



**STAFF REPORT
ACTION REQUIRED**

**Residential demolition applications for 398 and 400
Deloraine Avenue.**

Date:	April 17, 2007
To:	Chairman and Members, North York Community Council
From:	Director of Building and Deputy Chief Building Official
Wards:	Ward 16, Eglinton -Lawrence
Reference Number:	File No: 2007NY018 Building Permit No's 07- 111197 DEM & 07 117810 DEM

SUMMARY

This staff report is about a matter that the community council has delegated authority to make a final decision provided that it is not amended so that it varies with City policy or by-laws.

In accordance with section 33 of the Planning Act and the Municipal Code Chapter 363, Article II "Demolition Control" the applications for the demolition of two residential dwellings at 398 and 400 Deloraine Avenue are referred to the North York Community Council to refuse or to grant the issuance of a demolition permits because applications have not been made for replacement of the dwelling units on these sites. If the North York Community Council grants issuance of the demolition permits, it may do so with or without conditions.

RECOMMENDATIONS

Toronto Building North York Division recommends that:

1. The request for the demolition of these residential dwellings be approved subject following conditions:
 - a The Owner obtain the site plan approval for the new development at 1838 – 1844 Avenue Road prior to the demolishing the residential dwellings at 398 and 400 Deloraine Avenue,
 - b All debris and rubble be removed immediately after demolition,
 - c The site be maintained free of garbage and weeds, in accordance with the

Municipal Code Chapter 623 – 5 and 629 – 10, Paragraph B.

- d The Owner obtain building permits and substantially complete the construction of the new building's the sites of the building to be demolished by not later than two (2) years from the day the demolitions are commenced.
- e The failure to complete the construction within the time specified, shall entitle the City Clerk to enter on the collector's roll, to be collected in like manner as municipal taxes, the sum of twenty-thousand dollars (\$20,000.00) for each dwelling unit in respect of which a 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.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

Starbank West Corporation is the owner of the 398 and 400 Deloraine Avenue and the adjoining properties municipally known as 1838 -1844 Avenue Road. The two properties on Deloraine Avenue are zoned residential and the property at 1838 -1844 Avenue Road is zoned C1 - Commercial.

An application for a site plan approval to construct a one storey retail commercial building with two levels of below grade parking at 1838 – 1844 Avenue Road has been filed with the city and is being processed as a routine application. The Committee of Adjustment at its February 2007 meeting approved minor variances for the proposed development.

A permit application to demolish the existing one storey commercial building at 1838 – 1844 Avenue Road was made on February 19, 2007 and the demolition permit issued on March 26, 2007.

Applications to demolish two one storey vacant residential single family dwellings located at 398 and 400 Deloraine Avenue were filed with the City on February 22, 2007 and March 22, 2007, respectively.

ISSUE BACKGROUND

The City of Toronto Municipal Code [Chapter 363, Article II “Demolition Control” Subsection D (1)] requires that the applications be referred to Community Council for consideration if no building permits are issued to erect replacement building on the property.

COMMENTS

The proposed re-development site is located on the north-west corner of Avenue Road and Deloraine Avenue. Immediately to the west of this site are the two residential dwellings municipally known as 398 and 400 Deloraine Avenue.

The owners proposal is to demolish the residential properties at 398 and 400 Deloraine Avenue and use the sites as a temporary construction staging area.

The owners agents stated that once the construction of the commercial project is complete the owners intend is to re-develop the land for residential purposes.

The applications for the demolition of the two dwellings were circulated to the Heritage Preservation Services, Urban Forestry and the Ward Councillor.

The applicant has submitted demolition and excavation dust control plans, and an arborist report for both properties. On March 22, 2007 Urban Forestry approved the removal of a hazardous tree at 400 Deloraine Avenue.

CONTACT

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SIGNATURE

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North District

ATTACHMENTS

Attachment 1 Zoning Map

Attachment 2 Site Plan

Attachment 3 Letter from Applicant

Zoning Map

Attachment 1

