

133 and 141 Erskine Avenue – Rental Housing Demolition Application – Decision Report – Approval

Date: June 6, 2025

To: North York Community Council

From: Director, Strategic Initiatives Policy and Analysis

Ward: Ward 15 – Don Valley West

Rental Housing Demolition Application Number: 21 251215 NNY 15 RH

Related Planning Application Number: 21 251207 NNY 15 OZ

SUMMARY

This report recommends approval of a Rental Housing Demolition application which proposes to demolish 26 rental dwelling units located at 133 Erskine Avenue. The 26 rental units are proposed to be replaced as part of the new development on the site. The proposal includes a Tenant Assistance Plan that addresses the right of existing tenants to return to replacement rental units at similar rents and provides financial compensation to mitigate hardship.

The properties are also the subject of a Zoning By-law Amendment application (21 251207 NNY 15 OZ), which was appealed to the Ontario Land Tribunal (OLT). The OLT issued a written decision on June 26, 2024, approving a settlement on the Zoning By-law Amendment for a 35-storey residential building with 364 dwelling units, with the final Order being withheld until all outstanding matters, including the necessary agreements with the City, are secured, including the rental housing matters.

141 Erskine Avenue is included in the Zoning By-Law Amendment application but is not impacted by the demolition proposal.

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

RECOMMENDATIONS

The Director, Strategic Initiatives, Policy and Analysis recommends that:

1. City Council approve the Rental Housing Demolition application 21 251215 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 to permit the demolition of 26 existing rental dwelling units located at 133 Erskine Avenue, subject to the following conditions:

- a. The owner shall provide and maintain 26 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;
- b. The replacement rental dwelling units required by recommendation 1.a. above shall collectively have a total gross floor area of at least 2,416 square metres and be comprised of 2 one-bedroom units and 24 two-bedroom units, as generally illustrated in the plans submitted to the City Planning Division dated January 25, 2025. Any revision to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;
- c. The owner shall, as part of the 26 replacement rental dwelling units required in Recommendation 1.a above, provide at least 1 one-bedroom unit and 6 two-bedroom units at affordable rents, and 8 two-bedroom units 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. The rents of the remaining 11 replacement rental dwelling units shall be unrestricted;
- d. The owner shall provide a Tenant Assistance Plan for tenants of the 26 existing rental dwelling units proposed to be demolished at subject site address to the satisfaction of the Chief Planner and Executive Director, City Planning;
- e. The owner shall provide tenants of all 26 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;
- 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 and make available for rent at least 6 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;
- 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 development;
- 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 the subject site, 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.

2. City Council authorize the 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 26 existing rental dwelling units located at 133 Erskine Avenue after all the following have occurred:

- a. All conditions in Recommendation 1 above have been fully secured;
- b. Zoning By-law Amendments for application 21 251207 NNY 15 OZ have 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 133 Erskine Avenue after the Chief Planner and Executive Director, City Planning 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 at the discretion of the Chief Planner and Executive Director, City Planning; 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

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

On June 19, 2023, City Council adopted an Appeal Report from the Director, Community Planning, North York District (dated June 1, 2022) regarding the Zoning By-law Amendment application and directed the City Solicitor and appropriate staff to oppose the appeals before the OLT and continue discussions with the applicant in an attempt to resolve outstanding matters through Item NY6.2. The City Council decision may be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.NY6.2>

On February 6 and 7, 2024 City Council adopted 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.CC14.4>

On June 26, 2024, the OLT issued a Decision and Interim Order approving in principle the Zoning By-law Amendment for 133- 141 Erskine Avenue, subject to conditions.

THE SITE

Description

The site at 133 Erskine Avenue is located at the southeast corner of Erskine Avenue and Redpath Avenue and includes an approximately 324 square metre portion of the site at 141 Erskine Avenue, forming a rectangular shaped site. The site, including the 141 Erskine Avenue portion, has a total lot area of approximately 1,457 square metres, with approximately 36 metres of frontage on Erskine Avenue and 40.5 metres of frontage on Redpath Avenue. (see Attachment 1: Location Map).

Existing Rental Housing

133 Erskine Avenue currently includes an 11-storey rental apartment. The existing apartment building at 133 Erskine Avenue contains a total of 26 rental dwelling units including 2 one-bedroom units, 24 two-bedroom units. In addition, the top floor of the building is a single owner occupied unit.

A portion of 141 Erskine Avenue is included in this application because the owners of both properties agreed to sell a portion of 141 Erskine (unprogrammed outdoor space) to 133 Erskine. The existing apartment building at 141 Erskine is not included in this application.

Of the existing rental units, 7 have affordable rents, 8 have mid-range (moderate) rents and 11 have rents above mid-range rents. Twenty-five of the units are currently occupied.

THE APPLICATION

Description

The Rental Housing Demolition application proposes the demolition of 26 rental dwelling units within the existing building at 133 Erskine Avenue. A related Zoning By-law Amendment application proposes to permit the development of a 35-storey residential building. The proposed development will contain 364 residential units, including 26 replacement rental units.

Replacement Rental Units

The proposed development contains a total of 26 rental replacement dwelling units. The total gross floor area of the 26 replacement rental units is 2,416 square metres, which is 104% of the gross floor area of the existing rental units proposed to be demolished.

The proposed replacement rental units are comprised of 2 one-bedroom units and 24 two-bedroom units, of which 7 units would have affordable rents, 8 would have mid-range (moderate) rents and the remaining 11 units would have unrestricted rents.

Tenant Assistance Plan

A Tenant 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. Tenant assistance is provided to tenants upon move out after they receive a formal eviction notice.

All tenants, regardless of when they moved in, will receive the following:

- at least six months' notice before having to vacate their existing dwelling unit;
- compensation equal to three months' rent, pursuant to the Residential Tenancies Act (RTA); and
- additional compensation for tenants with special needs, as determined by the Chief Planner.

Eligible tenants—those tenants who moved in prior the Rental Housing Demolition application being submitted—will receive the following additional assistance:

- the right to return to a rental replacement unit of the same type, at similar rent;
- rent gap assistance to assist tenants in paying market rents for the period between when they move out and can return, estimated at 36 months;
- additional rent gap assistance if tenants cannot return as scheduled;
- move-out and move-back moving allowances; and
- services of a rental leasing agent to help tenants find and apply to suitable interim housing.

Reasons for Application

This application to redevelop the subject site 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.

A Rental Housing Demolition application was submitted on December 23, 2021. Staff conducted a site visit on April 25, 2024, and a Tenant Meeting on June 26, 2024, details of which are summarized in the Public Engagement section of this report.

The related rezoning application (21 251207 NNY 15 OZ) was submitted on December 23, 2021.

POLICY AND 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 Planning Statement (2024), and shall conform to provincial plans.

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 assistance plan, addressing the right to return to the replacement units at similar rents and other assistance to lessen hardship.

The City's [Rental Housing Demolition and Replacement Handbook](#) outlines how Policy 3.2.1.6 is typically implemented.

PUBLIC ENGAGEMENT

Tenant Meeting

An in-person meeting was held on June 26, 2024, to review the City's housing policies, the impact of the proposed demolition on existing tenants, and the proposed Tenant Assistance Plan. The meeting was attended by 15 tenants, representatives of the applicant, City Planning and Development Review staff. Tenants also submitted written correspondence with additional comments.

Tenants asked questions and expressed concerns about:

- Construction timeline and when tenants will be required to vacate their existing rental units;
- The proposed replacement rental unit sizes;
- The design of the proposed replacement rental units;
- Access to parking, storage lockers and amenities in the new building;
- Seniority and the process for selecting and returning to a replacement rental unit;
- What financial compensation would be provided under the City-approved Tenant Assistance Plan and how it would be administered to tenants; and
- Whether the City has contingencies in place for construction delays.

Staff have also responded to tenant inquiries since the tenant meeting including receiving additional feedback on the replacement unit design and layouts. In response, the applicant adjusted proposed plans to address tenant concerns, including storage space and kitchen functionality.

COMMENTS

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

Staff are satisfied with the proposed approach to replacing the rental dwelling units proposed to be demolished, which includes replacement of all 26 existing rental dwelling units by their respective bedroom type, and affordability classification. Proposed replacement units are located on Levels 2 to 4 of the new building. Average unit sizes by type of the proposed replacement units exceed the average unit sizes by type of the existing units.

The replacement rental units will be provided with ensuite laundry facilities and central air conditioning, which represents an improvement over the existing rental housing units. Tenants of the replacement rental units will also 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 6 parking spaces for the tenants of the replacement rental 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.

The replacement units will be maintained as rental housing for at least 20 years, beginning on the date the replacement rental units are first occupied, and 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 RTA.

The replacement rental units and associated conditions address the replacement requirements of Official Plan policy 3.2.1.6 and are consistent with the City's implementation approach as outlined in the Rental Housing Demolition and Replacement Handbook.

Tenant Assistance Plan

The Tenant Assistance Plan is consistent with the City's current practices as outlined in the [Rental Housing Demolition and Replacement Handbook](#). The Tenant Assistance Plan will support tenants to access and afford suitable housing within the neighbourhood until the new building and replacement rental units are available for occupancy.

The rental replacement matters and tenant assistance 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.

CONTACT

Andrew Cohrs, Senior Planner, 416-392-4730, Andrew.Cohrs@toronto.ca

SIGNATURE

Corwin Cambray, MCIP, RPP
Director, Strategic Initiatives, Policy and Analysis
City Planning

ATTACHMENTS

Attachment 1: Location Map - 133-141 Erskine Avenue

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