

# **TORONTO** STAFF REPORT

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January 9, 2002

To: Toronto East York Community Council

From: Director, Community Planning, South District

Subject: Final Report  
Application to amend the Official Plan and for Draft Plan of Condominium  
Mr. Victor Rodrigues, Interarch Architect Inc., on behalf of the owners of 30  
Gloucester Street  
Application Nos. 101003 and 400016  
Toronto Centre – Rosedale, Ward 27

Purpose:

This report reviews and recommends approval of an application for an Official Plan Amendment to permit conversion of the apartment building at 30 Gloucester Street to condominium, and recommends approval of a Draft Plan of Condominium for the property, subject to a number of conditions.

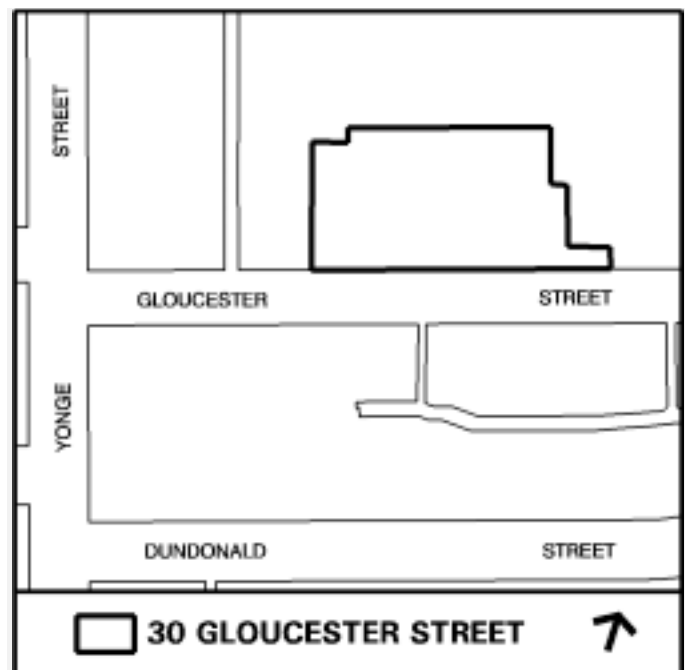
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council:

- (1) amend the Official Plan for the former City of Toronto substantially in accordance with the draft Official Plan Amendment attached as Appendix B;
- (2) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment as may be required;



- (3) authorize Draft Approval of the Plan of Condominium for 30 Gloucester Street date stamped as received on January 21, 2001, subject to the Official Plan amendment coming into force and effect;
- (4) require the owner 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 he 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 provide and maintain a minimum of 201 parking spaces to serve this project, including at least 186 parking spaces for the exclusive use of residents, and at least 15 parking spaces for residential visitors.
  - (c) The owner shall provide and maintain a physical separation in the underground parking garage between the residents' and the residential visitor parking in order to secure the availability of the residents' parking.
  - (d) The owner shall provide and maintain, on private property, the appropriate signs indicating the one-way operations for the semi-circular pick-up/drop-off area.
  - (e) The owner shall provide and designate a fully trained employee to assist the garbage truck driver with the back-up manoeuvre onto Gloucester Street by controlling pedestrian and vehicular traffic, at all times during collection periods.
  - (f) The owner shall submit revised drawings with respect to Conditions (b), (c), and (d), for the review and approval of the Commissioner of Works and Emergency Services.
  - (g) 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) advise the owner of the need to receive the approval of the Commissioner of Works and Emergency Services for any work to be carried out within the Gloucester Street right-of-way.

Background:

Proposal

The applicants are the co-owners of the existing apartment building at 30 Gloucester Street. The co-owners are registered as tenants-in-common, each with an undivided interest in the property. The applicants propose to convert the existing apartment building to condominium. The building was originally constructed as a rental apartment building in 1970. In 1985, prior to enactment of

the Rental Housing Protection Act, the owner converted the building from rental tenure to co-ownership by registering a co-ownership agreement on title at the Land Registry Office. Gloucester Gate Inc. was incorporated by the co-owners in 1995 for the purpose of managing the co-ownership.

A co-ownership is comprised of co-owners who each own one or more shares in the property. While each co-owner has exclusive rights to one of the units, they do not own the unit itself. Gloucester Gate has applied to change the building to condominium tenure. 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.

### Site and Surrounding Area

The site is located on the north side of Gloucester Street between Yonge Street and Church Street. The property contains a 22-storey, 253 unit apartment building. The building is joined to the apartment building at 33 Isabella Street by an underground parking garage. Although mutual rights-of-way are in place between the two properties, there is currently no access between the two garages. The property at 33 Isabella has a different owner and is not part of this application.

The site is located in an area with a mix of house-form, low-rise, and high-rise residential buildings, occupied primarily by residential uses and some office/commercial uses. Adjacent to the site on the west is the Gloucester Street Parkette. The Yonge Street and Church Street commercial strips are nearby.

### Official Plan

The site is designated High Density Residence Area under the Part I Official Plan of the former City of Toronto, permitting residential development of up to 3.0 times the area of the lot. There is no Part II plan for this area.

There are a number of relevant policies in the in-force Official Plan 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 By-law

The site is zoned R3 Z2.5 which permits a maximum residential density of 2.5 times the area of the lot. The maximum building height is 30 metres.

By-law 188-68 was passed by Council on June 19, 1968, and amended by by-law 310-69 on November 5, 1969. These by-laws permitted construction of the building at 30 Gloucester Street, as well as the existing apartment building at 33 Isabella Street. The by-laws permit an

apartment house consisting of two apartment towers joined by an underground garage, not exceeding 4 times the area of the lot. The maximum height permitted for the tower at 30 Gloucester Street is 76.2 metres.

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

#### Reasons for Application

The in-force policies of the former City of Toronto Official Plan call for the retention and conservation of the existing stock of private rental housing. These policies include policy 6.18 which states, “. . . the conversion to condominium of duplexes, triplexes, and all other buildings originally constructed to provide one or more rental apartments is premature and against the public interest, until the vacancy rate for private apartments across Metropolitan Toronto . . . regularly returns to at least 2.5 percent”. Since the vacancy rate for apartments, as most recently reported by Canada Mortgage and Housing Corporation, is 0.9 per cent, the proposed conversion of 30 Gloucester Street to condominium requires an amendment to the former City of Toronto Official Plan.

#### 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 samples of the information that was delivered to tenants regarding the application, along with an affidavit confirming delivery. Information has not been submitted regarding potential purchasers and selling prices of units, because the building is a co-ownership and ownership of each of the condominium units will transfer to the co-owner who currently has its exclusive occupancy.

#### Community Consultation

A public meeting was held in the neighbourhood to discuss this proposal on December 11, 2001. The meeting was attended by approximately 30 people, many of whom were co-owners of the building and generally favoured the proposed condominium. Issues that were discussed included the status and rights of existing tenants under a condominium conversion, the relation of the proposal to the City's rental housing protection policies, requirements of the Condominium Act and the Building Code respecting condominiums and the length and costs of the condominium registration process.

I have received four letters of objection to the application, all of which cite concerns regarding the preservation of rental housing in the city. I have received two letters from co-owners of the building in support of 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:

##### Official Plan Amendment No. 2

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 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. At the time this report was written, no court decision had yet issued on the appeal.

OPA 2 represents emerging City policy and reflects the latest thinking of planning staff and the 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, including co-ownerships. Council may consider allowing the conversion of equity co-operative buildings containing 6 or more rental units if four criteria are met. The applicant has submitted an affidavit with supporting documentation which demonstrate that the proposal meets the criteria of OPA 2:

- (a) the co-operative (or in this case, the co-ownership) was legally created prior to June 17, 1998;

The co-ownership at 30 Gloucester was established in 1985.

- (b) 50% or less of the units are tenanted;

48.2% of the units at 30 Gloucester are tenanted.

- (c) 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;

80.8% of the owners and 70.6% of the tenants at 30 Gloucester have expressed support in writing for conversion of the building to condominium.

- (d) 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 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 30 Gloucester Street to condominium.

#### Tenant Impacts

122 of the 253 units in 30 Gloucester Street are tenanted. The conversion, if permitted, would not impact on the security of tenure of existing tenants. 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 requires 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.

#### Parking and Access

The Commissioner of Works and Emergency Services has commented that the proposal satisfies the estimated parking demand for the building. He has requested as a condition of draft plan approval that the owner provide and maintain 201 parking spaces, including at least 186 parking spaces for the exclusive use of residents, and at least 15 spaces for residential visitors. He has also requested a condition to provide and maintain a physical separation in the underground parking garage between the residents' and the visitors' parking, in order to secure the availability of the residents' parking.

The driveway which serves as a pick-up/drop-off area for the building is wide enough for one-way operation only. The Commissioner of Works and Emergency Services has requested as a condition of draft plan approval that the owners provide and maintain appropriate signs indicating the one-way operation of the driveway.

### Loading

The existing loading space requires a vehicle to reverse across the sidewalk and onto Gloucester Street in order to leave the property. The Commissioner of Works and Emergency Services has requested as a condition of approval that a fully trained employee assist the garbage truck driver with the back-up manoeuvre onto Gloucester Street by controlling pedestrian and vehicular traffic during garbage collection.

### Development Charges

The Commissioner of Works and Emergency Services has requested as a condition of approval that any outstanding development charges be paid by the owner of the property prior to registration of the condominium. As the proposal involves no new construction and no new residential units will be created, I am not recommending this as a condition of approval.

### 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 30 Gloucester 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.

### Conclusions:

I am recommending that Council approve an Official Plan amendment to permit the 253-unit apartment building at 30 Gloucester Street to convert from co-ownership to condominium tenure. 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:

Kyle Knoeck, Planner, East Section  
Tel. (416) 392-7215  
Fax (416) 392-1330  
Email:knoeck@city.toronto.on.ca

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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:	<b>101003</b>
Rezoning:	No	Application Number:	<b>TE OPA 2001 0001</b>
O.P.A.:	Yes	Application Date:	01/30/2001

Municipal Address: 30 Gloucester St  
 Nearest Intersection: Yonge Street & Gloucester.  
 Project Description: Convert existing co-ownership to condominiums, see also  
 condominium application # 400016

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Gloucester Gate Inc. 30 Gloucester Street Toronto M4Y1L6 (416) 961-9813		Interarch Inc., Architect 1351 Dundas Street West Toronto, Ontario M6J1Y3 (416) 537-2601	

**PLANNING CONTROLS (For verification refer to Chief Building Official)**

Official Plan Designation:	HDR	Site Specific Provision:	188-68, 310-69
Zoning District:	R3 Z2.5	Historical Status:	No
Height Limit (m):	30	Site Plan Control Area:	Yes

**PROJECT INFORMATION**

Site Area:	16977.17	<b>Height:</b> Storeys:	22
Frontage:	98.4	Meters:	62
Depth:	47.7		

	<b>Indoor Type</b>	<b>OutdoorType</b>
Ground Floor GFA:	998.56 Parking Spaces:232	8
Residential GFA:	16977.17 Loading Docks:0	0
Non-Residential GFA:	0	0
Total GFA:	16977.17	0

**DWELLING**

**Tenure Type:** Condominium

Rooms:	0
Bachelor:	42
1 Bedroom:	126
2 Bedroom:	85
3+ Bedroom:	0
Total Units:	0
Total Proposed Density:	4.26

**FLOOR AREA BREAKDOWN**

	<b>Above Grade</b>	<b>Below Grade</b>
Residential GFA:	16977.17	
Retail GFA:	0	
Office GFA:	0	
Industrial GFA:	0	
Industrial/Other GFA:	0	

**COMMENTS**      APPLICATION CIRCULATED.

Current Status: Open	<u>Latest Event</u>	<u>Target Date</u>	<u>Actual Date</u>	<u>Outcome</u>
	Received		01/30/2001	

Data Valid:    Sep 17, 2001    Planner:    Knoeck, Kyle    Phone:    (416) 392-7215  
Area: District - C      Planning Office:    Toronto - South (TE)

## Appendix A Comments

### 1. Works and Emergency Services, August 17, 2001

This is in reference to the application by Interarch Inc. for the above-noted site, located on the north side of Gloucester Street, between Yonge Street and Church Street. The proposal is to convert the existing co-ownership building into a residential condominium comprising 253 dwelling units.

#### Parking and Access

The condominium plans indicate that 240 parking spaces will be provided for this project, of which 232 spaces are contained within an underground parking garage and 8 spaces are located at grade. However, the application form indicates 166 tenant spaces and 64 visitor spaces, for a total of 230 spaces. The estimated parking demand generated by this project is for 201 parking spaces, based in part on the surveyed demand of condominium projects, including 186 spaces for the exclusive use of tenants and 15 spaces for the use of residential visitors. As far as can be ascertained, the Zoning By-law requirement is for 133 parking spaces, of which 108 spaces are for the tenants and 15 spaces are for residential visitors. The proposed total parking supply is acceptable, however a minimum of 15 visitor parking spaces must be provided. A physical separation between the parking spaces for tenants and the visitor parking spaces is required.

The layout of the parking spaces and drive aisles in the underground parking garage is generally acceptable, however, the site plan indicates that a number of parking stalls do not satisfy the Zoning By-law dimensional requirements of 2.6 m in width by 5.9 m in length. Recognizing that this is an existing underground parking garage to be used primarily by tenants of the building, the dimensions are acceptable. Also, the single surface parking space abutting the east side of the building should be eliminated because of the difficulty drivers would have exiting this space.

Vehicular access to and egress from the site is proposed via a two-way driveway, measuring 5.1 m in width, situated on the eastern half of the property, extending north from Gloucester Street. The Zoning By-law requires a two-way driveway width of 5.5 m. Given that the driveway is existing and that the width is marginally less than the Zoning By-law requirement, a width of 5.1 m is acceptable. The existing curb cuts serving the main driveway and the garbage pick-up driveway should be accurately shown on the plans.

With respect to the semi-circular pick-up/drop-off area, the existing driveway measures approximately 3.2 m in width. This width is sufficient for one-way operations only and should be appropriately signed and marked in order to control inbound and outbound movements.

#### Refuse Collection

The existing City refuse and recyclable materials collection service to this building will continue.

## Loading

The provision of 1 Type G loading space satisfies both the estimated loading demand and the Zoning By-law requirement for a like amount. The existing loading space requires a vehicle to reverse out across the sidewalk and onto Gloucester Street in order to leave the site. In order to ensure safe operating conditions are maintained, a fully trained building employee must be assigned the duties of assisting garbage trucks when backing up by controlling pedestrian and vehicular traffic.

## 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.

1. That the owner be required to:
  - (a) provide and maintain a minimum of 201 parking spaces to serve this project, including at least 186 parking spaces for the exclusive use of residents, and at least 15 parking spaces for residential visitors;
  - (b) provide and maintain a physical separation in the underground parking garage between the residents' and the residential visitor parking in order to secure the availability of the residents' parking;
  - (c) provide and maintain, on private property, the appropriate signs indicating the one-way operations of the semi-circular pick-up/drop-off area;
  - (d) provide and designate a fully trained employee to assist the garbage truck driver with the back-up manoeuvre onto Gloucester Street by controlling pedestrian and vehicular traffic, at all times during collection periods;
  - (e) pay any outstanding sewer impost charges calculated under the Municipal Code, Chapter 292, Article II, Sewers or development charges under the Municipal Code, Chapter 415, Development of Land;
  - (f) submit revised drawings with respect to Recommendation Nos. 1(a), 1(b) and 1(c), for the review and approval of the Commissioner of Works and Emergency Services; and
2. That the owner be advised of the need to receive the approval of the Commissioner of Works and Emergency Services for any work to be carried out within the Gloucester Street right-of-way.

Appendix B  
Draft Official Plan Amendment

Authority: Toronto East York Community Council Report No. xxx, Clause No. xxx, as adopted by City of Toronto Council on xxxxxxx, 2002

Enacted by Council:

CITY OF TORONTO

Bill No.

BY-LAW No. xxx-2002

To adopt an amendment to the Official Plan for the former City of Toronto respecting lands known as 30 Gloucester Street

WHEREAS the Council of the City of Toronto has had application made to it for a proposed Official Plan Amendment respecting 30 Gloucester 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., 2002.

\_\_\_\_\_  
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 30 Gloucester 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 253 residential units existing on those lands on February xx, 2002, provided the condominium is registered within two years after the enactment of this amendment.