

TORONTO STAFF REPORT

February 4, 2002

To: Midtown Community Council

From: Director, Community Planning, South District

Subject: Final Report
Application to amend the Official Plan and for Draft Plan of Condominium
Bathurst Forest Hill Place Apartment Ltd.
1597 Bathurst Street
File Number 101010 and 410015
St. Paul's, Ward 22

Purpose:

This report reviews and recommends approval of an application to amend the Official Plan to permit the conversion of the existing equity co-operative apartment building at 1597 Bathurst to a residential condominium, and recommends approval of a Draft Plan of Condominium for the property, subject to a number of conditions.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) The Official Plan for the former City of Toronto be amended substantially in accordance with the draft Official Plan Amendment as found in Appendix B of this report.
- (2) The City Solicitor be authorized to make such stylistic and technical changes to the draft Official Plan Amendment as may be required.



- (3) City Council authorize Draft Approval of the Plan of Condominium for 1597 Bathurst Street date stamped as received on July 3, 2001, as redlined January 8, 2002, subject to the Official Plan amendment coming into force and effect.
- (4) The owner be required to meet the following conditions of Draft Approval prior to the City's consent for final registration and authorize the City Solicitor to prepare any necessary condominium agreement for the conditions, as she deems necessary:
 - (a) the owner shall provide all legal descriptions and surveys of the lands required in connection with the processing of the subject application;
 - (b) the owner shall clearly designate the north-south driveway aisle for one-way south-bound operations by clearly visible signs and pavement markings;
 - (c) the owner shall install signage at the rear of the building, directly adjacent to the southerly east-west driveway, directing outbound vehicles to yield to incoming vehicles; and
 - (d) the owner shall register the condominium within two years after the date that Council approves this Draft Plan of Condominium, otherwise the approval shall lapse and be of no further force and effect.
- (5) The owner be advised:
 - (a) of the need to receive the approval of the Commissioner of Works and Emergency Services for any work to be carried out within the Bathurst Street right-of-way; and
 - (b) of the need to amend all applicable mutual driveway agreements in place to include the future condominium owners, and grant the appropriate rights-of-way over the northerly and southerly driveways in favour of said owners, to the satisfaction of the City Solicitor and City Surveyor.

Background:

Bathurst Hill Place Apartment Ltd. (Corporation) owns the existing apartment building at 1597 Bathurst Street and the shareholders of the Corporation are applying to convert the existing equity co-operative to condominium. The Official Plan amendment and Condominium applications were submitted on April 4, 2001 by the corporation's agent, Khurana Associates, 148 Glendale Avenue, Toronto, M6R 2T2.

Comments:

Proposal

The applicants are seeking to convert the building from an equity co-operative to a residential condominium. The proposed conversion would change the co-owners' tenure from a shareholder in the co-operative, which owns the building, to individual ownership of each of their own apartments. The draft plan of condominium proposes 20 dwelling units. No new construction is contemplated.

The equity co-operative is comprised of shareholders who each own one or more shares in the property. While each shareholder has exclusive rights to one of the units, they do not own the unit itself. If the application is approved and the co-owners register the property as a condominium, each shareholder would own their unit(s) and a condominium corporation governed by the Condominium Act would be established to manage the property.

Although the building was originally used for rental purposes, currently only one of the units is rented, with the owners of the co-operative residing in the units to which each have exclusive use. We have been advised that the units were gradually occupied by the owners of the co-operative, commencing in 1986, so the building has not been part of the rental market for some time. The current owners advise me there is no intention to rent the units in the future.

Site Description

The site is located on the east side of Bathurst Street, north of Lonsmount Drive. The property contains an existing 5-storey, 20-unit residential apartment building. The co-operative was created in 1985 and acquired title to the property in 1986.

Official Plan

The site is designated Low Density Residence Area under the Part I Official Plan of the former City of Toronto. That designation permits the residential development of up to 1.0 times the lot area.

There are a number of relevant policies in the in force Official Plans that address preservation of the existing supply of rental housing in the city. Notably, Section 6.18 of the (former) City of Toronto Official Plan prohibits the conversion to condominium of any buildings which were originally constructed to provide one or more rental apartments unless the vacancy rate for private apartments across the city regularly returns to at least 2.5 per cent. As of the October 2001 CMHC rental market survey, the vacancy rate is 0.9 per cent.

Zoning

The site is zoned R2 Z1.0 which permits the full range of residential uses with a residential density up to 1.0 times the lot area.

Building staff have reviewed the proposal and have determined that it complies with the applicable zoning regulations.

Site Plan Control

The application does not involve new construction and does not otherwise require Site Plan Approval.

Submission Requirements

The City requires applicants for condominium conversion to provide information in addition to what would otherwise be required for an application for Draft Approval of a Plan of Condominium, including:

- whether the tenants have been notified of the application;
- the number of rental units that the tenants have indicated they wish to purchase; and
- estimates of selling prices for the condominium units.

The applicant has submitted the required information. However, information has not been submitted regarding potential purchasers and selling prices of units, because the building is equity co-operative and ownership of each of the condominium units will transfer to the shareholder who currently has its exclusive occupancy.

Reasons for the Application

The proposed conversion of 1597 Bathurst Street to condominium requires an amendment to the former City of Toronto Official Plan. The current vacancy rate is substantially less than the 2.5 per cent required by Section 6.18 of the Official Plan. The vacancy rate for apartments across Toronto, as most recently reported by Canada Mortgage and Housing Corporation, is 0.9%.

Community Consultation

A community meeting to discuss this proposal was held in the neighbourhood on October 10, 2001. Approximately 17 people attended the meeting, of which 15 were owners and one was a tenant of the building. No issues were raised.

I have not received any letters of support for or objections to the application.

Agency Circulation

The application was circulated to all appropriate agencies and City Departments. Responses received have been used to assist in evaluating the application.

Comments

In April 1999, Council adopted Official Plan Amendment No. 2 (OPA 2) to the former Metropolitan Toronto Official Plan which set out Council's proposed policies for the amalgamated City on the conversion of rental housing to condominium and the demolition of rental housing. OPA 2 was enacted to harmonize and update rental conversion and demolition policies in the official plans of the former municipalities.

In September 1999, the Ontario Municipal Board determined that OPA 2 was illegal and invalid. The City sought leave to appeal the OMB decision to Divisional Court. Leave was granted and the appeal was heard on September 26 and 27, 2001. The Court decision was reserved and has not been released at the time this report was written. If approved, the conversion policies in OPA 2 would replace the conversion policy in Section 6.18 of the former City of Toronto Official Plan.

OPA 2 represents emerging City policy and reflects the latest thinking of Planning staff and most recent Council position in regard to these matters. As such, it is a relevant consideration in respect of the application. The applicant has applied for an Official Plan Amendment and for Draft Plan of Condominium on the basis of the new policy.

Similar to Section 6.18 of the Official Plan, OPA 2 provides that it is Council's policy to not approve the conversion of buildings that contain 6 or more rental units unless the vacancy rate has been at or above 2.5% for the preceding 2 year period. The OPA provides an exception to the policy as it relates to equity co-operative buildings. Council may consider allowing the conversion of equity co-operative buildings containing 6 or more rental units if the following four criteria are met:

- (i) the co-operative was legally created prior to June 17, 1998;
- (ii) 50% or less of the units are tenanted;
- (iii) 66% of each of the tenant and shareholder households have expressed their support in writing for the conversion application in a manner prescribed by Council; and
- (iv) an application for condominium approval under the Planning Act has been made by the equity co-operative corporation within 2 years following approval of this policy.

The applicant has submitted an affidavit with supporting documentation, which demonstrate that the proposal meets the criteria of OPA 2. The co-operative was created in 1985 and acquired title to the property in 1986. One of the 20 units is rented and the tenant has indicated support of the conversion. Nineteen of the twenty owners are in favour of the application to convert the property from co-operative to condominium (one owner did not respond). The 2 year deadline has not expired because the approval date has not yet been established.

Since the proposal meets the criteria of OPA 2, I am recommending approval of the Official Plan Amendment to permit conversion of 1597 Bathurst Street to condominium.

Tenant Impacts

One of the 20 units in 1597 Bathurst Street is tenanted. The conversion, if permitted, would not impact on the security of tenure of the existing tenant. Under the Tenant Protection Act, where a rental unit is converted to condominium, tenants who occupy a unit at the time of the conversion cannot be evicted on the basis that the owner of the unit or purchaser of the unit require personal use of the unit for themselves or a member of their family. After the first tenant vacates the unit, any future tenant can be evicted on the basis of personal use.

It is not known at this time whether conversion of the building would have an impact on property taxes, and by extension, rent levels. The tax rate would not change as a result of conversion, as the property is presently assessed within the residential tax class, which is the same class applied to residential condominiums. However, conversion to condominium may cause the assessed value of the units to increase, resulting in higher property taxes. If property taxes do increase, the owner of each unit is permitted to apply to the Ontario Rental Housing Tribunal for a rent increase above the guideline.

Building Condition Report

Under Section 9(4) of the Condominium Act, the City may require a report prepared by a qualified professional to determine any deficiencies with respect to building maintenance or other matters of concern. The City has no outstanding work orders against 1597 Bathurst Street, and the community consultation process has not raised concerns with respect to whether the building meets the City's property standards. Therefore, I am not recommending that a building condition report be required as a condition of draft plan approval.

Vehicle Access

Vehicular access to and egress from the site is via two existing mutual driveways, extending east off of Bathurst Street, providing shared access to the subject site, and to the abutting residential properties to the north and south. The width of the southerly drive aisle is 2.7 m, while the northerly drive aisle is 2.8 m in width. Although the driveway widths are less than the minimum width of 5.5 metres required by the Zoning By-law, there is no opportunity to widen the driveway given that the width is determined by the clearance between the three residential buildings. As such, the Commissioner of Works and Emergency Services is prepared to accept the current access configuration. However there is a concern with the operation of the two narrow driveways that collectively serve the 3 residential buildings, in that inbound vehicles may be required to reverse out of the driveways onto Bathurst St. in order to allow outbound vehicles to exit the site. This could negatively impact traffic operations on Bathurst St. and be potentially hazardous to the pedestrian environment. As a condition of approval the owner will be required to control traffic flow on the southerly driveway by installing signage at the rear of the building, directly adjacent to the driveway, directing outbound vehicles to yield to incoming vehicles.

With respect to the north-south drive aisle at the rear of the site, the width is 4.1 m, which is sufficient for one-way operations only. The owner is required to install the appropriate signage

and pavement markings identifying the one-way southbound operations of the north-south drive aisle.

Conclusions:

The proposed amendment to the former City of Toronto Official Plan would not involve any new construction, displace tenants or remove existing rental housing from the City's rental housing stock. The only discernible change is that each owner would have individual ownership of their own apartment unit rather than an undivided ownership in the entire building. Approval of this application will result in the recognition of a situation that has existed for 15 years. I am also recommending approval of the Draft Plan of condominium subject to a number of conditions. The proposal meets the criteria set out in Official Plan Amendment No. 2 with respect to conversion of equity co-operatives and co-ownership buildings to condominium.

Contact: Gregory Byrne, Senior Planner
North Section
Telephone: 416-392-0881
Fax: 416-392-1330
E-mail: gbyrne@city.toronto.on.ca

Beate Bowron
Director, Community Planning, South District

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List of Attachments:

Application Data Sheet
Appendix A: Comments
Appendix B: Draft Official Plan Amendment
Attachment 1: Site Plan
Attachment 2: Zoning
Attachment 3: Official Plan

Application Data Sheet

Official Plan Amendment

| | | | |
|---------------------|-----|---------------------|-------------------------|
| Site Plan Approval: | No | File Number: | 101010 |
| Rezoning: | No | Application Number: | TD OPA 2001 0002 |
| O.P.A.: | Yes | Application Date: | 04/04/2001 |

Municipal Address: 1597 Bathurst St

Nearest Intersection:

Project Description: Convert existing equity co-operative apartment building to condominiums see also Condominium application 401015

Applicant:

Architect:

Owner:

Khurana Associates
148 Glendale Avenue
Toronto, On. M6R 2T2

Bathurst Forest Hill Place Apartment
Ltd.
Attn: David LeBlanc
1597 Bathurst Street, Apt. 1
Toronto, On. M5P 3J1

PLANNING CONTROLS (For verification refer to Chief Building Official)

| | | |
|----------------------------|---------|-----------------------------|
| Official Plan Designation: | LDRA | Site Specific Provision: |
| Zoning District: | R2 Z1.0 | Historical Status: |
| Height Limit (m): | 0 | Site Plan Control Area: Yes |

PROJECT INFORMATION

| | | |
|------------|--------|---------------------------|
| Site Area: | 1353.9 | Height: Storeys: 5 |
| Frontage: | 39.9 | Meters: 0 |
| Depth: | 33.53 | |

| | | Indoor Type | OutdoorType |
|----------------------|--------|--------------------|--------------------|
| Ground Floor GFA: | 518 | Parking Spaces: 0 | 20 Tenant |
| Residential GFA: | | Loading Docks: 0 | 1 Visitor |
| Non-Residential GFA: | 1528.7 | 0 | 0 |
| Total GFA: | 1528.7 | 0 | 0 |

DWELLING

Tenure Type: N/A

Rooms: 0

Bachelor: 0

1 Bedroom: 0

2 Bedroom: 10

3+ Bedroom: 10

Total Units: 20

Total Proposed Density: 1.1

FLOOR AREA BREAKDOWN

| | Above Grade | Below Grade |
|-----------------------|--------------------|--------------------|
| Residential GFA: | 0 | |
| Retail GFA: | 0 | |
| Office GFA: | 0 | |
| Industrial GFA: | 0 | |
| Industrial/Other GFA: | 0 | |

COMMENTS All information on Condominium application 401015

| | | | | | |
|-----------------|------|---------------------|--------------------|--------------------|----------------|
| Current Status: | Open | <u>Latest Event</u> | <u>Target Date</u> | <u>Actual Date</u> | <u>Outcome</u> |
| | | Final Report | | 11/07/2001 | |

Data Valid: Nov 7, 2001 Planner: Byrne, Gregory Phone: (416) 392-0881

Area: District - C Planning Office: Toronto - North (TD)

Appendix A
Comments

1. Urban Development Services, Building, dated May 29, 2002

Permit application 003632, to repair fire damage to existing apartment building containing 20 dwelling units at 1597 and 1599 Bathurst Street, was issued on December 14, 1970.

The proposal is satisfactory and DOES NOT require inclusion of any conditions of draft plan of condominium approval.

2. Works and Emergency Services, Technical Services, dated January 15, 2002

This is in reference to the application by Khurana Associates, on behalf of the owners of Bathurst Forest Hill Place Apartments Ltd., for the project on the above-noted site located on the east side of Bathurst Street north of Lonsmount Drive. The proposal is to convert an existing 20 unit apartment building into a 20 unit residential condominium.

The proposal was dealt with in a Departmental memorandum dated July 27, 2001. The following comments and recommendations supersede those contained in the previous memorandum.

Parking and Access

A total of 21 parking spaces are proposed to be maintained to serve this project, including 20 spaces for the exclusive use of residents and 1 space for residential visitors. As far as can be ascertained, the Zoning By-law requirement is for 24 parking spaces, including 20 spaces for the exclusive use of residents and 4 spaces for residential visitors. Given the space constraints imposed by the existing building to be retained and that the existing parking supply provided is only marginally less than the requirements of the Zoning By-law, the provision of 21 parking spaces is satisfactory.

It is noted that the parking supply includes four substandard parallel parking stalls and one substandard angled parking stall, however given the space constraints imposed by the existing building to be retained and that these parking spaces are existing, Transportation Planning is prepared to accept the substandard parking stall dimensions.

With respect to the north-south drive aisle at the rear of the site, the Draft Plan of Condominium illustrates a width of 4.1 m, which is sufficient for one-way operations only. The applicant is required to install the appropriate signage and pavement markings identifying the one-way southbound operations of the north-south drive aisle.

Vehicular access to and egress from the site is proposed via two existing mutual driveways, extending east off of Bathurst Street, providing shared access to the subject site, and to the abutting residential properties to the north and south. The width of the southerly drive aisle is

shown on the Draft Plan of Condominium to be 2.7 m in width, while the northerly drive aisle is shown to be 2.8 m in width. Although the driveway widths are less than the minimum width of 5.5 metres required by the Zoning By-law, there is no opportunity to widen the driveway given that the width is determined by the clearance between the three residential buildings. As such, Transportation Planning is prepared to accept the current access configuration. However there is a concern with the operation of the two narrow driveways that collectively serve the 3 residential buildings, in that inbound vehicles may be required to reverse out of the driveways onto Bathurst St. in order to allow outbound vehicles to exit the site. This could negatively impact traffic operations on Bathurst St. and be potentially hazardous to the pedestrian environment. The applicant must control traffic flow on the southerly driveway by installing signage at the rear of the building, directly adjacent to the driveway, directing outbound vehicles to yield to incoming vehicles.

The applicant is required to amend all applicable mutual driveway agreements in place, to include the future condominium owners, and to grant the appropriate rights-of-way over the northerly and southerly private driveways in favour of said owners. The applicant must also ensure that the existing and future owners will be held jointly responsible for the maintenance of the driveways.

Solid Waste

Solid Waste Management Services will continue to provide collection of garbage and recyclable materials in accordance with the provisions of the Municipal Code, Chapter 309, Solid Waste. Storage of garbage and recyclable materials, on non-collection days, must continue to be stored on private property in rodent proof containers.

Work Within the Public Right-of-Way

Approval for any work to be carried out within the public right-of-way must be received from this Department and the work must meet City standards. For clarification on how these will apply to this site, the applicant should contact the Right-of-Way Management Section, District 1, Construction Activities at (416) 392-7877.

Recommendations

Given the aforementioned, it is recommended that:

1. The owner be required, prior to the release of the final plan for registration, to:
 - (a) Clearly designate the north-south drive aisle for one-way southbound operations by means of clearly visible signs and pavement markings;
 - (b) Install signage at the rear of the building, directly adjacent to the southerly east-west driveway, directing outbound vehicles to yield to incoming vehicles;

2. The owner should be advised:
 - (a) Of the need to receive the approval of the Commissioner of Works and Emergency Services for any work to be carried out within the Bathurst Street right-of-way; and
 - (b) Of the need to amend all applicable mutual driveway agreements in place, to include the future condominium owners, and grant the appropriate rights-of-way over the northerly and southerly driveways in favour of said owners, to the satisfaction of the City Solicitor and City Surveyor.

Appendix B
Draft Official Plan Amendment

Authority: Midtown Community Council Report No. xxx, Clause No. xxx, as adopted by
City of Toronto Council on xxxxxxxx, 2001

Enacted by Council:

CITY OF TORONTO

Bill No.

BY-LAW No. xxx-2001

To adopt an amendment to the Official Plan for the former
City of Toronto respecting lands known as 1549 Bathurst Street

WHEREAS the Council of the City of Toronto has had application made to it for a proposed
Official Plan Amendment respecting 1549 Bathurst Street;

AND WHEREAS the Council of the City of Toronto conducted a public meeting under Section
17 of the Planning Act, R. S. O., c.P13 regarding proposed Official Plan Amendment.

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The text and map annexed hereto as Schedule "A" are hereby adopted as an amendment to
the Official Plan for the former City of Toronto.
2. This is Official Plan Amendment No. xxx.

ENACTED AND PASSED this xxx day of xxxx, A.D., 2001.

Mayor

City Clerk

SCHEDULE "A"

1. Section 18 of the Official Plan for the former City of Toronto is amended by adding a new Section 18.xxx as follows:

(1) "18.xxx Lands known as 1597 Bathurst Street".

Notwithstanding any other provisions of this Plan, Council may pass by-laws applicable to the lands shown on Map 18.xxx to permit the conversion to condominium of the building consisting of 20 residential units existing on those lands on November xx, 2001, provided the condominium is registered within two years after the enactment of this amendment.