

Authority: Planning and Transportation Committee Report 6, Clause 8,  
as adopted by City of Toronto Council on September 25, 26 and 27, 2006  
Enacted by Council: September 27, 2006

## CITY OF TORONTO

### BY-LAW No. 1009-2006

**To amend Municipal Code Ch. 363, Building Construction and Demolition, to enact a harmonized demolition control by-law under s. 33 of the *Planning Act*, to authorize the Chief Building Official to issue certain residential demolition permits and to repeal demolition control by-laws applicable to the former municipalities.**

WHEREAS under section 33 of the *Planning Act*, R.S.O. 1990, c.P. 13, amended, when a by-law under section 15.1 of the *Building Code Act, 1992* or a predecessor thereof is in force in a municipality, Council may by by-law designate any area within the municipality to which the standards and maintenance occupancy by-law applies as an area of demolition control; and

WHEREAS Municipal Code Chapter 629, Property Standards, applies to all property in the City of Toronto; and

WHEREAS under section 69 of the *Planning Act*, Council may establish a tariff of fees for the processing of applications made in respect of planning matters; and

WHEREAS under section 2 of *City of Toronto Act, 1991* (No. 4), c. Pr24, S.O. 1991, in the geographic area of the former City of Toronto, Council may impose conditions on demolition permits beyond the two conditions in section 33 of the *Planning Act*, having regard to the nature of the residential property to be demolished; and

WHEREAS the former Borough of East York and Cities of North York, Toronto and York had each enacted a demolition control by-law, and, after amalgamation, interim demolition control by-laws were enacted to apply to geographic areas of the former Cities of Etobicoke and Scarborough; and

WHEREAS section 6 of By-law No. 2930-94 of the former City of York, "Being a by-law to adopt a Municipal Code.", permits an amendment to be made to a by-law listed in the Concordance of the former City of York's Municipal Code, in which event it shall be added to the corresponding chapter of the Municipal Code; and

WHEREAS former City of York By-law No. 4034-81, "To designate the area comprising the Borough of York as an area of demolition control.", as amended is listed in the Concordance as being codified as Chapter 416, Demolition Control Area; and

WHEREAS By-law No. 488-1998, "To introduce Demolition Control for certain areas within the former City of Etobicoke." is codified as § 363-11 of the Municipal Code and was also codified in the Etobicoke Zoning Code as § 304-38 of Article XII, Demolition Control, of Chapter 304, Zoning By-law, even though it is not a zoning by-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

**1. Municipal Code Chapter 363.**

Article II, Demolition Control, of Chapter 363, Building Construction and Demolition of The City of Toronto Municipal Code is amended as follows:

A. By deleting §§ 363-11 and 363-12 and substituting the following:

**§ 363-11. Designation of area of demolition control.**

The geographic area of the City of Toronto is designated as an area of demolition control.

**§ 363-12. Authority to issue demolition permits.**

A. Incidental demolition.

The Chief Building Official is authorized to issue demolition permits for parts of residential properties where the application to demolish falls within the following categories:

- (1) Demolition incidental to interior or exterior alterations, or both, or additions to portions of a residential property, if the residential property contains less than six dwelling units and, after alteration, will continue to be used for the same use; or
- (2) Demolition incidental to alterations or additions, or both, to existing commercial portions of a residential property.

B. Demolition of property not located in the former City of Toronto; less than six dwelling units and issued building permit.

- (1) Subsection B applies to an application for a demolition permit for all or part of a residential property, if the residential property: contains less than six dwelling units, a building permit has been issued to erect a new building on the site of the residential property sought to be demolished, and the residential property is not located within the geographic area of the former City of Toronto.
- (2) To obtain a demolition permit under this subsection, an applicant shall file an application in writing on forms prescribed by and available from the Chief Building Official and shall supply any other information relating to the application as required by the Chief Building Official.

- (3) The Chief Building Official shall issue the demolition permit subject to the following conditions:
    - (a) That the applicant for the demolition permit construct and substantially complete the new building to be erected on the site of the residential property to be demolished not later than two years from the day demolition of the existing residential property is commenced.
    - (b) That on failure to complete the new building within the time specified in Subsection B(3)(a), the City Clerk shall be entitled to enter on the collector's roll, to be collected in like manner as municipal taxes, the sum of \$20,000 for each dwelling unit contained in the residential property in respect of which the demolition permit is issued and that such sum shall, until payment, be a lien or charge upon the land in respect of which the permit to demolish the residential property is issued.
  - (4) Where the Chief Building Official refuses to issue a demolition permit under Subsection B(3) because the provisions of Subsection B have not been met, an applicant may appeal to the community council in writing setting out the reasons why the application should be approved or why the conditions in Subsection B(3) should be varied or waived, and the Chief Building Official shall forward a report to the community council.
  - (5) The community council shall recommend to Council whether to issue or refuse to issue the demolition permit, including conditions, if any, to be attached to the demolition permit.
- C. Demolition of property located in the former City of Toronto; less than six dwelling units and issued building permit.
- (1) Subsection C applies to an application for a demolition permit for all or part of a residential property, if the residential property: contains less than six dwelling units, a building permit has been issued to erect a new building on the site of the residential property sought to be demolished, and the residential property is located within the geographic area of jurisdiction of the former City of Toronto.
  - (2) To obtain a demolition permit under this subsection, an applicant shall file an application in writing on forms prescribed by and available from the Chief Building Official and shall supply any other information relating to the application as required by the Chief Building Official.

- (3) The applicant shall prepare a notice advising of the application, in the form required by the Chief Building Official, and shall immediately post the notice on the property in a manner so that the notice is visible to passers-by, for a period of not less than 14 days.
- (4) The Chief Building Official shall consider the application not earlier than 14 days after the notice is posted and, where the provisions of this section have been met, the Chief Building Official shall issue the demolition permit unless he or she receives one of the following, in which case the Chief Building Official shall refer the application to the community council for consideration:
  - (a) A written notice of an objection to the issuance of the demolition permit;
  - (b) A request from the Councillor for a ward in which the property is located that the application be referred to the community council; or
  - (c) A written objection from the applicant respecting the conditions in Subsection C(5).
- (5) A demolition permit issued under Subsection C(4) shall be issued subject to the following conditions:
  - (a) That the applicant for the demolition permit construct and substantially complete the new building to be erected on the site of the residential property to be demolished not later than two years from the day demolition of the existing residential property is commenced.
  - (b) That on failure to complete the new building within the time specified in Subsection C(5)(a), the City Clerk shall be entitled to enter on the collector's roll, to be collected in like manner as municipal taxes, the sum of \$20,000 for each dwelling unit contained in the residential property in respect of which the demolition permit is issued and that such sum shall, until payment, be a lien or charge upon the land in respect of which the permit to demolish the residential property is issued.
- (6) Where the Chief Building Official refuses to issue a demolition permit under Subsection C(4) because the provisions of Subsection C have not been met, an applicant may appeal to the community council in writing setting out the reasons why the application should be approved or why the conditions in Subsection C(5) should be varied or waived, and the

Chief Building Official shall forward a report to the community council.

- (7) Where the Chief Building Official has referred the application to the community council for consideration under Subsection C(4), the Chief Building Official shall forward a report to the community council.
- (8) The community council shall recommend to Council whether to issue or refuse to issue the demolition permit, including conditions, if any, to be attached to the demolition permit.

D. Demolition of property with less than six dwelling units and no building permit issued, or six or more dwelling units.

- (1) Subsection D applies to an application for a demolition permit for all or part of a residential property, if the residential property contains:
  - (a) Less than six dwelling units and no building permit has been issued to erect a new building on the site of the residential property sought to be demolished; or
  - (b) Six or more dwelling units (whether or not a building permit has been issued to erect a new building on the site of the residential property sought to be demolished).
- (2) To obtain a demolition permit under Subsection D, an applicant shall file an application in writing on forms prescribed by and available from the Chief Building Official and shall supply any other information relating to the application as required by the Chief Building Official.
- (3) The Chief Building Official and the Chief Planner shall forward a report respecting the application to the community council.
- (4) The community council shall recommend to Council whether to issue or refuse to issue the demolition permit, including conditions, if any, to be attached to the demolition permit.

E. The community council in Subsections B, C and D shall be the community council for the geographic area in which the property is located.

F. If the property is located in the geographic area of more than one community council, the Chief Building Official and, under Subsection D, the Chief Planner shall report to a community council responsible for one of the geographic areas in which the property is located, and notice of the report will be given to the councillor of any ward in which the property is located.

**§ 363-12.1. Fees.**

Despite the issuance of a demolition permit under section 33 of the *Planning Act* instead of subsection 8(1) of the *Building Code Act, 1992*, as permitted by subsection 33(8) of the *Planning Act*, the fees payable shall be calculated as set out in § 363-6 Article I, Building Permit, with necessary changes.

B. By deleting Schedule E to Chapter 363, Article II, Demolition Control.

**2. Transition.**

A by-law listed in section 3 continues to apply for purposes of processing any demolition permit application for a residential property accepted by the Chief Building Official before January 31, 2007.

**3. Repeal.**

A. Except for the purposes set out in section 2, the following are repealed:

- (1) Former Borough of East York By-law No. 133-90, “To designate an area of Demolition Control in the Borough of East York and to delegate authority to the Chief Building Official to issue certain demolition permits.”, as amended.
- (2) Section 304-38 of Chapter 304, Zoning By-law, of the Etobicoke Zoning Code (the codified version of By-law No. 488-1998, “To introduce Demolition Control for certain areas within the former City of Etobicoke.”, which was also codified as § 363-11 of The City of Toronto Municipal Code).
- (3) Former City of North York By-law No. 29695, “A By-law respecting demolition control.”
- (4) Former City of Toronto Municipal Code Chapter 146, Building Construction and Demolition, Article II, Demolition Control (§§ 146-15 and 146-16).
- (5) Former City of York By-law No. 4034-81, “To designate the area comprising the Borough of York as an area of demolition control.”, as amended and codified in former City of York Municipal Code, Demolition- Planning, Chapter 416, Demolition Control Area, Articles 1 and 2 (§§ 416.1.1, 416.2.1 and 416.2.2).

- B. As sections 1 and 3A of this by-law have the effect of repealing codified By-law No. 488-1998, “To introduce Demolition Control for certain areas within the former City of Etobicoke.” and By-law No. 87-1999, “To designate the area formerly known as the City of Scarborough as an area of demolition control under section 33 of the *Planning Act* and to authorize the Chief Building Official to issue certain residential demolition permits.”, these two by-laws are repealed for by-law record keeping purposes.

**4. Commencement.**

This by-law comes into force on January 31, 2007.

ENACTED AND PASSED this 27th day of September, A.D. 2006.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)