



## STAFF REPORT ACTION REQUIRED

### Residential demolition application for 70 Shields Avenue

<b>Date:</b>	May 11, 2007
<b>To:</b>	Chairman and Members, North York Community Council
<b>From:</b>	Director of Building and Deputy Chief Building Official
<b>Wards:</b>	Ward 16, Eglinton -Lawrence
<b>Reference Number:</b>	File No: 2007 NY 019 Building Permit No's 07- 151489 DEM

#### **SUMMARY**

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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 application for the demolition of a residential dwelling at 70 Shields Avenue is referred to the North York Community Council for consideration for the issuance of a demolition permit because the property is located in the Former City of Toronto and a written notice of objection to the issuance of demolition permit was received within 14 days of the posting of the Public Notice of the Proposed Residential Demolition.

The owner requires permission to demolish the existing building in order to construct a new two storey single family dwelling.

If the North York Community Council grants issuance of the demolition permit, it may do so with or without conditions.

#### **RECOMMENDATIONS**

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**Toronto Building, North York District recommends that:**

1. The request for the demolition of the residential dwelling be approved subject following conditions:

- a The Owner construct and substantially complete the new building authorized by building permit file number 07 151443 BLD 00 NH on the site of the building to be demolished by not later than two (2) years from the day the demolition is commenced.
- b 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.
- 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 70 Shields Avenue is proposing to demolish the existing two storey detached house and replace it with a new two storey single family dwelling.

The owner applied to the Committee of Adjustment, requesting four minor variances from the provisions of Toronto Zoning By-law 438-86. The Committee of Adjustment approved two variances but the neighbours appealed the decision to the OMB. The appeal was later withdrawn making the decision of the Committee of Adjustment final and binding.

Permit application to demolish the existing house and to construct a new two storey single family dwelling were made on April 12, 2007.

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 was posted on the property for a period of at least 14 days prior to the issuance of the demolition permit.

## **ISSUE BACKGROUND**

The City of Toronto Municipal Code [Chapter 363, Article II “Demolition Control” Subsection C (4)( c )] requires that applications for demolition be referred to Community Council for consideration if written notices of objection to the issuance of demolition Permits are received within 14 days of the posting.

The Director and Deputy Chief Building Official in the North York District received a written objection to the proposed demolition. The objection to the demolition of the existing structure is based on the concerns of the neighbour over the demolition of the first two storey structure in the neighbourhood. The existing building was built in 1928 (79 years ago).

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

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.

## **COMMENTS**

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 will issue the building permit for 70 Shields Avenue, as required by the Building Code Act (BCA).

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.

The application for the demolition of the existing dwelling unit was circulated to the Heritage Preservation Services, Urban Forestry and the Ward Councillor.

**CONTACT**

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**SIGNATURE**

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Steve Franklin P. Eng  
Director of Building and  
Deputy Chief Building Official  
North District

**ATTACHMENTS**

Attachment 1 Zoning Map  
Attachment 2 Site Plan  
Attachment 3 Letter of objection