

## **3291 Kingston Road and 2 and 4 Windy Ridge Drive – Rental Housing Demolition Application – Decision Report – Approval**

Date: April 17, 2024

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Ward: 20 - Scarborough Southwest

**Rental Housing Demolition Application Number:** 20 209873 ESC 20 RH

**Related Applications:** 20 209863 ESC 20 OZ and 21 250639 ESC 20 SA

### **SUMMARY**

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This report recommends approval of the Rental Housing Demolition application to demolish a two-and-a-half storey rental apartment building comprised of eight rental dwelling units at 3291 Kingston Road. The units will be replaced with eight new rental dwelling units as part of the approved redevelopment of the site consisting of a 12-storey residential building with 357 dwelling units in addition to the replacement units.

Two of the eight rental units at 3291 Kingston Road were previously demolished without permits and are recommended to be included in the Rental Housing Demolition permit and replaced as part of the application. The proposal also includes the provision of a Tenant Relocation and Assistance Plan for all eligible tenants of the existing rental dwelling units, including the right to return to a replacement rental dwelling unit. The proposal also includes the demolition of two owner-occupied, single-detached houses at 2 and 4 Windy Ridge Drive.

The properties are also the subject of an Official Plan Amendment and Zoning By-law Amendment application (20 209863 ESC 20 OZ) which was appealed by the owner to the Ontario Land Tribunal (OLT) in August 2022 due to a lack of decision from City Council. The OLT issued a written decision on November 10, 2023, approving the proposed Official Plan amendment and Zoning By-law Amendment in principle, with the final order being withheld until all outstanding matters, including the necessary agreements with the City, are secured, including considerations related to rental housing matters.

This report recommends approval of the Residential Demolition Permit under Chapter 363 of the Toronto Municipal Code, subject to conditions.

## RECOMMENDATIONS

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The Director, Community Planning, Scarborough District recommends that:

1. City Council approve the Rental Housing Demolition application (20 209873 ESC 20 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 eight (8) rental dwelling units at 3291 Kingston Road, subject to the following conditions:

a. The owner shall provide and maintain eight (8) replacement rental dwelling units on the subject site for a period of at least 20 years beginning from the date that each replacement rental unit is first occupied and, during which time, no applications 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 eight (8) replacement rental dwelling units shall collectively have a total gross floor area of at least 659 square metres and be comprised of one (1) one-bedroom, three (3) two-bedroom, and four (4) three-bedroom units, as generally illustrated in the plans submitted to the City Planning Division dated November 15, 2023. Any revision to these plans shall be to the satisfaction of the Interim Chief Planner and Executive director, City Planning Division;

b. The owner shall, as part of the eight (8) replacement rental dwelling units required in Recommendation 1.a. above provide at least one (1) one-bedroom, three (3) two-bedroom, and four (4) three-bedroom 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 all for a period of at least ten (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 acceptable Tenant Relocation and Assistance Plan to all Eligible Tenants of the existing rental dwelling units proposed to be demolished at 3291 Kingston Road, addressing the right to return to occupy one of the replacement rental dwelling units at similar rents, and other assistance to lessen hardship. The Tenant Relocation and Assistance Plan shall be developed in consultation with, and to the satisfaction of, the Interim Chief Planner and Executive Director, City Planning Division;

d. The owner shall provide tenants of all eight (8) 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;

e. The owner shall provide ensuite laundry in each replacement rental dwelling unit within the proposed development;

f. The owner shall provide at least one (1) one-bedroom replacement rental dwelling unit and four (4) three-bedroom replacement rental dwelling unit with balconies and three (3) two-bedroom rental replacement units with Juliet balconies for private and exclusive access by the tenants of such units;

g. The owner shall provide central air conditioning in each replacement rental dwelling unit within the proposed development;

h. The owner shall provide and make available at least eight (8) 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 Interim Chief Planner and Executive Director, City Planning Division;

i. The owner shall provide tenants of the replacement rental dwelling units with access to bicycle and visitor vehicular parking on the same terms and conditions as any other resident of the proposed development;

j. The eight (8) 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 seventy percent (70%) of the new dwelling units in the proposed development, exclusive of the replacement rental dwelling units, are made available and ready for occupancy; and

k. The owner shall enter into and register on title to the lands at 3291 Kinston Road, 2 and 4 Windy Ridge Drive 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 Interim Chief Planner and Executive Director, City Planning Division.

2. City Council authorize the Interim Chief Planner and Executive Director, City Planning 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 eight (8) rental dwelling units at 3291 Kingston Road after all the following have occurred:

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

b. The Official Plan Amendment has come into full force and effect;

c. the Zoning By-law Amendment has come into full force and effect;

d. the issuance of the Notice of Approval Conditions for site plan approval by the Interim Chief Planner and Executive Director, City Planning or their designate pursuant to Section 114 of the *City of Toronto Act, 2006*;

e. the issuance of excavation and shoring permits (conditional or full permits) for the approved development on the site; and

f. 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 Interim 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 3291 Kingston Road and 2 and 4 Windy Ridge Drive after the Interim 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 Division;

c. the owner erects the proposed building no later than four (4) years from the date on which the demolition of the existing rental dwelling units commences, subject to the timeframe being extended to the discretion of the Interim Chief Planner and Executive Director, City Planning Division; and

d. should the owner fail to complete the proposed development containing eight (8) replacement rental dwelling units 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 other related agreements.

## **FINANCIAL IMPACT**

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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**

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On January 6, 2021, Scarborough Community Council considered a preliminary report for an Official Plan Amendment and Zoning Amendment and Rental Housing Demolition Application for 3291 Kingston Road, 2 and 4 Windy Ridge Drive to permit and 11-storey residential apartment building with 343 residential units. The Decision of City Council (Scarborough Community Council) can be found here: [Agenda Item History - 2021.SC21.3 \(toronto.ca\)](#).

On July 19, 2023, City Council adopted a Request for Directions report from the City Solicitor providing instruction to accept a settlement offer from the applicant regarding the Ontario Land Tribunal (OLT) hearing on this matter. The decision of City Council can be found here: [Agenda Item History - 2023.CC8.14 \(toronto.ca\)](#).

On November 10, 2023, the OLT issued a Decision and Interim Order approving in principle the Official Plan Amendment and Zoning By-law Amendment for 3291 Kingston Road, 2 and 4 Windy Ridge Drive, subject to conditions. The decision of the OLT may be found here: [OLT-22-004294-NOV-10-2023.pdf](#).

## **THE SITE**

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### **Existing Rental Dwelling Units**

The two-and-a-half storey rental apartment building at 3291 Kingston Road is currently comprised of six rental dwelling units, including 1 one-bedroom unit, 1 two-bedroom unit and 4 three-bedroom units. As of the date of this report, 3 of these units are currently occupied and one eligible tenant is living off-site.

The existing rental apartment building was previously comprised of eight rental dwelling units. While the building was originally constructed with six units, two additional rental dwelling units were added without building permits approximately twenty years ago. In 2021, the two additional rental dwelling units were removed without permissions. The applicant has agreed to replace all eight rental dwelling units.

All eight rental units are classified as having, or last had, affordable rents.

## **THE APPLICATION**

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### **Description**

The Official Plan Amendment and Zoning By-law Amendment for the subject lands was approved in principle by the OLT on November 10, 2023, subject in part to City Council's approval of the Rental Housing Demolition application. The application is for the lands municipally known as 3291 Kingston Road and 2 and 4 Windy Ridge Drive (see Attachment 1 - Location Map).

Once finalized the Official Plan Amendment and Zoning By-law Amendment would permit the redevelopment of the lands with a 12-storey residential development. The proposed development would contain a total of 8 rental replacement units and 357 new dwelling units.

The replacement rental units will be located on the second, third and fourth floors of the development and be comprised of 1 one-bedroom unit, 3 two-bedroom units and 4 three-bedroom units. All replacement rental units will have affordable rents. Residents will have access to all indoor and outdoor amenity space. The development would be serviced by 231 vehicular parking spaces (211 residential and 20 visitor), of which 8 vehicular parking spaces would be for the exclusive use of the replacement rental units, and 267 bicycle parking spaces (243 long-term and 24 short-term).

### **Reasons for Application**

The application to redevelop the subject lands involves the demolition of rental housing. Since the development contains six or more residential units, of which at least one 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 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

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### Tenant Meeting

Two City-led in-person tenant meetings were held on November 2, 2023 and January 10, 2024 pursuant to section 14B of the Municipal Code. The meetings reviewed the City's housing policies, the impact of the proposed development on existing tenants, and the proposed Tenant Relocation and Assistance Plan. A copy of the presentation was provided to tenants in advance of the meetings. The meetings were attended by approximately eight tenants at each meeting as well as representatives of the applicant, the local Councillor and their staff, and City Planning Staff.

During the meetings, and following the tenant meetings, tenants asked questions and expressed concerns about:

- tenant eligibility;
- implementation of the Tenant Relocation and Assistance Plan, including the rent gap and moving allowances;
- current building maintenance practices and contact information for maintenance issues;
- utilities associated with current leases;
- current rent levels and applicable rent increases for existing tenants;
- loss of building amenities such as laundry and parking; and,
- availability of rental units in the neighbourhood and the suitability for tenant's interim accommodation

## COMMENTS

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### 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.

### Rental Demolition and Replacement

In accordance with Official Plan policy 3.2.1.6, the applicant is proposing to replace the eight rental dwelling units to be demolished at 3291 Kingston Road by their respective unit types. The replacement rental units are comprised of 1 one-bedroom unit, 3 two-bedroom units, and 4 three-bedroom units, all of which would have affordable rents.

The existing rental apartment building originally contained six rental dwelling units, two rental dwelling units were added. These two rental units were removed without demolition permits and the review process identified the need for their replacement as

they previously contributed to the rental housing supply in the area. This application proposes to replace all eight rental dwelling units.

The total gross floor area of the eight replacement rental units is 659 square metres which is 106% of the gross floor area of the existing rental units proposed to be demolished.

The average size of replacement one- and two-bedroom units is larger than the average size of existing units of the same type. The replacement three-bedroom units are marginally smaller than existing three-bedroom units, but overall are 97% of the existing unit sizes.

All existing units have balconies. The proposal includes full balconies for five of the replacement units and Juliet balconies for the remaining units.

All replacement rental dwelling units will be provided with ensuite laundry facilities and central air conditioning. Tenants of the replacement rental units will have access to bicycle parking, visitor parking, and all indoor and outdoor amenities on the same terms and conditions as the other residents of the development. The replacement rental units will be provided with 8 dedicated parking spaces, which replaces the existing on-site parking.

Tenants who return to the replacement rental units would be subject to rent increases capped by the provincial rent increase Guideline, irrespective of whether such Guideline applied to the proposed development under the *Rental Tenancies Act*, until their tenancies end. Rents for the replacement rental units without returning tenants would not exceed the one times the average City of Toronto rent by unit type for a period of at least 10 years.

City Planning staff are of the opinion that the proposed replacement plan is appropriate and consistent with the intent of Policy 3.2.1.6.

### **Tenant Relocation and Assistance Plan**

The applicant has agreed to implement a Tenant Relocation and Assistance Plan for all Eligible Tenants who reside at 3291 Kingston Road. The plan would assist tenants in finding and securing alternative accommodation while the replacement units are being constructed.

The Tenant Relocation and Assistance Plan would include the following:

- The right to return to a rental unit of the same bedroom type and a similar unit size, and at similar rent, as the rental unit they currently occupy;
- At least six (6) months' notice before having to vacate their existing dwelling unit (inclusive of notice required under the *Residential Tenancies Act*);
- Financial compensation, above and beyond that required under the *Residential Tenancies Act*, in the form of rent gap assistance. The calculation of the rent gap will be based on the current Council-adopted methodology.



- Moving allowances to cover expenses for moving, first, into alternative interim accommodation and, second, from the interim accommodation into a replacement rental unit;
- Additional compensation for tenants with Special Needs, as determined by the Chief Planner, City Planning Division; and
- Upon request, services of a rental leasing agent.

The rent gap assistance would be paid by the applicant to each Eligible Tenant on the date they provide vacant possession of their existing rental unit. In the event the proposed development and renovated units take longer than three (3) years to complete, the applicant would provide each tenant with additional rent gap assistance until the replacement rental units are ready for occupancy.

The Tenant Relocation and Assistance Plan is consistent with the City's current practices and City Planning staff are satisfied it would appropriately lessen hardship for tenants.

## **CONTACT**

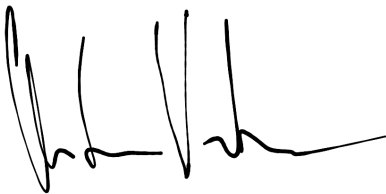
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## **SIGNATURE**

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Christian Ventresca, MScPI, MCIP, RPP, Director  
Community Planning, Scarborough District

## **ATTACHMENTS**

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Attachment 1: Location Map

# Attachment 1: Location Map

