

126, 128 and 130 Avenue Road – Rental Housing Demolition Application – Decision Report – Approval

Date: June 9, 2025

To: Toronto and East York Community Council

From: Director, Strategic Initiatives Policy and Analysis

Ward: 11 - University-Rosedale

Rental Housing Demolition Application Number: 23 119299 STE 11 RH

Related Planning Application Number: 23 119287 STE 11 OZ

SUMMARY

This report recommends approval of a Rental Housing Demolition application which proposes to demolish 11 rental dwelling units located at 126, 128 and 130 Avenue Road. The 11 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 proposed development on the site is the subject of a related Zoning By-law Amendment application (23 119287 STE 11 OZ). The proposed development would permit a 11-storey residential building with 60 dwelling units, including 11 replacement rental units and 169 square metres of commercial use at grade. 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 Director, Strategic Initiatives, Policy and Analysis recommends that:

1. City Council approve the Rental Housing Demolition application 23 119299 STE 11 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 existing rental dwelling units located at 126, 128 and 130 Avenue Road, subject to the following conditions:

- a. The owner shall provide and maintain 11 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 7,582 square feet and be comprised of 1 studio unit, 4 one-bedroom units, and 6 two-bedroom units, as generally illustrated in the plans submitted to City Planning dated May 7, 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 11 replacement rental dwelling units required in Recommendation 1.a above, provide at least 1 two-bedroom unit at affordable rents, 1 studio unit and 1 two-bedroom unit at mid-range (affordable) rents, and 4 one-bedroom units and 4 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;
- d. The owner shall provide a Tenant Assistance Plan for tenants of the 11 existing rental dwelling units proposed to be demolished to the satisfaction of the Chief Planner and Executive Director, City Planning;
- e. 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 proposed 11-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 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;
- h. 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
- i. The owner shall enter into, and register on title to the lands at 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.h. 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 11 existing rental dwelling units located at 126, 128, and 130 Avenue Road after all the following have occurred:

- a. All conditions in Recommendation 1 above have been fully secured;
- b. The Zoning By-law Amendment for application 23 119287 STE 11 OZ 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 126, 128 and 130 Avenue Road 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.

THE SITE

Description

The site is located at the northwest corner of Avenue Road and Bernard Avenue and is just south of Davenport Road (see Attachment 1: Location Map). The site contains 3 mixed-use buildings with commercial uses at grade and rental housing above.

Existing Rental Housing

The buildings at 126-130 Avenue Road currently contain a total of 11 rental dwelling units including 1 studio unit, 4 one-bedroom units, and 6 two bedroom units. Of the existing rental units, 1 has affordable rents, 2 have mid-range (affordable) rents, and 8 have mid-range (moderate) rents. At the time of writing this report, 10 of the rental units are occupied and 1 is vacant.

THE APPLICATION

Description

The Rental Housing Demolition application proposes the demolition of 11 rental dwelling units within the existing buildings at 126, 128 and 130 Avenue Road. A related Zoning By-law Amendment application proposes to permit the development of an 11-storey mixed-use building. The proposed development will contain 60 residential units (including 11 replacement rental units).

Replacement Rental Units

The total gross floor area of the 11 replacement rental units is 7,582 square feet, which is 102% of the gross floor area of the existing rental units proposed to be demolished.

The proposed replacement rental units are comprised of 1 studio unit, 4 one-bedroom units, and 6 two-bedroom units, of which 1 unit would have affordable rents, 2 would have mid-range (affordable) rents, 8 would have mid-range (moderate) 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 March 2, 2023. Staff conducted a site visit on April 27, 2023, and a Tenant Meeting on May 9, 2024, details of which are summarized in the Public Engagement section of this report.

The related rezoning application (23 119287 STE 11 OZ) was submitted on March 2, 2023.

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 May 9, 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 10 tenants, representatives of the applicant, City Planning and Development Review staff.

Tenants asked questions and expressed concerns about:

- Construction timeline and when tenants will be required to vacate their existing rental units;
- How eligibility is determined for the right to return and Tenant Assistance Plan;
- Access to parking and amenities in the new building;
- How the Tenant Assistance Plan is administered to tenants living with roommates;
- Where tenants can access additional information on the application, including studies and supporting documents; and
- Whether the City has contingencies in place for construction delays.

Staff have also responded to tenant inquiries since the tenant meeting including questions regarding eligibility for the Tenant Assistance Plan and right to return to a replacement rental unit.

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 11 existing rental dwelling units by their respective bedroom type, and affordability classification.

The replacement rental units will be provided with ensuite laundry facilities and central air conditioning, which represents an improvement over the existing rental units for tenants. Currently, none of the rental units contain central air conditioning. 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 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 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

Cate Flanagan, Senior Planner, 416-392-4529, Cate.Flanagan@toronto.ca

SIGNATURE

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

ATTACHMENTS

Attachment 1: Location Map – 126-130 Avenue Road

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