

August 8, 2022

Eno Udoh-Orok, Planner  
Toronto City Planning  
Community Planning – Toronto & East York District  
18th Floor E, 100 Queen Street West  
Toronto, ON M5H 2N2

Dear: Ms. Eno Udoh-Orok,

**Re: *Housing Issues Letter***  
***3400 Dufferin Street and 8 Jane Osler Boulevard***

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## **1.0 INTRODUCTION**

This Housing Issues Letter has been prepared in support of an application by Dufferin 401 Properties Limited (“the Owner”) to amend the City of Toronto Official Plan, Dufferin Street Secondary Plan and the former City of North York Zoning Bylaw 7625, as amended, in order to permit the redevelopment of a consolidated land parcel at the northwest corner of Jane Osler Boulevard and Dufferin Street in the former City of North York. The site is comprised of two lots, municipally known as 3400 Dufferin Street and 8 Jane Osler Boulevard (the “subject site”).

The subject site contains one single-detached residential house, which is currently leased as a rental unit. This Housing Issues Letter examines this leased rental unit located on 8 Jane Osler Boulevard.

The proposed development seeks to demolish the existing single-detached dwelling and redevelop the site, in its entirety, with three buildings; two traditional podium-point towers with heights of 29-storeys and a stepped mid-rise building, with a height of 9-storeys. The proposal will have a gross floor area of approximately 59,614 square metres with an average net density of 5.53 FSI. A total of 834 residential units are proposed.

Section 111 of the City of Toronto Act provides the City of Toronto authority to protect rental housing within its jurisdiction. In accordance with the provisions of Section 111, the City of Toronto prohibits the demolition and conversion of rental housing on properties that contain six or more residential units without a permit issued under Chapter 667 of the Municipal Code. Under Chapter 667 of the Municipal Code, a ‘rental unit’ is defined as “a dwelling unit used, or intended for use, for residential rental purposes, including a dwelling unit that has been used for residential rental purposes and is vacant”. The subject site contains one rental unit in a single detached dwelling, meaning that a Section 111 permit will not be required.

On behalf of the Owner, we are pleased to submit this Housing Issues Letter which discusses Section 111 of the *City of Toronto Act* and the Toronto Official Plan housing policies, as they apply to the subject site and development proposal. In our opinion, the proposed development will contribute to the City's housing stock by providing a range of housing types that is suitable for a range of individuals and families. As such, it is our opinion that the proposed development conforms with the relevant Provincial and Municipal policies governing housing in the City of Toronto.

## **2.0 SITE AND SURROUNDINGS**

### *Subject Site*

The subject site is located on the west side of Dufferin Street, approximately 210 metres south of Highway 401, at the signalized intersection that services Yorkdale Mall. The subject site is 'L'-shaped with an area of approximately 1.67 hectares (16,680 square metres) with a frontage of approximately 109 metres on Dufferin Street and approximately 54.96 metres on Jane Osler Boulevard. It is municipally known as 3400 Dufferin Street and 8 Jane Osler Boulevard. The property at 3400 Dufferin Street is currently comprised of a 1- to 2-storey building which is occupied by the Midtown Honda dealership and service centre and associated surface parking lot. Access to the dealership is via the signalized intersection on Dufferin Street. The property at 8 Jane Osler Boulevard is currently developed with a one-storey detached house with a frontage on Jane Osler Boulevard and a driveway along the side (west) lot line.

The existing property at 8 Jane Osler Boulevard was purchased by the Owner on May 1, 1995. With respect to the existing conditions, the Applicant has provided the following summary:

- one (1) single-detached dwelling has been leased as a rental property. The dwelling consists of two (2) bedrooms. The Owner is continuing to rent the dwelling to the existing tenants with a monthly rent of \$2,195.00. The current tenant has been renting the property for two (2) years.

### *Surroundings*

To the immediate north of the subject site is an approximate 2.0 hectare parcel of land which is subject to an active development application that was recently approved by the Ontario Land Tribunal (OLT) in April 2020 (3450 Dufferin Street). The Tribunal approval permitted the development of three towers with heights of 23, 27 and 29 storeys as well as a new public park in the southwest corner of the site. In addition to the towers and park, a new public road is proposed along the west boundary of the site, as well as a curvilinear road that borders the park and connects south into the subject site. To the north of 3450 Dufferin Street is Ontario Highway 401, the most significant piece of transportation infrastructure in the City of Toronto which offers access to other major highways and corridors across the City. Further north of the highway is Winston Park, a low-rise detached neighbourhood on the west side of Dufferin Street and a cluster of big

box stores on the southeast corner of Dufferin Street and Wilson Street. Business within the power centre include a Costco, LCBO and Home Depot.

To the immediate west of the subject site are lands that can be generally characterized as light industrial employment uses which include a combination of warehousing, storage, manufacturing and distribution uses. Immediately abutting the subject site is a 3- to 4-storey rectangular building that is occupied by Access Storage Yorkdale-Bridgeland (55 Bridgeland Avenue). The building itself is setback approximately 2.5 metres from its east lot line, which abuts the subject site, and contains approximately 10 interspersed windows on the east façade. The south extent of the property contains additional outdoor storage uses that abut the subject site.

To the southwest of the subject site are three single-detached dwellings that front onto Jane Osler Boulevard. Before Jane Osler Boulevard turns south to connect with Cartwright Avenue, there is a small-scale townhouse infill development, which is currently under construction, and which backs onto the light industrial areas to the north (2-16 Allegrezza Crescent). Additional low-rise residential land uses continue to the southwest of the subject site consisting of both original single-detached bungalows and newer renovated dwellings that extend west until Paul David Street. The detached dwellings are generously set back from their front lot lines and contain an individual driveway access.

To the immediate south of the subject site are 8 single-detached dwellings that front onto Jane Osler Boulevard (10 – 24 Jane Osler Boulevard). The dwellings range from 1- to 2-storeys and are consistently set back from their front lot lines by approximately 5.0 to 6.0 metres. Each dwelling has an individual driveway access, generous front yard landscaping as well as private rear yards which abut the subject site. A single lot to the west of these 9 dwellings, separating 24 and 28 Jane Osler Boulevard, is a vacant parcel that is owned by the applicant. Further south, additional single-detached dwellings are located on the south side of Jane Osler Boulevard and continue south until Bentworth Avenue to the south. On the east end of the block bound by Jane Osler Boulevard and Cartwright Avenue is two low-rise commercial-retail plazas that are built to their front lot line (3350 and 3338 Dufferin Street). The plazas contain a mix of commercial and retail services including a supplement store, a jewelry store, a pet salon and an attorney's office. Surface parking is located at the rear of both buildings and accessed off Jane Osler Boulevard and Cartwright Avenue respectively.

To the immediate east of the subject site is the Yorkdale Shopping Centre, the largest shopping mall in the city of Toronto. The shopping mall is generally bound by Dufferin Street in the West and Yorkdale Road that wraps the mall to the north, east and South. More generally speaking, the mall is also bound by Highway 401 to the north, Allen Road to the east, and residential uses to the south located along the north side of Glen Belle Crescent and Alcester Court. The Yorkdale Shopping Centre is surrounded by significant areas of surface parking on the north and west frontages of the property that total approximately 620,000 square metres.

A more detailed description of the surroundings is included in the Section 2.0 of the Planning and Urban Design Rationale prepared by Bousfields Inc. (dated August 2022), submitted concurrently with this letter.

### **3.0 DESCRIPTION OF PROPOSAL**

The proposal contemplates the comprehensive redevelopment of the subject site with three buildings; two traditional podium-point towers and a stepped mid-rise building. The proposal is organized around a series of new municipal roads that will intersect with proposed development application to the north at 3450 Dufferin Street.

The proposed tall buildings are 29-storeys in height (91.5 metres, exclusive of a 6.0 metre mechanical penthouse), inclusive of a 6- to 7-storey podium element. The mid-rise building proposes a height of 9-storeys (30.3 metres, exclusive of a 6.0 metre mechanical penthouse) and is located at the southeast corner of the subject site, with frontage on Dufferin Street. The proposal will have a total gross floor area (“GFA”) of approximately 59,614 square metres with an average net density of 5.53 FSI and a gross density of 3.57 FSI. A total of 834 residential units are proposed which contain a mix of bedroom types, including 59% one-bedroom 31% two-bedroom units, and 10% three-bedroom units.

A more detailed description of the Proposal is included in Section 3.0 of the Planning and Urban Design Rationale.

### **4.0 POLICY AND REGULATORY CONTEXT**

The redevelopment of the subject site is required to be consistent with the Provincial Policy Statement (“PPS”) and conform with the Growth Plan for the Greater Golden Horseshoe (“the Growth Plan”) and the City of Toronto Official Plan (“The Official Plan”). The provincial and City policies applicable to housing are set out in Sections 5.1 and 5.2 below (additional policy detail is included in the Planning and Urban Design Rationale, being submitted concurrently with this letter).

#### **4.1 Provincial Policies**

- With respect to housing, Policy 1.4.3 of the Provincial Policy Statement requires provisions to be made for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents by, among other matters, facilitating all types of residential intensification and redevelopment, promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities and support the use of active transportation and transit, requiring transit-supportive development and prioritizing intensification in proximity to transit, including corridors and stations.
- Section 2.2.6 of the Growth Plan (2019) sets out housing policies. Policy 2.2.6(1) directs municipalities to develop housing strategies that support housing choice through the achievement of minimum intensification and density targets by identifying a diverse range and mix of housing options and densities and establishing targets for affordable ownership housing and affordable rental housing (both terms are defined). Policy 2.2.6(2) provides that, notwithstanding Policy 1.4.1 of the PPS, municipalities will support the achievement of complete

communities by planning to accommodate forecasted growth and achieve the minimum intensification and density targets, considering a range and mix of housing options and densities and planning to diversify overall housing stock across the municipality.

## **4.2 Toronto Official Plan**

### Land Use Policies

The property at 3400 Dufferin Street is designated *Mixed Use Areas* and the property at 8 Jane Osler Boulevard is designated *Neighbourhoods* on Land Use Map 17 in the City of Toronto Official Plan. The lands to the east of the site, east of Dufferin Street, are designated *Mixed Use Areas*, lands to the south, along Dufferin Street, are designated *Mixed-Use Areas* and the lands to the south, west of Dufferin Street corridor, are designated *Neighbourhoods*. The lands to the west are designated *Core Employment Areas* and the lands to the north are designated *Mixed Use Areas*.

### Housing Policies

The relevant housing policies are contained in Section 3.2.1 of the Official Plan, and are set out below:

- Policy 3.2.1(1) provides that a full range of housing in terms of form, tenure and affordability will be provided to meet the current and future needs of residents.
- Policy 3.2.1(2) indicates that the existing housing stock will be maintained and replenished, and that new housing supply will be encouraged through intensification and infill that is consistent with the Official Plan.
- Policy 3.2.1(6) provides conditions of approval for new development that would remove all or part of a private building or related group of buildings and would result in the loss of six or more rental housing units (our emphasis). The conditions of approval are as follows:
  - Policy 3.2.1(6)(a) provides that new development (that would result in the loss of six or more rental units) will not be approved unless all of the rental housing units have rents that exceed mid-range rents at the time of application;
  - Policy 3.2.1(6)(b) requires the provision of rental replacement units and a tenant relocation and assistance plan in instances where new development, other than site plan, is proposed; and
  - Policy 3.2.1(6)(c) provides that, in Council's opinion, the supply and availability of rental housing in the City has returned to a healthy state and is able to meet the housing requirements of current and future residents.

As the proposal does not result in the loss of six or more rental housing units, Policy 3.2.1(6) does not apply.

### Official Plan Amendment 453 – Policies to Address the Loss of Dwelling Rooms

On July 18, 2019, City Council adopted Official Plan Amendment 453, which amends Housing Policy Section 3.2.1 of the Official Plan in part to address the loss of dwelling

rooms through redevelopment proposals. The OPA was appealed to the Ontario Land Tribunal (OLT) and was subsequently approved in October 2021. This amendment introduced Policy 3.2.1(12), which states that “new development that would have the effect of removing all or part of a private building or related group of buildings and would result in the loss of one or more rental dwelling units or dwelling rooms will not be approved unless an acceptable tenant relocation and assistance plan is provided to lessen hardship for existing tenants”.

### **4.3 Rental Housing Demolition and Conversion By-law**

Section 111 of the City of Toronto Act, 2006 authorizes Council to regulate the demolition and conversion of residential rental properties in the City. Chapter 667 of the Toronto Municipal Code, the Rental Housing Demolition and Conversion Control By-law, implements Section 111. The by-law prohibits the demolition or conversion of rental housing units in buildings containing six or more residential dwelling units, of which at least one is a rental unit, without obtaining a permit from the City and requires a decision by either City Council or, where delegated, the Chief Planner and Executive Director, City Planning Division. The proposal to demolish one rental dwelling unit does not require approval under Chapter 667 of the Toronto Municipal Code.

### **4.4 Zoning**

The in-force Zoning By-law applying to the subject site is the Former City of North York Zoning By-law 7625, as amended. The new City-wide Zoning By-law 569-2013, enacted by City Council on May 9, 2013, does not apply to the subject site.

Under North York Zoning By-law 7625, the subject site is currently zoned MC(H) (Industrial-Commercial Zone – Holding) and R5 (Residential Zone).

The property at 3400 Dufferin Street is zoned MC(H). MC zoning permits a wide range of industrial and commercial uses, including retail stores, office uses, financial institutions, restaurants, veterinary clinics, commercial educational facilities, cinemas, galleries, fitness centres, manufacturing, warehouses, motor vehicle uses (sales, lease, servicing, body shop, etc.), workshops, communications and broadcasting, laboratories, contractors establishments, industrial sales and service, information processing, laundry, transportation terminals, institutional uses and public uses.

Regulations for the MC zone include a maximum density of 1.0 times the lot area, a minimum front yard setback of 9.0 metres, a minimum exterior side yard setback of 7.5 metres, a minimum interior side yard setback of 3 metres and a minimum rear yard setback of 7.5 metres. There are no maximum height provisions in the MC zone that apply to this site.

The Holding Zone (H) includes maximum limits for retail stores and personal service shops, as well as office uses. Retail stores and personal service shops, whether accessory or as a main use, are limited to the lesser of a floor space index of 0.5 or a combined gross floor area of 5,000 square metres on a lot. Office uses are limited to the lesser of a floor space index of 0.5, or a combined total gross floor area of 5,000 square metres. These limits can be exceeded by way of an application to lift the (H) symbol, based on completion of a transportation impact study, among other matters.

The property at 8 Jane Osler Boulevard is zoned R5. The R5 Zone permits one-family detached dwellings and accessory buildings, home occupation, recreational and institutional uses. The regulations for the R5 zone include a minimum lot frontage of 15 metres, a minimum lot area of 550 square metres, a minimum front yard setback of 7.5 metres, a minimum side yard setback of 1.8 metres on each side and a minimum rear yard setback of 9.5 metres. Further, the regulations include a maximum lot coverage of 30%, maximum dwelling length of 16.8 metres, a maximum building height of 8.0 metres for a flat roof and 8.8 metres for any other type of roof.

The subject site is also subject to height limits as shown on the Airport Hazard Map (Schedule 'D'), which permit a maximum structure height of 45.72 metres on the subject site.

Greater detail on the applicable zoning provisions is included in the Planning Rationale.

## **5.0 RELEVANT PLANNING PROCESS**

As noted above, the subject site contains one single-detached dwelling, which is leased as a rental unit.

Chapter 667 of the Toronto Municipal Code, the Residential Rental Property Demolition and Conversion Control By-law, regulates the demolition and conversion of rental housing by requiring rental property owners who are considering demolition or conversion activities to obtain a permit from the City. A development proposal is subject to the by-law if it involves demolishing and/or converting all or part of one or more related buildings that together contain 6 or more dwelling units, of which at least one is a rental unit. As the proposal involves the demolition of one (1) rental unit on lands that contains one (1) dwelling unit, Chapter 667 would not apply.

The proposal requires amendments to Official Plan, Dufferin Street Secondary Plan, the former City of North York Zoning By-law 7625, as amended, and the City-wide Zoning By-law 569-2013, as amended, in order to permit the proposed uses, increase the permitted height and gross floor area and to revise other development standards as necessary to accommodate the building design.

In accordance with the *City of Toronto Act* and Section 667 of the Municipal Code, a Rental Housing Demolition and Conversion application is being submitted as the

proposal is seeking to demolish a residential rental property.

## **6.0 ANALYSIS AND OPINION**

### **6.1 General Analysis**

The proposed development is supportive of the policy directions set out in the Provincial Policy Statement 2014, the Growth Plan for the Greater Golden Horseshoe (2019) and the City of Toronto Official Plan. The proposed development will provide a range of housing types through intensification of an underutilized site that is well served by municipal infrastructure, including public transit.

The proposed redevelopment of the subject site is in keeping with Section 3.2.1 of the Official Plan. As per Policy 3.2.1(1), the proposal contributes to a full range of housing. In this respect, the proposed development includes a total of 834 residential units, with a mix of residential unit types, including 490 one-bedroom units (59%), 258 two-bedroom units (31%) and 86 three-bedroom units (10.3%), in keeping with the applicable policies of the City of Toronto Official Plan.

In keeping with Policy 3.2.1(2), the proposal ensures that new housing supply will be provided through the intensification of the subject site.

With respect to Official Plan Policy 3.2.1(6), the subject site contains one (1) rental unit. As such, it is our opinion that the rental replacement policies outlined in sub-policy 3.2.1(6)(b) would not apply to the proposed development given that only one rental unit will be demolished. However, as the proposal will result in the removal of a rental dwelling unit, Chapter 667 of the Municipal Code applies, and a Section 111 Permit may be required.

### **6.2 Tenant Assistance Package**

The *Residential Tenancies Act, 2006* requires that, if notice of termination of a tenancy is given for the purpose of termination where the landlord requires possession of the rental unit in order to demolish it, the date of termination shall be at least 120 days from the day on which the notice is given. If a tenancy is terminated for the purpose of demolition, the *Act* requires that the landlord shall either compensate a tenant in an amount equal to three (3) months' rent; OR offer the tenant another rental unit acceptable to the tenant.

The Owner will work with the City in preparing the tenant relocation and assistance package that exceeds the requirements set out in the *Residential Tenancies Act, 2006*. Elements of the tenant relocation and assistance package may include:

- An extended tenant notice period beyond the existing *Residential Tenancies Act, 2006* requirement; and,
- Additional tenant compensation for the existing rental unit above the *Residential Tenancies Act, 2006* requirements.

Through the authorities granted under Section 667 of the Municipal Code, City Planning Staff may require the Owner to enter into a Section 111 Agreement to secure the terms of the tenant compensation and assistance. The Owner will continue to work with City Staff throughout the



approvals process of the Rental Housing Demolition and Conversion application to secure an appropriate Tenant Assistance Package for the qualifying units.

## **7.0 CONCLUSIONS**

Chapter 667 of the Toronto Municipal Code prohibits the demolition of one or more rental units in any building or related group of buildings that contain six or more residential units without obtaining a permit from the City. Since the proposal involves the demolition of one rental dwelling unit on a site that contains 1 dwelling unit, a Rental Housing Demolition application is not required under Chapter 667 of the Toronto Municipal Code.

With respect the Official Plan, it is our opinion that the proposal for the subject site appropriately addresses the policies in Section 3.2.1 in the Toronto Official Plan with regard to the protection of rental housing. As stated above, as there are currently fewer than six rental housing units, Policy 3.2.1(6) does not apply. However, given that the proposal will result in the removal of at least one rental dwelling unit, the Owner will have ongoing discussions with the City and the remaining tenant in order to arrive at an appropriate tenant assistance package, in accordance with the Municipal Code and the *Residential Tenancies Act*.

Based on the foregoing, it is our opinion that the Rental Housing Demolition and Conversion Application is in accordance with Chapter 667 of the Municipal Code and, accordingly, should be approved.

We trust that the foregoing is of assistance in your review, however if you have any questions, please do not hesitate to contact the undersigned or Himanshu Katyal of this office.

Yours very truly,  
**Bousfields Inc.**

Kate Cooper, MCIP, RPP