

Supplementary Report – 1 and 3 Close Avenue – Residential Demolition Applications

Date: June 27, 2022

To: Toronto and East York Community Council

From: Director and Deputy Chief Building Official, Toronto Building and Director, Community Planning, Toronto and East York District

Ward: 4 – Parkdale-High Park

SUMMARY

This report recommends referral of the residential demolition applications for 1 and 3 Close Avenue to City Council for a Decision and that City Council amend the recommendations in the June 10, 2022 report from the Director and Deputy Chief Building Official, Toronto Building such that any approval of the residential demolition applications for 1 and 3 Close Avenue be conditional on the owner applying for, and receiving approval of, a Rental Housing Demolition permit under Chapter 667 of the Toronto Municipal Code, and that City Council authorize the Chief Planner to issue Preliminary Approval of a future Rental Housing Demolition permit for 1 and 3 Close Avenue after Zoning By-law Amendments for 74, 82, 130, 150, 160, and 162 Dunn Avenue, 1-17 Close Avenue, and 74 and 78 Springhurst Avenue have been enacted, and on condition that the owner (current or future) replace the existing affordable rental gross floor area at 1 and 3 Close Avenue within any future development on the lands.

The residential demolition applications are being referred to City Council for approval because the proposed demolition involves part of a residential property that contains six or more dwelling units. Under Chapter 667 of the Toronto Municipal Code, City Council also has the authority to impose conditions on an approval of a future Rental Housing Demolition application requiring the applicant to replace the rental units at similar rents and to enter into, and register on title to the site, an agreement pursuant to Section 111 of the *City of Toronto Act, 2006* to secure such conditions.

RECOMMENDATION

The Director and Deputy Chief Building Official, Toronto Building and Director, Community Planning, Toronto and East York District recommend that Toronto and East York Community Council defer the matter to City Council to give consideration to the demolition applications for 1 and 3 Close Avenue, and decide to:

1. Refuse the applications to demolish the two 2.5-storey semi-detached houses because there is no permit to replace the building on the site at this time; or

2. Replace Recommendations 2 and 3 of the June 10, 2022 report from the Director and Deputy Chief Building Official, Toronto Building with the revised Recommendations 3, 4, 5, and 6 noted below.

3. Approve the applications to demolish the existing residential buildings at 1 and 3 Close Avenue subject to the following conditions:

- a. The owner shall apply for, and receive approval of, a Rental Housing Demolition permit under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* to permit the demolition of the four (4) existing rental dwelling units at 1 and 3 Close Avenue;
- b. That construction fences be erected in accordance with the provisions of the Municipal Code, Chapter 363, Article 7, if deemed appropriate by the Chief Building Official;
- c. That all debris and rubble be removed immediately after demolition;
- d. That sod be laid on the site and that the site be maintained free of garbage and weeds, in accordance with the Municipal Code Chapter 629-10, paragraph B and 629-11; and
- e. That any holes on the property are backfilled with clean fill; and

4. Authorize the Chief Planner and Executive Director, City Planning to issue Preliminary Approval of a future Rental Housing Demolition Permit, as required in Recommendation 3.a. above, for the demolition of the four (4) existing rental dwelling units at 1 and 3 Close Avenue subject to the following:

- a. The owner shall provide and maintain replacement rental dwelling units having a minimum total gross floor area of 545 square metres to replace the four (4) existing rental dwelling units proposed to be demolished at 1 and 3 Close Avenue as part of any future development on any of the lands at 1, 3, 5, 7, 9, 11, 13, 15, and 17 Close Avenue, 74 and 78 Springhurst Avenue, and 74 and 82 Dunn Avenue (the "Lands") 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 location, unit mix, and unit sizes of the replacement rental units shall be determined as part of the application review process for any future planning application for the Lands, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- b. The owner shall provide and maintain the replacement rental dwelling units required in Recommendation 4.a. above at rents that are no higher than one (1) times the average rent for the same bedroom type in the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent Rental

Market Survey, for a period of at least 10 years beginning from the date of first occupancy of each replacement rental unit, to the satisfaction of the Chief Planner and Executive Director, City Planning; and

c. The owner shall enter into, and register on title to the Lands, one or more agreement(s), including, if necessary, an agreement pursuant to Section 111 of the *City of Toronto Act, 2006*, to secure the conditions outlined in Recommendations 4.a. and 4.b. above, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning; and

5. Authorize the Chief Planner and Executive Director, City Planning to issue a future Rental Housing Demolition Permit, as required in Recommendation 3.a above and subject to the conditions in Recommendations 4.a. through 4.c. above, for the demolition of the four (4) existing rental dwelling units at 1 and 3 Close Avenue after all of the following have occurred:

a. the conditions in Recommendations 4.a. and 4.b. above has been secured though the agreement(s) required in Recommendation 4.c above; and

b. the Zoning By-law Amendments for 74, 82, 130, 150, 160, and 162 Dunn Avenue, 1, 3, 5, 7, 9, 11, 13, 15, and 17 Close Avenue, 74 and 78 Springhurst Avenue, as approved in principle by City Council at its meeting of October 27, 28, and 30, 2020, have come into full force and effect; and

6. Authorize the Chief Building Official and Executive Director, Toronto Building to issue a permit to demolish the two 2.5-storey semi-detached houses pursuant to Section 33 of the *Planning Act* and the City of Toronto Municipal Code, Chapter 363, Article 6 "Demolition Control" after the Chief Planner and Executive Director, City Planning has given Preliminary Approval referred to in Recommendation 5 above.

FINANCIAL IMPACT

City staff confirm 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 of June 18, 19, and 20, 2002, City Council approved an Official Plan Amendment ([By-law 524-2002](#)) and a Zoning By-law Amendment ([By-law 525-2002](#)) for the lands at 130, 160, and 162 Dunn Avenue and 9-17 Close Avenue to permit the development of the four-storey Lakeside Long-term Care (LTC) facility at 150 Dunn Avenue on condition that the Toronto Rehabilitation Institute, a member of the University Health Network (UHN), be requested to maintain the exterior and the properties of 82 Dunn Avenue and 1-17 Close Avenue, and to take all necessary steps to rehabilitate the vacant houses, in conjunction with the community, for affordable

housing or similar use.

<https://www.toronto.ca/legdocs/2002/agendas/council/cc020618/yk9rpt/cl008.pdf>

At its meeting of October 27, 28, and 30, 2020, City Council adopted Item TE19.1 "150 Dunn Avenue Zoning Amendment (Part of a Larger Parcel of Land Including 74, 82, 130, 160, and 162 Dunn Avenue, 1-17 Close Avenue, and 74 and 78 Springhurst Avenue) - Final Report" and approved in principle Zoning By-law Amendments to facilitate the development of a six-storey addition to UHN's existing Lakeside LTC facility. Council's approval is contingent on several conditions, one of which is that UHN enter into an agreement with the City pursuant to Section 37 of the *Planning Act* to secure and maintain the 12 existing affordable rental dwelling units at 5-15 Close Avenue, 74 and 78 Springhurst Avenue, and 74 and 82 Dunn Avenue as rental housing for a period of at least 49 years from the date that the Zoning By-law Amendments come into full force and effect. As of the date of this Supplementary Report, the Section 37 agreement has yet to be executed and as such the Zoning By-law Amendments have yet to be enacted. Council's decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE19.1>

At its meeting of October 1 and 4, 2021, City Council adopted Item PH26.5 "Rapid Housing Initiative - 150 Dunn Avenue (Part of a Larger Parcel of Land Including 74, 82, 130, 160, and 162 Dunn Avenue, 1-17 Close Avenue, and 74 and 78 Springhurst Avenue)" recommending that the City request the Minister of Municipal Affairs and Housing to make a Minister's Zoning Order pursuant to Section 47 of the *Planning Act* to provide relief from the in-force zoning regulations to permit the development of a modular housing proposal as part of the federal Rapid Housing Initiative. Council's decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PH26.5>

ISSUE BACKGROUND

Subject Site

The lands at 1 and 3 Close Avenue are currently occupied by two semi-detached duplexes that together contain four vacant rental dwelling units, all of which have been damaged by fire and deemed uninhabitable and beyond repair. 1 and 3 Close Avenue are part of a larger site known municipally as 74, 82, 130, 150, 160, and 162 Dunn Avenue, 1, 3, 5, 7, 9, 11, 13, 15, and 17 Close Avenue, and 74 and 78 Springhurst Avenue, which collectively contain 16 rental dwelling units. All 16 rental units have, or previously had, affordable rents as currently defined in the Toronto Official Plan.

Existing Rental Housing

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 of the Toronto Municipal Code, City 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 of the Toronto Municipal Code and a Rental Housing Demolition application under Chapter 667 of the Toronto Municipal Code, Council typically considers both applications at the same time.

The residential demolition proposal for 1 and 3 Close Avenue requires approval under both Chapters 363 and 667 of the Toronto Municipal Code as it entails the demolition of four rental dwelling units on a residential rental property (1, 3, 5, 7, 9, 11, 13, 15, and 17 Close Avenue, 74 and 78 Springhurst Avenue, and 74 and 82 Dunn Avenue) (the "Lands") that contains sixteen rental dwelling units.

City staff recommend that City Council amend the recommendations in the June 10, 2022 report from the Director and Deputy Chief Building Official, Toronto Building such that any approval of the residential demolition applications for 1 and 3 Close Avenue be conditional on UHN applying for, and receiving approval of, a Rental Housing Demolition permit under Chapter 667 of the Toronto Municipal Code.

City staff also recommend that City Council authorize the Chief Planner to issue Preliminary Approval of a future Rental Housing Demolition permit for 1 and 3 Close Avenue after Zoning By-law Amendments for 130, 150, 160, and 162 Dunn Avenue and the Lands that were approved in principle by City Council at its meeting of October 27, 28, and 30, 2020 have been enacted, and on condition that the owner (current or future) replace the existing affordable rental gross floor area at 1 and 3 Close Avenue within any future development on any of the Lands.

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SIGNATURE

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