



A Guide to Development and Planning at the City of Toronto

FEDERATION OF METRO TENANTS' ASSOCIATIONS



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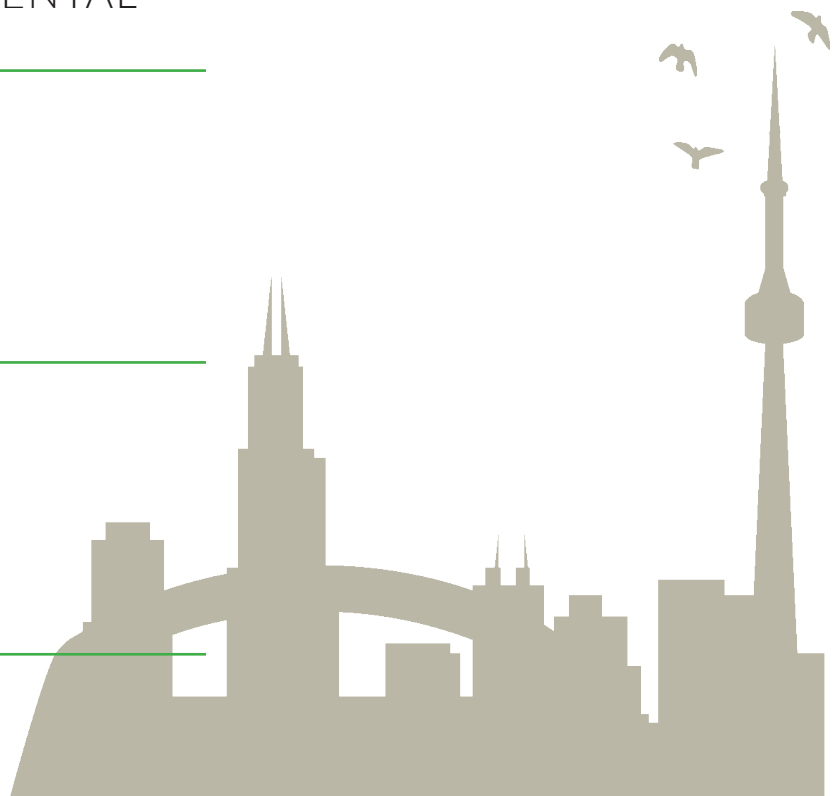
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Disclaimer: This guide, meant as a companion to the publication “Demolition, Conversion and Renovation and the RTA,” is not a substitute for legal advice or consultation.

1 An Overview

What are the rules and laws that direct planning at the city?

- The **Planning Act** is a provincial law which provides direction on planning to municipalities. It also provides municipalities with rules that require that certain processes be followed.
- Planning applications must also conform with **Provincial Policy statements** which are issued by the Ministry of Municipal Affairs and Housing and to the **Growth Plan for the Greater Golden Horseshoe**.
- Another provincial law is the **City of Toronto Act** which also gives the city some powers to regulate planning, such as protecting rental housing stock.
- The **Official Plan** for the City of Toronto is a vision of what the city will look like in the future and it is reviewed periodically. All planning applications and zoning bylaws should reflect its intent.
- The **Residential Tenancies Act**, another provincial law, specifically deals with many of the rights that tenants have when facing demolition, conversion or extensive renovation of their housing.

What does the Planning Department at the City do?

- There are **four directorships** that review development for different parts of the city: North York, Etobicoke, Toronto & East York, and Scarborough. There are four additional city-wide directorships: Strategic Initiatives, Policies & Analysis (SIPA), Urban Design, Transportation Planning, and Committee of Adjustment and Zoning.
- They **process development applications** by working with developers, local communities, agencies and city divisions.
- The planning office can **talk to you**, or **hold meetings** to get your input on development applications in your local area.

- The division also **provides advice to City Council** which has the authority to approve or reject development applications.
- From time to time, this division will **undertake studies** for an entire area in the city to guide future planning, growth and development.

What information does a notice of application contain?

- The **year** in which the application was submitted, i.e. the first two digits in the application number (for e.g. 12 means 2012)
- Which **part of the city** it pertains to and which community council and city planning division to deal with (see Table 1).
- The **ward** which can help identify the City councillor (the last two digits in the application number ranging from 01 to 44).
- The **type** of development application (see the last two letters in the application number) (see Table 2). It can also provide the **number** of applications for a particular project.
- The **name and contact information** for a planner assigned to the application who can provide more information.

TABLE 1

Acronym	City Division
NNY	North/ North York
WET	West/ Etobicoke
STE	South/ Toronto and East York
ESC	East/ Scarborough

TABLE 2

Acronym	Type of Application
OZ	Official Plan Amendment and/or Zoning By-law Amendment Application
SA	Site Plan Control Application
PL	Part Lot Control Exemption Application
CD	Plan of Condominium Application
SB	Plan of Subdivision Application
RH	Rental Housing Demolition and Conversion

EXAMPLE 1:

Reading a Notice of Application. The application number is “12 113502 STE 27 OZ,” which tells us the following information:

- The year the application was submitted was 2012.
- The address to which the application relates is in ward 27.
- The application will be dealt with by the Toronto and East York area of city planning and go to Toronto and East York Community Council, before proceeding to city council.
- It’s an application for rezoning or for an official plan amendment.

2 The Process

What stages does a planning application go through?

Development Projects progress through 7 stages of approval. The first 2 stages involve the **planning approval process** (and stages 3 to 7 involve the building permit process - see Appendix A for details). A project may be made up of several applications.

What are the steps in the planning approval process?

- After the City Planning office receives a completed application, it sends out a **notice of application** (see above) to affected or interested parties.
- With the information in this notice, it is possible to look up more information online by consulting the **staff report** on the application or talking to the planner assigned to the application.
- Although not required under the *Planning Act*, next stage is often a **community consultation** held by city planning and the ward councillor to seek input and address concerns of local residents and agencies. The feedback is incorporated into the staff report.
- In case of demolition or conversion, it is not uncommon to have an **additional tenant meeting** to discuss the process and the rights that tenants have to comparable units or compensation.

- Following a community consultation, the *Planning Act* requires that the application be vetted at a public meeting. This responsibility has been assigned to the **four community councils** in the city (North York, Etobicoke, Scarborough, Toronto and East York). Where an application has city-wide significance, it goes to the **Planning and Growth Management Committee**. At these public forums, individuals can make oral deputations, ask questions or send in written remarks beforehand.
- If an application receives approval from a community council, the application is sent on to the full **City Council** for further approval. Again, interested members of the public can either depute in person or send in written remarks. The public is notified about council's decision.
- When a proposal for a change to site doesn't quite meet what the zoning allows, or a property is going to be split into two, the owner can make an application to the **Committee of Adjustment**. The Committee is made up of a panel of residents who decide on the merit of the proposal, and residents can make a deputation to them.
- If the application is rejected by city council or if city council has failed to make a decision in a timely manner, a developer has the option to file an appeal at the **Ontario Municipal Board** within 30 days of the decision where the law allows such appeals.

What stages does an appeal at the Ontario Municipal Board go through?

- The appellant is responsible for **notifying** city staff and interested parties of the appeal. The OMB sends a notice of prehearing. The OMB notifies the City, the appellant notifies the interested parties as well as owners of properties within the notification area. Sometimes, this doesn't include tenants, but tenants are welcome to attend the OMB prehearing.
- At this **prehearing**, the board deals with procedural matters and schedules **mediation** to resolve the appeal. Tenants can become **participants** or **parties** to the appeal. Parties are expected to participate in mediation, participants can be permitted to if the Board allows. They can become **parties** either because the board felt their contribution was important or because they had participated in previous stages.

- If mediation fails, the board will schedule a **hearing**. Parties are allowed to participate in hearings and other proceedings and are notified of decisions. Participants are allowed to testify at the hearing, if there is one, and may be involved in mediation if the Board allows. Parties are required to attend all the meetings with the Board, both mediations and all the days of a hearing, but must also have a legal representative or advocate who is allowed to cross-examine all the witnesses.

What role does Toronto's Heritage Preservation department play?

- The city maintains an **inventory of heritage properties** including properties that are either listed or designated.
- Over the course of a development application, a property's heritage designation might be repealed, modified or approved. This can involve a development application, or may involve a separate application to the City for a heritage permit to preserve, alter or demolish a heritage building.
- All or parts of a heritage building might be **preserved as a community benefit, as per Section 37 of the *Planning Act* (see below)**.
- Tenants have at times **organized** to have buildings designated under the *Heritage Act*, often with the help of the ward councillor.

What role does the City Councillor play?

- They liaise with developers, city staff and other stakeholders to ensure the **public interest** is considered.
- They help **organize community meetings**, represent **local concerns** at community council and city council.
- They also help **negotiate community benefits**, through Section 37 of the *Planning Act* (see below).



Where tenants fit into the process?

- Tenants can participate and give information at community consultations.
- Tenants can **depute about an application** at community councils and the planning and growth management committee,
- Tenants can get **participant** or **party status** at an **OMB hearing**.

FIGURE 1: STAGES IN THE PLANNING APPROVAL PROCESS



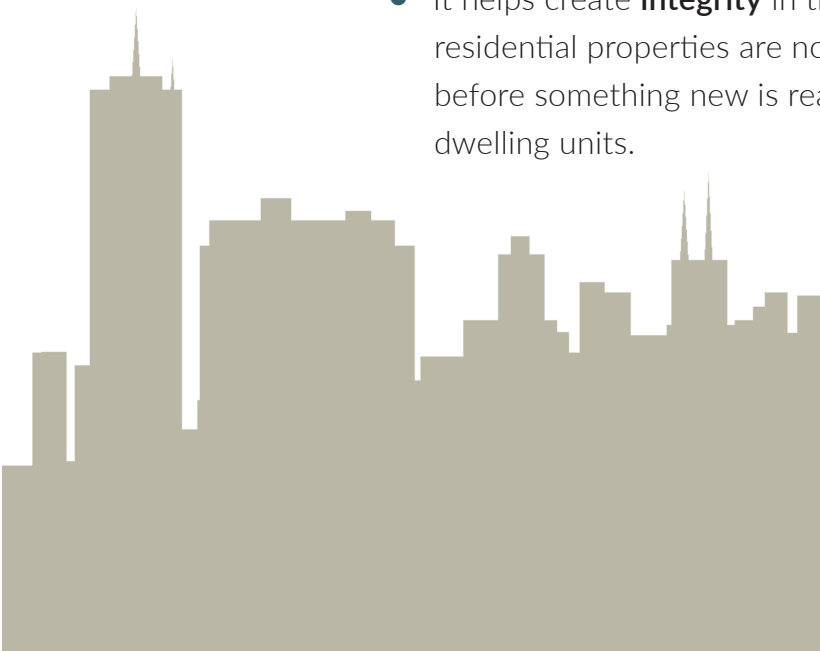
3 Protecting Rental Housing

What laws protect rental housing?

- There is a complex legal framework involving **various provincial laws** such as the *Planning Act*, *Ontario Heritage Act*, *Building Act*, *Residential Tenancies Act*, *City of Toronto Act* (section 111) etc.
- There are **municipal laws** such as the Official Plan for the City of Toronto and Chapter 667 of the Municipal Code.
- The Official Plan says that developers do not have to replace rental housing when the rental market is strong, with for example, new rental housing being built and a **vacancy rate above 3%** for an extended period of time. This has not been the case in Toronto for many years.

What does the Planning Act have in place to protect rental housing?

- The City uses Section 37 for protecting rental housing. It allows the City to:
 - Secure **rental replacement housing** of six or more units at the rents at the time of the application for demolition for at least 10 years.
 - Ensure a **fair process** for disputing Above Guideline Rent Increases for at least 20 years.
 - Secure **improvements without AGIs** if the rental units are being retained in a development application for adding new units.
 - Procure **tenant relocation packages** above the requirements of the *Residential Tenancies Act*.
 - Secure various **community benefits** (in trade for greater density or heights) such as extra parks, public spaces and public art (see Appendix B for a complete list).
 - These agreements may only be suspended if the vacancy rate climbs. Owners of rental housing generally honour these agreements, which are enforceable in Civil Court.
- Section 33 deals with residential demolition planning control:
 - The city can **refuse demolition permits** if development permits aren't lined up.
 - It helps create **integrity** in the neighbourhood. It helps ensure that residential properties are not prematurely vacated and demolished before something new is ready to be built and applies to six or more dwelling units.



What do the City of Toronto Act/ Municipal Code say?

- *City of Toronto Act* (section 111) and Chapter 667 of the *Municipal Code* give the City enhanced powers to protect rental housing from demolition/ conversion to non-residential uses (such as condos or offices):
 - Even when there is **no planning application** such as for major internal renovation that changes the number or type of units by number of bedrooms.
 - It applies to properties with **six or more related units**. Related units either form the same application or have the same owner. At least one of the six units should be rental housing.
 - It's an offense to demolish rental housing units without a **permit** under this section. This permit cannot be appealed to the OMB unlike zoning applications.
 - The city can put **conditions** on the approval of the permit such as relocation assistance for tenants, no harassment of tenants and replacement of rental housing, with tenants having the right to return to their units at the similar rent as before.

FIGURE 2: LEGAL FRAMEWORK FOR THE PROTECTION OF RENTAL HOUSING AT A GLANCE



Appendix A

Status of Development Projects and Planning Applications		
Stage of Approval of Development Project	Application type (see legend)	Status of planning application
Stage 1: Application submitted	All planning applications	Application submitted Revisions submitted Referred to Ontario Municipal Board (OMB)
Stage 2: Decision on application	OZ CD SB SA PL RH	Approved
	OZ CD SB SA	Approved by OMB
	OZ	By-law enacted
	CD SB	Draft approval
	CD SB	Final approval
	SA	Notice of approval of conditions
	OZ SB PL CD RH	Refused
	SA	Undertaking signed
	SA	Development agreement signed
	All planning applications	Planning Approval Not Required Appealed to the OMB OMB Refused Application Appeal Period Expired
Stage 3: Building Permit application	Building Permit Application	Building Permit Application submitted
Stage 4: Building Permit issued	Building Permit Application	Building Permit Issued Building Permit expired
Stage 5: Under construction	Building Permit Application	Under construction Construction halted
Stage 6: Ready for Occupancy	Building Permit Application	Ready for occupancy
Stage 7: Construction completed	Building Permit Application	Construction completed
Any stage	All planning applications	Withdrawn Inactive

Source: City of Toronto Application Information Centre:

<https://tinyurl.com/yatgje9u>

Appendix B

List of Section 37 Benefits

1. Parks (Park Improvements, Playing Field, Open Space, Playground)
2. Libraries
3. Community Improvement (Community and Public Realm Improvement)
4. Roads & Streetscapes (Road and Streetscape Improvements, Parking Area, Traffic Calming, Road Allowance)
5. Community and Recreation (Community, Recreation, and Civic Centres, Onsite Recreational Space, Swimming Pool)
6. Public Housing (Improvements)
7. Affordable Housing
8. Design Project & Area Study
9. Community Services (Community and Youth Services, Child Care, Senior Facility, Animal Shelter)
10. Three Bedroom Units
11. Environment Improvements (Renaturalization, Trail and Path Improvements, Greening Initiatives)
12. Heritage (Heritage Plaque, Restoration, Train Station)
13. Underground (PATH, Underground Links to Subways)
14. Rental Replacement
15. Transit Pass
16. Arts and Cultural Facilities
17. Public Art
18. Other (Scarborough Walk of Fame, Chinese Archway Reserve Fund, Bicycle Storage, Public and Farmer's Market)

Source: <https://tinyurl.com/yak6lvmhu>

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