

**RECEIVED**

*By Committee of Adjustment at 11:35 am, Apr 18, 2024*



## STAFF REPORT

### 1438-1440 Queen Street West- Committee of Adjustment Application

**Date:** April 17, 2024

**To:** Chair and Committee Members of the Committee of Adjustment, Toronto and East York District

**From:** Director, Community Planning, Toronto and East York District

**Ward:** 4, Parkdale-High Park

**File No:** A0024/24TEY

**Application to be heard:** April 24, 2024 at 2:00 p.m.

#### RECOMMENDATIONS

---

Should the Committee of Adjustment approve the application, City Planning staff recommend the following condition be imposed:

1. 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:
  - a. 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;
  - b. Additional compensation above and beyond the Residential Tenancies Act, 2006 in the form of a rent gap payment;
  - c. 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;
  - d. A moving allowance for each existing tenant and consistent with the City's current practices;
  - e. 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

- f. Upon the request of a tenant, making a rental leasing agent available to assist the tenant in identifying and securing alternative rental accommodation.
2. 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.

## **APPLICATION**

---

The applicant is seeking relief from the provisions of Zoning By-law 569-2013 to alter the existing two-storey mixed-use building (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.

## **COMMENTS**

---

The subject site is located on the north side of Queen Street West, and east of Lansdowne Ave.. The property is in an area designated as *Mixed-Use Areas* in the Official Plan. The Official Plan acknowledges that *Mixed-Use Areas* achieve a multitude of planning objectives by combining a broad array of residential uses, offices, retail and services, institutions, entertainment, recreation and cultural activities, and parks and open spaces.

Site and Area Specific Policy (SASP) 445, which applies to the properties fronting on Queen Street West between Bathurst Street and Roncesvalles Ave. calls for a maximum height consistent with the width of Queen Street (approximately 6-storeys or 20 metres) (with a setback above three storey in height).

Policy 3.2.1.12 of the Official Plan states that new development that would have the effect of removing all or part of a private building or related group of buildings and would result in the loss of one or more rental units or dwelling rooms, will not be approved unless an acceptable tenant relocation and assistance plan is provided to lessen hardship for existing tenants.

Should the Committee approve this application, City Planning staff recommend that the above noted conditions be applied as a condition of approval.

## **CONTACT**

---

Bruna Nigro, Assistant Planner, Community Planning, Toronto and East York District, 416-392-5785, [Bruna.Nigro@toronto.ca](mailto:Bruna.Nigro@toronto.ca)

**SIGNATURE**

---

A handwritten signature in black ink that reads "Dan Nicholson". The signature is written in a cursive style with a large initial "D".

Signed by Dan Nicholson, MCIP, RPP  
Manager, Community Planning on behalf of  
Carly Bowman, M.ScPl., MCIP, RPP  
Director, Community Planning  
Toronto and East York District

copy:           Councillor Perks, Ward 4  
                  Joseph Battaglia, Agent