



**STAFF REPORT
ACTION REQUIRED**

**Residential demolition applications for 315 and 317
Riverview Drive located in the former City of North York**

Date:	August 23, 2007
To:	North York Community Council
From:	Director of Building and Deputy Chief Building Official
Wards:	Ward 25 – Don Valley West
Reference Number:	File No. 2007NY032 07 - 247327DEM 00 DM (317 Riverview Drive) 07 - 247331 DEM 00 DM (315 Riverview Drive)

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 City of Toronto Municipal Code Ch. 363, Article II, "Demolition Control", applications for demolition permits at 315 and 317 Riverview Drive are referred to North York Community Council to refuse or to grant the demolition permits including any conditions to be attached to the permits.

The owner requires permission to demolish the existing dwelling at 315 Riverview Drive in order to transfer the lands to the abutting properties at 311 and 317 Riverview Drive. In addition the owner also requires permission to demolish the existing dwelling at 317 Riverview Drive in order to construct a new dwelling. Applications for Building Permit and Site Plan Approval for 317 Riverview Drive have been submitted. The Building Permit cannot be issued until Site Plan Approval is completed and all other applicable law is satisfied.

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 District recommends that:

1. The request to demolish the subject residential dwellings be approved with the following conditions:
 - a. All debris and rubble be removed immediately after demolition, and the excavation be filled in once the de-watering work has been completed, if work on the construction of the new dwelling will not begin immediately.
 - b. The site be maintained free of garbage and weeds, in accordance with the Municipal Code, Chapter 623-5 and 629-10, Paragraph B.
 - c. Compliance with the tree protection requirements of Parks and Recreation, Urban Forestry Division.
 - d. The Owner construct and substantially complete the new dwelling on the site of the dwelling to be demolished at 317 Riverview Drive by not later than two (2) years from the day the demolition is commenced.
 - e. Failure to complete the construction of the new dwelling 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) 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 dwelling at 317 Riverview Drive is issued.

FINANCIAL IMPACT

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

DECISION HISTORY

On July 24, 2007, Peter Higgins Architect Inc., submitted applications on behalf of the owner of the properties known as 315 and 317 Riverview Drive located east of Yonge Street and north of Lawrence Avenue, to demolish the existing dwellings on the properties.

The lands, zoned R3 in the North York Zoning By-Law 7625, were the subject of consent and variance applications in early 2007. The variances were approved by Committee of Adjustment as well as the Consent to divide lot 56, Plan M-275, 315 Riverview Drive.

The lot will be divided so as to add half of the lot to the abutting property at 311 Riverview Drive and the remaining half of the lot to the property at 317 Riverview Drive. The effect of the application for severance is to create two larger lots for 311 and 317 Riverview Drive. The lot on which the dwelling at 315 Riverview Drive is located will no longer exist as a building lot. A new replacement dwelling is therefore not possible.

ISSUE BACKGROUND

The City of Toronto Municipal Code [Chapter 363, Article 11, "Demolition Control" Subsection D(1)] requires that an application be referred to Community Council for consideration if no building permit is issued to erect a replacement building on the property.

Proposal:

A letter dated August 20, 2007 (Attachment 1) from Peter Higgins Architect Inc., outlines several reasons for the applications for demolition. These reasons range from: (1) the requirement that the land be transferred free and clear of buildings to the abutting owner at 311 Riverview Drive, (2) to facilitate the removal and clean up the existing septic beds and, (3) to carryout de-watering of the lots prior to the proposed construction of a new dwelling at 317 Riverview Drive.

COMMENTS

In accordance with the consent granted by Committee of Adjustment, the easterly 25 feet of 315 Riverview Drive is to be added to 317 Riverview Drive to create a 75-foot wide lot, and the westerly 25 feet to be amalgamated with 311 Riverview Drive to create a second 75-foot wide lot.

In a letter dated August 20, 2007, Peter Higgins Architect Inc., the agent for the owner advised that the owner is unable to transfer the land from 315 Riverview Drive to the owner of 311 Riverview Drive because the existing building straddles the proposed lot line. The transaction to sell the land to the owner at 311 Riverview Drive may fail unless it can be completed in a timely manner. The owner is therefore seeking approval to demolish the dwelling at 315 Riverview Drive to allow for the transfer of the land. A replacement dwelling is not proposed as the lot will no longer exist.

The agent for the owner has further advised that the existing septic tile beds located in the rear yards of 315 and 317 Riverview Drive need to be carefully removed and the area cleaned for environmental purposes. Access to the two septic beds will be difficult while the existing houses remain on the properties.

Toronto Building North York District is further advised that a geotechnical study of the property shows a very high water table which will require that the proposed excavated

areas be de-watered. The de-watering of the property will take a minimum of five to six weeks before new footings and foundations can be poured.

Granting the demolition permits will allow the removal of the two septic beds and the de-watering of the property to be undertaken while the Site Plan Approval process is underway.

The applications for the demolition of the two single-family dwellings have been circulated to the Heritage Preservation Services, Urban Forestry and the Ward Councillor. No objections were received in response to the circulation.

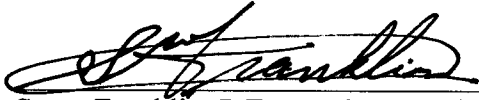
Section 33 of the Planning Act states that the applicant has the right to appeal to the OMB within 30 days of the receipt of the application by the City to demolish the dwelling if Council neglects to make a decision or refuses the issuance of the permit.

The existing dwellings are not listed and/or designated under the Ontario Heritage Act.

CONTACT

Diane Damiano Tel: 416-395-7561; Fax: 416-395-7589
E-mail: damiano@toronto.ca

SIGNATURE



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

ATTACHMENTS

1. Letter from Peter Higgins Architect Inc.
2. Zoning Map
3. Site Plan

August 20, 2007

Diane Damiano
Manager, Wards 10, 23, 26, 25
Plan Examination
North York Civic Centre

Re: 315/317 Riverview Drive

Dear Diane,

As per our discussion recently, I am asking that you would make an application to the Community Council (September Hearing Date) regarding the above-noted address. I am listing below the reasons why we require a separate demolition permit to be issued:

1. Our geotechnical study of the property clearly shows that we have a very high water table (in fact, the existing houses on the properties have multiple sump-pumps running almost continuously). The high water table requires us to de-water the excavated area. We have been told that the de-watering will take a minimum of 5-6 weeks before a raft-slab foundation or thickened-strip footing can be poured.
2. This end of Riverview is not serviced by municipal sewers. Our civil engineer has advised us that the two septic pile beds at 315 and 317 Riverview must be carefully removed and the area cleaned for environmental purposes. Access to the two septic beds is difficult if not impossible while the existing houses remain on the properties.
3. The properties in question are to be sub-divided such that the easterly 25 feet of 315 Riverview is to be amalgamated with 317 Riverview to create a 75-foot wide lot. The westerly 25 feet of 315 Riverview is to be amalgamated with 311 Riverview to create another 75-foot-wide lot. Our project is on the easterly 75-foot portion and was approved by the Committee of Adjustment on March 22, 2007

The existing house at 315 Riverview straddles the proposed property line between the two 75-foot wide lots. My clients have an agreement to sell the westerly portion of this existing lot to the owners of 311 Riverview. However, the deal cannot close while the structure remains straddling the two properties. The deal is in danger of collapsing if we cannot demolish the house in a reasonable timeframe. The neighbours at 311 Riverview cannot complete their mortgage financing arrangement with the house straddling the mutual property line.

At the time of our meeting you expressed support for this application to the Community Council for a separate demolition permit. I trust that you will forward this request to the Council. Please call me at (416) 726-3773 should you have any questions, comments, or concerns.

1560 Bayview Avenue
Suite 302
Toronto Ontario
M4G 3B8

Tel. (416) 481-6229
Fax (416) 481-8084

ATTACHMENT #1

Sincerely,

Peter J. Higgins, B. Arch., O.A.A., M.R.A.I.C.

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ATTACHMENT 2

