

February 22, 2002

TO: Members – Midtown Community Council

FROM: Councillor Michael Walker

RE: Item # 22 - 45 Dunfield Avenue –Official Plan Amendment and Re-Zoning
Application Rent Abatement Strategy

This communication arises out of the difficulty that staff has had in negotiating for public benefits under Section 37 of the Planning Act and the reluctance of the applicant to put forward a package for abatement of rents. If approved, this development will have substantial impacts on the tenants living at 45 Dunfield Avenue.

If there are not proper controls put into place prior to the approval of this application regarding the treatment of tenants and compensation for the loss of services and “reasonable enjoyment” then tenants will be left to their own devices. Given the difficulty associated with making an application to the Ontario Rental Housing Tribunal, it is essential to come to an arrangement between the developer and the City of Toronto on this urgent “quality of life” issue for tenants.

While the Tenant Protection Act and the Planning Act may not anticipate the arrangement that is being sought, the applicant should show a great deal of good faith and good business practices to the City and to the tenants of 45 Dunfield Avenue. The tenants in the existing building have paid and will continue to pay for this new addition to their building through their rents. It is more than reasonable for the approval of the new building to be conditional on the abatements that I am putting forward on behalf the over 1000 tenants who presently live here.

The abatement package would be extended to the tenants of the northern wing of the building in a graduated manner. I would argue that the 42 units that are at the extreme north end, that will be losing a kitchen window and will lose some privacy, should receive a permanent reduction in their rent of \$100.00 per month. The next set of 4 units on the east and West Side of the building should receive a rent reduction of \$75.00 per month for the period of the construction. The last 5 units in the north wing, those most removed from the construction should receive a reduction of \$50.00 per month for the period of construction.

Based on Mr. Brown’s assumption of ten months of construction to complete the ‘skin of the building’ would result in a total rent reduction of \$13,000.00 per month or \$130,000.00 for the period of the construction.

Everything must be done to ensure that the troubles experienced by tenants at 411 Duplex and 33 Orchard View Boulevard is not repeated here at 45 Dunfield Avenue. In that case, the same landlord offered essentially the same package as outlined in Marco Ventolla's December letter to Sean Goetz-Gadden. However over the 2-year life of that project, the City's Buildings and Inspections Department received hundreds of calls and my office was also inundated with complaints from tenants. The tenants at 33 Orchard View and 411 Duplex went through an agonizing experience of excessive noise, invasion of dust and loss of the reasonable enjoyment of their apartments. Quite bluntly, the tenants went through hell and "nobody" did anything for them, most particularly the landlord.

A rent abatement package that stays with the unit for the period of construction except in those units where a permanent abatement will reflect a permanent loss of a service is in my opinion, a "public benefit" under Section 37 of the Planning Act. Quite frankly, it's just the right thing to do.

So on behalf of the tenants of 45 Dunfield Avenue, those people who have the greatest stake in this application and on behalf of all tenants, I am asking you to only approve this application if there is a rent abatement program in place, at least for the tenants of the north wing of 45 Dunfield Avenue. And that that rent abatement program be deemed as one of the "public benefits" achieved by the City through Section 37 of the Planning Act.

Yours sincerely,

Michael Walker
Councillor - St. Paul's