
Planning and Growth Management Committee

Meeting No. 7
Meeting Date Thursday, June 28, 2007
Start Time 9:30 AM
Location Committee Room 1, City Hall

Contact Merle MacDonald, Committee Administrator
Phone 416-392-7340
E-mail pgmc@toronto.ca

Item		Page
PG7.1	Implementing By-law for s.111 of City of Toronto Act-Rental Housing Protection (Ward: All)	1
PG7.2	Bicycle Locker Project Progress Report (Ward: All)	4
PG7.3	Birchcliff Quarry Lands Study - Status Report (Ward: 36)	5
PG7.8	Requiring and Governing the Construction of Green Roofs in Toronto (Ward: All)	6
PG7.9	Development Review Process: Review of Procedures and Updated Triggers for Environmental Site Assessment and Peer Review of Potentially Contaminated Lands being Conveyed to the City under the Planning Act	7

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PG7.1	AMENDED			Ward: All
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Implementing By-law for s.111 of City of Toronto Act-Rental Housing Protection

City Council Decision

City Council on July 16, 17, 18 and 19, 2007, adopted the following motions:

1. City Council approve proposed Municipal Code Chapter 667, Residential Rental Property Demolition and Conversion Control, as set out in the draft by-law in Appendix 1, with the following amendment, to implement the City's authority under s. 111 of the City of Toronto Act, 2006, to prohibit and regulate the demolition of rental housing properties and the conversion of rental housing to a purpose other than residential rental purposes:
 - a. that § 667-13, Referral to Council by Chief Planner, be amended as necessary to provide that the Ward Councillor may, in writing, request the Chief Planner to submit an application for conversion to condominium that may be processed under delegated authority to the appropriate community council or standing committee and to Council for its approval.
2. City Council approve the proposed fees for applications under Municipal Code Chapter 667, to be added to Schedule 16 of Appendix C of Municipal Code Chapter 441, Fees, as set out in Appendix 3.
3. City Council amend Municipal Code Chapter 415, Development of Land, by deleting § 415-17, (the codified version of section 4 of By-law No. 229-2000) and substituting the following:

§ 415-17. Draft condominium approvals.

- A. The authority for the giving of draft condominium approvals under section 9 of the Condominium Act, 1998, except for applications involving the conversion of six or more rental housing units and exemptions from draft approval as appropriate, is delegated to the Chief Planner and his or her representatives.
 - B. Despite Subsection A, Council shall retain all powers and authority under section 9 of the Condominium Act, 1998, and at any time prior to approval of a condominium conversion application of less than six rental housing units, a councillor for a ward in which the property is located may, in writing, request the Chief Planner to submit the application under section 9 to the appropriate community council or standing committee and to Council for its approval.
4. City Council approve the related amendments to Municipal Code Chapter 363 Demolition Control as contained in section 2 of the draft by-law in Appendix 1.
 5. City Council authorize the City Solicitor to introduce a bill in Council substantially in the form of the draft by-law in Appendix 1.
 6. City Council revoke the “Application, Notice and Meeting Requirements for Condominium Conversion and Demolition Applications” contained in Appendix A of Clause 3 of Report No. 3 of the Urban Environment and Development Committee, as adopted by City Council on March 2, 3 and 4, 1999, as they are now superseded by the provisions for notice and meetings in Chapter 667 in the draft by-law.
 7. City Council authorize the City Solicitor, in consultation with the Chief Planner and Chief Building Official, to introduce bills directly into Council to amend proposed Municipal Code Chapter 667, as necessary, to reflect the wording of any future amendment of the definition of “all applicable law” in the Ontario Building Code with respect to by-laws under section 111 of the City of Toronto Act, 2006.
 8. City Council direct the City Clerk to provide notice of the enactment of a by-law under section 111 of the City of Toronto Act, 2006 to the Ontario Municipal Board, the Director of the (Ontario) Real Property Registration Branch and the Land Registrars for the Toronto Land Registry Offices.
 9. The City Manager be requested to report to the Planning and Growth Management Committee on the feasibility of amending the City of Toronto Act, 2006, to permit the City to extend the anti-demolition protections in the Rental Housing Protection by-law to rooming houses.
 10. City Council authorize and direct the appropriate City officials to take the necessary action to give effect thereto.
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(June 6, 2007) Report from Chief Planner and Executive Director, City Planning Division

Committee Recommendations

The Planning and Growth Management Committee recommends that Council:

1. Approve proposed Municipal Code Chapter 667, Residential Rental Property Demolition and Conversion Control, as set out in the draft by-law in Appendix 1, to implement the City's authority under s. 111 of the City of Toronto Act, 2006 to prohibit and regulate the demolition of rental housing properties and the conversion of rental housing to a purpose other than residential rental purposes.
2. Approve the proposed fees for applications under Municipal Code Chapter 667, to be added to Schedule 16 of Appendix C of Municipal Code Chapter 441, Fees, as set out in Appendix 3.
3. Amend § 415-17 of Municipal Code Chapter 415, Development of Land, (the codified version of section 4 of By-law No. 229-2000) by replacing the words "rental housing" with "six or more rental housing units" so that the revised section is as follows:

"The authority for the giving of draft condominium approvals, under section 50 of the Condominium Act except for applications involving the conversion of six or more rental housing units and exemptions from draft approval as appropriate, is delegated to the Chief Planner and his or her representatives."
4. Approve the related amendments to Municipal Code Chapter 363 Demolition Control as contained in section 2 of the draft by-law in Appendix 1.
5. Authorize the City Solicitor to introduce a bill in Council substantially in the form of the draft by-law in Appendix 1.
6. Revoke the "Application, Notice and Meeting Requirements for Condominium Conversion and Demolition Applications" contained in Appendix A of Clause 3 of Report No. 3 of the Urban Environment and Development Committee, as adopted by City Council on March 2, 3 and 4, 1999, as they are now superseded by the provisions for notice and meetings in Chapter 667 in the draft by-law.
7. Authorize the City Solicitor, in consultation with the Chief Planner and Chief Building Official, to introduce bills directly into Council to amend proposed Municipal Code Chapter 667, as necessary, to reflect the wording of any future amendment of the definition of "all applicable law" in the Ontario Building Code with respect to by-laws under section 111 of the City of Toronto Act, 2006.
8. Direct the City Clerk to provide notice of the enactment of a by-law under section 111 of the City of Toronto Act, 2006 to the Ontario Municipal Board, the Director of the (Ontario) Real Property Registration Branch and the Land Registrars for the Toronto Land Registry Offices.

9. Authorize and direct the appropriate City Officials to take the necessary action to give effect thereto.

Financial Impact

The implementation of the recommendations will result in additional revenue to City Planning. Staff currently estimates that the annual number of applications on an ongoing basis is expected to range from 20 to 30 per annum, though a greater number of applications for renovations of residential properties will be screened to determine whether this by-law applies. The fees collected will vary based on the number of rental units affected in each application. Additional revenue is estimated at \$150,000 to \$200,000 annually.

Staff anticipate that most types of applications that are to be subject to this by-law are currently subject to review and decision under existing authorities for demolition control, condominium conversion, consents to sever and zoning approvals. Thus, for 2007 it is not anticipated that additional staff will be required to implement this by-law.

The capital and operating costs associated with the implementation of the City of Toronto's by-law under s. 111 of the City of Toronto Act will be absorbed with the Program's 2007 Capital and Operating Budgets. Staff will monitor the impact of the by-law on operations of City Planning and Toronto Building and report back as part of the 2008 budget process on any need for additional staff resources to be funded through the anticipated revenue stream. The 2008 Recommended Operating Budget will include projected revenue from these application fees based on revenues realized in 2007.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

Summary

This report proposes that City Council implement its rental housing protection authority under s.111 of the City of Toronto Act, 2006 by adopting Municipal Code Chapter 667, Residential Rental Property Demolition and Conversion Control, as set out in the draft by-law in Appendix 1. The report also outlines the relationship between applications to demolish or convert rental housing under the City of Toronto Act, 2006 and applications for approvals under the Planning Act or the Condominium Act that involve existing rental housing, and applications under the Building Code Act, 1992.

Adoption of the draft by-law will permit the City's policies and practices on demolition and conversion to be applied to all qualifying rental housing properties, extending this protection beyond current authorities that are limited to approvals under the Planning Act or Condominium Act. Certain routine approvals will be delegated to the Chief Planner and Executive Director, City Planning Division, who is also the administrator of Chapter 667. The draft by-law requires fees for applications, and provides authority for penalties for those convicted of an offence under the chapter.

Certain related amendments to Municipal Code Chapter 363 Demolition Control are included in section 2 of the draft by-law. In section 3 of the draft by-law, Municipal Code Chapter 415 is

amended to reflect the approval authority delegated to the Chief Planner. As Chapter 667 provides for notice and meeting requirements, the report recommends the revocation of similar provisions for applications involving demolition or conversion to condominium as adopted by City Council in March 1999.

Background Information

Implementing By-law for s.111 of City of Toronto Act - Rental Housing Protection
<http://www.toronto.ca/legdocs/mmis/2007/pg/bgrd/backgroundfile-4968.pdf>

Communications

(June 28, 2007) Submission from Patricia Smiley, Chair, South Etobicoke Tenants' Association (PG.New.PG7.1.1)

(June 28, 2007) Submission from Mary Todorow, Advocacy Centre for Tenants Ontario (PG.New.PG7.1.2)

Council also considered the following:

- Report (July 9, 2007) from the Chief Planner and Executive Director, City Planning. ([PG7.1a](#))
- Report (July 15, 2007) from the City Solicitor. ([PG7.1b](#))

Communications:

- (July 9, 2007) from Martin K.I. Rumack, Barrister and Solicitor. (PG7.1.3)
- (July 13, 2007) from David F. Alexandor, Q.C., Alexandor & Associates, Barristers and Solicitors. (PG7.1.4)
- (July 17, 2007) from Elinor Mahoney, Community Legal Worker, on behalf of the Tenant Advocacy Group, Parkdale Community Legal Services Inc. (PG7.1.5)

Speakers

Dan McIntyre, Federation of Metro Tenants Associations
 Patricia Smiley, South Etobicoke Tenants' Association
 Mary Todorow, Advocacy Centre for Tenants Ontario
 Elinor Mahoney, Tenant Advocacy Group
 Marc A. Lean, Aylesworth LLP

Decision Advice and Other Information

The Planning and Growth Management Committee held a statutory public meeting on June 28, 2007; and notice was given in accordance with the City of Toronto Act, 2006, and the Municipal Code.

The Planning and Growth Management Committee requested the Chief Planner and Executive Director, City Planning, to report to Council on July 16, 2007, on protection of large-family size units in high-rent buildings under the proposed by-law.

PG7.2	AMENDED			Ward: All
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Bicycle Locker Project Progress Report

City Council Decision

City Council on July 16, 17, 18 and 19, 2007, adopted the following motions:

1. Council amend the Toronto Municipal Code, Chapter 441, to establish a Bicycle Locker User Fee of \$10.00 + GST per month, for a minimum rental period of 4 months and maximum rental period of 12 months, effective August 1, 2007, which is not subject to an annual adjustment.
2. Council amend the Toronto Municipal Code, Chapter 441, to establish a Bicycle Locker Key Replacement Fee of \$90.00 + GST effective August 1, 2007, which is not subject to an annual adjustment, for a lost or stolen key or for failure to return a key before the conclusion of a user agreement.
3. Council authorize the City Solicitor to prepare the necessary changes to the Toronto Municipal Code, Chapter 441, and the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

(June 7, 2007) Report from Chief Planner and Executive Director, City Planning Division

Committee Recommendations

The Planning and Growth Management Committee recommends that:

1. Council amend the Toronto Municipal Code, Chapter 441, to establish a Bicycle Locker User Fee of \$10.00 + GST per month, for a minimum rental period of 4 months and maximum rental period of 12 months, effective August 1, 2007, which is not subject to an annual adjustment.
2. Council amend the Toronto Municipal Code, Chapter 441, to establish a Bicycle Locker Key Replacement Fee of \$90.00 + GST effective August 1st, 2007, which is not subject to an annual adjustment, for a lost or stolen key or for failure to return a key before the conclusion of a user agreement.
3. Council amend the Toronto Municipal Code, Chapter 441, to establish an additional Bicycle Locker User Fee of \$10.00 + GST per month "Eyesore" surcharge, and that funds from this surcharge be utilized for the design of attractive bicycle storage lockers and facilities.
4. Council authorize the City Solicitor to prepare the necessary changes to the Toronto Municipal Code, Chapter 441, and the appropriate City Officials be authorized and

directed to take the necessary action to give effect thereto.

Financial Impact

Establishment of the recommended monthly Bicycle Locker User Fee will help mitigate the costs of administering this program. There are no additional operating budget implications resulting from adoption of the recommendations, nor additional resources required for this initiative beyond what is already included in the Division's 2007 Operating Budget. Annual revenues are dependant on both bicycle locker usage and capacity. Based on 2006 trends, the Division anticipates revenues in 2007 of approximately \$8,280.00 with no incremental impact in 2008.

The Deputy City Manager and Chief Financial Officer has reviewed this report and concurs with this financial impact statement.

Summary

This report provides an update on the Bicycle Locker Pilot Project and requests Council's authority to amend the Toronto Municipal Code, Chapter 441 to establish a Bicycle Locker User Fee, and a Bicycle Locker Key Replacement Fee in support of the Bicycle Locker Project. The Bike Locker Project provides enhanced bicycle parking facilities and helps fulfill recommendations 9-1 and 9-2 of the Toronto Bike Plan.

Background Information

Bicycle Locker Project Progress Report

<http://www.toronto.ca/legdocs/mmis/2007/pg/bgrd/backgroundfile-4969.pdf>

Decision Advice and Other Information

The Planning and Growth Management Committee held a statutory public meeting on June 28, 2007; and notice was given in accordance with the Municipal Code, Chapter 441.

PG7.3	NO AMENDMENT			Ward: 36
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Birchcliff Quarry Lands Study - Status Report

City Council Decision

City Council on July 16, 17, 18 and 19, 2007, adopted the following motion:

1. City Council direct City staff to continue with Phases 2 and 3 of the Birchcliff Quarry Lands Study and to also continue consideration of the planning applications by Gerrard/Clonmore Developments and Shell Canada within the context of that study.

(June 8, 2007) Report from Chief Planner and Executive Director, City Planning Division

Committee Recommendations

The Planning and Growth Management Committee recommends that:

1. City Council direct City staff to continue with Phases 2 and 3 of the Birchcliff Quarry Lands Study and to also continue consideration of the planning applications by Gerrard/Clonmore Developments and Shell Canada within the context of that study.

Financial Impact

There are no financial implications.

Summary

The purpose of this report is to provide Planning and Growth Management Committee with an update on Phase 2 of the Birchcliff Quarry Lands Study, to outline next steps in the study process, and to advise on the status of planning applications within the study area.

Phase 1 of the study, which examined the history of the Quarry Lands and their context within the larger community existing today, was completed in 2005. Phase 2 of the study is now well advanced. First principles for developing more detailed conceptual planning alternatives are emerging, and an environmental investigation into the City's lands within the study area is nearing completion. Planning staff anticipate that a report to Planning and Growth Management Committee on the completion of Phase 2, which will include recommendations to implement a comprehensive land use approach for the future use of the Quarry Lands during Phase 3, will be available in the fourth quarter of 2007.

Background Information

Birchcliff Quarry Lands Study - Status Report

<http://www.toronto.ca/legdocs/mmis/2007/pg/bgrd/backgroundfile-4970.pdf>

Communications

(June 21, 2007) e-mail from Ritchard Findlay (PG.Supp.PG7.3.1)

PG7.8	AMENDED			Ward: All
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Requiring and Governing the Construction of Green Roofs in Toronto

City Council Decision

City Council on July 16, 17, 18 and 19, 2007, adopted the following motions:

1. Council enact the authority of Section 108 of the City of Toronto Act and proceed with the development of a green roof building standard for the City of Toronto, to

further implement the recommendations of “Making Green Roofs Happen” and as a means of making this component of the Green Development Standard mandatory.

2. The Chief Building Official and Executive Director, Toronto Building:
 - a. make the technical report on a proposed green roof building standard available for stakeholder and public comment.
3. The Chief Building Official and Executive Director, Toronto Building, and the Chief Planner and Executive Director, City Planning, in consultation with other affected divisions:
 - a. conduct a series of workshops to solicit comments on the proposed green roof building standard and on when and where green roofs could be required in the City of Toronto through a by-law under the City of Toronto Act, 2006; and
 - b. report back to the Planning and Growth Management Committee in the third quarter of 2007 with a revised green roof building standard and preliminary recommendations for a green roof by-law, provided that the by-law does not preclude support for alternative energy or environmental measures.

(June 14, 2007) Report from Chief Building Official and Executive Director, Toronto Building

Committee Recommendations

The Planning and Growth Management Committee recommends that:

1. Council enact the authority of Section 108 of the City of Toronto Act and proceed with the development of a green roof building standard for the City of Toronto, to further implement the recommendations of “Making Green Roofs Happen” and as a means of making this component of the Green Development Standard mandatory.
2. The Chief Building Official and Executive Director, Toronto Building:
 - a. Make the technical report on a proposed green roof building standard available for stakeholder and public comment.
3. The Chief Building Official and Executive Director, Toronto Building, and the Chief Planner and Executive Director, City Planning, in consultation with other affected divisions:
 - a. Conduct a series of workshops to solicit comments on the proposed green roof building standard and on when and where green roofs could be required in the City of Toronto through a by-law under the City of Toronto Act.

- b. Report back to the Planning and Growth Management Committee in the third quarter of 2007 with a revised green roof building standard and preliminary recommendations for a green roof by-law.

Summary

Section 108 of The City of Toronto Act provides Council with the authority to pass a by-law requiring and governing the construction of green roofs, as an “exception” to the Building Code Act, 1992, which generally prohibits municipal by-laws that exceed requirements under the Ontario Building Code. The Act also provides an opportunity for the City of Toronto to immediately implement the goal of mandatory green roof standards as outlined in the Toronto Clean Air and Climate Change Action Plan. This report provides an overview of the technical research recently completed for Toronto Building to provide design requirements for a Toronto green roof standard for renovation and new construction of residential, industrial, commercial and institutional buildings. Section 108 of the Act also provides Toronto with a clear regulatory tool to implement Toronto’s green roof strategy by permitting a city by-law to require green roofs. Further analysis is required in this area to determine where the use of this power would be best used. The attached technical report, Green “Vegetative” Roof Building Standard for the City of Toronto, also identifies how potential green roof standards will support the City’s green roof policy objectives and performance criteria. This report recommends a public consultation on the technical report, Green “Vegetative” Roof Building Standard for the City of Toronto. This consultation would also solicit input on when and where green roofs should be required. Based on the outcome of the consultation and peer review of the proposed standard, the Chief Building Official and Chief Planner would report back to Planning and Growth Management Committee in the third quarter of 2007 with recommendations for a Toronto Green Roof By-law for Council’s consideration.

Background Information

Requiring and Governing the Construction of Green Roofs in Toronto
<http://www.toronto.ca/legdocs/mmis/2007/pg/bgrd/backgroundfile-4973.pdf>
 Attachment - Green Vegetative Roof
<http://www.toronto.ca/legdocs/mmis/2007/pg/bgrd/backgroundfile-5165.pdf>

PG7.9	NO AMENDMENT			
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Development Review Process: Review of Procedures and Updated Triggers for Environmental Site Assessment and Peer Review of Potentially Contaminated Lands being Conveyed to the City under the Planning Act

City Council Decision

City Council on July 16, 17, 18 and 19, 2007, adopted the following motions:

- 1. City Council approve the proposed amendment to existing procedures, to now require Ministry of Environment (MOE) acknowledged Records of Site Condition (RSCs) for

conveyance of Right-of-Way lands from only the development sites which require RSCs as per O. Reg. 153/04 (see Scenario R2 and R3 in Appendix A, Table 1).

2. City Council approve the proposed exemption to environmental requirements when conveyances are less than or equal to 1.0 metre width, from sites not requiring a RSC for the intended land use as per O. Reg. 153/04, (see Scenario R2 in Appendix A, Table 1).
3. City Council approve these updated procedures, requirements, and clarifications as described in Appendix A, Table 1 of this report (specifying the environmental site assessments, environmental reports, Ministry of Environment acknowledged Records of Site Condition and City Peer Review process) as the environmental requirements to be satisfied prior to conveyance of properties to the City under the Planning Act.
4. City Council authorize staff to implement the updated procedures effective immediately on new applications under the Planning Act, and to make any necessary administrative changes to the City's Peer Review process.

(June 13, 2007) Report from Executive Director, Technical Services

Committee Recommendations

The Planning and Growth Management Committee recommends that Council:

1. approve the proposed amendment to existing procedures, to now require Ministry of Environment (MOE) acknowledged Records of Site Condition (RSCs) for conveyance of Right-Of-Way lands from only the development sites which require RSCs as per O. Reg. 153/04 (see Scenario R2 and R3 in Appendix A, Table 1);
2. approve the proposed exemption to environmental requirements when conveyances are less than or equal to 1.0 metre width, from sites not requiring a RSC for the intended land use as per O. Reg. 153/04, (see Scenario R2 in Appendix A, Table 1);
3. approve these updated procedures, requirements, and clarifications as described in Appendix A, Table 1 of this report (specifying the environmental site assessments, environmental reports, Ministry of Environment acknowledged Records of Site Condition and City Peer Review process) as the environmental requirements to be satisfied prior to conveyance of properties to the City under the Planning Act; and
4. authorize staff to implement the updated procedures effective immediately on new applications under the Planning Act, and to make any necessary administrative changes to the City's Peer Review process.

Financial Impact

This report has no financial implications.

Summary

Accepting land conveyances having unknown, or known but acceptable, liabilities associated with environmental contamination has been challenging to municipalities for many decades. Various programs and procedures have been developed to provide sufficient assessment and reporting (Proof of Performance) supported with affidavits from accredited professionals, or regulatory agencies, for reliance.

The purpose of this report is to: (a) seek Council's authority to amend certain requirements and triggers for the need for Environmental Site Assessments (ESAs), Records of Site Condition (RSCs) and Peer Review, under certain specific conditions, to be consistent with the new Ontario Regulation 153/04 as administered by Ministry Of Environment (MOE); and (b) clarify and summarize the current policies and procedures, including Risk Assessment (RA), for accepting potentially contaminated lands being conveyed to the City under the Planning Act.

This report provides a summary of existing requirements, with proposed amendments, in a single Table (Table 1, in Appendix A) to provide clarification of requirements. This Table will be distributed to appropriate staff to facilitate timely conveyance of acceptable lands.

Background Information

Development Review Process: Review of Procedures

<http://www.toronto.ca/legdocs/mmis/2007/pg/bgrd/backgroundfile-4977.pdf>

Submitted Thursday, June 28, 2007

Councillor Brian Ashton, Chair, Planning and Growth Management Committee