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SENT VIA EMAIL (clerk@toronto.ca)

Mayor & City Council
100 Queen Street West
City Hall, Second floor
Toronto, ON M5H 2N2

Dear Mayor and Members of Council:

**RE: PH11.10 - Response to Including New Approval Conditions for Rental Demolition Application
Report of the Planning and Housing Committee from Meeting 11 on April 5, 2024**

We act on behalf of the owners of several properties in the City of Toronto (the “City”) that are subject to rental housing demolition applications. More specifically, our client has submitted applications for rental housing demolition, which have either been approved or are in process, for the following properties:

Property	Ownership	Application Number
147-153 Vaughan Road	NJS Midtown Portfolio Inc. 151-153 Vaughan GP Inc.	20 205135 STE 12 RH
1336 Kingston Road	1336 Kingston Rd. Inc.	
1711 Kingston Road	2514488 Ontario Ltd.	21 175722 ESC 20 RH
251-285 The West Mall	Bloor Gold Residences Inc. c/o Bloor West Residences Inc.	22-195513 WET 02 RH
383-387 Sherbourne Street	NJS Sherbourne Inc.	21 189637 STE 13 RH
*3174-3182 Eglinton Avenue, 1 & 7 Centre Street	Scarboro Golf & Country Club Residences LP	23 143925 ESC 24 OZ
*699-711 Lawrence Avenue West	Midtown West Residences Ltd.	22 110042 NNY 08 OZ

*These properties contain less than six rental units and are therefore not subject to the rental replacement provisions but are subject to tenant assistance requirements.



We understand that at the April 5, 2024 meeting of the Planning and Housing Committee (the “**Committee**”), the Committee approved a number of recommendations related to the rental housing demolition application process that will be considered by Council on April 17, 2024. In particular, the Committee recommended that the Chief Planner and Executive Director, City Planning (the “**Chief Planner**”) be requested to implement indexing of the average market rent for vacant units when calculating rent gap payments to account for changes in market rents between the date the Rental Market Survey was conducted and the date tenants are required to vacate their rental units. It appears, based on the language of the staff report, that City staff have already developed an indexing approach and have begun indexing the CMHC vacant private apartment rent amounts, in advance of City Council direction.

We also understand that pursuant to a Supplementary Report dated April 12, 2024 (the “**Supplementary Report**”), the Chief Planner is recommending that the City use CMHC data on average rents for purpose-built rental buildings constructed in 2015+ when calculating the amount of rent gap assistance for rental housing demolition applications, effective immediately. The Supplementary Report states that this recommendation is primarily due to “data quality issues” with the CMHC 2023 Rental Market Survey. The Committee has recommended that Council direct the Chief Planner to “make all reasonable attempts” to include the new rent gap approach in all applications that are subject to conditional approvals and without finalized Section 111 agreements.

Should Council endorse the recommendations made by the Committee and the Chief Planner in respect of the application process for rental housing demolition, it is imperative that the City honour the established application process for all previously approved or in progress applications, in the interest of fairness. While we appreciate the stated intent of the process modifications, our client has worked with City staff for over four years on its rental housing demolition applications and has dedicated significant time, resources, and funds toward satisfying the requirements of the current application process. Our client would be significantly prejudiced by a sudden and retrospective change of process and we maintain that there must be some measure of recognition for applications that are either approved or are in progress, notwithstanding whether a Section 111 agreement has been formalized. In advancing its various development applications, our client has steadfastly adhered to the required processes established by the City for rental housing demolition and it would be wholly inequitable for the City to modify and redefine its expectations in the midst of the process.

Incidentally, we note that the Supplementary Report recommends that direct consultation with affected parties be conducted *after* implementation of the proposed changes. Respectfully, we are of the view that effective and thorough consultation should be completed in advance of key policy and procedural changes that will impact stakeholders in the community. By engaging residents and organizations early in the process, City Council is better equipped with the information and feedback necessary to make informed decisions on such key policy and procedural changes, including the potential impacts of those changes on the community.

We look forward to receiving confirmation that the City will adhere to the established application process for all previously approved or in progress rental housing demolition applications. We also



welcome the opportunity for meaningful consultation with City staff in respect of the proposed changes to the application process.

Regards,
LOOPSTRA NIXON LLP

A handwritten signature in blue ink that reads "J Morley". The signature is written in a cursive, flowing style with a large initial 'J' and 'M'.

Per: Jenna Morley
JM

CC: Deanna Chorney, Manager, Policy, Strategic Initiatives, Policy & Analysis, City Planning
Jonathan Rubin, NJS Capital
Ari Nemetz, NJS Capital