

## **530 The East Mall – Rental Housing Demolition Application– Decision Report – Approval**

Date: October 31, 2024

To: Etobicoke York Community Council

From: Acting Director, Strategic Initiatives, Policy and Analysis, City Planning

Ward: Ward 2 - Etobicoke Centre

**Rental Housing Demolition Application Number:** 23 103643 WET 02 RH

**Related Planning Application Number:**

22 242149 WET 02 OZ; 22 242153 WET 02 SB

### **SUMMARY**

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This report reviews and recommends approval of the Rental Housing Demolition Application which proposes to demolish a seven-storey rental apartment building containing 110 rental units located at 530 The East Mall.

The 110 rental units are proposed to be replaced as part of a new development on the site. The proposal includes a Tenant Relocation and Assistance Plan that addresses the right of existing tenants to move directly from their existing rental unit to a replacement unit of the same type at similar rent, and provides other assistance to mitigate hardship.

The new development on the site is the subject of a related Zoning By-law Amendment application (22 242149 WET 02 OZ). The proposed development includes 1095 dwelling units, including 110 replacement units, and would consist of a 14-storey building, two 22-storey towers (inclusive of a shared 8-storey base building), and a 22-storey tower (inclusive of an 8-storey base building). An approval report for the Zoning By-law Amendment application has been advanced concurrently with this Rental Housing Demolition Application Decision report for approval.

This report also recommends approval of the Residential Demolition Permit under Chapter 363 of the Toronto Municipal Code, subject to conditions.

### **RECOMMENDATIONS**

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The Acting Director, Strategic Initiatives, Policy and Analysis recommends that:

1. City Council approve the Rental Housing Demolition Application File Number 23 103643 WET 02 RH in accordance with Chapter 667 of the Toronto Municipal Code and

pursuant to Section 111 of the City of Toronto Act, 2006 to permit the demolition of 110 existing rental dwelling units located at 530 The East Mall, subject to the following conditions:

a. The owner shall provide and maintain 110 replacement rental dwelling units on the subject site for a period of at least 20 years beginning from the date that each replacement rental dwelling 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 replacement rental dwelling units shall collectively have a total gross floor area of at least 11,111.7 square metres and be comprised of 35 one-bedroom units, 56 two-bedroom units, and 19 three-bedroom units, as generally illustrated in the plans submitted to City Planning dated May 24, 2024. 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 110 replacement rental dwelling units required in Recommendation 1.a above, provide at least 22 one-bedroom, 48 two-bedroom, and 18 three-bedroom units at affordable rents, 5 one-bedroom, 8 two-bedroom, and 1 three-bedroom units at mid-range (affordable) rents, and 8 one-bedroom units at mid-range (moderate) rents as currently 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;

c. The owner shall provide an acceptable Tenant Relocation and Assistance Plan to all Eligible Tenants of the 110 existing rental dwelling units proposed to be demolished at 530 The East Mall, addressing the right to move directly into and occupy a replacement rental unit at similar rent, 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;

d. The owner shall provide tenants of all 110 replacement rental dwelling units with access to, and use of, all indoor and outdoor amenities in the proposed development 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 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 and central air conditioning in each replacement rental dwelling unit at no extra charge;

f. The owner shall provide all 110 replacement rental dwelling units with balconies or terraces for private and exclusive access by the tenants of such units;

g. The owner shall provide and make available for rent at least 110 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 tenants of the replacement rental units to the satisfaction of the Chief Planner and Executive Director, City Planning;

h. The owner shall provide tenants of all replacement rental dwelling units with access to bicycle and visitor parking on the same terms and conditions as any other resident of the proposed development;

i. The owner shall provide and make available for rent a minimum of seven storage lockers to tenants of the replacement rental dwelling units. The terms and conditions for renting storage lockers to tenants of the replacement rental dwelling units shall be to the satisfaction of the Chief Planner and Executive Director, City Planning; and

j. The owner shall enter into, and register on title to the lands at 530 The East Mall an agreement pursuant to Section 111 of the City of Toronto Act, 2006 to secure the conditions outlined in Recommendations 1.a. through 1.i. above, 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, or their designate, to issue Preliminary Approval of the Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code for the demolition of the 110 existing rental dwelling units located at 530 The East Mall after all the following have occurred:

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

b. The replacement rental units are available and ready for occupancy; and

c. 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 to issue a Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code after the Chief Planner and Executive Director, City Planning, or their designate, has given Preliminary Approval referred to in Recommendation 2 above.

4. City Council authorize the Chief Building Official and Executive Director, Toronto Building to issue a Residential Demolition Permit under Section 33 of the Planning Act and Chapter 363 of the Toronto Municipal Code for 530 The East Mall after the Chief Planner and Executive Director, City Planning, or their designate, 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;

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**

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City Planning 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**

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The Rental Housing Demolition application was submitted on January 13, 2023. Staff conducted a Tenant Meeting on July 31, 2024, details of which are summarized in the Public Engagement section of this report.

## **THE SITE AND SURROUNDING LANDS**

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### **Existing Rental Housing**

A seven-storey, 110-unit rental apartment building is situated in the centre of the site with frontage onto The East Mall. Currently, 98 units are occupied. The breakdown, by unit type and rent classification, of the building at the time of application is outlined in Table 1 below. Staff conducted a site visit on April 8, 2023 to verify the number and type of rental units.

The site includes surface parking areas at the rear of the building and the southern portion of the site. Existing tenants currently rent a total of 110 parking spaces.

Table 1: Existing Rental Dwelling Units and Rent Classifications

	<b>1-Bedroom</b>	<b>2-Bedroom</b>	<b>3-Bedroom</b>	<b>Total</b>
Affordable	22	48	18	88
Mid-Range (Affordable)	5	8	1	14
Mid-Range (Moderate)	8	0	0	8
Total	35	56	19	110

## THE APPLICATION

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### Description

A related Zoning By-law Amendment application would permit the development of three residential apartment buildings, consisting of a 14-storey building at the south end of the site (Building A), two 22-storey towers (inclusive of an 8-storey base building) in the middle of the site (Building B), and a 22-storey tower (inclusive of an 8-storey base building) at the north end of the site (Building C). The site will also include a public park at the southern portion. A total of 1095 residential units (including 110 replacement rental units) are proposed with 868 vehicular parking spaces, and 822 bicycle parking spaces.

### Replacement Rental Units

The proposed development would contain a total of 110 rental replacement dwelling units and 985 new dwelling units. The replacement units will be constructed on the north portion of the site, as part of Building C, prior to demolishing the existing building to ensure that existing tenants will only need to make one move directly to a replacement unit. No off-site relocation will be required of tenants.

The replacement units would be comprised of 35 one-bedroom units, 56 two-bedroom units and 19 three-bedroom units, of which 88 units would have affordable rents, 14 would have mid-range (affordable) rents, 8 would have mid-range (moderate) rents.

The average sizes for one- and two-bedroom replacement units slightly exceed the existing average sizes of one- and two-bedroom units. The average size for three-bedroom replacement units are 128.3 square metres, essentially the same as the existing three-bedrooms units which have an average size of 128.4 square metres. Overall, the replacement rental units represent 100 percent of the existing rental unit gross floor area.

### Tenant Relocation and Assistance Plan

The applicant has agreed to provide relocation and assistance to all eligible tenants which will be secured through an agreement pursuant to Section 111 of the City of Toronto Act, 2006. Notably, the Tenant Relocation and Assistance Plan will assist tenants in moving directly into replacement units, and tenants will not be required to relocate off-site at any point of the redevelopment process. As part of this plan, all eligible tenants would receive:

- the right to move directly from their existing unit to a replacement rental dwelling unit in the new building at similar rents;
- at least six months' notice before having to vacate their rental unit, inclusive of notice required under the Residential Tenancies Act (RTA);
- a moving allowance to move directly to a replacement rental dwelling unit; and
- additional compensation for special needs tenants.

## **Reasons for Application**

This application to redevelop the subject lands 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 that 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.

## **POLICY AND REGULATION CONSIDERATIONS**

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### **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 Planning Statement (2024), and shall conform to provincial plans, including the Greenbelt Plan (2017), and others.

### **Official Plan**

The Official Plan outlines the City'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 that new development that would result in the loss of six or more rental dwelling units replace at least the same number, size, and type of rental units as exist on the site and maintain rents similar to those in effect at the time of application. The policy also requires the applicant to develop an acceptable tenant relocation and assistance plan, addressing the right to return to the replacement units at similar rents and other assistance to lessen hardship.

## **PUBLIC ENGAGEMENT**

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### **Tenant Meeting**

An in-person meeting was held on July 31, 2024 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 approximately 60 tenants, representatives of the applicant, City Planning staff, and the local Councillor and their staff.

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

- Timing and construction of the proposed development and whether tenants will be required to vacate their existing rental units;
- The schedule for the direct moves to replacement units;
- The proposed replacement rental unit sizes;

- Seniority and the process for selecting and returning to a replacement rental unit;
- What financial compensation would be provided under the City-approved Tenant Relocation and Assistance Plan and how it would be administered to tenants; and
- Whether the City has contingencies in place for construction delays.

## **COMMENTS**

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### **Provincial Planning Statement and Provincial Plans**

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the PPS (2024). Staff find the proposal consistent with the PPS (2024)

### **Replacement Rental Housing**

Staff are satisfied with the proposed replacement of the existing rental housing units by their respective bedroom type and size. The applicant will provide and maintain the replacement rental units as rental housing for at least 20 years, beginning on the date the replacement rental units are first occupied.

Rents for the replacement rental units will be set at the same affordability level as the existing units for a period of at least 10 years. Accordingly, the replacement units will include 88 units with affordable rents, 14 units with mid-range (affordable) rents and 8 units with mid-range (moderate) rents. Tenants that occupy one of the replacement rental units during the initial 10-year period will have rents that will only increase by the annual provincial guideline until their tenancies end, irrespective of whether the Guideline applies to the proposed development under the Residential Tenancies Act, 2006 (RTA).

All replacement rental dwelling units will have balconies, ensuite laundry facilities and central air conditioning. Tenants of the replacement rental dwelling units will have access to bicycle parking, visitor parking, and all indoor and outdoor amenities, on the same terms and conditions as any other resident of the building.

The applicant has agreed to provide at least 110 parking spaces and seven storage lockers for the tenants of the replacement rental dwelling units. Returning tenants who currently rent a vehicle parking space and/or storage locker in the existing building will be offered a parking space and/or storage locker at a similar monthly rate to what they are currently paying. Any remaining vehicle parking spaces and storage lockers will be made available to tenants of the replacement rental dwelling units to the satisfaction of the Chief Planner and Executive Director, City Planning.

The 110 replacement rental units and associated conditions address the replacement requirements of Official Plan policy 3.2.1.6 and will be secured through an agreement pursuant to Section 111 of the City of Toronto Act, 2006, to the satisfaction of the Chief Planner and Executive Director, City Planning.

## **Tenant Relocation and Assistance Plan**

The recommended Tenant Relocation and Assistance Plan, which allows tenants to move directly into replacement units from their existing units and includes an extended notice period for all tenants and compensation beyond the requirements of the Residential Tenancies Act for eligible tenants, is consistent with Official Plan policy 3.2.1.6 and the City's current practices.

The Tenant Relocation and Assistance Plan will be secured through an agreement pursuant to Section 111 of the City of Toronto Act, 2006, to the satisfaction of the Chief Planner and Executive Director, City Planning.

## **CONTACT**

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## **SIGNATURE**

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Jeffrey Cantos, MCIP, RPP, PLE  
Acting Director, Strategic Initiatives, Policy and Analysis  
City Planning

## **ATTACHMENTS**

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Attachment 1: Location Map

**Attachment 1: Location Map**

