



STAFF REPORT INFORMATION ONLY

8 St. Clair Gardens Inspection Status Report

Date:	October 16, 2007
To:	Etobicoke York Community Council
From:	Edward Tipping, Director and Deputy Chief Building Official
Wards:	Ward 17
Reference Number:	2007EY029

SUMMARY

This staff report is about a matter for which the Community Council has delegated authority from City Council to make a final decision.

Etobicoke York Community Council at its meeting of October 2, 2007, adopted a motion from Councillor Palacio related to 8 St. Clair Gardens and directed that the Director and Deputy Chief Building Official prepare a comprehensive report for the October 30, 2007 meeting outlining the enforcement actions taken to ensure compliance with the Ontario Building Code and applicable laws, as well as a report on the number of permits issued including Orders and Notices of Violations.

Financial Impact

There is no financial implication resulting from the adoption of this report.

ISSUE BACKGROUND

The dwelling located at 8 St. Clair Gardens is a semi-detached two-storey structure attached to 6 St. Clair Gardens. Renovations to this dwelling began in 1998 and these renovations have resulted in numerous complaints alleging that there is non-compliance with the issued building permits as well as zoning violations. In total, 10

building permits have been issued and there have been 7 Orders to Comply and 1 Stop Work Order issued to the owner. Court action has been initiated against the owner and the prosecution is still before the courts.

COMMENTS

Enforcement Status:

Prosecution has been initiated against the owner in relation to the outstanding Order issued on February 26, 2007, dealing with:

- 1) A roof at the front second floor level
- 2) Conversion of basement to a self-contained dwelling unit
- 3) Construction of partitions on the south and north walls of the rear two-storey deck.

The scheduled Court appearance on June 15, 2007, was adjourned to September 7, 2007, at which time the owner had requested that the matter be further adjourned in order for him to obtain the necessary permits and/or remove the unauthorized structure. Subsequently, the Court allowed his request and deferred the matter to November 2, 2007. Work has stopped at the site with regard to a Stop Work Order that was issued September 5, 2007. As of October 16, 2007, construction has stopped. (Appendix "A" contains information related to enforcement actions taken and pending.)

Items 1 and 2 from above have been complied with. To date, no application for a revised building permit in relation to Item 3 noted above has been received by Toronto Building.

To bring this matter into compliance, the Inspection Division will require the owner to fulfill his obligation to the Court, failing which we will pursue further action in consultation with Legal Services. The Division continues to take pro-active measures to deal with issues as they arise regarding this property by responding to complaints and/or concerns from the neighbourhood, as well as provide updates on the status of the construction to the Area Councillor. Furthermore, we will continue to inspect and monitor activities at this site and until such time as the building inspector is satisfied that the construction has been completed in compliance with the Code and all applicable laws. We will also continue to issue Orders and Stop Work Orders including legal action, if contraventions of the Ontario Building Code are observed at this site.

The authority under the provisions of the Ontario Building Code Act will be used to attain compliance.

Building Permit, Orders and Inspection Status:

Since October 27, 1998, a total of 10 building permits have been issued for interior and exterior alterations to the semi-detached dwelling, including additions to both the front and rear of the building. Currently, 8 building permits remain active. (Appendix "B" contains a listing of closed permits and active building permits, with description and status of inspections.)

In response to inspections undertaken and complaints received, 7 Orders to Comply and 1 Stop Work Order has been issued to the owner. Of these 7 Orders, 5 have been complied with and construction related to the Stop Work Order (dated September 5, 2007) has ceased. (Appendix "C" provides a status on Orders that has been issued and complied with and Orders that remain active.)

Currently, the building at 8 St. Clair Gardens is in compliance with all the issued permits with the exception of the matter related to the rear two-storey deck which is in front of the Courts.

To date, approximately 121 related inspections were carried out at the property, resulting in approximately 180 staff hours spent on this file.

CONTACT

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SIGNATURE

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ATTACHMENTS

Building Inspections Status Report:

Appendix "A" – Prosecution Files

Appendix "B" – Closed Building Permit Files & Active Building Permits

Appendix "C" – Orders Issued and Complied With & Active Orders Issued