

1779-1787 Bayview Avenue – Rental Housing Demolition Application – Decision Report – Approval

Date: June 4, 2024

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 15 - Don Valley West

Rental Housing Demolition Application Number: 22 224403 NNY 15 RH

Related Planning Application Number: 22 221903 NNY 15 OZ

SUMMARY

This Rental Housing Demolition application proposes to demolish a total of ten existing vacant rental dwelling units at 1779-1787 Bayview Avenue and replace them with twelve (12) new replacement rental units with the same unit types, similar sizes, and at similar rents to those in effect at the time of the application.

The properties are also the subject of an Official Plan and Zoning By-law Amendment application (22 221903 NNY 15 OZ) which was appealed to the Ontario Land Tribunal (OLT). A settlement has been reached between the applicant and the City. The OLT issued an interim order on May 1, 2024 approving the Official Plan and Zoning By-law Amendments in principle, with the Final Order being withheld until all outstanding matters, including rental housing matters and necessary agreements with the City, are secured.

This report reviews and recommends approval of the Rental Housing Demolition application under Chapter 667 of the Toronto Municipal Code, the Residential Demolition Permit under Chapter 363 of the Toronto Municipal Code and pursuant to Section 111 of the City of Toronto Act, 2006, subject to conditions to replace the existing rental housing.

RECOMMENDATIONS

The Director, Community Planning North York District recommends that:

1. City Council approve the Rental Housing Demolition application File No. 22 224403 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 ten (10) existing rental dwelling units located at 1779-1787 Bayview Avenue, subject to the following conditions:

a. The owner shall provide and maintain 12 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 a minimum of 858 square metres and be comprised of 2 one-bedroom units and 10 two-bedroom units, as generally illustrated in the settlement plans dated February 16, 2024 and submitted to the City Planning Division on April 11, 2024, as well as the replacement rental unit layouts dated March 12, 2024 and submitted to the City Planning Division on April 10, 2024. 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 12 replacement rental dwelling units required in Recommendation 1.a above, provide at least 2 one-bedroom and 10 two-bedroom replacement rental dwelling units at affordable 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. Rents shall not include additional charges for ensuite laundry or central air conditioning;

c. The owner shall provide an access plan at least six months prior to the replacement rental units being ready for occupancy which addresses how replacement rental dwelling units will be occupied, including the use of the City's Centralized Affordable Rental Housing Access System or, where the system is not yet in place, to tenants who have demonstrated that they are in need of affordable rental housing through a fair and transparent process developed in consultation and to the satisfaction of the Chief Planner and Executive Director, City Planning and Executive Director, Housing Secretariat;

d. The owner shall provide tenants of all 12 replacement rental dwelling units with access to, and use of, all indoor and outdoor amenities in the proposed 35-storey building 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 building 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;

f. The owner shall provide central air conditioning in each replacement rental dwelling unit;

g. The owner shall provide and make available for rent at least 4 vehicle parking spaces to tenants of the replacement rental dwelling units on the same terms and conditions as any other resident of the proposed residential building;

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 residential building;

i. 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 70% of the new dwelling units in the proposed development, exclusive of the replacement rental dwelling units, are made available and ready for occupancy, subject to any revisions 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 1779-1787 Bayview, 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 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 ten (10) existing rental dwelling units located at 1779-1787 Bayview Avenue after all the following have occurred:

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

b. The Official Plan and Zoning By-law Amendments 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 permit) 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 Division 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 1779-1787 Bayview 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;
 - 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 October 11, 2023, City Council adopted the recommendations of an Appeal Report from Community Planning. Those recommendations included opposing the Official Plan and Zoning By-law amendments at the Tribunal and to continue discussions with the applicant to address the issues outlined in the report. The decision and report can be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2023.NY7.5>.

On May 1, 2024, the Ontario Land Tribunal issued a Decision and Interim Order approving, in principle, the Official Plan and Zoning By-law Amendments for 1779-1787 Bayview Avenue, subject to conditions. The decision can be found here: <https://www.omb.gov.on.ca/e-decisions/OLT-23-000369-MAY-01-2024.docx>

On March 20, 2024 City Council adopted the recommendations of a Request for Directions Report from the City Solicitor and endorsed a settlement offer to permit a revised development proposal. The Decision of City Council may be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2024.CC16.7>.

THE SITE

Existing Rental Dwelling Units

The buildings at 1779-1787 Bayview currently contain a total of ten rental dwelling units, including 2 one-bedroom units and 8 two-bedroom units. All 10 units were vacant as of the date of this report. All 10 existing rental dwelling units were previously rented at affordable rents.

THE APPLICATION

Description

The Official Plan and Zoning By-law Amendment application for the subject site was approved in principle by the OLT on May 1, 2024, subject to City Council's approval of the Rental Housing Demolition application. The application encompasses the lands municipally known as 1779-1787 Bayview Avenue (see Attachment 1 - Location Map).

Once finalized, the Official Plan and Zoning By-law Amendments would permit the redevelopment of the subject site with a 35-storey residential development. The proposed development would contain a total of 436 dwelling units, including twelve replacement rental dwelling units comprised of 2 one-bedroom and 10 two-bedroom units, all with affordable rents. Tenants of these replacement rental dwelling units would have access to all indoor and outdoor amenity spaces.

Reasons for Application

This application involves the demolition of rental housing. Since the development site contains six or more residential units, of which at least one is rental housing, an application is required under Chapter 667 of the Toronto 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 & 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 to provincial plans, A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), the Greenbelt Plan, 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.

The Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

COMMUNITY CONSULTATION

Communication with Tenants

Three existing rental dwelling units were occupied at the time of the application. City Planning Staff undertook telephone calls with all three tenants to discuss the City's standard Tenant Relocation and Assistance Plan on January 27 and 30, 2023. All three tenants have since moved out.

COMMENTS

Provincial Policy 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 Provincial Policy Statement (2020) and conformity with the Growth Plan (2020). In the opinion of Staff, the proposal is consistent with the PPS and conforms with the Growth Plan as it will replace existing rental housing and add new housing.

Rental Housing Demolition and Replacement

The proposal would demolish the 10 existing rental units at 1779-1787 Bayview Avenue and replace them with 12 new rental units. The 2 net new replacement rental units were created by allowing reductions to the average unit size of the replacement rental units compared to the existing rental units while still replacing 100% of the total existing rental gross floor area (GFA). The replacement rental units will be comprised of 2 one-bedroom and 10 two-bedroom units, all of which would have affordable rents.

The total GFA of the 12 replacement rental units is 858 square metres which is 103.2% of the GFA of the existing rental units proposed to be demolished. The average size of the existing one-bedroom units is 42.3 square metres while the average size of the replacement rental one-bedroom units is 50.5 square metres. The average size of the existing two-bedroom units is 93.5 square metres while the average size of the replacement rental two-bedroom units is 75.7 square metres.

All replacement rental units would be provided with ensuite laundry facilities and central air conditioning. Tenants of the replacement rental dwelling units would have access to vehicle parking, bicycle parking, visitor vehicle parking, storage lockers, and all indoor

and outdoor amenities on the same terms and conditions as the other residents of the proposed residential development.

The replacement rental units will be leased through the City's Centralized Affordable Rental Housing Access System or, where the system is not yet in place, to tenants who have demonstrated that they are in need of affordable rental housing through a fair and transparent process developed in consultation and to the satisfaction of City Planning staff.

City Planning staff are of the opinion that the proposed replacement plan is appropriate and consistent with the intent of Official Plan policy 3.2.1.6. The replacement 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 Division. As of the date of this report, all tenants have moved out and, as such, a tenant relocation and assistance plan is no longer required.

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SIGNATURE

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ATTACHMENT

Attachment 1: Location Map

