

Planning and Environment Committee
c/o Heather Lysyski
Committee Clerk
City of London
300 Dufferin Avenue
London, ON, N6B 1Z2

RE: ITEM 3.4 ON NOV. 12 PEC AGENDA / **Z-9783 - 145 BASE LINE ROAD WEST**

This memo is being submitted by Siv-ik Planning and Design, Inc., the agent retained by 1000915350 Ontario Inc. (the registered owner of 145 Base line Road West). We have had a chance to review Planning Staffs report and recommendations, and respectively disagree with their arguments and ultimate conclusion that our request for 30 units on this site is considered too intense. While our submitted Planning Justification report (available for download here: www.siv-ik.ca/145bw) provides all of the details as to how the proposal meets the intents of the Provincial Planning Statement (PPS) and The London Plan, below are highlights of key information that speak to the appropriateness of the proposal.

1. Unit Sizes:

Looking at the aerial photo or even being on-site the size of the buildings appear deceptively small. The buildings as they exist today have over 3,800sf of floor area each, including both the finished main floor and the unfinished basements. Each building is currently made up of two 2-bedroom units (1,154sf of which 577sf is unfinished basement) and one 3-bedroom unit (1,584sf of which 792sf is unfinished basement). If the requested zoning amendment were to be approved, each building would have one 3-bedroom unit, three 2-bedroom units, and two 1-bedroom units. Unit sizes would range from 565sf to 751sf far exceeding Ontario Building Code (OBC) min. unit sizes (1-bedroom unit min. size is ~375sf and 2-bedroom unit min. size is ~540sf.)

There is no longer direction in The London Plan or the Zoning By-Law regarding min. unit sizes as this is something that is now deferred fully to the OBC.

2. New Unit Location:

Given that the basements of each unit have never been fully finished spaces, and are not currently livable spaces, it presented an opportunity to investigate if the basements could be viable stand-alone units. Measurements were made and it was determined accesses could be reorganized/added to have individual access to each unit. Each unit will meet all Zoning and OBC requirements regarding ceiling height, access to sunlight, and secondary egress. There is nothing "substandard" being proposed.

There is no policy in The London Plan or any Zoning regulation that discourages or prohibits units in basement provided that the finished floor level of the basement is not below the level of the sanitary sewer servicing the building.

3. Parking:

Although not currently a formalized parking lot, the space where the parking is taking place does meet the min. dimensional requirements for parking spaces and driveways (one-way) and does allow for 16 parking spaces. The parking area will be formalized (asphalt, painted lines, assigned spaces) through the Site Plan process.

We are not requesting a change to the min. parking requirement of 0.5/spaces per unit and will be able to provide 16 spaces whereas 15 are required.

4. Amenity Space:

Within our submission materials, we had included details regarding two proposed amenity spaces that would be developed on site, one geared towards children while the other for adults. Due to the fact that the site is already developed, we have shown these spaces in the most appropriate locations on site, the exterior side yard along West Street, where there is ample space and allows these spaces to be distanced appropriately from the existing buildings. It's important to note is that while there is no minimum amenity space sizes in the R3-1 Zone of the Zoning By-Law, the recent creation and approval of TSA Zones require a min. of 6m² of amenity space per unit. Our proposal includes 14.5m²/unit (as shown on our concept plan). Additionally, the Landscaped Open Space minimum in the R3-1 zone is 20% the site accommodates for 39.7%.

While The London Plan includes policies that speak to including outdoor amenity spaces for multifamily projects, it does not speak to the min. size/amount of amenity space nor to the preferred location of an amenity space. The proposal far exceeds the min. amount of amenity space per unit being required in recently recommended and approved TSA zones.

5. Minimum Lot Size Per Unit for Converted Dwellings:

The R3-1 zone requires a lot area of 180m²/unit for each converted dwelling. The R3-1 zone does not contemplate for Cluster Converted Dwelling (no existing Zone does), with this unique situation of five buildings on one site there is the ability to share facilities such as driveways, parking, garbage, and amenities as such the required amount of space for these elements to function on-site would not need to be same as if this a single building on a site. As such, required 180m²/unit is not an appropriate measure to indicate the intensity of the site. Furthermore, this specific regulation in the R3-1 zone has never been updated since the creation of the Z1 By-Law (1993), since that time Parking Requirements have been significantly reduced. Previously 1 parking space/unit was required for converted dwellings, now only 0.5 parking space/ unit are required. This would indicate that less m² on site per unit would be required for the functioning of a unit.

We are requesting to reduce the min. lot area per unit from 180m² to 108m², directly related to the fact that this site is a cluster form of housing and most site functions will be shared for all buildings which ultimately results in less space needed per unit. Additionally, there are already a number of existing R3-1 special provision zones that include provisions for lot area minimums as low as 75m²/unit.

6. Reality of What is Allowed As-of-Right:

The size and existing zoning of the property, the owner could as-of-right sever the property to create 10 new lots (without a re-zoning or any minor variances), tear down the existing buildings, and build a total of 10 single family homes each with 3 ARU's totalling to 40 units all on the same property. While this option would not require a rezoning and would create more units, this alternative would make this a much more expensive project and in turn would likely make all of the units less attainable. As such our client chose to take the longer/less certain route of applying for a Zoning By-Law Amendment Application to allow for a total of 30 units on the site.

If this option were to be pursued, it would unfortunately result in the permanent displacement of all remaining existing tenants.

7. Non-Planning Related Matters

To address public concerns that this project may be considered a "renoviction" the owner of the property has provided a letter (appended to this memo) along with an "Offer of Temporary Rental Unit Accommodation" (appended to this memo) that provides a clear intent to keeping remaining existing tenants on-site during the renovations of their units with the ability to return to their original unit once renovations are complete.

We respectfully request that PEC member recommend approval of the agent recommended ZBA (appended to this memo) that would enable the development of a total of 30 converted dwelling units on-site within the existing buildings.

Kindest Regards,



Jerzy Smolarek
Partner | Siv-ik Planning and Design Inc.

APPENDIX A / **AGENT RECOMMENDED ZONING BY-LAW**

Bill No.(number to be inserted by
Clerk's Office)
2024 By-law No. Z.-1-
A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 145
Base Line Road W.

WHEREAS this amendment to the Zoning By-law Z.-1 conforms to the Official Plan;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 145 Base Line Road W, as shown on the attached map FROM a Residential R (R3-1) Zone TO a Residential R (R3-1(_)) Zone.

2. Section Number 7.4 of the R3-1 Zone is amended by adding the following Special Provisions:

R3-1(_) 145 Base Line Road W.

a) Additional Permitted Uses:

i) Converted Dwellings

b) Regulations

i) Lot Area Per Dwelling Unit (minimum)	108 square metres
ii) Rear Yard Depth:	5.7m (as existing)
iii) Landscape Open Space (minimum)	30%

3. This Amendment shall come into effect in accordance with Section 34 of the Planning Act, R.S.O. 1990, c. P13, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on November 26, 2024, subject to the provisions of PART VI.1 of the Municipal Act, 2001.

Appendix B – Letter from Property Owner/Applicant

November 07, 2024

Planning and Environment Committee
City of London

Re: Item 3.4 on November 12th PEC Agenda: 145 Base Line Road W.

Dear Councillors, Members of Planning and Environment Committee,

I am writing on behalf of 1000915350 Ontario Inc. (owner of 145 Base line Road West) to respectfully request your approval to move forward with our exciting project that represents an excellent example of gentle density within existing neighbourhoods that will provide additional units of much needed rental housing stock within a relatively short timeline.

Our team has worked diligently to ensure that the development aligns with the Provinces and City's Planning Policies and housing goals. We always have and always will comply with Provincial Legislation in good faith. We understand there is a housing crisis in the city, and we plan on improving the situation with providing additional rental stock.

You have my personal and company's word, written and verbal, that there will be no deliberately displaced tenants at any point during the necessary renovations to add the additional units. If approved, we are willing to offer tenants a temporary unit within the same complex while renovations to add the additional basement units takes place. Once the renovations are complete, tenants will return to their original units. See proposed Schedule 'A' for the agreement that will be presented to the remaining existing tenants.

Sincerely,

Carlos Afanador

Carlos Afanador
Director | 1000915350 Ontario Inc.

*** PRECEDENT ***

**Schedule "A" to Notice under Section 50(1)(c) of the RTA:
“ Residential Tenancies Act , 2006, S.O. 2006, c. 17 ”**

OFFER OF TEMPORARY RENTAL UNIT ACCOMMODATION

DD MM,YYYY

Tenant Name

Tenant Unit

145 Base Line Road West
London, ON
N6J 1V6

Tenant Name,

This Schedule “A” outlines an offer of temporary accommodation at Unit # located at 145 Base Line Road West, London, ON, N6J 1V6 for the duration that your current unit requires vacancy for major renovations. This offer is in accordance with RTA Sections 52(1) and 54(1) and aims to prevent displacement while preserving your tenancy rights and obligations under the RTA and your original lease terms.

Notice, demolition, conversion or repairs

50 (1) A landlord may give notice of termination of a tenancy if the landlord requires possession of the rental unit in order to,

(c) do repairs or renovations to it that are so extensive that they require a building permit and vacant possession of the rental unit. 2006, c. 17, s. 50 (1).

Residential Tenancies Act, 2006, S.O. 2006, c. 17

Following the renovation period, your original unit will feature a refreshed layout and enhanced amenities, including restored en-suite laundry facilities, upgraded waste disposal services, and improved outdoor spaces.

TEMPORARY ACCOMMODATION DETAILS

The landlord, 1000915350 Ontario Inc. is offering a temporary rental unit within the same complex as your current residence, providing comparable accommodations, including:

- **Temporary Unit Location:** Unit # located at 145 Base Line Road West, London, ON, N6J 1V6
- **Features and Layout:**
 - **Equivalent Bedrooms, Bathrooms, and Appliances:** Includes 2-3 bedrooms, 1 full bathroom, and same appliances as your original unit.
 - **Updated Layout and Features:** This unit offers a preview of the enhanced and updated layout. *Please note that there will be a reduction in storage space to accommodate laundry services and additional housing initiatives.*
 - **Proximity to Services:** Close to all your regular local amenities, work, school, and transit, ensuring minimal disruption.
- **Rent:** To ensure a smooth transition, the landlord is offering the temporary unit at the same monthly rate as your original lease terms.
- **Duration:** Estimated to last approximately 8 to 18 months or until the renovations are complete, whichever occurs first. **If you choose to exercise your right of first refusal, you will receive formal notice from the landlord within 30 days of renovation completion.**

PLEASE NOTE: this temporary arrangement does not amend your existing lease or RTA rights and protections. All original terms remain in full effect under Landlord and Tenant Board (LTB) oversight. This offer does not establish a new lease or additional tenancy rights.

RIGHT TO RETURN / RIGHT OF FIRST REFUSAL

Under Section 53 of the RTA, you have the **right to return to your original unit upon completion of the renovations, maintaining your current rent rate, lease terms and rights under the RTA.** The renovated unit will have updated elements and a modified layout with a reduction in storage space.

Tenant's right of first refusal, repair or renovation

53 (1) A tenant who receives notice of termination of a tenancy for the purpose of repairs or renovations may, in accordance with this section, have a right of first refusal to occupy the rental unit as a tenant when the repairs or renovations are completed. 2006, c. 17, s. 53 (1).

Written notice

(2) A tenant who wishes to have a right of first refusal shall give the landlord notice in writing before vacating the rental unit. 2006, c. 17, s. 53 (2).

Rent to be charged

(3) A tenant who exercises a right of first refusal may reoccupy the rental unit at a rent that is no more than what the landlord could have lawfully charged if there had been no interruption in the tenant's tenancy. 2006, c. 17, s. 53 (3).

Change of address

(4) It is a condition of the tenant's right of first refusal that the tenant inform the landlord in writing of any change of address. 2006, c. 17, s. 53 (4).

Residential Tenancies Act, 2006, S.O. 2006, c. 17

In consideration of Section 53(2) of the Residential Tenancies Act, which requires written notice, **please inform the landlord in writing of your intention prior to vacating the unit for renovations.**

Notice Address: Written notice of your intention may be sent to Tryon Asset Management by:

- **Email:** info@tryonassetmanagement.com

OR

- **Mail:** 100 Ross St,
St. Thomas, ON,
N5R 3X7

Indicating one of the following options:

- **Return to the Original Unit:** Confirm your intent to return to Unit # at 145 Base Line Road West, London, ON upon completion of renovations, and provide an address for future notices of renovation completion; OR
- **Decline the Right of Return:** Indicate your choice to decline the right of return and provide a forwarding address for final communications, including any security deposit returns.

If the Landlord does not receive written response by **Vacancy date, you will have waived your right of first refusal under Section 53(2) of the RTA.**

COMPENSATION FOR DECLINING TEMPORARY ACCOMMODATION

If you decide **NOT to accept** the temporary accommodation offer but **intend to return** to your original unit, *please ensure that you inform the landlord in writing prior to vacating and provide your address to receive notice of completion.* In this case, the landlord will offer compensation equivalent to three months' rent or the amount for the renovation period, whichever is less.

HOW TO PROCEED

- To confirm your intention to return to unit # at the original monthly rent rate of \$\$\$.\$\$, please notify the Landlord in writing at the above mentioned addresses by **Vacancy date**.

Please ensure that you update the landlord in writing of your address to receive notice of completion.

- Additionally, if you wish to accept the temporary accommodation offer, please notify the landlord at the contact information provided by the deadline. Upon confirmation, a formal Temporary Accommodation Agreement will be prepared for your review and signature.

This **Schedule "A"** serves as formal notification of the temporary accommodation availability, compensation entitlements, and your right of first refusal upon completion of renovations.