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Bill Pr22

An Act respecting the demolition of rental housing units in the City of Toronto

Mr. Bryant

Private Bill

1st Reading November 22, 2001
2nd Reading
3rd Reading
Royal Assent

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EXPLANATORY NOTE

The Bill authorizes the City of Toronto to make by-laws regulating the alteration and demolition of certain buildings that contain rental housing units.

An Act respecting the demolition of rental housing units in the City of Toronto

Preamble

The council of the City of Toronto (“city council”) has applied for special legislation in respect of the matters set out in this Act.

It is appropriate to grant the application.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

Interpretation

1. (1) Expressions used in this Act have the same meaning as in the *Tenant Protection Act, 1997* unless the context requires otherwise.

Definitions

(2) In this Act,

“alteration or demolition” means, with respect to a regulated building, the alteration, repair or removal of all or part of the building that results in a decrease in the number of rental units in the building, and “alter or demolish” has a corresponding meaning;

“regulated building” means a building that contains at least one rental unit and is, or is part of, a residential complex containing at least six rental units but does not include a building that contains living accommodations described in section 3 (exemptions from Act) of the *Tenant Protection Act, 1997*.

BY-LAW GOVERNING THE ALTERATION OR DEMOLITION OF REGULATED BUILDINGS

By-law

2. (1) City council may, by by-law, regulate the alteration and demolition of regulated buildings.

Prohibition, alteration or demolition without approval

(2) The by-law shall provide that a person shall not alter or demolish a regulated building if it would result in a decrease in the number of rental units in the building, unless city council approves the alteration or demolition.

Condition of approval

(3) The by-law shall provide that an applicant for approval shall be required to construct approximately the same number of rental units as the number that will be lost by virtue of the alteration or demolition.

Exception

(4) The by-law may provide that the requirement described in subsection (3) does not apply if the regulated building is to be altered or demolished so that rental units may be constructed under a government program specified in the by-law for the creation of affordable housing or housing for people with special needs, as these types of housing are defined in the by-law.

Lapse of approval

(5) The by-law may provide that an approval lapses in the circumstances set out in the by-law or after the period specified in the by-law.

Application fees

(6) The by-law may establish fees for an application to approve the alteration or demolition of a regulated building, and the fees must not exceed the anticipated costs to the City of processing such an application.

Period when by-law is inoperative

3. A by-law made under section 2 is inoperative during any year that follows a period of two consecutive years throughout which the vacancy rate for rental housing in the City, as reported by the Canada Mortgage and Housing Corporation’s annual Rental Market Survey for the Toronto Census Market Area, was at least 2.5 per cent.

Effect of by-law

4. (1) If a by-law is made under section 2, neither a permit under subsection 8 (1) of the *Building Code Act, 1992* for construction or demolition of a building nor a demolition permit under the *Planning Act* or the *Ontario Heritage Act* shall be issued with respect to the alteration or demolition of a regulated building unless city council approves the alteration or demolition under the by-law.

Exceptions

(2) Subsection (1) does not apply with respect to the issuance of a permit in any of the following circumstances:

1. The regulated building is subject to an order for demolition under the *Building Code Act, 1992*.
2. The regulated building is the subject of an order for removal under the *Fire Protection and Prevention Act, 1997*.
3. The regulated building is the subject of an order for structural and other repairs or renovations un-

der the *Fire Protection and Prevention Act, 1997* and the required repairs or renovations constitute alteration or demolition under this Act.

4. The residential use of the rental units in the regulated building is not permitted under the applicable zoning by-laws.
5. The demolition relates to units registered under the *Condominium Act, 1998*, or a predecessor to that Act, or units in a building owned by a corporation that is registered under the *Co-operative Corporations Act*.

Same

(3) Subsection (1) does not apply during a period when the by-law is inoperative.

Alteration, etc., without a permit

(4) If subsection (1) applies with respect to the alteration or demolition of a regulated building, an owner of the building is not entitled to alter or demolish it under subsection 34 (3) or (4) or 44 (2) of the *Ontario Heritage Act*.

No appeal under *Planning Act*

(5) If subsection (1) applies with respect to the alteration or demolition of a regulated building, no appeal may be brought under subsection 34 (4) of the *Planning Act* with respect to the issuance of a demolition permit for the regulated building.

Conflicts

(6) Subsection (1) applies despite subsection 8 (2) of the *Building Code Act, 1992*, subsection 33 (6) of the *Planning Act* and subsection 2 (2) of the *City of Toronto Act (Heritage Properties), 2001*.

APPLICATION FOR APPROVAL

Application for approval

5. (1) An owner of a regulated building who wishes to alter or demolish it may apply in writing to the City Clerk for approval, and the application must contain such information as may be required by by-law.

Effect of withdrawing application

(2) If the application is withdrawn before it is decided, no further application to approve the alteration or demolition of the building may be made within 365 days after the withdrawal, unless city council gives its consent.

Notice to tenants

6. (1) The City Clerk shall give written notice of an application for approval of the alteration or demolition of a regulated building to the tenants who may be affected by the proposed alteration or demolition.

Same

(2) City council shall not consider the application until at least 20 days after notice of the application is given to the tenants under subsection (1).

DECISION ON THE APPLICATION

Decision on application

7. (1) Upon receiving an application to approve the alteration or demolition of a regulated building, city council may give its approval and may impose such reasonable conditions on the approval as it considers appropriate in the circumstances.

Conditions

(2) Without limiting the generality of subsection (1), the conditions that may be imposed on the approval may include any of the following:

1. A requirement that any new rental units (the “replacement rental units”) must be a similar type and size of unit as the rental units lost by virtue of the alteration or demolition (the “demolished rental units”) and that the replacement rental units must be available for approximately the same rent as the demolished rental units.
2. A requirement that the replacement rental units remain as rental units for a specified period.
3. Specification of a location within the vicinity of the demolished rental units where the replacement rental units are to be constructed.
4. A requirement that tenants of the demolished rental units be given the right of first refusal to occupy the replacement rental units.
5. A requirement that the replacement rental units be constructed and ready for occupancy within two years after the date on which the approval is given.
6. Specification that the applicant is not entitled to either of the following until the conditions imposed by city council have been satisfied or have been secured by an agreement registered on title to each property to which the agreement relates:
 - i. A permit under subsection 8 (1) of the *Building Code Act, 1992* for construction or demolition of a building.
 - ii. A demolition permit under the *Planning Act* or the *Ontario Heritage Act*.

Offence, non-compliance

(3) A by-law made under section 2 may provide that it is an offence to fail to comply with a condition imposed on the approval.

Registration of agreement

(4) An agreement described in paragraph 6 of subsection (2) may be registered on title to the property to which the agreement relates.

Enforcement of agreement

(5) City council may enforce an agreement registered under subsection (4) against every owner of the property and against any subsequent owner of the property.

Notice of decision

8. (1) City council shall give an applicant for approval to alter or demolish a regulated building written notice of its decision within 10 days after the decision is made.

Same

(2) The notice must include the reasons for the decision and must advise the applicant of the time limit for appealing the decision.

Same

(3) The notice must be sent to the applicant at the applicant's last known address.

APPEALS TO THE
ONTARIO MUNICIPAL BOARD

Appeal from a decision

9. (1) A person who is not satisfied with the decision of city council on an application to approve the alteration or demolition of a regulated building may appeal the decision to the Ontario Municipal Board.

Same

(2) A written notice of appeal must be given to the City Clerk within 20 days after the applicant is given notice of the decision, and the notice of appeal must set out the objection and the reasons for the objection

Appeal where no decision made

10. (1) If city council does not make a decision on an application to approve the alteration or demolition of a regulated building within 90 days after the City Clerk

receives the application, the applicant may appeal the matter to the Ontario Municipal Board.

Same

(2) A written notice of appeal must be given to the City Clerk.

Powers of the O.M.B.

11. On an appeal, the Ontario Municipal Board may make any decision that city council is authorized to make with respect to an application to approve the alteration or demolition of a regulated building, and the Board may substitute its judgment for the judgment of city council.

GENERAL

Offence

12. (1) Every person who contravenes a by-law made under section 2 is guilty of an offence.

Same

(2) Every director or officer of a corporation who concurs in a contravention of the corporation of a by-law made under section 2 is guilty of an offence.

Commencement

13. This Act comes into force on the day it receives Royal Assent.

Short title

14. The short title of this Act is the *City of Toronto Act (Rental Housing Units), 2001.*