

## **241 Redpath Avenue – Rental Housing Demolition Application – Final Report**

Date: May 27, 2022

To: North York Community Council

From: Director, Community Planning, North York Community Council

Ward: 15 – Don Valley West

**Rental Housing Demolition Application Number:** 20 151708 NNY 15 RH

**Related Application Numbers:** 20 151705 NNY 15 OZ; 22 116074 NNY 15 SA

### **SUMMARY**

---

The application proposes to demolish a 12-storey apartment building containing 46 rental units located at 241 Redpath Avenue. The 46 rental units are proposed to be replaced as part of the new 38-storey building comprised of 362 dwelling units.

The properties are also the subject of a Zoning By-law Amendment application (20 151705 NNY 15 OZ), which was appealed to the Ontario Land Tribunal (OLT). The OLT issued an oral decision on May 12, 2022, approving the Zoning By-law Amendment in principle, with the final Order being withheld until all outstanding matters, including the necessary agreements with the City, are secured, including the rental housing matters.

This report recommends approval of the Rental Housing Demolition application under Chapter 667 of the Toronto Municipal Code and the Residential Demolition Permit under Chapter 363 of the Toronto Municipal Code, subject to conditions.

### **RECOMMENDATIONS**

---

The City Planning Division recommends that:

1. City Council approve the Rental Housing Demolition application (20 151708 NNY 15 RH) under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* to permit the demolition of forty-six (46) existing rental dwelling units at 241 Redpath Avenue, subject to the following conditions:

- a. The owner shall provide and maintain forty-six (46) replacement rental dwelling units for a period of at least 20 years beginning from the date that each replacement rental unit is first occupied. During such 20-year period, no replacement rental 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 any replacement rental unit or convert any replacement rental unit to a non-residential rental purpose. The forty-six (46) replacement rental units shall collectively contain a total gross floor area of 2,847 square metres and be comprised of thirty-four (34) one-bedroom units and twelve (12) two-bedroom units, as generally illustrated in the plans submitted to the City Planning dated April 12, 2022. Any revision to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.

b. The owner shall provide and maintain at least twenty-three (23) one-bedroom and seven (7) two-bedroom replacement rental dwelling units at affordable rents, as currently defined in the Toronto Official Plan, and eleven (11) one-bedroom and five (5) two-bedroom replacement rental units at mid-range rents, as defined in the Toronto Official Plan, for a period of at least ten (10) years beginning from the date of first occupancy of each unit.

c. The owner shall provide an acceptable Tenant Relocation and Assistance Plan to all Eligible Tenants of the forty-six (46) existing rental dwelling units proposed to be demolished, addressing the right to return to occupy one of the replacement rental dwelling units at similar rents and other assistance, including rent gap payments, 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.

d. The owner shall provide tenants of all forty-six (46) replacement rental dwelling units with access to, and use of, all indoor and outdoor amenities in the proposed development at no extra charge, and on the same terms and conditions as any other resident of the development, without the need to pre-book or pay a fee unless specifically required as a customary practice for private bookings.

e. The owner shall provide ensuite laundry in each replacement rental dwelling unit within the proposed development at no additional cost to tenants.

f. The owner shall provide central air conditioning in each replacement rental dwelling unit within the proposed development at no additional cost to tenants.

g. The owner shall provide and make available for rent at least nine (9) vehicular parking spaces to tenants of the replacement rental dwelling units at a monthly parking charge that is no greater than the monthly charge offered to residents of the non-replacement rental dwelling units and on a first come-first serve basis.

h. The owner shall provide tenants of the replacement rental dwelling units with access to visitor vehicular parking at no charge and on the same terms and conditions as it is offered to any other resident of the proposed development.

i. The owner shall provide tenants of the replacement rental dwelling units with access to all bicycle and visitor vehicular parking at no charge and on the same terms and conditions as any other resident of the proposed development.

j. The owner shall provide and make available for rent at least forty-six (46) storage lockers to tenants of the replacement rental dwelling units at a similar monthly charge as tenants currently pay.

k. The forty-six (46) replacement rental dwelling units required in Part 1.a shall be made ready and available for occupancy no later than the date by which seventy percent (70%) of the new dwelling units in the proposed development, exclusive of the replacement rental units, are made available and ready for occupancy.

l. The owner shall enter into, and register on title to the lands at 241 Redpath Avenue, one or more agreement(s) to secure the conditions outlined in Recommendations 1.a through 1.l 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 .

2. City Council authorize the Chief Planner and Executive Director, City Planning 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 forty-six (46) existing rental dwelling units at 241 Redpath after all the following have occurred:

a. all conditions in Recommendation 1 above have been fully satisfied and secured;

b. the Zoning By-law Amendment has come into full force and effect;

c. the issuance of the Notice of Approval Conditions for site plan approval by the Chief Planner and Executive Director, City Planning or their designate pursuant to Section 114 of the *City of Toronto Act, 2006*;

d. the issuance of excavation and shoring permits (conditional or full permits) for the approved development on the site;

e. the owner has confirmed, in writing, that all existing rental dwelling units proposed to be demolished are vacant; and

f. the execution and registration of agreements pursuant to Section 37 of the *Planning Act* and Section 111 of the *City of Toronto Act, 2006* securing Recommendations 1.a. through 1.l above and any other requirements of the Zoning-Bylaw Amendments (if applicable).

3. City Council authorize the Chief Building Official and Executive Director, Toronto Building Division to issue a Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code after the Chief Planner and Executive Director, City Planning has given Preliminary Approval referred to in Recommendation 2 above.

4. City Council authorize the Chief Building Official and Executive Director, Toronto Building Division to issue a Residential Demolition Permit under Section 33 of the *Planning Act* and Chapter 363 of the Toronto Municipal Code for 241 Redpath Avenue after the Chief Planner and Executive Director, City Planning 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 Division;
- c. the owner erects the proposed building no later than three (3) years from the date on which the demolition of the existing buildings 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 development containing the forty-six (46) replacement rental dwelling units 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.

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 this report in the current budget year or in future years.

## **DECISION HISTORY**

---

At its meeting on September 10, 2020, North York Community Council adopted item NY17.5 " Preliminary Report - Zoning By-law Amendment and Rental Housing Demolition Applications - 241 Redpath Avenue," and authorized staff to conduct a community consultation meeting.

North York Community Council's decision and the Preliminary Report is available at:  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.NY17.5>

On November 6, 2020, the applicant appealed its application to the OLT due to Council's failure to make a decision on the application within the time prescribed by the Planning Act.

On March 10, 2021, City Council adopted a Request for Directions report from the Acting Director, North York Districted and directed the City Solicitor and appropriate City staff to oppose the application and continue discussions with the applicant to resolve matters.

The Decision of City Council may be found here:  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.NY22.2>

On April 6, 2022 City Council adopted a Request for Directions Report from the City Solicitor and endorsed a settlement offer.

The Decision of City Council may be found here:  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.CC42.17>

On May 12, 2022, the OLT issued a Decision and Interim Order approving in principle the Zoning By-law Amendment for 241 Redpath Avenue, subject to conditions.

## **ISSUE BACKGROUND**

---

### **Development Proposal**

The combined ZBA application for the subject site was approved in principle by the OLT on May 12, 2022, subject to City Council's approval of the Rental Housing Demolition application. The applications encompass the lands municipally known as 241 Redpath Avenue (see Attachment 1 – Location Map).

Once finalized, the ZBA would amend the Zoning By-law to permit the redevelopment of the lands with a 38-storey residential development. The proposed development would contain a total of 46 rental replacement units and 316 new dwelling units, including 7 (1.8%) studio units, 202 (64%) one-bedroom units, 68 (22%) two-bedroom units, and 39 (12%) three-bedroom units. Residents would have access to 774-square metre indoor amenity spaces and 511-square metre outdoor amenity spaces on the fifth floor and the rooftop. The development would be serviced by 97 vehicular parking spaces (81 residential and 16 visitor/commercial spaces) and 402 bicycle parking spaces (362 residential and 40 visitor/commercial spaces).

The Rental Housing Demolition application is proposing to demolish the forty-six existing rental dwelling units at 241 Redpath Avenue and replace them on the mezzanine, to fourth floors of the proposed development. The replacement rental units are comprised of 34 one-bedroom units and 12 two-bedroom units, of which 30 units have affordable rents (at or below average market rent) and 16 have rents considered to be mid-range (up to 1.5 times average market rent).

The site currently contains a total of forty-six rental dwelling units with the following unit mix and rent classifications:

*Table 1: Breakdown of Existing Rental Units by Bedroom Type and Rent Classification*

Unit Type	Rent Classification			
	Affordable	Mid-range	High-End	Total
Studio	0	0	0	0
One-bedroom	23	11	0	34
Two-bedroom	7	5	0	12
Three-bedroom	0	0	0	0
<b>Total</b>	<b>30</b>	<b>16</b>	<b>0</b>	<b>46</b>

As of the date of this report, 29 of the 46 existing rental units are occupied.

## Reason for the Application

Chapter 667 of the Toronto Municipal Code, the Residential Rental Property Demolition and Conversion Control By-law, prohibits the demolition of rental housing in any building or related group of buildings that contain six or more dwelling units without obtaining a permit from the City. Since the proposal involves the demolition of 46 rental dwelling units, a Rental Housing Demolition application was submitted to the City.

## POLICY CONSIDERATIONS

---

### 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 Ontario.

### The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the "PPS") provides policy direction on land use planning and development to support an effective and efficient planning system, promote economic prosperity and environmental stewardship, and enhance the quality of natural and built environments in Ontario. The PPS supports a comprehensive, integrated, and long-term approach to planning, and recognizes linkages among policy areas. It includes policies on key issues that affect local communities, such as:

- the efficient use and management of land and infrastructure;
- ensuring the sufficient provision of housing, including affordable housing, to accommodate needs that are both changing and growing;
- 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 PPS recognizes the municipal official plan as the most important planning mechanism for the Statement's implementation.

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.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe**

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 (GGH) 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;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving a diverse range of housing options, protected employment zones, recreation and public service facilities, and green spaces;
- Planning for transit-supportive densities and integrating transit services to facilitate the efficient movement of people and goods;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retains space to accommodate jobs 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.

## **Toronto Official Plan**

The Toronto Official Plan outlines City Council's policies and objectives for land use planning and development. Section 3.2.1 of the Official Plan contains the City's policies pertaining to the provision, maintenance, and replacement of housing.

Policy 3.2.1.6 prevents new development that would result in the loss of six or more rental dwelling units unless all of the existing rental units have rents that exceed mid-range rents at the time of application or, in cases where planning approvals other than site plan are being sought, at least the same number, size, and type of rental units are replaced and maintained with similar rents and the applicant develops an acceptable tenant relocation and assistance plan, addressing the right to return to the replacement units at similar rents and other assistance to mitigate hardship.

## **Rental Housing Demolition and Conversion By-law**

Section 111 of the *City of Toronto Act, 2006* authorizes the City 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 demolition of rental housing in any building or related group of buildings that collectively contain six or more dwelling units without obtaining a permit from the City and requires a decision by City Council or, where delegated, the Chief Planner.

Under Sections 14 and 15 of Chapter 667, Council may refuse an application or impose conditions on an approval, including conditions requiring an applicant to replace the rental units proposed to be demolished and/or to provide tenant relocation and assistance, which must be satisfied before a demolition permit is issued. These conditions implement the City's rental housing protection policies in the Official Plan.



Section 33 of the *Planning Act* also authorizes Council to regulate the demolition of residential properties. Section 33 is implemented through Chapter 363 of the Toronto Municipal Code, the Building Construction and Demolition By-law, which requires Council approval of any demolition of a residential property that contains six or more dwelling units (irrespective of whether any are rental) before the Chief Building Official can issue a demolition permit under the *Building Code Act, 1992*. Where a proposal requires Council approval of a residential demolition application under Chapter 363 and a Rental Housing Demolition application under Chapter 667, Council typically considers both applications at the same time.

The proposal to demolish 46 rental dwelling units on the subject lands requires approval under both Chapters 363 and 667 of the Toronto Municipal Code because it involves the demolition of at least six dwelling units and at least one rental dwelling unit. The Rental Housing Demolition application was submitted on June 20, 2020 and deemed complete by City Planning staff on July 22, 2020.

### **Tenant Consultation**

On April 28, 2022, a tenant consultation meeting was held pursuant to section 14B of Chapter 667 to review the City's housing policies, the impact of the proposed demolition on existing tenants, and the proposed Tenant Relocation and Assistance Plan. The meeting was held virtually (due to the COVID-19 pandemic) and attended by approximately 25 tenants, representatives of MOD Developments (the owner), the applicant's architect and City Planning staff.

During the meeting, tenants asked questions and expressed concerns about:

- The timing of the application and overall development, including the length of time tenants would be displaced from their unit.
- The proposed replacement rental unit layouts, including their size and amount of proposed balconies;
- The process for how replacement units will be selected by eligible tenants and how rents would be calculated;
- The provision of storage lockers and vehicle and bicycle parking in the new development.
- Policies regarding noise and smoking in the proposed new development

Prior to and following the meeting, staff received email correspondence from tenants that asked questions and raised concerns with regard to:

- The amount of rent gap payments and eligibility for special needs assistance and process for being deemed eligible;
- Whether it is possible to return to a different type of unit and what the rent would be;
- The requirements for barrier free units;
- Why some proposed replacement units have balconies and others do not, given all existing units have balconies;

After the Tenant Consultation Meeting, the applicant increased their proposed tenant assistance package to include additional compensation based on tenant's length of tenure. This was communicated to tenants by the applicant through email.

## **COMMENTS**

---

### **Provincial Policy Statement and Provincial Plans**

Staff have evaluated the proposal and determined that it is consistent with the PPS and conforms with the provincial Growth Plan. The proposal to demolish 46 rental dwelling units within a 12-storey apartment building to construct a new apartment building comprised of 335 net new residential units and 46 replacement rental units would accommodate new housing supply through intensification and redevelopment, and contribute to a greater mix of housing options to meet the market-based housing needs of current and future residents.

### **Toronto Official Plan**

In accordance with policy 3.2.1.6 of the Official Plan, the applicant is proposing to replace the existing 46 rental dwelling units by their respective unit types and at similar rents to those in effect at the time of application. Overall, replacement units are replacing 105% of the existing GFA. Existing one-bedroom units have a range of sizes from 42 to 61.8 square metres. Tenants rent either a one-bedroom unit (61.8 square metres) or a junior one-bedroom unit (42 or 45.7 square metres). Proposed one-bedroom replacement units vary in size from 42.2 to 64.3 square metres and the average size of existing one-bedroom units is 50.2 square metres while the average size of replacement one-bedroom units is 53.4 square metres. All existing two-bedroom units are 83.5 square metres and the average size of replacement two-bedroom units is 86 square metres with a range of 74.9 to 93.9 square metres.

While all existing units have balconies, due to building design, 25 of the proposed replacement units would have balconies. However, as there are currently 29 eligible tenants, the vast majority of returning tenants will have the option of returning to a unit with a balcony.

City Planning staff are of the opinion that the proposed replacement plan is appropriate and consistent with the intent of policy 3.2.1.6.

The applicant has confirmed that tenants would reserve the right to return to a replacement rental unit at similar rent, and that rents for replacement rental units without returning tenants would not exceed the applicable affordable or mid-range rent thresholds for a period of at least 10 years. Tenants who return to the replacement rental units would be protected by the provincial rent increase Guideline, irrespective of whether such Guideline applied to the proposed development under the *Residential Tenancies Act 2006* (RTA), until their tenancies end.

## **Tenant Relocation and Assistance Plan**

The applicant has agreed to implement a Tenant Relocation and Assistance Plan for all 29 Eligible Tenants who reside in the building. The plan would assist tenants in finding and securing alternative accommodation while the proposed development and replacement rental dwelling units are being constructed.

The Tenant Relocation and Assistance Plan would include the following:

- The right to return to a replacement rental unit of the same bedroom type and a similar unit size, and at similar rent, as the rental unit they currently occupy;
- At least six (6) months' notice before having to vacate their existing dwelling unit (inclusive of notice required under the RTA)
- Financial compensation, in addition to the requirements of the Residential Tenancies Act, in the form of "rent gap payments." The rent gap payments would be paid to each Eligible Tenant to cover the difference between tenants' current rents and market rents for comparable units in the area over the period of construction of the proposed building (estimated at three years).
- Moving allowances to cover expenses for moving, first, into alternative interim accommodation and, second, from the interim accommodation into a replacement rental unit;
- Special needs compensation, as determined by the Chief Planner; and
- Upon request, availability of a rental leasing agent;

The rent gap payments would be paid by MOD Development to each Eligible Tenant on the date they provide vacant possession of their existing rental unit. In the event the proposed development and replacement rental units take longer than three (3) years to complete, MOD Development would provide each tenant an additional rent gap payment equal to the applicable additional accrued monthly rent gap until the replacement rental units were ready for occupancy. If required, the additional rent gap payment would be provided to tenants at the time they sign their lease agreements for the replacement rental units.

City Planning staff are satisfied with the revised Tenant Relocation and Assistance Plan as it exceeds the City's expectations, and will allow tenants to continue to access and afford suitable housing within the neighbourhood until the new building and replacement rental units are constructed and available for occupancy. The Tenant Relocation and Assistance Plan will be secured through one or more agreements with the City and to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

## **Conclusion**

This report recommends approval of the application to demolish 46 rental dwelling units at 241 Redpath Avenue, subject to the conditions set out in the recommendations of this report. The proposal involves the full replacement of the existing rental units and an acceptable Tenant Relocation and Assistance Plan, addressing the right to return to a replacement rental unit at similar rent and additional financial compensation in the form of rent gap payments to mitigate hardship for existing tenants.

## **CONTACT**

---

Andrew Cohrs, Planner  
Strategic Initiatives, Policy & Analysis (Housing)  
E-mail: Andrew.Cohrs@toronto.ca  
Tel.: 416-392-4730

Shirin Yazdani, Planner  
Community Planning, North York District  
Email: Shirin.Yazdani@toronto.ca  
Tel.: 416-394-8230

## **SIGNATURE**

---

David Sit, MCIP, RPP  
Director, Community Planning  
North York District

## **ATTACHMENT**

---

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

Attachment 1: Location Map

## Attachment 1: Location Map

