



**STAFF REPORT  
ACTION REQUIRED**

**Residential demolition applications for  
591 Castlefield Avenue.**

<b>Date:</b>	August 15, 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 04 027 Building Permit No. 07- 232205 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 from City policy or by-laws.

In accordance with section 33 of the Planning Act and the Toronto Municipal Code Chapter 363, Article II "Demolition Control" the application for the demolition of a residential dwelling, at 591 Castlefield Avenue, is referred to the North York Community Council for consideration of 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**

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

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

- a The Owner construct and substantially complete the new building authorized by building permit file number 07 232263 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 the 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 591 Castlefield Avenue is proposing to demolish the existing one storey detached house and replace it with a new two storey single family dwelling.

The owner applied to the Committee of Adjustment (C of A) to requests five minor variances from the provisions of Toronto Zoning By-law 438-86. The C of A approved three of the variances (See attachment 3). There were no appeals of the decision to the Ontario Municipal Board.

Permit applications to demolish the existing house and to construct a new two storey single family dwelling were made on June 14, 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 neighbours over the demolition of the existing structure and construction of the new single family dwelling especially since there is a right of way shared by the two neighbouring properties.

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 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 591 Castlefield Ave., 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**

Galina Veltman P. Eng., Manager Plan Review Tel: 416-395-7018; Fax: 416-395-7589;  
E-mail: veltman@toronto.ca

**SIGNATURE**A handwritten signature in black ink, appearing to read "S. Franklin", written over a horizontal line.

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

**ATTACHMENTS**

Attachment 1 Aerial Map  
Attachment 2 Site Plan  
Attachment 3 C of A Decision  
Attachment 4 Letter of objection



iView

Address  Intersection  Place Name

591 castlefield

Search

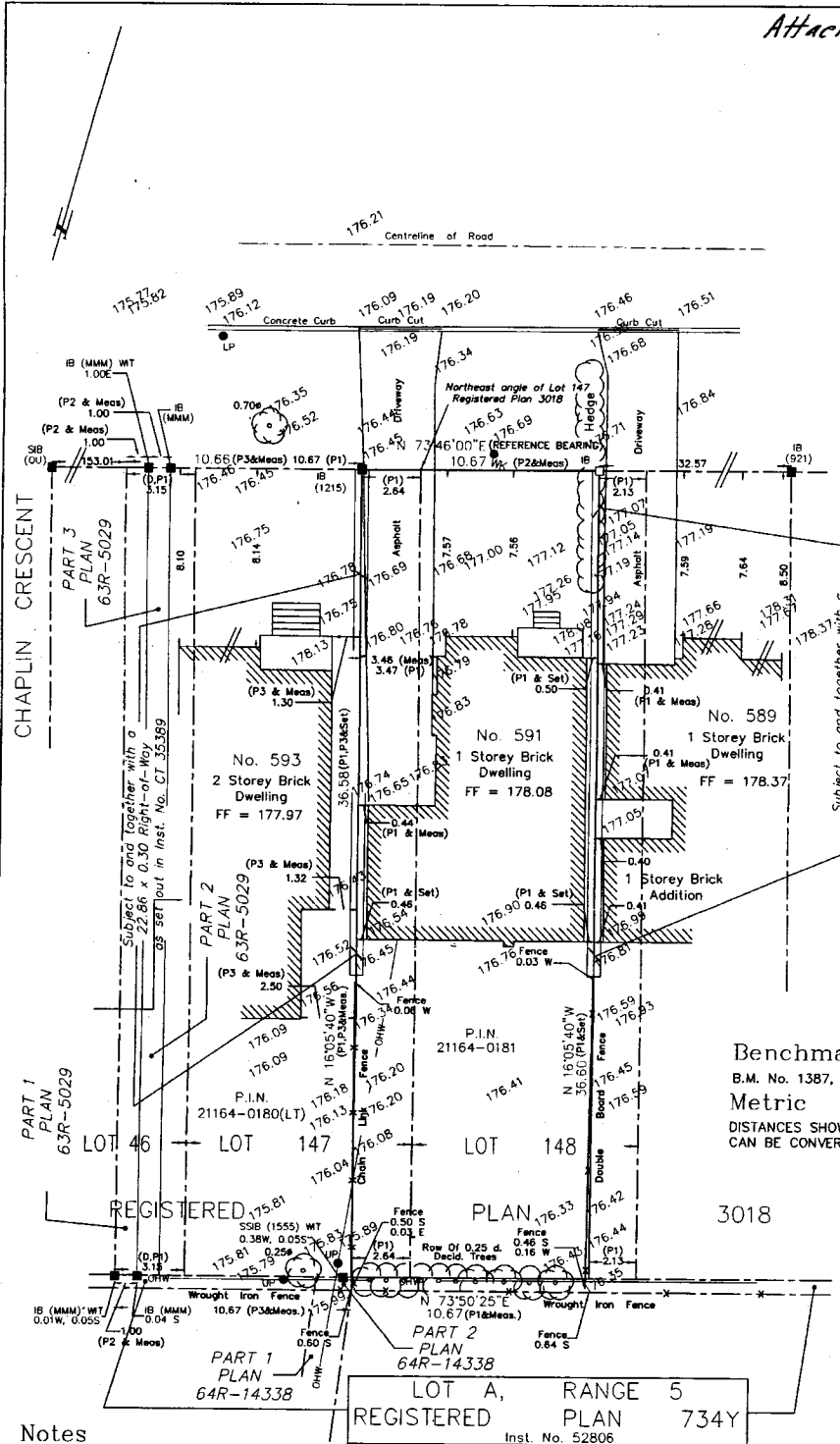
(eg) 302 Yonge



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Record	Address	Postal Code	Former Municipality
1	591 CASTLEFIELD AVE	M5N 1L9	former TORONTO

Ontario Land Surveyors



Building Division  
 PERMIT REQUIRED FOR COMPLIANCE WITH  
 THE BUILDING CODE  
 07 2 9 2 2 6 3  
 ZONING  
 O.S.C.  
 FIRE SERVICES

ASSOCIATION OF ONTARIO  
 LAND SURVEYORS  
 PLAN SUBMISSION FORM  
 1617311  
  
 THIS PLAN IS NOT VALID  
 UNLESS IT IS AN EMBOSSED  
 ORIGINAL COPY  
 ISSUED BY THE SURVEYOR  
 In accordance with  
 Regulation 1026, Section 29(3).

Benchmark  
 B.M. No. 1387, ELEVATION = 178.158m  
 Metric  
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND  
 CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

Notes

BEARINGS ARE ASTROMOMIC AND ARE REFERRED TO  
 THE BEARING N 73°46'00"E OF THE SOUTH LIMIT  
 OF CASTLEFIELD AVENUE AS SHOWN ON REGISTERED PLAN 3018.

NOTES	DENOTES
■	SURVEY MONUMENT FOUND
□	SURVEY MONUMENT SET
IB	IRON BAR
CC	CUT CROSS
SIB	STANDARD IRON BAR
RP	REGISTERED PLAN 3018
921	P. SALNA, O.L.S.
MMM	MARSHALL, MACKLIN, MONAGHAN, O.L.S.
D	INSTRUMENT No. CT 35389
P1	SURVEY BY C. REUBEN, O.L.S. DATED JUNE 15th 1945.
P2	PLAN 63R-5029
LP	LIGHT POLE
UP	UTILITY POLE
OHW	OVERHEAD UTILITY WIRES
N/S/E/W	NORTH/SOUTH/EAST/WEST
1555	ROBERT FLIGG O.L.S.
WT	WITNESS
P3	SURVEY BY ERTL SURVEYORS, O.L.S. DATED JULY 8th, 2004.
OU	DENOTES ORIGIN UNKNOWN

Surveyor's Certificate

I CERTIFY THAT:  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH  
 THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT  
 AND THE REGULATIONS MADE UNDER THEM.  
 2. THE SURVEY WAS COMPLETED ON JULY 11th, 2006.

Date \_\_\_\_\_ LAWRENCE O. ERTL  
 Ontario Land Surveyor

**ertl surveyors**  
 Ontario Land Surveyors  
 1234 REID STREET, UNIT 10, RICHMOND HILL, L4B 1C1  
 TELEPHONE (905) 731-7834 FAX (905) 731-7852 EMAIL lerl@erlinc.ca  
 DRAWING : 0608B-1.DWG PROJECT : 0608B

FILE COPY

Thursday, November 9, 2006

**NOTICE OF DECISION  
MINOR VARIANCE/PERMISSION  
(Section 45 of the Planning Act)**

File Number:	A0742/06NY	Zoning	R1 Z0.6
Owner(s):	ROBERT FIRMINO ODORICO	Ward:	Eglinton-Lawrence (16)
Agent:	CARLO ODORICO		
Property Address:	<b>591 CASTLEFIELD AVE</b>	Community:	
Legal Description:	PL 3018 PT LT147 PT LT148		

Notice was given and a Public Hearing was held on Thursday, November 2, 2006, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

This is an application under Section 45 of the Planning Act, for variance from the provisions of the former City of Toronto Zoning By-law No. 438-86, as amended, to permit the construction of a new two-storey dwelling with a front porch, rear deck and a below grade garage.

**REQUESTED VARIANCE(S) TO THE ZONING BY-LAW :**

1. Proposed Gross Floor Area of 261.69m<sup>2</sup> (0.67 times the area of the lot)  
WHEREAS a maximum Gross Floor Area of 234.25m<sup>2</sup> (0.60 times the area of the lot) is permitted;
2. Proposed is a below grade garage  
WHEREAS below grade garages are not permitted;
3. Proposed building height of 9.27m  
WHEREAS a maximum building height of 9.0m is permitted;
4. Proposed east side lot line setback of 1.20m for the portion of the building exceeding 17.0m in length  
WHEREAS the minimum east side lot line setback of 7.50m for the portion of the building exceeding 17.0m in length is required; and
5. Proposed west side lot line setback of 1.20m for the portion of the building exceeding 17.0m in length  
WHEREAS the minimum west side lot line setback of 7.50m for the portion of the building exceeding 17.0m in length is required.

**IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:****The Minor Variance Application is Approved on Condition**

It is the decision of the Committee of Adjustment to modify this variance application to permit a proposed gross floor area of 261.69m<sup>2</sup> (0.67 times the area of the lot); a proposed below grade garage; and a proposed building height of 9.27m, only and for the following reasons:

- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

This decision is subject to the following condition(s):

1. The requirements of the Parks, Forestry & Recreation, Urban Forestry.
2. The requirements of the Transportation Services.



**SIGNATURE PAGE**

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Agent:	CARLO ODORICO		
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Legal Description:	PL 3018 PT LT147 PT LT148		

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David Peacock (signed)

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Isaac Lallouz (signed)

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Gordon Sterling (signed)

DATE DECISION MAILED ON: Friday, November 10, 2006

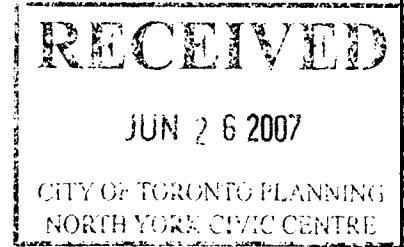
LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, November 22, 2006

CERTIFIED TRUE COPY

A. Evangelista (signed)  
Manager & Deputy Secretary Treasurer  
North York Panel

To appeal this decision to the Ontario Municipal Board, send a completed OMB Appellant Form (A1) to the Manager & Deputy Secretary-Treasurer, Committee of Adjustment. You must pay a filing fee of \$125.00, by certified cheque or money order, in Canadian funds, payable to the Minister of Finance. An additional reduced fee of \$25.00 is required for each connected appeal filed by the same appellant. To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Ontario Municipal Board web site at [www.omb.gov.on.ca](http://www.omb.gov.on.ca).

Director and Deputy Chief Building Official  
Toronto Building North York District  
1<sup>st</sup> Floor 5100 Yonge Street  
Toronto, Ontario  
M2N 5V7



June 25, 2007

RE: 591 Castlefield #07232206

Dear Mr. Franklin:

We are adjacent neighbours to the subject property and have the following concerns regarding the proposed demolition of 591 Castlefield Ave.

- 1) Bell telephone services are connected to the dwelling at 581 Castlefield Avenue that service our dwelling. Specifically, the overhead wires from our home at 589 Castlefield Avenue connect to a bracket affixed to 591 Castlefield Avenue. The point of origin of the service is located in the backyard of 591 Castlefield Avenue and the overhead wires traverse this area and will be affected by both the demolition and subsequent construction activities.
- 2) There is a deeded right-of-way (a concrete walkway) between our properties that must be maintained throughout both the demolition and construction periods so that access to the area behind our garage is maintained and maintenance/repairs of our property can be completed.
- 3) The aforementioned concrete walkway between our properties is currently the subject of **ongoing** legal action with the previous owner of the property. This area was extensively excavated two years ago and damage occurred to our standing drainpipe that is located on our half of the walkway. The new concrete walkway was sloped incorrectly and this has adversely affected the drainage on our property. We are not sure how the demolition and construction of a new dwelling at 591 Castlefield Avenue will impact this area.
- 4) Given the proximity of the two properties and the fact that the rear western corner of our dwelling is backfilled and does not have a full foundation, we are unclear on how the angle of repose will affect the integrity / stability of our foundation.
- 5) Also, our eavestroughs and fascia create an overhang on the shared walkway and we just installed a new roof last year. We would like special care to be taken during the demolition. It would be our preference to have the walkway side of our dwelling at 589 Castlefield Avenue netted/protected during the demolition.
- 6) There is a large dead tree (estimated to be over 30 feet high) at the rear of the property and it is unclear how the demolition and excavation will affect the root system currently still anchoring this tree.

Neither the property owner nor the agent of the property owner has provided us with any information that would address these concerns.

Sincerely,