

1265 Wilson Avenue – Rental Housing Demolition Application – Decision Report – Approval

Date: June 19, 2024

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 6 - York Centre

Rental Housing Demolition Application Number: 21 219452 NNY 06 RH

Related Planning Application Number: 21 219425 NNY 06 OZ

SUMMARY

This Rental Housing Demolition application proposes to demolish a total of 61 existing rental dwelling units at 1265 Wilson Avenue, provide a tenant relocation and assistance plan and replace them with 61 new 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 a Zoning By-law Amendment applications (21 219425 NNY 06 OZ) which were appealed to the Ontario Land Tribunal (OLT). The OLT issued a written decision on April 8, 2024, approving the Zoning By-law Amendment in principle, with the final Order being withheld until all outstanding matters, including the 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 and the Residential Demolition Permit under Chapter 363 of the Toronto Municipal Code, 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. 21 219452 NNY 06 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 61 existing rental dwelling units located at 1265 Wilson Avenue, subject to the following conditions:

- a. The owner shall provide and maintain 61 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 4,640 square metres and be comprised of 1 studio unit, 30 one-bedroom units and 30 two-bedroom units, as generally illustrated in the plans dated January 24, 2024 and submitted to the City Planning Division on January 30, 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 61 replacement rental dwelling units required in Recommendation 1.a above, provide at least 1 studio unit, 25 one-bedroom units, and 24 two-bedroom units replacement rental dwelling units at affordable rents, defined as gross monthly rent no greater than one times the average City of Toronto rent by unit type, as reported annually by the Canada Mortgage and Housing Corporation and 5 one-bedroom units, and 6 two-bedroom units at mid-range rents, defined as gross monthly rent that exceeds Affordable Rent but is no greater than 1.5 times the average City of Toronto rent by unit type, all for a period of at least 10 years beginning from the date of first occupancy of each unit; and rents shall not include additional charges for ensuite laundry or central air conditioning;

c. The owner shall provide an access plan addressing 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 61 replacement rental dwelling units with access to, and use of, all indoor and outdoor amenities in the proposed 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 within the proposed building;

g. The owner shall provide and make available for rent at least 44 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 owner shall provide an acceptable Tenant Relocation and Assistance Plan for all Eligible Tenants of the number 61 existing rental dwelling units proposed to be demolished at 1265 Wilson Avenue, addressing the right to return to occupy one of the replacement rental dwelling units at similar rents, the provision of rent gap assistance, 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 Division;

j. The owner shall provide tenant relocation and assistance to all Post Application Tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division

k. 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,

l. The owner shall enter into, and register on title to the lands at 1265 Wilson Avenue, an agreement pursuant to Section 111 of the City of Toronto Act, 2006 to secure the conditions outlined in Recommendations 1.a. through 1.k. 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 61 existing rental dwelling units located at 1265 Wilson Avenue after all the following have occurred:

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

b. The Zoning By-law Amendment has 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 1265 Wilson 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 January 6, 2022, North York Community Council received a Preliminary Report. The report was adopted with amendments, directing staff to not schedule a community consultation meeting until the applicant had the opportunity to modify the application

taking into consideration an adjacent development, the Mid-Rise Building guidelines, and to continue discussions with staff and the local councillor. The Preliminary Report can be found at: <https://secure.toronto.ca/council/agenda-item.do?item=2022.NY29.8>

A Request for Direction Report was adopted by City Council on November 8 and 9, 2023, directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the application, and to continue discussions with the applicant in an attempt to resolve outstanding issues. The Request for Direction Report can be found at: <https://secure.toronto.ca/council/agenda-item.do?item=2023.NY8.5>

On February 6, 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.CC14.7>

On April 8, 2024 the Ontario Land Tribunal issued a Decision and Interim Order approving, in principle, the Official Plan and Zoning By-law Amendments for 1265 Wilson Avenue, subject to conditions. The decision can be found here: <https://www.omb.gov.on.ca/e-decisions/OLT-23-000669-APR-08-2024-ORD.pdf>

THE SITE

Existing Rental Dwelling Units

The building at 1265 Wilson Avenue currently contain a total of 61 rental dwelling units. The existing rental dwelling units are comprised of the following unit types and rent classifications:

Table 1: Existing Rental Dwelling Units by Bedroom Type and Rent Classification

Unit Type	Affordable Rent	Mid-range Rent	Total
Studio	1	0	1
One-Bedroom	25	5	30
Two-Bedroom	24	6	30
Total	50	11	61

At the time of this report, based on information provided by the applicant, 46 of the 61 units are occupied by Eligible Tenants. 44 of the existing tenants rent a parking space.

THE APPLICATION

Description

The Zoning By-law Amendment application for the subject site was approved in principle by the OLT on April 8, 2024, subject to City Council's approval of the Rental Housing Demolition application. The applications encompass the lands municipally known as 1265 Wilson Avenue (see Attachment 1 - Location Map).

Once finalized, the Zoning By-law Amendment would permit the redevelopment of the subject site with a 11-storey, 12-storey, and 31-storey residential buildings. The proposed development would contain a total of 575 dwelling units, including 61 replacement rental units comprised of 1 studio, 30 one-bedroom and 30 two-bedroom units.

Tenant Relocation and Assistance Plan

A Tenant Relocation and Assistance Plan that addresses tenants' right to return to a replacement unit and assistance to lessen hardship will be provided to all eligible tenants residing in the existing rental dwelling units.

In accordance with the Tenant Relocation and Assistance Plan shared at the tenant meeting on January 16, 2024, all eligible tenants would receive the following:

- the right to return to a replacement rental unit of the same type, at similar rent;
- at least six months' notice before having to vacate their existing dwelling unit, inclusive of notice required under the Residential Tenancies Act (RTA);
- compensation equal to three months' rent, pursuant to the RTA;
- additional compensation in the form of rent gap assistance;
- move-out and move-back moving allowances;
- special needs compensation for applicable tenants, as determined by the Chief Planner and Executive Director, City Planning; and
- upon request, availability of a rental leasing agent

Rent gap assistance would be calculated based on the difference between the rent paid by a tenant on the date their tenancy is terminated and the most recent average rent for private rental apartments built on or after 2015 by unit type in Canada Mortgage and Housing Corporation's (CMHC) Rental Market Survey (RMS) for Zones 5-17, for the period of construction estimated to be 36 months. The rents used to establish rent gap assistance will be indexed upwardly to better reflect changes in market conditions since the completion of the latest CMHC survey.

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

Tenant Consultation

On January 31, 2024, staff held a tenant consultation meeting for impacted tenants to learn more about 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 held at the Roding Community Center at 600 Roding Street and was attended by about 17 tenant households, representatives of the applicant, and City Planning staff. During the meeting, tenants asked questions and expressed concerns about the following matters:

- timing of the application and overall development, including the length of time tenants would be displaced from their unit;
- the amount of rent gap assistance, and the average market rent data used to calculate rent gap assistance;
- provision of lockers and storage space within the unit;
- parking in the new building;
- the proposed replacement unit layouts and building amenities;
- eligibility for special needs assistance; and
- the process for being deemed eligible for tenant relocation and assistance.

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 61 proposed replacement rental dwelling units, and associated conditions related to affordability and tenure, are appropriate and address the replacement requirements of Official Plan Policy 3.2.1.6. The applicant has agreed to provide and maintain the 61 replacement rental dwelling units within the proposed development for at least 20 years, beginning on the date the replacement rental dwelling units are first occupied.

The total gross floor area (GFA) of the sixty-one (61) replacement rental dwelling units is 4,687.9 square metres which is 104.7% of the GFA of the existing rental dwelling units proposed to be demolished. The size of the existing studio unit is 46.6 square metres while the size of the replacement rental studio unit is 38.0 square metres. The average size of the existing and replacement rental units one-bedroom units are both 61.1 square metres. The average size of the existing two-bedroom units is 84.6 square metres while the average size of the replacement rental two-bedroom units is 91.8 square metres.

Replacement rental units will be secured at the same rent threshold that applied when the application was submitted. Fifty replacement rental dwelling units (1 studio, 25 one-bedroom 24 two-bedroom) will have affordable rents, defined as gross monthly rent no greater than one times the average City of Toronto rent by unit type, as reported annually by the Canada Mortgage and Housing Corporation, for a period of at least 10 years. Eleven replacement rental units (5 one-bedroom and 6 two-bedroom) will have mid-range rents, defined as gross monthly rent that exceeds affordable rent but is no greater than 1.5 times the average City of Toronto rent by unit type, for a period of at least 10 years.

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 would be provided with ensuite laundry facilities and central air conditioning. Tenants of the replacement rental dwelling units would have access to bicycle parking, visitor 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 applicant has agreed to provide 44 vehicle parking spaces for use of the tenants of the replacement rental dwelling units. Returning tenants who currently rent a vehicle parking space in the existing building will be offered a parking space at a similar monthly rate to what they are currently paying. Any remaining vehicle parking spaces will be made available to tenants of the replacement rental dwelling units to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

Tenant Relocation and Assistance Plan

The proposed Tenant Relocation and Assistance Plan, which 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 which were updated following City Council's decision on item [PH11.10](#) on April 18, 2024.

The final approach to tenant assistance represents a change from what was presented to tenants at the tenant meeting on January 31, 2024, and will result in more rent gap assistance than was presented to tenants. This change will help address concerns raised by tenants with respect to the amount of rent gap assistance.

CONTACT

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SIGNATURE

David Sit, MCIP, RPP
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ATTACHMENTS

Attachment 1: Location Map

ATTACHMENT

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