

136 Broadway Avenue – Rental Housing Demolition Application – Approval Report

Date: August 14, 2023

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 15 - Don Valley West

Planning Application Number: 21 234017 NNY 15 RH

Related Application Numbers: 21 234009 NNY15 OZ; 21 169458 NNY 15 OZ; 20 21 169468 NNY 15 RH

SUMMARY

This application proposes to demolish one 6-storey apartment building containing a total of 39 rental units at the subject property of 136 Broadway Avenue. The 39 rental dwelling units are proposed to be replaced onsite in the new 30-storey purpose-built rental residential tower comprised of 301 dwelling units, which will be part of a consolidated building with a 36-storey residential tower at 124 Broadway Avenue.

On November 4, 2021, the City received a Zoning By-law Amendment application to permit a 12-storey residential building at the subject property of 136 Broadway Avenue (File no. 21 234009 NNY 15 OZ) and the related rental demolition application to permit the demolition of 39 existing rental units (File no. 21 234017 NNY 15 RH).

On June 11, 2021, the City received a Zoning By-law Amendment application to permit a 38-storey residential building at 124 Broadway Avenue (File no. 21 169458 NNY 15 OZ) and the related rental demolition application to permit the demolition of 86 existing rental units (File no. 21 169468 NNY 15 RH).

The applicant appealed City Council's neglect or failure to make a decision on both Zoning By-law Amendment applications to the Ontario Land Tribunal (the "OLT") on February 3, 2022 for 124 Broadway Avenue, and on April 21, 2022 for 136 Broadway Avenue; the applicant also requested that the appeals be consolidated, which was granted.

Subsequent to appealing its Zoning By-law Amendment applications, the applicant revised its applications, including a height increase on 136 Broadway Avenue to permit a 35-storey residential building.

On May 10, 2023, City Council endorsed an offer to settle the appeals of both development applications, with key changes to height, built form, public realm, and site circulation. City Council also directed staff to request the OLT to withhold its Final Order

on the appeals until such time as Council has made a decision on the Rental Housing Demolition application.

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 replacement of the existing rental housing units and provision of a Tenant Relocation and Assistance Plan.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council approve the Rental Housing Demolition application File No. 21 234017 NNY 15 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 thirty-nine (39) existing rental dwelling units at 136 Broadway Avenue, subject to the following conditions:

a. The owner shall provide and maintain thirty-nine (39) replacement rental dwelling units on the subject site of 136 Broadway Avenue, 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. The thirty-nine (39) replacement rental dwelling units shall collectively have a total gross floor area of at least 2,574 square metres and shall be comprised of fourteen (14) one-bedroom units, nine (9) two-bedroom units and sixteen (16) three-bedroom units, as generally illustrated in the plans submitted to the City Planning Division dated July 31, 2023. Any revision to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

b. The owner shall, as part of the thirty-nine (39) replacement rental dwelling units required in Recommendation 1.a. above, provide and maintain at least ten (10) one-bedroom, five (5) two-bedroom and eight (8) three-bedroom replacement rental dwelling units at 80 percent of affordable rents, defined as gross monthly rent no greater than eighty percent (80%) of the average City of Toronto rent by unit type, as reported annually by the Canada Mortgage and Housing Corporation, at least three (3) one-bedroom, four (4) two-bedroom and eight (8) three-bedroom replacement rental dwelling units at affordable rents, defined as gross monthly rent no greater than one-hundred percent (100%) of the average City of Toronto rent by unit type, as reported annually by the Canada Mortgage and Housing Corporation, and one (1) one-bedroom replacement rental dwelling unit at mid-range rent, defined as gross monthly rent that exceeds affordable rent but is no greater than one-hundred and fifty percent (150%) of the average City of Toronto rent by unit type, as reported annually by the Canada Mortgage and Housing Corporation all 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 thirty-nine (39) existing rental dwelling units proposed to be demolished at 136 Broadway Avenue, addressing the right to return to occupy one of the replacement rental dwelling units at similar rents, the provision of rent gap assistance, and other assistance to lessen hardship. The Tenant Relocation and Assistance Plan shall be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning Division;
- d. The owner shall provide tenants of all thirty-nine (39) replacement rental dwelling units with access to, and use of, all indoor and outdoor amenities in the proposed building at no extra charge, and on the same terms and conditions as any other resident of the proposed residential tower at 136 Broadway Avenue, 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 124 and 136 Broadway Avenue at no extra charge;
- f. The owner shall provide central air conditioning in each replacement rental dwelling unit within the proposed development at 124 and 136 Broadway Avenue, at no extra charge;
- g. The owner shall provide tenants of the thirty-nine (39) replacement rental dwelling units with access to bicycle and visitor vehicular parking at no charge and on the same terms and conditions as any other resident of the proposed residential tower at 136 Broadway Avenue;
- h. The owner shall provide and make available for rent at least nineteen (19) resident vehicle parking spaces within the proposed development at 124 and 136 Broadway Avenue to tenants of the replacement rental dwelling units. Such parking spaces shall be made available firstly to returning tenants who previously rented a resident vehicle parking space, and at similar monthly parking charges that such tenants previously paid. The remaining resident vehicle parking spaces shall be made available to tenants of the replacement rental units to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- i. The owner shall provide and make available for rent a minimum of fourteen (14) storage lockers within the proposed development at 124 and 136 Broadway Avenue, to tenants of the replacement rental dwelling units on the same terms and conditions as any other resident of the proposed residential tower at 136 Broadway Avenue;
- j. The replacement rental dwelling units required in recommendation 1.a. above 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 at 124 and 136 Broadway Avenue, exclusive of the replacement rental dwelling units, are made available and ready for occupancy; and

k. The owner shall enter and register on title to the lands at 136 Broadway Avenue, one or more agreements pursuant to Section 111 of the *City of Toronto Act, 2006* to secure the conditions outlined in Recommendations 1.a through 1.j above, 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 Division to issue Preliminary Approval of the Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* for the demolition of the thirty-nine (39) existing rental dwelling units located at 136 Broadway 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 Division 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; and
- e. the owner has confirmed, in writing, that all existing rental dwelling units proposed to be demolished are vacant.

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 136 Broadway Avenue after the Chief Planner and Executive Director, City Planning Division has given Preliminary Approval referred to in Recommendation 2 above, which may be included in the Rental Housing Demolition Permit under Chapter 667 pursuant to section 6.2 of Chapter 363, on condition that:

- a. the owner removes all debris and rubble from the site immediately after demolition;
- b. the owner erects solid construction hoarding to the satisfaction of the Chief Building Official and Executive Director, Toronto Building Division;
- c. the owner erects the proposed building on the site no later than three (3) years from the date that the demolition of the existing rental dwelling units 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 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 any 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 November 4, 2021, the City received a Zoning By-law Amendment application to permit a 12-storey residential building at the subject property of 136 Broadway Avenue and a related rental demolition application to permit the demolition of 39 existing rental units (File no. 21 234017 NNY 15 RH). The Preliminary Report can be found at: <https://secure.toronto.ca/council/agenda-item.do?item=2022.NY30.16>

On June 11, 2021, the City received a Zoning By-law Amendment application to permit a 38-storey residential building at 124 Broadway Avenue (File no. 21 169458 NNY 15 OZ). On June 11, 2021, the related rental demolition was filed to permit the demolition of 86 existing rental units (File no. 21 169468 NNY 15 RH). The Preliminary Report can be found at: <https://secure.toronto.ca/council/agenda-item.do?item=2021.NY26.9>

On February 3, 2022 and April 21, 2022, the same applicant appealed the Zoning By-law Amendment applications to the OLT for 124 Broadway Avenue and 136 Broadway Avenue respectively, due to Council not making a decision within the 90-day time frame specified in the *Planning Act*. The OLT consolidated the appeals of both applications because both sites are abutting, are owned by the same landowner, and the proposed developments would share certain servicing facilities.

A Request for Directions Report on both Zoning By-law Amendment applications was adopted by City Council on December 14 and 15, 2022, directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose both Zoning By-law Amendment applications, and to continue discussions with the applicant in an attempt to resolve outstanding issues. The Request for Direction Report can be found at: <https://www.toronto.ca/legdocs/mmis/2023/ny/bqrd/backgroundfile-230023.pdf>

On May 10, 2023, a Request for Directions Report on the Zoning By-law Amendment applications was adopted by City Council directing the City Solicitor and appropriate City staff to attend the OLT in support of a settlement offer on the Zoning By-law Amendment appeals respecting the subject lands, subject to conditions. Key changes achieved in the offer, included height reductions for both towers, consolidation of podiums, public realm improvements, a consolidated driveway with public easement, and an in-kind Community Benefits Charge in the form of 50 net new affordable rental units. City Council also directed staff to allow the Owner of 124 Broadway Avenue and 136 Broadway Avenue to construct and provide thirty (30) affordable housing units as part of the development, to the satisfaction of the Chief Planner and Executive Director, City Planning, as an in-kind contribution pursuant to Subsection 37(6) of the *Planning Act*. Council's decision can be found at:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.CC6.10>

THE SITE

Description: The site is rectangular in shape and has an approximate area of 1564.2 square metres, with a frontage on Broadway Avenue of approximately 34 metres.

Existing Use and Rental Dwelling Units: The existing 6-storey rental apartment building at 136 Broadway Avenue, which is proposed to be demolished, contains a total of 39 rental dwelling units. The existing rental dwelling units have the following unit mix and rent levels:

Unit Type	Affordable Rent	Mid-Range Rent	Total
Studio	10	1	11
One-Bedroom	11	8	19
Two-Bedroom	6	3	9
Total	27	12	39

Based on the information provided by the applicant to date, approximately 21 units are currently occupied by eligible tenants (tenants who were tenants at the time of the rental housing demolition application). The remaining units are either vacant or occupied by tenants who moved into the building after the rental demolition application was made.

THE APPLICATION

A Rental Housing Demolition application was submitted on November 4, 2021 to demolish the existing 39 rental dwelling units and in conjunction with Zoning By-law Amendment application no. 21 234009 NNY 15 OZ, which proposed a 12-storey building containing 111 dwellings units, of which 39 would be rental replacement units. As detailed in the Decision History section above, the application and appeal process has resulted in a Council-approved settlement offer, which consolidated the podiums of the proposed developments at 124 Broadway Avenue and 136 Broadway Avenue, and reduced tower heights to 36-storeys and 30-storeys respectively. The 30-storey purpose-built rental residential tower at 136 Broadway Avenue will contain 301 residential units, of which there will be at least 125 rental replacement units (39 rental replacement units from 136 Broadway Avenue and 86 rental replacement units from

124 Broadway Avenue), and 50 net new affordable rental units, of which, 30 units will be secured at 80% of affordable rent.

The Rental Housing Demolition application encompasses the lands municipally known as 136 Broadway Avenue (see Attachment 1 – Location Map).

Rental Demolition and Replacement

In accordance with policy 3.2.1.6 of the Official Plan, the applicant is proposing to replace all existing 39 rental dwelling units by their respective or larger bedroom types, at similar unit sizes, and at rents similar to those in effect at the time of application. Thirty-five of the existing units are proposed to be replaced at a larger bedroom type, but at a similar size. To ensure the units are replaced at similar affordability levels to those at the time of application and on a per square foot basis, the replacement units with proposed larger unit type rents will be secured at lower rent thresholds than existing at the time of application, such as 80% of affordable rent or affordable rent. For example, an existing one-bedroom unit with mid-range rent that is proposed to be replaced as a two-bedroom unit will be secured at affordable rent to better reflect the affordability levels per square foot at the time of application.

The unit types and rent classifications for the replacement units is outlined in the table below:

Unit Type	80% of Affordable Rent	Affordable Rent	Mid-Range Rent	Total
Studio	0	0	0	0
One-Bedroom	10	3	1	14
Two-Bedroom	5	4	0	9
Three-Bedroom	8	8	0	16
Total	23	15	1	39

Overall, replacement units are proposed to replace 101% of the gross floor area of the existing rental dwelling units. The proposal does not include the replacement of existing studios as studios units, but instead as one-bedroom units. For instance, an existing 44.0 square metre studio is being proposed to be replaced as a 45.2 square metre one-bedroom with an external bedroom and a balcony.

Returning tenants have the right to return to similar unit size at similar rent regardless of the replacement unit bedroom type. For example, a tenant occupying 66.1 square metre one-bedroom unit will have the right to return to a 60.5, 70.5 or 74.3 square metre two-bedroom unit at a similar rent. This will allow tenants to return to replacement units that may accommodate their growing and changing household make-up. Some existing tenants expressed concerns with returning to a larger bedroom type. To address these concerns, 4 replacement rental units will be replaced at the same bedroom type and size.

The 39 replacement units will be located on the fourth through eighth floors of the new development. All the proposed replacement units will have balconies and bedrooms with exterior windows. All replacement rental dwelling units will be provided with ensuite laundry facilities and central air conditioning. All tenants of the replacement rental

dwelling units will have access to bicycle parking, visitor parking, lockers, and all indoor and outdoor amenities, on the same terms and conditions as any other resident of the proposed building.

The owner has also agreed to provide and make available for rent at least 19 resident 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, and at similar monthly parking charges that such tenants previously paid. The remaining vehicle parking spaces shall be made available to the rest of the replacement rental tenants.

Tenant Relocation and Assistance Plan

The applicant will implement the City's Tenant Relocation and Assistance Plan for all 21 Eligible Tenants who reside in the existing rental units. 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 a similar unit size, and at similar rent, as the rental unit they currently occupy;
- At least six months' notice before having to vacate their existing dwelling unit, inclusive of notice required under the Residential Tenancies Act ("RTA");
- Financial compensation equal to three months' rent, as required by the RTA;
- Financial compensation, above and beyond that required under the RTA, in the form of rent gap assistance. The rent gap would be calculated as the difference between the rent paid by a tenant on the date their tenancy is terminated and the most recent average rent for vacant private rental apartments by unit type in Canada Mortgage and Housing Corporation's (CMHC) Rental Market Survey (RMS) Zone 3 – Toronto North, which encompasses the development site, over the period of construction of the proposed building (estimated at 36 months). The vacant market rents used to establish rent gap assistance will be indexed upwardly to better reflect changes in market conditions since the completion of the latest CMHC survey;
- Tenants with access to vehicle parking and/or storage lockers on the date the notice to vacate is issued, will have the right to a new parking spot and/or storage locker in the new development at a similar rent;
- Allowances to cover expenses for moving into interim accommodations and, also moving out from the interim accommodations into a replacement rental unit;
- Special needs compensation for applicable tenants, as determined by the Chief Planner and Executive Director, City Planning; and
- Upon request, availability of a rental leasing agent.

In addition to the above City Tenant Relocation and Assistance Plan, the applicant has agreed to provide additional assistance, above and beyond standard practices, to address concerns raised by tenants. The additional tenant assistance includes financial compensation for all tenants to address generalized hardship, as well as financial compensation for households with children and pets at address specific hardships. Likewise, the additional assistance will provide financial support during the construction period for tenants with parking and locker needs. Furthermore, if a new CMHC survey is released within 12 months of the issuance of the notice to move out, tenants will receive

a top-up rent gap assistance if the average rent for vacant private rental apartments by unit type in Zone 3 – Toronto North is greater than the previously reported and indexed vacant market rents.

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 39 rental dwelling units, a Rental Housing Demolition application was submitted to the City.

POLICY & REGULATION CONSIDERATIONS

Provincial Land-Use Policies

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 (2020) and shall conform with the Growth Plan (2020) for the Greater Golden Horseshoe.

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 requires new development that would result in the loss of six or more rental dwelling units to replace at least the same number, size, and type of rental units at similar rents to those in effect at the time of application. The policy also requires the applicant to provide an acceptable tenant relocation and assistance plan, addressing the right of existing tenants to return to the replacement units at similar rents and other assistance to mitigate hardship.

Rental Housing Demolition and Conversion By-law

This application involves the demolition of rental housing. Since the development site contains six or more residential units, of which at least one unit is rental housing, an application is required under [Chapter 667](#) of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law. The By-law requires an applicant obtain a permit from the City allowing the demolition of the existing rental housing units. The City may impose conditions that must be satisfied before a demolition permit is issued.

COMMUNITY CONSULTATION

Tenant Consultation

On June 28, 2023, a virtual tenant consultation meeting was held for both 124 and 136 Broadway Avenue 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 attended by 46 tenants, representatives of the applicant 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 access to 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; and
- The amount of rent gap compensation and eligibility for special needs assistance and process for being deemed eligible.

On July 20, 2023, a second tenant consultation meeting was held for both 124 and 136 Broadway Avenue 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 on site at 136 Broadway Avenue and attended by 33 tenants, representatives of the applicant 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 amount of rent gap compensation and eligibility for special needs assistance and process for being deemed eligible.
- Impacts to children including school catchment areas and extra-curricular activities during the displacement period.

The tenant meetings for 124 and 136 Broadway Avenue were held jointly because the existing buildings are adjacent, under the same ownership and the replacement units are proposed to be replaced within the same site and building.

COMMENTS

Provincial Policy Statement and Provincial Plans

Staff have evaluated the proposal and determined that it is consistent with the PPS (2020) and conforms with the Growth Plan (2020). The proposal 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.

Rental Demolition and Replacement

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 39 replacement rental dwelling units will be secured as rental tenure within the proposed development for at least twenty years, beginning on the date that each replacement rental dwelling unit is first occupied. Existing tenants would reserve the right to return to a replacement rental unit of a similar size at a similar rent, and rents for replacement rental units without returning tenants will include a range of affordability levels, set at 80 percent of affordable rents, affordable rent and mid-range rents for a period of at least 10 years. Tenants who return to a replacement rental unit would be subject to annual rent increases capped 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.

Staff support the proposed approach to replace the demolished rental housing units with larger bedroom types. The proposed approach retains all the existing rental gross floor area, ensures that eligible tenants can return to a similar sized unit at a similar rent, and secures the provision of more family-sized affordable rental units, thereby supporting the Official Plan's goal of providing more affordable rental units through new development.

City Planning staff are satisfied with the Tenant Relocation and Assistance Plan as it is consistent with the City's current practices and will support tenants to access and afford suitable housing within the neighbourhood until the new building and replacement rental units are constructed and available for occupancy. The rental replacement matters and 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.

CONTACT

Adam Kebede, Planner
Strategic Initiatives, Policy & Analysis (Housing)
E-mail: Adam.Kebede@toronto.ca
Tel.: 416-392-6501

Jason Xie, Planner
Community Planning, North York Community Planning
Email: Jason.Xie@toronto.ca
Tel.: 416-338-3004

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

