

1-19 Thelma Avenue– Rental Housing Demolition Application – Decision Report – Approval

Date: December 18, 2024

To: Toronto and East York Community Council

From: Acting Director, Strategic Initiatives, Policy and Analysis

Ward: 12 - Toronto - St. Paul's

Rental Housing Demolition Application Number: 20 192647 STE 12 RH

Related Planning Application Number: 24 181288 STE 12 OZ

SUMMARY

This report reviews and recommends approval of the Rental Housing Demolition Application which proposes to demolish nine existing rental dwelling units located at 1-15 Thelma Avenue, all of which are currently vacant, in addition to two rental dwelling units at 17 and 19 Thelma Avenue which were previously demolished. The 11 rental dwelling units are proposed to be replaced at an off-site location in a new development at 2470 Bayview Avenue.

The new development on the site is the subject to a related Official Plan and Zoning By-law Amendment application (24 181288 STE 12 OZ). The proposed development would permit a 27.0 metre (7-storey) apartment building, including mechanical penthouse, at 1-19 Thelma Avenue. An approval report for the Zoning By-law Amendment application has been advanced concurrently with this Rental Housing Demolition Application approval report.

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

RECOMMENDATIONS

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

1. City Council approve the Rental Housing Demolition Application File Number 20 192647 STE 12 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 11 rental dwelling units located at 1-19 Thelma Avenue, subject to the following conditions:

- a. The owner shall provide and maintain 11 replacement rental dwelling units on the lands at 2470 Bayview Avenue 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 976 square metres and be comprised of 1 one-bedroom unit, 8 two-bedroom units, and 2 three-bedroom units and shall be illustrated in replacement floor plans to the satisfaction of the Chief Planner and Executive Director, City Planning;
- b. The owner shall, as part of the 11 replacement rental dwelling units required in Recommendation 1.a above, provide at least 1 two-bedroom unit 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 1 one-bedroom, 7 two-bedroom, and 2 three-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;
- c. The owner shall provide tenants of all 11 replacement rental dwelling units with access to, and use of, all indoor and outdoor amenities in the replacement 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;
- d. The owner shall provide ensuite laundry and central air conditioning in each replacement rental dwelling unit at no extra charge;
- e. The owner shall provide and make available vehicle parking spaces to tenants of the replacement rental dwelling units at the same residential unit-to-vehicle parking ratio as provided for the remainder of the building. The terms and conditions for renting vehicle parking spaces to tenants of the replacement rental dwelling units shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;
- f. 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;
- g. The owner shall provide and make available storage lockers to tenants of the replacement rental dwelling units at the same residential unit-to-storage locker ratio as provided for in the remainder of the replacement building. 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;

h. No above-grade building permit shall be obtained for the proposed developed at 1-19 Thelma Avenue prior to the issuance of an above-grade building permit for the proposed development at 2470 Bayview Avenue which shall contain the 11 replacement rental dwelling units required in Part 1.a. above, or as otherwise agreed to by the Chief Planner and Executive Director, City Planning;

i. The owner shall enter into, and register on title to the lands at 1-19 Thelma Avenue and 2470 Bayview Avenue, agreements pursuant to Section 111 of the City of Toronto Act, 2006 to secure the conditions outlined in Parts 1.a. to 1.h. above, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning; and

j. The owner has registered, to the satisfaction of the City Solicitor, a Section 118 restriction under the Land Titles Act agreeing not to transfer or charge any part of the lands at 1-19 Thelma Avenue and 2470 Bayview Avenue, without prior written consent of the Chief Planner and Executive Director, City Planning, or their designate.

2. City Council authorize the Chief Planner and Executive Director, City Planning Division, 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 11 rental dwelling units located at 1-19 Thelma 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(s) has come into full force and effect;

c. The Owner has provided a letter of credit for a portion of the value of the cost of the replacement housing required in Recommendation 1 ("Financial Security"), in a form and in an amount satisfactory to the City, and such security shall not be released until the replacement housing is ready and available for occupancy, to the satisfaction of the Chief Planner and Executive Director, City Planning. The Financial Security may be drawn upon and used towards the provision of affordable and/or mid-range rental housing in the City if the replacement housing is not ready and available for occupancy prior to the earlier of:

i. a new dwelling unit erected in the new residential building 1-19 Thelma Avenue is ready and available for occupancy; or

ii. four (4) years from the date of issuance of the first demolition permit for all or any portion of the existing rental units at 1-19 Thelma Avenue, subject to such extensions as may be reasonably requested by the Owner and agreed to at the sole discretion of the City.

From the date the Financial Security is first paid to the City until such time as the replacement housing is ready and available for occupancy, the Financial Security shall be indexed upwardly in accordance with the Statistics Canada Residential

Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication 18-10-0135-01, or its successor, to the satisfaction of the Chief Planner and Executive Director, City Planning.

3. City Council authorize the City Solicitor to take the necessary steps to release the Section 118 Restriction from all or any portion of the lands in the City Solicitor's sole discretion after consulting with the Chief Planner and Executive Director, City Planning once the 11 replacement rental dwelling units are ready and available for occupancy to the satisfaction of the Chief Planner and Executive Director, City Planning.

4. 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 Division, or their designate, has given Preliminary Approval referred to in Recommendation 2 above.

5. 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 1-15 Thelma Avenue after the Chief Planner and Executive Director, City Planning Division, 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; and

b. The owner erects solid construction hoarding to the satisfaction of the Chief Building Official and Executive Director, Toronto Building.

6. 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

A Rental Housing Demolition application was submitted on September 11, 2020.

THE SITE AND SURROUNDING LANDS

Existing Rental Housing

At the time the Rental Housing Demolition application was submitted, the site contained 11 rental dwelling units located within 2 detached and 8 semi-detached residential buildings. Of the 11 units, 2 were occupied by tenants and 9 were vacant. The 2 tenants moved out shortly after the application was submitted.

Since the application was submitted, 2 of the rental dwelling units located at 17 and 19 Thelma Avenue have been demolished due to the buildings being in poor condition and posing safety concerns to the public. The remaining buildings on the site are vacant and in a state of disrepair.

The existing rental condition was confirmed by City Planning staff who conducted site visits in November 2019 and December 2024.

The breakdown by unit type and rent classification of the buildings at the time of application is outlined in Table 1 below.

Table 1: Existing Rental Dwelling Units and Rent Classifications

Rent Classification	1-Bedroom	2-Bedroom	3-Bedroom	Total
Affordable	-	1	-	1
Mid-Range	1	7	2	10
Total	1	8	2	11

See Attachment 1 for the Location Map.

THE APPLICATION

Description

The Rental Housing Demolition application proposes to demolish and replace all 11 rental dwelling units that existed at 1-19 Thelma Avenue at the time of application. The units are proposed to be replaced within a new development at 2470 Bayview Avenue.

A related Zoning By-law Amendment application proposes to amend the Official Plan and Zoning By-law to permit the development of a 7-storey residential building consisting of 24 dwelling units at 1-19 Thelma Avenue.

Replacement Rental Units

The applicant has agreed to replace a minimum of 100 percent of the existing rental gross floor area as part of two new 6-storey apartment buildings located at 2470 Bayview Avenue containing 60 dwelling units. The 11 replacement units would be comprised of 1 one-bedroom unit, 8 two-bedroom units and 2 three-bedroom units, of which 1 unit would have affordable rents and 10 would have mid-range rents. The new buildings located at 2470 Bayview Avenue do not require a Zoning By-law Amendment as the proposed building form is permitted as-of-right under the City-Wide Official Plan and Zoning By-law amendments for properties within the Neighbourhoods designation, on Major Streets. While these amendments are currently under appeal at the Ontario Land Tribunal, a request to scope the appeal to exclude 2470 Bayview Avenue has been granted.

Given that the 11 replacement rental units are proposed to be provided at 2470 Bayview Avenue, replacement rental housing is not required on-site in the proposed development at 1-19 Thelma Avenue.

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

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.

PUBLIC ENGAGEMENT

Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law, requires the City Planning division hold a meeting to review the City's housing policies and the impact of the proposed demolition on existing tenants. As the existing rental dwelling units are currently vacant, a tenant meeting was not held.

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

In order to satisfy policy 3.2.1.6 of the Official Plan, the applicant has agreed to replace the 11 rental dwelling units by their respective unit types and rent classifications, and will replace a minimum of 100 percent of the existing rental gross floor area within the new apartment building at 2470 Bayview Avenue, where construction has yet to commence. Tenants who 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). The applicant has also agreed to provide and maintain the replacement rental units as rental housing for at least 20 years, beginning on the date the rental units are first occupied.

All replacement rental units will be provided with ensuite laundry facilities and central air conditioning at no extra charge. 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 buildings. Vehicle parking spaces and storage lockers will be made available to tenants of the replacement rental units at the same unit-to-parking space and storage locker ratio as the remainder of the building.

The applicant has also agreed to conditions to provide assurances that the replacement rental units at 2470 Bayview Avenue will be constructed and occupied prior to a number of development milestones required to construct and occupy the proposed building at 1-19 Thelma Avenue. Prior to the Chief Planner and Executive Director, City Planning issuing Preliminary Approval of the Rental Housing Demolition Permit to demolish the units, the applicant will be required to do the following:

- Register an agreement pursuant to Section 111 of the City of Toronto Act, 2006 on title to both the 2470 Bayview Avenue and 1-19 Thelma Avenue lands that secure the replacement requirements of Official Plan Policy 3.2.1.6;

- Register a Section 118 Restriction under the Land Titles Act against the subject lands at 1-19 Thelma Avenue and 2470 Bayview Avenue. This is to ensure that no part of the lands can be transferred to a new owner without the City's consent;
- Provide financial security to the City through a letter of credit that will be returned to the applicant once the replacement rental units are available for occupancy at 2470 Bayview Avenue.

The applicant will also be required to obtain an above-grade building permit for the apartment buildings containing the replacement rental units at 2470 Bayview Avenue prior to the issuance of an above-grade building permit for the proposed replacement building at 1-19 Thelma Avenue.

Off-site replacement that is beyond the vicinity of the development is not typically considered, in part as offering replacement units in a new location may contribute to hardship for existing households. Providing for off-site replacement is an acceptable outcome for this development as there are no existing tenants and the off-site location provides for similar amenities and access to services.

Overall, the proposal is consistent with the housing policies of the Official Plan. The proposal to replace 11 existing rental dwelling units will maintain, improve and replenish the existing stock of rental housing in the city.

CONTACT

Denise McMullin, Planner, Strategic Initiatives, Policy and Analysis (Housing), 416-395-7133, Denise.McMullin2@toronto.ca

SIGNATURE

Jeffrey Cantos, MCIP, RPP, PLE
Acting Director, Strategic Initiatives, Policy and Analysis
City Planning

ATTACHMENTS

Attachment 1: Location Map

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