

83-97 River Street and 2-4 Labatt Avenue – Rental Housing Demolition Application – Final Report

Date: January 31 , 2022

To: Toronto and East York Community Council

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

Ward: 13 – Toronto Centre

Rental Housing Demolition Application Number: 17 162769 STE 28 RH

Planning Application Numbers: 17 162754 STE 28 OZ; 20 148320 STE 13 SA

SUMMARY

A Rental Housing Demolition application (17 162769 STE 28 RH) has been submitted under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* for the residential rental property at 83-97 River Street and 2-4 Labatt Avenue.

The application proposes to demolish 7 existing rental dwelling units in order to redevelop the subject lands with a 34-storey mixed-use building comprised of ground floor retail and 388 dwelling units, including 7 rental replacement units. The total Gross Floor Area (GFA) of the proposed development is approximately 23,669 square metres, of which approximately 23,389 square metres is residential GFA and approximately 280 square metres is non-residential GFA.

The properties are also the subject of Official Plan Amendment and Zoning By-law Amendment applications (17 162754 STE 28 OZ), which were appealed to the Ontario Land Tribunal (OLT) in October 2017 (Case No. PL171162). A settlement offer was endorsed by City Council on October 1, 2021. Council deferred making a decision on the Rental Housing Demolition application and directed staff to request the OLT to withhold its Order on the appeals until such time as the Rental Housing Demolition application has been approved by Council and all appropriate conditions associated with the Rental Housing Demolition Permit have been satisfied, including the execution of any necessary agreements.

On December 8, 2021, the OLT held a settlement hearing and approved the Zoning By-law Amendment application in principle. As outlined on the decision issued on December 17, 2021, the OLT withheld its final Order until outstanding matters, including a decision by City Council on the Rental Housing Demolition application, are resolved.

This report recommends approval of the Rental Housing Demolition application under Chapter 667 of the Toronto Municipal Code and the 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 File No. 17 162769 STE 28 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 seven (7) existing rental dwelling units located at 83-97 River Street and 2-4 Labatt Avenue, subject to the following conditions:
 - a) The owner shall provide and maintain seven (7) replacement rental dwelling units on the subject site for a period of at least 20 years beginning from the date that each replacement rental unit is first occupied and, during which time, no application may be submitted to the City for condominium registration, or for any other conversion to a non-rental housing purpose, or for demolition without providing for replacement during the, at minimum, 20 year period; the seven (7) replacement rental dwelling units shall be comprised of three (3) one-bedroom units, one (1) two-bedroom unit, one (1) three-bedroom unit, and two (2) four-bedroom units as generally illustrated in the plans submitted to the City Planning Division dated January 17, 2021. Any revision to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - b) The owner shall, as part of the seven (7) replacement rental dwelling units required in Recommendation 1.a above, provide at least three (3) one-bedroom and one (1) three-bedroom replacement rental dwelling units at affordable rents, as currently defined in the City's Official Plan, and one (1) two-bedroom replacement rental dwelling units at mid-range rents, as 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. The rents of the remaining two (2) four-bedroom replacement rental dwelling units shall be unrestricted;
 - c) The owner shall provide an acceptable tenant relocation and assistance plan for all Eligible Tenants of the seven (7) existing rental dwelling units proposed to be demolished at 83-97 River Street and 2-4 Labatt Avenue, 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;

- d) The owner shall provide Other Eligible Tenants with the right to return to a replacement rental dwelling unit, all to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - e) The owner shall provide tenants of all seven (7) replacement rental dwelling units with access to, and use of, all indoor and outdoor amenities in the proposed 34-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 ensuite laundry in each replacement rental dwelling unit within the proposed mixed-use building at no additional cost to tenants;
 - g) The owner shall provide at least four (4) replacement rental dwelling units with balconies or terraces for private and exclusive access by the tenants of such units;
 - h) The owner shall provide central air conditioning in each replacement rental dwelling unit within the proposed mixed-use building;
 - i) The owner shall provide and make available for rent at least three (3) vehicle parking spaces to tenants of the replacement rental dwelling units. Such parking spaces shall be made available firstly to returning tenants who previously rented a vehicle parking space, secondly to returning tenants who did not previously rent a vehicle parking space, and thirdly to new tenants of the rental replacement dwelling units;
 - j) The owner shall provide tenants of the seven (7) 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;
 - k) The owner shall provide two (2) storage lockers to tenants of the replacement rental dwelling units;
 - l) The owner shall enter into, and register on title at 83-97 River Street and 2-4 Labatt Avenue, one or more agreement(s), to secure the conditions outlined in Recommendations 1.a. through 1.k. above, including an agreement pursuant to Section 111 of the *City of Toronto Act, 2006*, all to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division.
2. City Council authorize the Chief Planner and Executive Director, City Planning, 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 seven (7) existing rental dwelling units located at 83-97 River Street and 2-4 Labatt Avenue 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(s) have come into full force and effect;
 - c) The issuance of the Notice of Approval Conditions for site plan approval by the Chief Planner and Executive Director, City Planning \ or their designate, pursuant to Section 114 of the *City of Toronto Act, 2006*, or as otherwise authorized by the Chief Planner and Executive Director, City Planning Division;
 - d) The issuance of excavation and shoring permits (conditional or full permit) 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 an agreement pursuant to Section 37 of the *Planning Act* securing Recommendations 1.a. through 1.l. above.
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 83-97 River Street and 2-4 Labatt 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 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; 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.

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

On February 10 and 11, 2015 City Council adopted the Queen-River Secondary Plan (OPA 287). The Queen-River Secondary Plan (QRSP) area includes the subject site and is generally bounded by Dundas Street East to the north, Bayview Avenue to the east, Queen Street East to the south, and River Street to the west. The QRSP was appealed to the Ontario Land Tribunal (OLT) by the applicant and other local property owners in May 2015, case number PL150375.

On May 18, 2017 the applicant submitted an application to amend the Official Plan and Zoning By-law to permit a 38-storey residential building. A Rental Housing Demolition Application was also submitted. The Official Plan Amendment was to redesignate the subject site from *Regeneration Areas* to *Mixed Use Areas* with a site-specific provision to permit a residential building up to 38 storeys in height. The Zoning Amendment was to create a site-specific exception within the *Commercial-Residential (CR)* zone that would have allowed for the proposed development.

On October 2, 3 and 4, 2017, City Council adopted staff recommendations to refuse the application to amend the Official Plan and Zoning By-law as submitted on May 18, 2017. City Planning Staff were concerned that the proposal should not have proceeded ahead of the approval of the Queen-River Secondary Plan (QRSP), was inconsistent with the *Neighbourhoods* designation of the site in the proposed QRSP, and provided an inappropriate massing and transition in scale to the existing and planned contexts. The full council decision and staff report may be viewed here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.31>.

The application was appealed to the OLT, case number PL171162, and a prehearing conference was held on September 5, 2018.

On July 16, 17 and 18, 2019, City Council supported changes to the Queen-River Secondary Plan, including the designation *Mixed Use Areas "E"*, which applies to 83-125 River Street, 1-11 Mark Street, 16-18 Defries Street and 2-10 Labatt Avenue, and includes the subject site. The Council decision and staff report may be viewed here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE7.19>.

These amendments to the Queen-River Secondary Plan were subsequently approved by the OLT on February 10, 2020, case number PL150375.

On October 1, 2021, City Council adopted Item CC36.6 " 83-97 River Street and 2-4 Labatt Avenue - Official Plan and Zoning By-law Amendment Application - Request for Direction" and authorized the City Solicitor and appropriate City staff to attend the OLT in support of a settlement offer on the Official Plan Amendment and Zoning By-law Amendment appeals respecting the subject lands, subject to conditions. Council's decision can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.CC36.6>

On December 8, 2021, the OLT held a settlement hearing and approved the Zoning By-law Amendment application in principle. The Tribunal withheld its final Order until outstanding matters, including a decision by City Council on the Rental Housing Demolition application, are resolved. As part of the settlement offer, the applicant will be withdrawing its application to amend the Official Plan as it relates to the development at 83-97 River Street and 2-4 Labatt Avenue.

ISSUE BACKGROUND

Development Proposal

The Zoning By-law Amendment (ZBA) application for the subject site was approved in principle by the OLT on December 8, 2021, subject to conditions, which include City Council's approval of the Rental Housing Demolition application.

The conditionally approved settlement consists of a 34-storey (106 metres excluding mechanical penthouse) mixed-use building with 381 dwelling units, seven rental replacement units, and retail space at grade. The development proposes 23,389 m² of residential gross floor area, 280 m² of non-residential gross floor area, and approximately 126 m² of privately-owned publicly accessible open space (POPS) along the south side of the subject site facing Labatt Avenue.

The development is subject to Site Plan Control. An application for Site Plan approval, file no. 20 148320 STE 13 SA, has been submitted and is currently under review by City Staff.

The Rental Housing Demolition Application seeks approval to demolish the existing 7 rental dwelling units on the site and replace them on the fourth floor of the proposed 34-storey mixed-use building.

Subject Site

The site consists of nine properties that have been developed as eight 2-storey semi-detached houses facing River Street and one 2-storey detached building on Labatt Avenue. There are a total of 10 dwelling units on the site including 7 rental dwelling units and 3 owner-occupied dwelling units. The rental dwelling units are comprised of 3 one-bedroom dwelling units, 1 one-bedroom live-work unit, 1 three-bedroom unit and 2 four-bedroom units. As of the date of this report, two of the dwelling units are currently occupied. The table below summarizes the unit mix and rent classifications for the 7 rental dwelling units.

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

Unit Type	Rent Classification			
	Affordable	Mid-range	High-End	Total
Bachelor	-	-	-	0
One-bedroom	3	1	-	4
Two-bedroom	-	-	-	0
Three-bedroom	1	-	-	1
Four-bedroom	-	-	2	2
Total	4	1	2	7

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 collectively contain six or more dwelling units without obtaining a permit from the City. Since the proposal involves the demolition of 7 rental dwelling units, a Rental Housing Demolition application was submitted to the City.

POLICY CONSIDERATIONS

Planning Act

Section 2 of the *Planning Act, 1990* sets out matters of provincial interest, to which City Council shall have regard in carrying out its responsibilities, including the:

- 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. Provincial Policy Statement and 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 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 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, 1990* 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 latest 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, 1990*. 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, 1990*, 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 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.

Section 3.2.1 of the Official Plan contains the City's policies pertaining to the provision, preservation, 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, 1990* 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 7 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 May 18, 2017.

Tenant Consultation

Two tenant consultation meetings were held pursuant to Chapter 667 of the Toronto Municipal Code to review the City's housing policies, the impact of the proposed demolition on existing residents, and the proposed Tenant Relocation and Assistance Plan. The first meeting took place in-person on September 20, 2017 and the second meeting took place virtually (due to the COVID-19 pandemic) on July 13, 2021.

The first tenant consultation meeting was attended by 6 residents, representatives from the applicant team, and City staff. City Planning staff explained the process to secure rental replacement units in the proposed development, tenants' rights, and the process and compensation for relocation. The tenants provided comments on the proposed development, the evolution of the neighbourhood in general, and their preferred type of housing.

The second tenant meeting was attended by two tenants, representatives from the applicant team, City staff and Councillor's office. City Planning staff provided an overview of the proposed replacement rental housing and tenant relocation and assistance plan. The tenants asked questions and raised concerns about parking for the replacement rental units, how existing unit types were determined and replacement of the live-work unit.

COMMENTS

Staff are satisfied with the applicant's replacement rental proposal and tenant relocation and assistance plan, as they conform with the intent of the City's replacement rental policy (OP Policy 3.2.1.6) and standard replacement rental practices, maintaining at least the same number, size and type of rental housing units at similar rents. The Section 37 and Section 111 Agreements will secure all required conditions of approval, each of which will be to the satisfaction of the Chief Planner and Executive Director, City Planning.

Planning Act

Section 2 of the *Planning Act, 1990* requires municipalities to have regard for matters of provincial interest, including the orderly development of safe and healthy communities; 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 it would ensure the replacement of existing rental units and would preserve the affordability of those units.

Provincial Policy Statement and Provincial Plans

City staff have determined that the application is consistent with the PPS and conforms with the provincial Growth Plan. The proposal to demolish 7 rental dwelling units to construct a mixed-use building comprised of 381 net new dwelling units and 7 replacement rental units will accommodate new housing supply through intensification and redevelopment, and will contribute to a greater mix of housing options to meet the market-based and affordable housing needs of current and future residents.

Rental Demolition and Replacement

The application proposes to demolish seven existing rental dwelling units at 83-97 River Street and 2-4 Labatt Avenue and provide, maintain and secure seven replacement rental dwelling units on the fourth floor of the proposed 34-storey mixed-use building.

The unit mix of the existing rental dwelling units and proposed rental replacement dwelling units is outlined in the table below. The unit mix for the replacement rental dwelling units will be comprised of three one-bedroom units, one two-bedroom unit, one three-bedroom unit and two four-bedroom units. This proposed unit mix for the replacement rental units generally reflects that of the existing rental dwelling units but would result in a broader mix and range of unit types. The existing one-bedroom live-work unit will be replaced as a two-bedroom rental dwelling unit, based on feedback received from the existing tenant at the tenant consultation meeting held on July 13, 2021.

Table 2. Unit Mix Comparison

Unit Type	Demolished Rental Units	Replacement Rental Units
Bachelor	0	0
One-bedroom	4	3
Two-bedroom	0	1
Three-bedroom	1	1
Four-bedroom	2	2
Total	7	7

Upon completion of the development, the total gross floor area of the seven existing rental dwelling units (669.5 m²) will be 100% replaced by the seven replacement rental dwelling units (which total 669.5 m²). The average size of the proposed seven replacement rental dwelling units (95.6 m²) matches the average size of the existing rental dwelling units (95.6 m²). When broken down by unit type, the average sizes are no more than 1.8% smaller and in some instances up to 3.4% larger than the average sizes of the existing dwelling units. All seven replacement rental dwelling units will be provided with ensuite laundry and central air conditioning. Four of the seven replacement rental units will have a private balcony and two storage lockers will be made available to the replacement rental dwelling units. Tenants of the replacement rental dwelling units will have access to bicycle parking, visitor parking and all indoor amenity space in the proposed mixed use building and outdoor amenity space on the

site on the same terms and conditions as other residents of the building. At least three vehicle parking spaces will be provided to tenants of the replacement rental dwelling units, with priority given to returning tenants.

Rental Tenure and Rents

The applicant has agreed to provide, maintain and secure the rental tenure of the seven replacement rental dwelling units within the proposed mixed-use building for at least 20 years, beginning from the date that each replacement rental dwelling unit is first occupied and until the owner obtains any necessary approvals removing the requirement for the replacement rental dwelling units to be maintained as rental units.

The applicant has agreed to provide, maintain and secure three one-bedroom and one three-bedroom replacement rental units at affordable rents and one two-bedroom replacement rental unit at mid-range rents for at least 10 years, beginning from the date that each replacement rental dwelling unit is first occupied. The rents for the remaining two four-bedroom replacement rental units will be unrestricted.

Staff are satisfied with the proposed tenure and rents for the replacement rental dwelling units. One or more agreements pursuant to the *Planning Act, 1990* and *City of Toronto Act, 2006* 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.

Tenant Relocation and Assistance

The owner has agreed to provide, at its own expense, assistance to all eligible tenants residing at 83-97 River Street and 2-4 Labatt Avenue, which will be to the satisfaction of the Chief Planner and Executive Director, City Planning, and secured through the Section 37 and Section 111 agreements with the City. The Plan will assist tenants in finding and securing alternative accommodation while the replacement rental dwelling units are being constructed.

Pursuant to Sections 50 and 52 of *Residential Tenancies Act, 2006*, each Eligible Tenant will receive:

- At least four months' prior written notice of the date that they must vacate their existing rental unit for the purposes of demolition; and
- Financial compensation equivalent to three months' rent or an alternative rental unit acceptable to the tenant.

As part of the City-approved Tenant Relocation and Assistance Plan, each Eligible Tenant would receive the following additional assistance:

- The right to return to a replacement rental unit of a similar unit type within the new building and at a similar rent. The existing tenant of the one-bedroom live-work unit will be offered the right to return to a two-bedroom unit within the new building at a similar rent;

- Additional financial compensation beyond the requirements of the *Residential Tenancies Act, 2006*, based on the tenant's length of tenure and consistent with the City's standard practice;
- A move-out allowance, based on the Eligible Tenant's existing unit type and consistent with the City's standard practice;
- For each Eligible Tenant who elects to return to a replacement rental unit in the proposed development, a move-back allowance, based on the Eligible Tenant's replacement rental unit type and consistent with the City's standard practice;
- Two additional months' notice, for a total of six months' notice, of the date that the tenant must vacate their existing rental unit for the purposes of demolition;
- Special needs compensation, as determined by the Chief Planner; and
- Upon request, the availability of a rental leasing agent to provide the tenants with a list of rental vacancies, to co-ordinate referrals and references from the current landlord, and to provide similar assistance commensurate with the tenant's needs.

Some tenant households, who lived in an existing rental dwelling unit when the Rental Housing Demolition Application was submitted on May 18, 2017, moved out voluntarily before being made aware of their right to return to a replacement rental dwelling unit. As part of the City-approved Tenant Relocation and Assistance Plan, these Other Eligible Tenants would receive the following additional assistance:

- The right to return to a replacement rental unit of a similar unit type within the new building and at a similar rent; and
- A move-back moving allowance, based on the replacement rental unit type and consistent with the City's standard practice.

The Tenant Relocation and Assistance Plan is consistent with the City's current practices and 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 7 existing rental dwelling units at 83-97 River Street and 2-4 Labatt Avenue, subject to the conditions set out in the recommendations of this report. Staff have reviewed the Rental Housing Demolition application against the City's rental housing demolition policies and have determined that the applicant's demolition and replacement proposal for 83-97 River Street and 2-4 Labatt Avenue would satisfy all of the required City's approval conditions.

The proposal involves the full replacement of the existing residential rental gross floor area and the applicant has developed 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 order to mitigate hardship.

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SIGNATURE

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Attachment 1: Location map

