

## **131 Lyon Court and 836, 838 Roselawn Avenue – Rental Housing Demolition Application – Decision Report – Approval**

Date: November 5, 2024

To: North York Community Council

From: Acting Director, Strategic Initiatives, Policy and Analysis

Ward: 8 - Eglinton-Lawrence

**Rental Housing Demolition Application Number:** 21 235748 NNY 08 RH

**Related Planning Application Number:** 21 235591 NNY 08 OZ

### **SUMMARY**

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This report recommends approval of the Rental Housing Demolition Application to demolish 53 rental units located at 131 Lyon Court and 836, 838 Roselawn Avenue.

The 53 rental units are proposed to be replaced as part of the new development on the site. The proposal includes a Tenant Relocation and Assistance Plan that addresses the right to return to a replacement rental unit of the same type at similar rent, and provides other assistance to mitigate hardship.

The properties are also the subject of a Zoning By-law Amendment (ZBA) application (21 235591 NNY 08 OZ), which was appealed to the Ontario Land Tribunal (OLT). City Council endorsed a settlement offer and directed staff to bring forward a Decision Report on the Rental Housing Demolition application. The OLT approved the settlement in principle, subject to conditions, on April 10, 2024.

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 21 235748 NNY 08 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 53

existing rental dwelling units located at 131 Lyon Court and 836, 838 Roselawn Avenue, subject to the following conditions:

- a. The owner shall provide and maintain 53 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 3,387.10 square metres and be comprised of 8 studio units, 14 one-bedroom units, 30 two-bedroom units, and 1 three-bedroom unit, as generally illustrated in the plans submitted to City Planning dated July 12, 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 53 replacement rental dwelling units required in Recommendation 1.a above, provide at least 7 studio, 13 one-bedroom, and 26 two-bedroom units at affordable rents and 1 studio, 1 one-bedroom, 4 two-bedroom, and 1 three-bedroom unit 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 53 existing rental dwelling units proposed to be demolished, 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;
- d. 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;
- e. The owner shall provide tenants of all 53 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;
- f. The owner shall provide ensuite laundry and central air conditioning in each replacement rental dwelling unit at no extra charge;
- g. The owner shall provide all 53 replacement rental dwelling units with balconies or terraces for private and exclusive access by the tenants of such units;

h. The owner shall provide and make available for rent at least 29 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;

i. 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;

j. The owner shall provide and make available for rent a minimum of 23 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;

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 131 Lyon Court and 836, 838 Roselawn 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.

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 53 existing rental dwelling units located at 131 Lyon Court and 836, 838 Roselawn 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 Executive Director, Development Review or their designate, pursuant to Section 114 of the City of Toronto Act, 2006, or as otherwise determined by the Chief Planner and Executive Director, City Planning;

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 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 131 Lyon Court and 836, 838 Roselawn Avenue 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;

c. The Owner erects the proposed residential building containing the replacement rental dwelling units on the site no later than three (3) years from the date that the demolition of the existing buildings commenced, subject to the timeframe being extended to the discretion of the Chief Planner and Executive Director, City Planning; and

d. Should the Owner fail to complete the proposed 33-storey building within the time specified in Recommendation 4 (c) above, the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal 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 each sum 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

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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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On September 15, 2022, the ZBA application (21 235591 NNY 08 OZ) for 131 Lyon Court and 836, 838 Roselawn Avenue was appealed by the applicant to the Ontario Land Tribunal (OLT) on the basis of City Council's failure to make a decision on the application within the statutory timeline under the Planning Act.

On May 10, 2023, City Council directed the City Solicitor, together with City Planning and other appropriate staff, to attend the OLT in opposition to the ZBA application appeal and to continue discussions with the applicant in an attempt to resolve outstanding issues. <https://secure.toronto.ca/council/agenda-item.do?item=2023.NY4.6>

On December 13, 2023, City Council accepted a settlement offer dated November 29, 2023, to permit a revised development proposal. <https://secure.toronto.ca/council/agenda-item.do?item=2023.CC13.16>

On April 10, 2024, the OLT issued an interim order approving the ZBA application in principle for 131 Lyon Court and 836, 838 Roselawn Avenue.

## THE SITE AND SURROUNDING LANDS

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### Existing Rental Housing

The site contains two 4-storey rental apartment buildings and one 2-storey mixed-use building, containing a total of 53 rental units. Currently, 52 units of the units are occupied. The site includes a surface parking area, of which eligible tenants currently rent a total of 29 parking spaces.

According to the plans provided by the applicant and a site visit conducted by City Planning staff on September 29, 2022, the existing rental dwelling units are comprised of the following unit types and rent levels:

**Table 1: Existing Rental Dwelling Units and Rent Classifications**

	Studio	1-Bedroom	2-Bedroom	3-Bedroom	Total
Affordable Rent	7	13	26	-	46

	<b>Studio</b>	<b>1-Bedroom</b>	<b>2-Bedroom</b>	<b>3-Bedroom</b>	<b>Total</b>
Mid-Range (Moderate) Rent	1	1	4	1	7
<b>Total</b>	<b>8</b>	<b>14</b>	<b>30</b>	<b>1</b>	<b>53</b>

**THE APPLICATION**

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**Description**

The Rental Housing Demolition application proposes the demolition of 53 rental dwelling units within the existing buildings at 131 Lyon Court and 836, 838 Roselawn Avenue. The Rental Housing Demolition application is part of a series of required sought approvals along with applications for Zoning By-law Amendment and Site Plan control approval necessary to construct the new 33-storey building with 450 residential units, inclusive of the 53 rental replacement units recommended to be secured by this report.

**Replacement Rental Units**

The replacement units would be comprised of 8 one-bedroom units, 14 two-bedroom units and 30 three-bedroom units, and 1 three-bedroom unit, of which 46 units would have affordable rents and 7 would have mid-range (moderate) rents.

The sizes for one- and two-bedroom replacement units exceed the existing one- and two-bedroom units, and the three-bedroom replacement unit is the same size as the existing three-bedroom unit. Overall, the replacement rental units represent more than 100 percent of the existing rental gross floor area.

**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 53 existing rental dwelling units. At the time that staff was drafting this report, there are 45 eligible tenant households.

In accordance with the Tenant Relocation and Assistance Plan shared with tenants at the tenant meeting on September 24, 2024, all eligible tenants will receive the following:

- at least six months notice of the date that they must vacate their rental unit;
- the right to return to a rental replacement unit of the same unit type at similar rent;
- compensation equal to three months' rent pursuant to the Residential Tenancies Act;
- additional financial compensation in the form of rent gap assistance, where the rent gap would be calculated as the difference between the rent paid by a tenant on the date their tenancy is terminated and the most recent average apartment rent by year of construction and bedroom type for purpose-built rental buildings constructed in

2015+, published in Canada Mortgage and Housing Corporation's (CMHC) Rental Market Survey (RMS) for Zones 5-17 which encompasses the development site, over a 36-month period. The CMHC rents would be indexed upwardly to reflect changes in market conditions. The rent gap payments would assist tenants in transitioning to market rents and be paid to each eligible tenant in a lump sum on the date they provide vacant possession of their existing rental unit;

- move-out and move-back moving allowances;
- a rental leasing agent available upon request to assist tenants with finding interim accommodation; and
- additional compensation and assistance for special needs tenants, with the final determination by the Chief Planner and Executive Director, City Planning.

## **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 & 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 September 24, 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 29 tenants, representatives of the applicant, City Planning staff, and staff from the local Councillor's office.

During the meeting, tenants asked questions including:

- Construction timeline and when tenants will be required to vacate their existing rental units;
- Right of tenants if they choose not to return to the new development;
- Provision of parking and storage lockers for tenants;
- 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 or cancellation.

Additional consultation with tenants has occurred throughout the application review process, including through a Councillor-led tenant meeting on May 23, 2023.

## **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**

In accordance with Official Plan policy 3.2.1.6, staff are satisfied with the proposed replacement of 53 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.

The applicant has confirmed that tenants of the existing rental units would reserve the right to return to a replacement rental unit at similar rent. Accordingly, the replacement units will include 46 units with affordable rents and 7 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 be provided with 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 29 parking spaces and 23 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 53 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 Tenant Relocation and Assistance Plan is consistent with the City's current practices and will support tenants to access and afford suitable housing within the neighbourhood until the new building and replacement rental units are available for occupancy.

Staff are satisfied with the proposed approach to replacing demolished rental units, and with the proposed Tenant Relocation and Assistance Plan. The tenant assistance matters 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

