



**STAFF REPORT
ACTION REQUIRED**

**375 Elm Road
Demolition Control By-law Application**

Date:	December 22, 2006
To:	North York Community Council
From:	Director of Building and Deputy Chief Building Official
Wards:	Ward 16, Eglinton -Lawrence
Reference Number:	2007NY001

SUMMARY

In accordance with section 33 of the Planning Act and the former City of Toronto Municipal Code Chapter 146, Article II “Demolition Control” the application for a demolition permit at 375 Elm Road is referred to Toronto North Community Council to grant the application including any conditions, if any, to be attached to the demolition permit.

RECOMMENDATIONS

The Toronto Building North York Division recommends that:

1. the application to demolish the subject residential building be approved with the following conditions:
 - a The Owner construct and substantially complete the new buildings authorized by building Permit file number 06 149936 BLD 00 NH on the site of the building to be demolished by not later than two (2) years from the day the demolitions are commenced.
 - b The failure to complete the new building within the time specified, 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 twenty-thousand dollars (\$20,000.00) for each dwelling unit contained in the building 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.

- c All debris and rubble be removed immediately after demolition.
- d The site be maintained free of garbage and weeds, in accordance with the Municipal Code Chapter 623 – 5 and 629 – 10, Paragraph B.

FINANCIAL IMPACT

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

DECISION HISTORY

The owner of the property municipally known as 375 Elm Road is proposing to demolish the existing two storey detached house and replace it with a new three storey single family dwelling.

The owner applied to the Committee of Adjustment to requests minor variances from the Provisions of Toronto Zoning By-law 438-86. The C of A approved the variances and an appeal to the OMB by the neighbour was made. The OMB hearing was scheduled for November 1, 2006. On October 30, 2006 all appeals were withdrawn making the decision of the committee of adjustments final and binding.

A permit application to construct a new three storey single family dwelling was made on October 31, 2006 and the building permit # 06-187893 00 BLD was issued on December 8, 2006.

An application to demolish the existing structure was made on December 14, 2006. In accordance with the requirements of the City of Toronto Municipal Code Chapter 146, Article II “Demolition Control” a Public Notice of the Proposed Residential Demolition shall posted on the property for a period of at least 14 days prior to the issuance of the demolition permit.

ISSUE BACKGROUND

Director and Deputy Chief Building Official in the North District had received a written objection to the demolition permit application from the neighbour of 377 Elm Rd.

The objections to the demolition of the existing structure are based on the concerns by the neighbour’s over the access to approximately seven feet (2.17 meters) of a registered right of way and safe disposal of construction debris.

The City of Toronto Municipal Code [Chapter 146, Article II “Demolition Control”

Subsection B (4)] requires that the applications be referred to Community Council for consideration if written notices of objections to the issuance of demolition permits are received within 14 days of the posting.

The owner requires permission to demolish the existing building under the Planning Act in order to construct the new three storey single family dwelling.

Under Section 8 of the Building Code Act the Chief Building Official shall issue a building permit once the proposal is found to be in compliance with the Building Code and all other applicable laws. For this dwelling, the only applicable law that applies is the zoning by-law. The C of A decision authorized the variances for this property, thus addressing compliance with zoning by-law/other applicable law. Upon completion of the review, and confirmation of compliance with the Building Code Act and the Building Code, the Chief Building Official had issued the building permit for 375 Elm Road, as required by the Building Code Act (BCA).

Under Section 33 of the Planning Act Council shall issue a demolition permit where a building permit has been issued to erect a new dwelling on the site of the residential property sought to be demolished.

Section 33 of the Planning Act also states that applicant has the right to appeal to the OMB, within 30 days of the receipt of the application by the City to demolish the dwellings if Council neglects to make a decision, or refuses the issuance of the permits. The existing dwelling is not listed and/or designated under the Ontario Heritage Act.

CONTACT

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SIGNATURE

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ATTACHMENTS

Letter of objection