

City Council

Motion Without Notice

MM18.32	ACTION			Ward: 4
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1438-1440 Queen Street West - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Gord Perks, seconded by Deputy Mayor Ausma Malik

** This Motion has been deemed urgent by the Chair.*

** This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

Recommendations

Councillor Gord Perks, seconded by Deputy Mayor Ausma Malik, recommends that:

1. City Council authorize the City Solicitor to attend the Toronto Local Appeal Body as a party, with appropriate City staff, regarding the proposed development at 1438 - 1440 Queen Street West (Application A0024/24TEY) and direct the City Solicitor to request that should the appeal of the Committee of Adjustment's decision be allowed, that it be subject to the following conditions:

a. the owner shall provide an acceptable tenant relocation and assistance plan to lessen hardship for tenants of the existing rental dwelling units proposed to be demolished at 1438 – 1440 Queen St. W, in conformity with Policy 3.2.1.12 of the Official Plan. The tenant relocation and assistance plan shall be consistent with the City's standard practices and developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning, addressing the following:

1. minimum financial compensation and notice as required under the Residential Tenancies Act, 2006 when a tenant receives a notice of termination for the purposes of demolition;
2. additional compensation above and beyond the Residential Tenancies Act, 2006 in the form of a rent gap payment;
3. additional notice of the date of termination of each existing tenant's tenancy, above and beyond the minimum notice required under the Residential Tenancies Act, 2006;
4. a moving allowance for each existing tenant and consistent with the City's current practices;
5. special needs compensation for any existing tenant who suffers from a physical and/or mental health challenge, and/or is sixty-five (65) years of age or older; and

6. upon the request of a tenant, making a rental leasing agent available to assist the tenant in identifying and securing alternative rental accommodation.

b. the owner shall enter into and register on title to the lands at 1438 -1440 Queen Street West, an agreement pursuant to Section 45(9) of the Planning Act to secure the tenant relocation and assistance plan required above to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.

c. the owner must submit building permit drawings, including plans, elevations and details to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning Division.

2. City Council authorize the City Solicitor to attempt to negotiate a resolution of the Appeal for 1438 - 1440 Queen Street West (Application A0024/24TEY) and City Council authorize the City Solicitor to resolve the matter on behalf of the City at the City Solicitor's discretion after consultation with the Ward Councillor, the Director of Community Planning, Toronto and East York District, and the Senior Manager of Heritage Planning, Urban Design, City Planning.

Summary

The applicant applied to the Committee of Adjustment (Application A0024/24TEY) requesting variances from City-wide Zoning By-law 569-2013 related to a set back from the lot line of the lot abutting the lane, a set back of the main wall from the side (east) lot line, and the required minimum number of parking spaces (the “Application”).

The Application seeks to alter the existing two-storey mixed-use building at 1438-1440 Queen Street West (the “Property”), containing retail space on the ground floor and four residential dwelling units on the second storey, by constructing a rear second-storey addition and a complete third-storey addition. The existing retail space will be maintained and unaltered. There will be a total of 16 residential dwelling units on the second and third storeys of this altered building. The Application includes a Rental Housing Declaration of Use and Screening Form outlining four existing dwelling units on the Property.

On April 30, 2024, the Toronto and East York District Panel of the Committee of Adjustment approved the Application, subject to three conditions (the “Decision”), including the requirement for the owner to provide an acceptable tenant relocation and assistance plan for tenants of the existing rental dwelling units proposed to be demolished. A copy of the Notice of Decision of the Committee of Adjustment is attached.

The applicant has appealed the approval on conditions to the Toronto Local Appeal Body (the “Appeal”).

In a report from the Director of Community Planning, Toronto and East York District dated April 17, 2024, Planning Staff recommended that should the Committee of Adjustment approve the Application, certain conditions related to the provision of a tenant relocation and assistance plan be imposed, pursuant to Policy 3.2.1.12 of the Official Plan. A copy of the Planning Report is attached.

In a report from the Acting Senior Manager, Heritage Planning, Urban Design, City Planning dated April 17, 2024, Heritage Planning Staff noted that the Property is included on the City’s Heritage register. Heritage Planning Staff recommended that should the Committee of Adjustment approve the Application, a condition be imposed for Heritage Planning to review the proposed plans prior to work commencing at the property. A copy of the Heritage Planning Report is attached.

This Motion will authorize the City Solicitor to attend the appeal of the Committee of Adjustment's decision at the Toronto Local Appeal Body and to request the imposition of the conditions set out in the Planning Staff Report and the Heritage Planning Staff Report should the appeal be allowed. This motion will also authorize the City Solicitor to resolve the matter on behalf of the City in her discretion.

This Motion is urgent as the City Solicitor needs instructions for a Toronto Local Appeal Body appearance which can be scheduled at any time.

Attachment 1: Notice of Decision of the Committee of Adjustment (Application A0024/24TEY)

Attachment 2: Planning Staff Report dated April 17, 2024

Attachment 3: Heritage Planning Staff Report dated April 17, 2024

Background Information (City Council)

Member Motion MM18.32

Attachment 1: Notice of Decision of the Committee of Adjustment (Application A0024/24TEY)

(<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-245988.pdf>)

Attachment 2: Planning Staff Report dated April 17, 2024

(<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-245989.pdf>)

Attachment 3: Heritage Planning Staff Report dated April 17, 2024

(<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-245971.pdf>)