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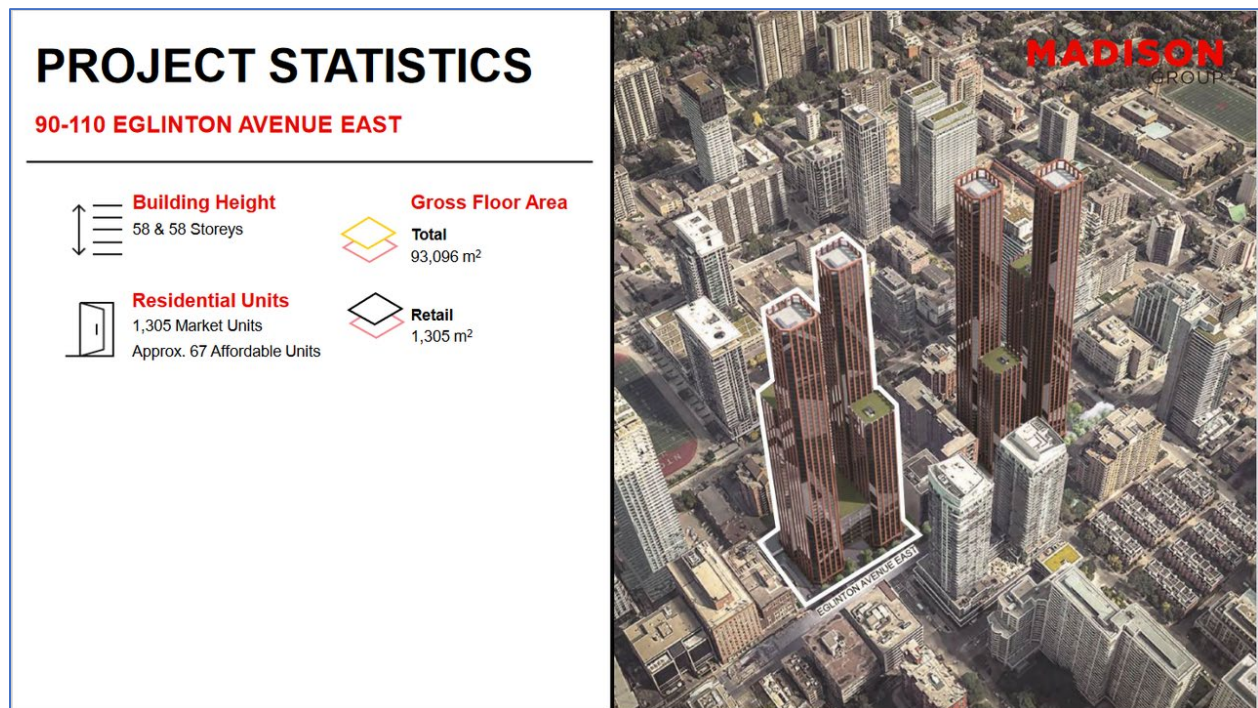
October 24th, 2024

Toronto and East York Community Council
City of Toronto
100 Queen Street West
Toronto, ON
M5H 2N2

RE : TE17.5 - 90-110 Eglinton Avenue East – OPA & ZBA Application - Decision Report – Approval

Toronto and East York Community Council,

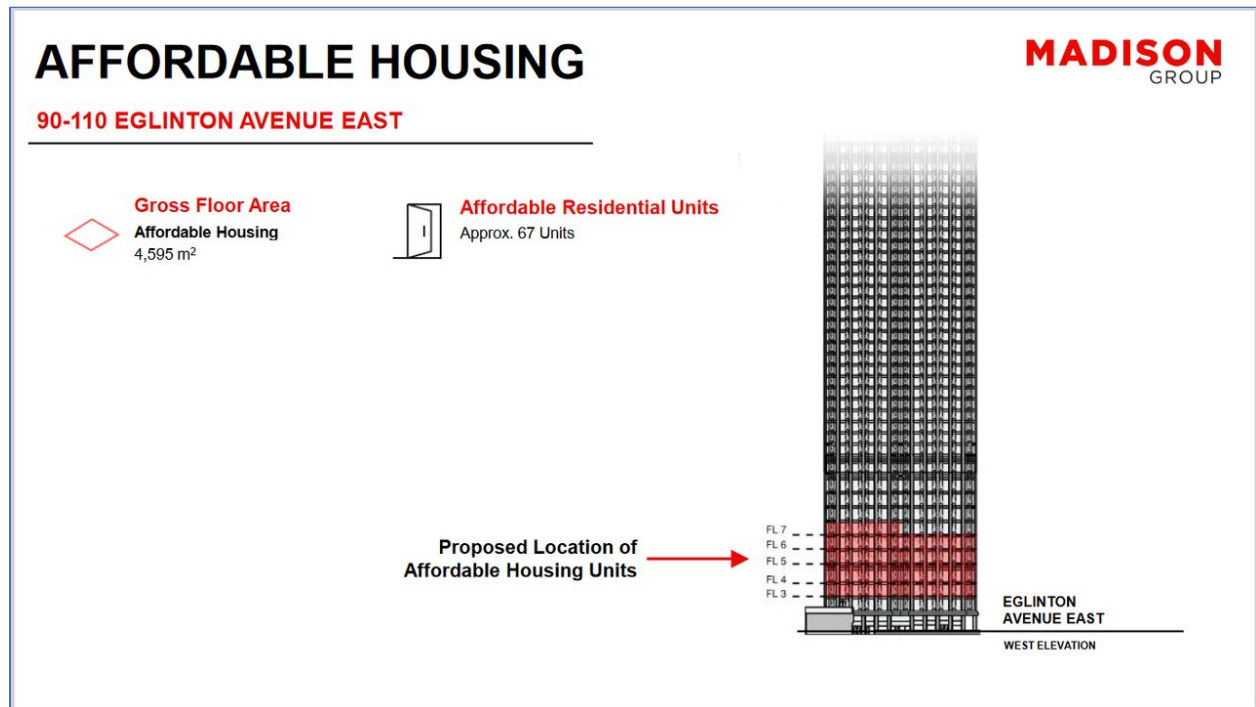
Our **HousingNowTO.com** civic-tech and affordable housing volunteers from Toronto-East York – have actively watched the City Planning processes for the property at 90-110 Eglinton Ave East over the last few years, and fully support the proposal as presented to you today.



Source - <https://www.toronto.ca/legdocs/mmis/2024/te/comm/communicationfile-183948.pdf>

In particular, we would like to draw attention to the fact that this – *“Official Plan Amendment will secure the provision of 4,595 square metres (49,460 sq ft) of net new affordable housing in lieu of a portion of the required office space replacement, should the office space not be replaced”* – that will be to be conveyed at a nominal cost to a non-profit provider / operator, and located in either Block-1 or Block-2, whichever is developed first. These net new affordable rental apartments will have full access to all

residential amenities in the building, and will only be required to pay 33% of the on-going monthly maintenance condo fees for the full 99-year period of affordability.



This will deliver approx. Sixty-Seven (~67) net new affordable rental apartments – that will be delivered as a single stratified parcel to a non-profit provider on the lower floors of the new towers, and almost 100 net new affordable bedrooms.

AFFORDABLE RENTAL UNIT TYPE	UNIT COUNT	BEDROOM COUNT	TOTAL BEDROOMS
ONE-BEDROOM	44	1	44
TWO-BEDROOM	18	2	36
THREE-BEDROOM	5	3	15
GRAND TOTAL	67		95

This OPA agreement is equivalent to a ~20% ratio of office space to affordable rental housing conversion-value, as currently a total of 22,976 square metres (247,312 sq ft) would be required as office gross floor area replacement – if the old city planning policies around “office retention” requirements were enforced on this site.

This is an excellent deal – and we would encourage all city councillors and city planners to use this affordable rental agreement at 90-110 Eglinton Ave East as a repeatable template for future **employment/office conversions to residential apartments agreements**, and to transparently share the terms & conditions of each of these individual agreements as both stand alone PDF reports in TMMIS – and as trackable, standardized OPEN DATA shared on the City of Toronto Open Data portal.

Our only piece of agreement-specific advice on this proposal would be to draw attention to the possible taxation implications of the “Conveyance of the Affordable Rental Housing” in SECTION 8 of the Terms of Reference that are attached to this letter.

d) The owner or non-profit housing provider shall be responsible for **all applicable land transfer taxes** associated with the conveyance of the Affordable Rental Housing Units to the City or non-profit housing provider.

e) Any waivers of fees and charges will be in accordance with applicable legislations. The non-profit housing provider may apply for property tax exemptions for the Affordable Rental Housing Units and other incentives from the City.

HNTD volunteers would encourage the City to work with the CFO, MPAC, the Provincial and Federal Governments – and the CRA to ensure that these kinds of “nominal value” transfers of Condominium strata blocks to a not-for-profit affordable rental housing partner do not trigger any land transfer tax payments to the City of the Province, or any HST payments based on the “full market value” (*approx. ~\$37-MILLION in 2024 dollars) of the residential property being transferred from the developer to the not-for-profit organization.

We also encourage city councillors to enable and encourage these kinds of redevelopments in their wards to facilitate the creation of net-new affordable housing units within larger market-rate developments in major transit station areas (MTSAs).

As always, our open data and civic-tech volunteers are happy to answer any questions that councillors or city staff may have on affordable-housing development best practices – and how to make most effective use of Transit-Oriented Lands to help alleviate Toronto’s rental-housing crisis.

Yours,



Mark J. Richardson
Technical Lead – HousingNowTO.com

Attached

Appendix ‘A’ – **Attachment 8: Affordable Housing Terms of Reference** (*as extracted from the STAFF REPORT)

Attachment 8: Affordable Housing Terms of Reference

1. Provision of Affordable Rental Housing

- a) A total gross floor area of no less than 4,595 square metres (including corridors and any additional dedicated space for the units as required by the non-profit housing provider) of affordable rental housing shall be conveyed by the owner to a non-profit housing provider on the lands known as 90 to 110 Eglinton Avenue East for the purpose of operating a social housing program pursuant to Section 453.1 of the City of Toronto Act, 2006 in consultation with and to the satisfaction of the Chief Planner and Executive Director, City Planning and Executive Director, Housing Secretariat.
- b) All affordable rental units ("Affordable Rental Housing Units") shall be owned and operated by the non-profit provider.
- c) The non-profit housing provider will be selected in consultation with and to the satisfaction of the Chief Planner and Executive Director, City Planning and Executive Director, Housing Secretariat. The process to select the non-profit housing provider shall be prepared and administered by the owner to the satisfaction of the Chief Planner and Executive Director, City Planning and Executive Director, Housing Secretariat.
- d) The total gross floor area will include approximately 67 affordable rental housing units and located in either Block 1 or Block 2, whichever is developed first.
- e) The Affordable Rental Housing Units shall be conveyed as a single stratified parcel with shared facilities agreement.
- f) The Affordable Rental Housing Units shall be constructed to a fully finished condition, to a similar standard as the market units in the remainder of the development.
- g) The Affordable Rental Housing Units shall be ready and available for occupancy no later than the time 70% of the other units in the Development are ready and available for occupancy.

2. Units

- a) The Affordable Rental Housing Units will be provided to the satisfaction of the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat.
- b) The unit mix and sizes of the Affordable Rental Housing Units shall generally meet the unit sizes in the Affordable Rental Housing Design Guidelines or the requirements of the non-profit housing provider and be to the satisfaction of the

Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat and generally be reflective of the following:

- i) Forty-four one-bedroom units, with an average size of 55 square metres and a minimum unit size of 48.7 square metres.
 - ii) Eighteen two-bedroom units, with an average size of 67 square metres and a minimum size of 60 square metres; and,
 - iii) Five three-bedroom units, with an average size of 92 square metres and a minimum size of 84 square metres.
- c) The final unit sizes and breakdown of the Affordable Rental Housing Units will be exclusive of balconies.
- d) The size, location and layout of the Affordable Rental Housing Units shall be indicated in the approved drawings under the Site Plan application for the Site, subject to minor modifications at the detailed design stage, and secured in a Section 453.1 of the City of Toronto Act, 2006 agreement prior to lifting the Hold for the Zoning by-law to the satisfaction of the Chief Planner and Executive Director, City Planning and the Executive Director, Housing Secretariat.

3. Rents

- a) The initial rents (inclusive of utilities) charged to the first tenants of the Affordable Rental Housing Units and upon turnover of any Affordable Rental Housing Unit for the duration of the affordability period shall not exceed the lower of the City of Toronto Official Plan income-based affordable rental housing definition or affordable rental housing as defined in the Provincial Affordable Residential Units Bulletin.
- b) After the first year of occupancy of any of the of the Affordable Rental Housing Units and for the duration of the affordability period, the rent (inclusive of utilities) charged to tenants occupying such units may be escalated annually by not more than the annual provincial rent guideline, regardless of whether such guideline is applicable to the units under the Residential Tenancies Act or any successor legislation governing residential tenancies in Ontario, until the tenancy ends, provided that at no point shall the rent (inclusive of utilities) charged exceed the lower of the Official Plan income-based affordable rent definition or the Provincial definition of affordable.
- c) Utilities include the cost of hydro, heat, water, and hot water and are the responsibility of the non-profit housing provider. If utilities are to be paid directly by the tenant household, the rents must be adjusted in accordance with the Utility

Allowance as determined by the City and to the satisfaction of the Executive Director, Housing Secretariat

4. Affordability Period

a) The Affordable Rental Housing Units shall be maintained as affordable rental housing for a 99-year affordability period.

b) The non-profit housing provider shall provide and maintain the affordable rental housing units at the rents identified in Part 3 above for the duration of the Affordability Period; the affordable rental housing units shall not be registered as a condominium or any other form of ownership, such as life lease or co-ownership, which provide a right to exclusive possession of a dwelling unit, and no application for conversion for non-rental housing purposes, or application to demolish any affordable rental housing units shall be made for the duration of the Affordability Period; upon the expiration of the Affordability Period, the owner shall continue to provide and maintain the affordable rental housing units as rental dwelling units, unless and until such time as the owner has applied for and obtained approvals necessary to do otherwise.

5. Administration and Renting of Affordable Rental Housing

a) During the 99-year affordability period, the non-profit housing provider agrees to work with the City to administer the units in accordance with the City's Affordable Rental Housing Administration Manual.

b) The non-profit housing provider will offer the units to eligible households who have demonstrated that they are in need of affordable rental housing and who are on the City's centralized rental housing access system or, in the event the centralized rental housing access system is not available, through a fair and transparent advertising and selection process to the satisfaction of the Executive Director, Housing Secretariat; and at least 6 months in advance of any Affordable Rental Housing Unit being made available for rent, the housing provider shall develop and implement an Access Plan which will outline how the Affordable Rental Housing Units will be rented to eligible households in consultation with, and to the satisfaction of, the Executive Director, Housing Secretariat.

6. Amenities

a) All units will have access to all areas of the building, including all common and amenity areas. Costs associated with use of and easements for common and amenity areas will be reduced to 33% of the standard shared use costs or such other amount, to the satisfaction of the Chief Planner and Executive Director, City Planning and Executive Director, Housing Secretariat.

b) Tenants of the Affordable Rental Housing Units shall have equal access to all indoor and outdoor amenity spaces in the building on the same terms as other residents of the building.

c) All Affordable Rental Housing Units will have air conditioning and ensuite laundry provided with no extra charges for appliances.

d) Tenants will have equal access to bicycle parking/bicycle lockers in accordance with the zoning by-law.

7. Agreements for the Affordable Rental Housing

a) The Owner shall enter into and register in priority on title to the lands at 90-110 Eglinton Avenue East a Section 453.1 agreement of the City of Toronto Act for the conveyance of a minimum of 4,595 square metres of affordable rental housing as per the terms identified herein prior to lifting the Hold for the Zoning by-law at 90-110 Eglinton Avenue East.

8. Conveyance of the Affordable Rental Housing

a) The Owner shall enter into an Agreement of Purchase and Sale to convey the affordable housing units at a nominal cost to the selected non-profit housing provider. Which agreement will become final and binding at or before the issuance of the first above grade building permit for the development at 90-110 Eglinton and include provisions allowing all of the Affordable Rental Housing Units to be assignable by the non-profit housing provider to a different non-profit housing provider, subject to the approval of the Executive Director, Housing Secretariat.

b) Contemporaneously with the conveyance of the Affordable Rental Housing Units, the Owner shall, at nominal cost, convey easements of indefinite term to the non-profit provider to secure access to, and enjoyment of, all common areas, utility and mechanical areas, areas required for ingress and egress, vehicle and bicycle parking areas (visitor and resident), and indoor and outdoor amenity areas as provided for in the Agreement(s), including visitors of same.

c) Should the non-profit housing provider not close on the property, a timeline for the Owner to remedy and secure an alternate Affordable Housing Provider shall be established.

d) The owner or non-profit housing provider shall be responsible for all applicable land transfer taxes associated with the conveyance of the Affordable Rental Housing Units to the City or non-profit housing provider.

e) Any waivers of fees and charges will be in accordance with applicable legislations. The non-profit housing provider may apply for property tax

exemptions for the Affordable Rental Housing Units and other incentives from the City.