



STAFF REPORT INFORMATION ONLY

927 St. Clair Avenue West - The Applicability of Municipal Code Chapter 667, Residential Rental Property Demolition and Conversion Control

Date:	September 19, 2007
To:	Tenant Defence Sub-Committee
From:	Chief Planner and Executive Director, City Planning Division
Wards:	Ward No. 17 – Davenport

SUMMARY

This report has been prepared in response to a request made by the Tenant Defence Sub-Committee at its meeting of July 9, 2007 concerning the potential applicability of the new Municipal Code Chapter 667, Residential Rental Property Demolition and Conversion Control (By-law 885-2007) to the activities recently undertaken by the landlord of 927 St. Clair Avenue West. This Chapter and By-law were enacted by City Council under Section 111 of the City of Toronto Act on July 19, 2007 and are intended to strengthen Council's ability to regulate the demolition and conversion of rental buildings.

Based on discussions with Building Division staff, and a review of the nature and timing of events surrounding the interior alterations made to the subject property, it is clear that Chapter 667/By-law 885-2007 does not apply in this particular case.

Financial Impact

There are no financial implications.

ISSUE BACKGROUND

On today's agenda is a letter dated September 12, 2007 from Deborah Wandal of York Community Services addressed to the Tenant Defence Sub-Committee that describes the course of events that have taken place at 927 St. Clair Avenue West. The property consists of a 4 storey apartment building containing a total of 21 units. On December 10, 2006 a fire occurred in one of the rental apartments, causing minor damage to an adjoining unit. Following an inspection by Fire Services staff later that day, the tenants were allowed to return to their apartments.

On December 12/13, 2006 all tenants were given notice by the landlord requiring them to leave by December 14, 2006. The tenants were advised that the City required the landlord to begin construction within 4 days after the fire, due to the extent of the damage. However, no such order had been issued by the City.

The landlord proceeded to “gut” the building down to the stud walls and sub-floors. While most tenants moved out in December 2006, the last remaining tenant vacated the building in late May 2007. The matter has been the subject of two hearings before the Ontario Landlord and Tenant Board, where testimony has been heard from several expert witnesses. The third and final hearing is scheduled to take place on September 20, 2007, at which time the Board’s decision is expected to be reached.

To date no building permit has been obtained. An application for one was made on July 19, 2007 and the permit, which was signed off by staff on August 17, 2007, is now available to be issued.

COMMENTS

Relevant Sections of the Municipal Code Chapter 667

The *City of Toronto Act, 2006* was proclaimed by the Province on January 1, 2007. Section 111 of the Act enables the City to prohibit and regulate the demolition and conversion of residential rental properties containing six or more dwelling units.

A by-law to implement the provisions of Section 111 was adopted by Council on July 19, 2007. This is referred to as By-law 885-2007 and has been set out in the City’s Municipal Code Chapter 667, Residential Rental Property Demolition and Conversion Control.

Under the By-law, the term demolition is defined as “the demolition of all or part of a building and includes interior renovations or alterations that will result in a change to the number of:

- A. Dwelling units; or
- B. Dwelling units by bedroom type.”

Following the passage of the By-law, the demolition of a residential rental property, in whole or part, is not allowed unless a Section 111 permit has been granted by the City.

Section 667-22 B of the By-law sets out the Transition provisions. It states that in the case of applications for building permits (made under section 8 of the *Building Code Act, 1992*) for interior renovations which constitute demolition, the By-law applies to any application made after July 19, 2007.

Applicability to 927 St. Clair Avenue West

Prior to the interior renovations being undertaken, the 21 rental apartments in the building were made up of 11 bachelor and 10 one-bedroom units.

Building Division staff advise that no changes are being made to the previous unit type or configuration. As the proposed work will not result in a change to the number or bedroom type of dwelling units, the interior renovations would not be defined as “demolition” for the purposes of the By-law.

In any case, the By-law only applies to applications for building permits made after July 19, 2007 and, as mentioned, this application was submitted on July 19, 2007. Regardless of whether the application involved a change in the number or type of units, the By-law would not apply owing to the timing of the application.

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SIGNATURE

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