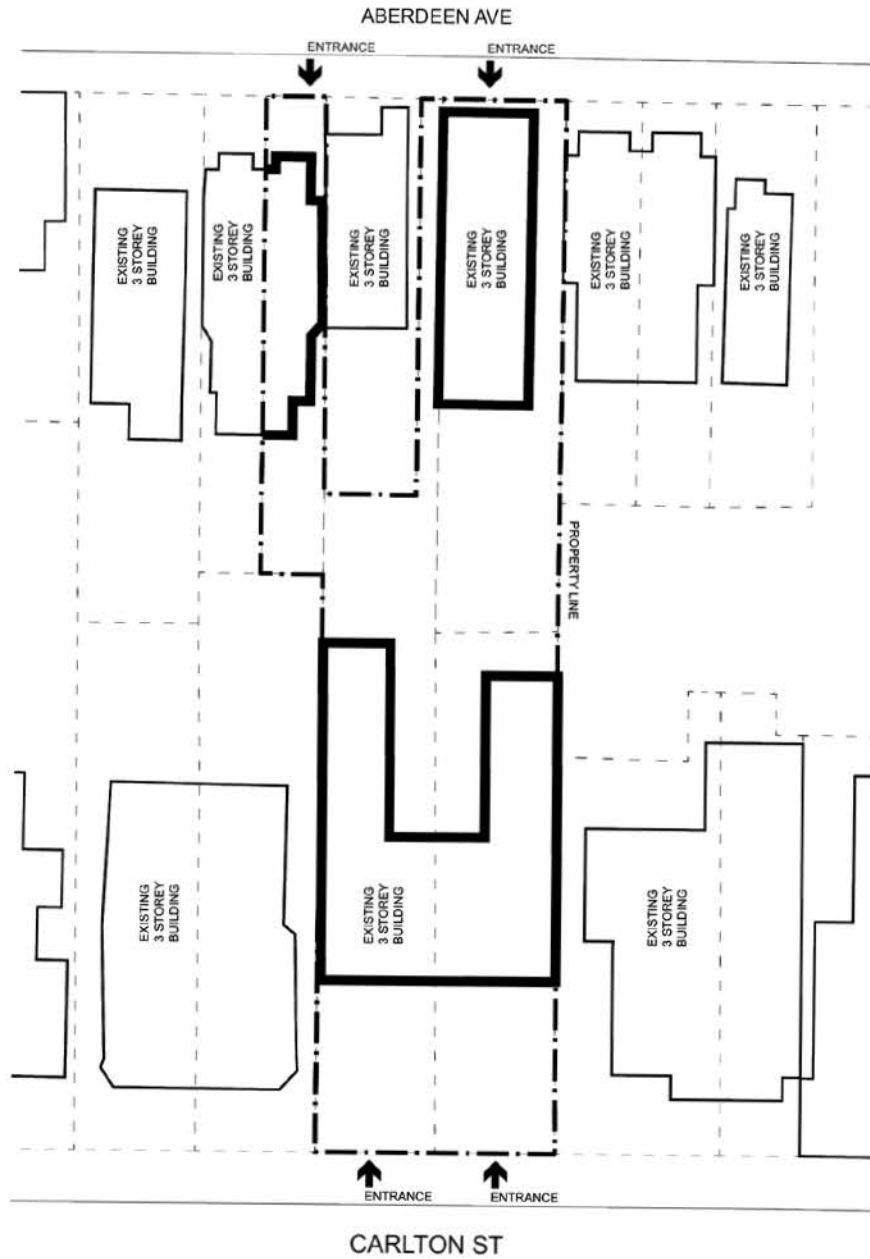
ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Site Plan
Attachment 3: Official Plan Map
Attachment 4: Zoning Map
Attachment 5: Draft Official Plan Amendment

Attachment 1: Location Map



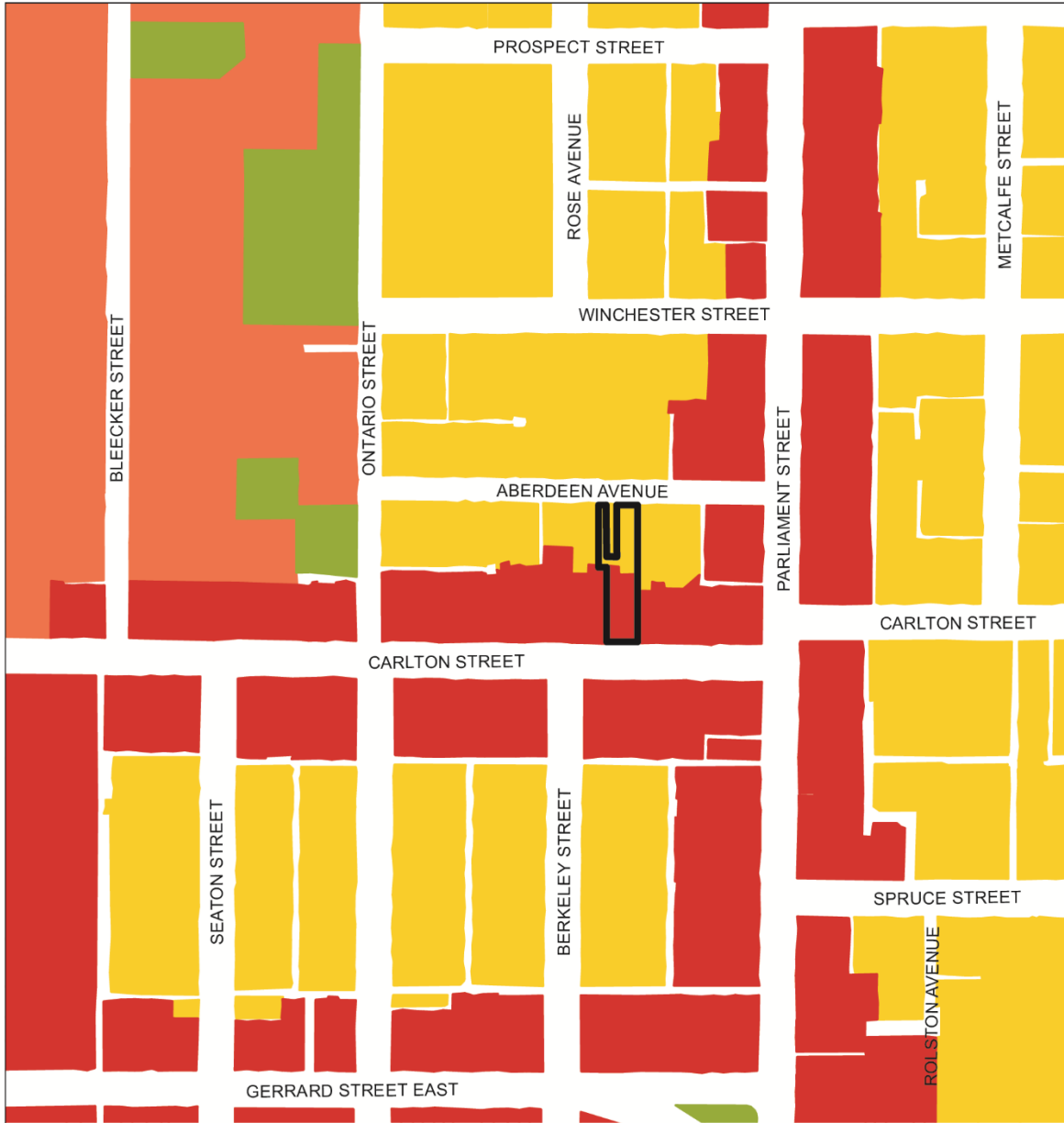
Attachment 2: Site Plan



Site Plan



Attachment 3: Official Plan Map



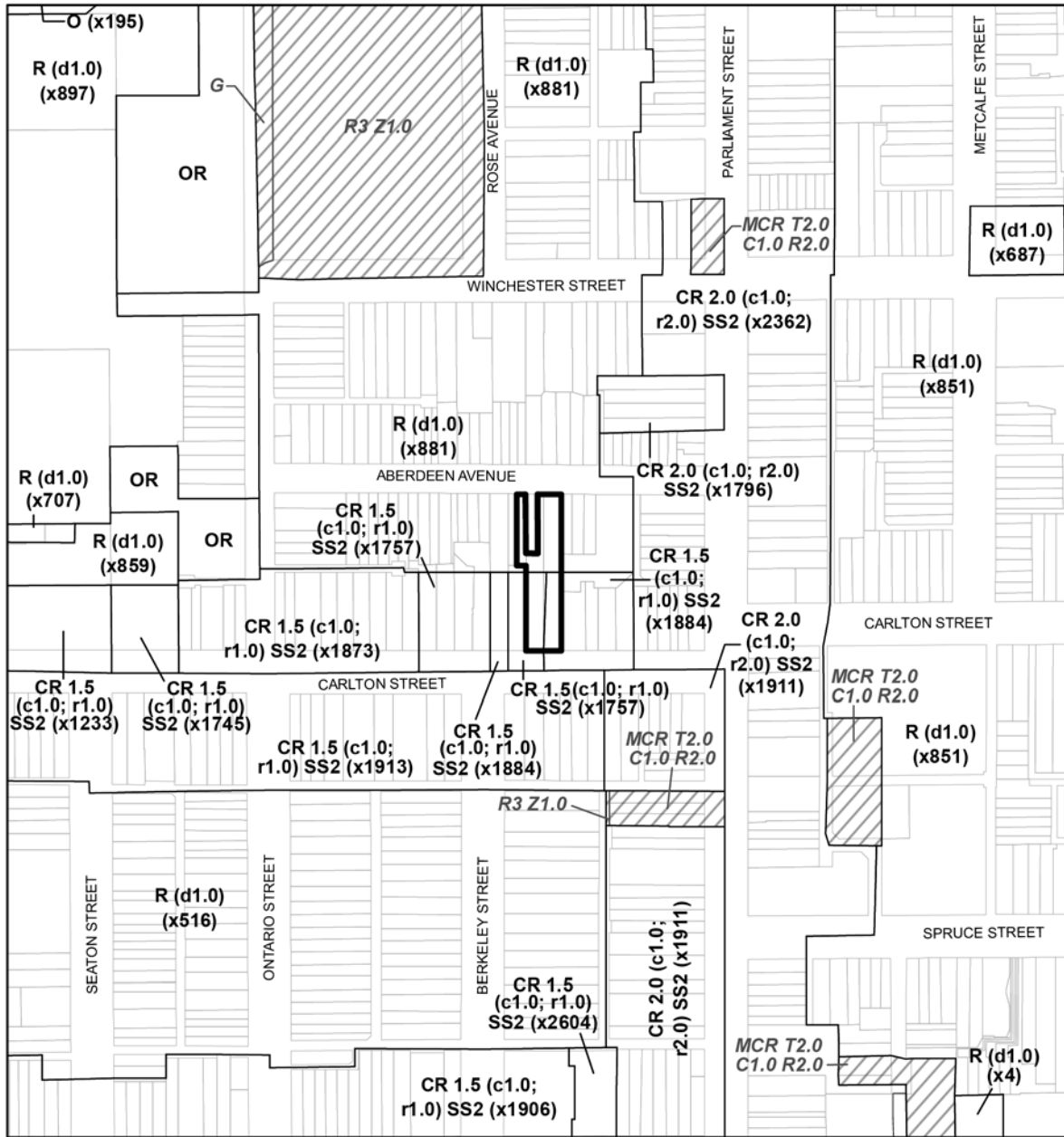
Official Plan Land Use Map

230-232 Carlton Street and
33 & 39 Aberdeen Avenue
File # 20 233830 STE 13 0Z

- | | |
|--|--|
|  Location of Application |  Parks & Open Space Areas |
|  Neighbourhoods |  Parks |
|  Apartment Neighbourhoods | |
|  Mixed Use Areas | |

↑
Not to Scale
01/20/2021

Attachment 4: Zoning Map





230-232 Carlton Street and 33 & 39 Aberdeen Avenue

Zoning By-law 569-2013

File # 20 233830 STE 13 0Z

-  Location of Application
- R** Residential
- CR** Commercial Residential
- O** Open Space
- OR** Open Space Recreation

-  See Former City of Toronto By-law No. 438-86
- R3** Residential District
- MCR** Mixed-Use District
- G** Parks District


 Not to Scale
 Extracted: 01/20/2021

AMENDMENT NO. ~ TO THE OFFICIAL PLAN

**LANDS MUNICIPALLY KNOWN IN THE YEAR 2020 AS
230-232 CARLTON STREET, 33 ABERDEEN AVENUE and 39 ABERDEEN AVENUE**

The Official Plan of the City of Toronto is amended as follows:

1. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. [] for lands known municipally in 2020, as 230-232 Carlton Street, 33 Aberdeen Avenue and 39 Aberdeen Avenue, as follows:

[]. 230-232 Carlton Street, 33 Aberdeen Avenue and 39 Aberdeen Avenue

Notwithstanding Policy 3.2.1.8 of the Official Plan, the social housing property located at 230-232 Carlton Street, 33 Aberdeen Avenue, and 39 Aberdeen Avenue may be severed into three conveyable parcels of land for conveyance to non-profit housing providers.

2. Chapter 7, Map 29, Site and Area Specific Policies, is amended to add the lands known municipally in 2020 as 230-232 Carlton Street, 33 Aberdeen Avenue and 39 Aberdeen Avenue shown on the map above as Site and Area Specific Policy No. xxx.

