



STAFF REPORT ACTION REQUIRED

21 Kenaston Gardens Residential Demolition Application

Date:	November 12, 2007
To:	North York Community Council
From:	Director of Building and Deputy Chief Building Official
Wards:	Ward 24 - Willowdale
Reference Number:	File No. 2007NY036 Folder No.07 - 236493

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 bylaws.

In accordance with Section 33 of the Planning Act and the City of Toronto Municipal Code Chapter 363, Article II "Demolition Control", the application for demolition of the one storey brick single family dwelling at 21 Kenaston Gardens is referred to North York Community Council to refuse or to grant the demolition permit.

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

A building permit application has not been submitted for replacement of the dwelling unit on this site as the property is being amalgamated with other lands to be developed as a residential condominium.

At this time, pre-application meeting took place with Community Planning respecting the development of the project and the applicant anticipates submission of a development approval application for the project before the end of 2007 or in early 2008.

RECOMMENDATIONS

Toronto Building North York Division recommends that:

1. The request to demolish the residential building be approved subject to the following conditions:
 - (a) All debris and rubble be removed immediately and the excavation be filled in,
 - (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) The property be left unfenced, graded, sowed and the grass cut and maintained,
 - (d) The Owner to obtain building permits and substantially complete the permit application process for the new building on the site of the building to be demolished not later than two (2) years from the day the demolition is commenced, and
 - (e) The failure to complete the construction within two years of the issuance of the demolition permit, shall entitle the City Clerk to enter on the collector's roll to collect, similarly to 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 by the owner, 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

The owner, 961852 Ontario Inc. (Daniels), proposes to demolish the existing dwelling at 21 Kenaston Gardens and has submitted an application for a demolition permit on June 26, 2007. The property is zoned R4 and is located south of Sheppard Avenue East and East of Bayview Avenue. For information about the site refer to the zoning map (Attachment #1), the survey (Attachment #2 & 2A) and the sketch (Attachment #3) of the land assembly submitted by the owner.

The applicant proposes to commence demolition as soon as possible but will not build a replacement building until a new development is approved by the City.

COMMENTS

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

The applicant has confirmed that Daniels, in addition to 21 Kenaston Gardens, owns 19 and the remnant piece of 23 Kenaston Gardens. Daniels also has a firm closing date with the owners of 17 Kenaston Gardens.

These properties will be amalgamated to create a development site of approx 2,290 m² (0.5 acres). Daniels intends to file a rezoning application to allow for the development of a multiple residential building(s) on the site. At this time, discussions with the City respecting the development of the project are at a preliminary stage and the applicant anticipates approaching the City with a development approval application for the project in the very near future.

In a letter dated June 26, 2007 (Attachment # 4), the owner informed us of the following:

- A. On April 4, 2007, Toronto Police Services (TPS) were at the subject premises and discovered that the property has been used as a Marijuana Grow Operation until February 2007.
- B. On April 23rd, 2007, a City of Toronto Municipal Licensing & Standards (ML&S) property standards officer issued the following orders for remedial works to be undertaken:
 - 1. Order re: the compromise of the electrical services,
 - 2. Order re: the evidence of environmental contaminants, and
 - 3. Order re: the integrity of the structure.
- C. On May 14, 2007, a Public Health inspector for the City of Toronto Health Unit served an order prohibiting occupancy of the property until full remediation has been completed.

Due to the former use of this property, the applicant states that there are significant concerns regarding mould contamination, structural adequacy of the building as well as the systems within or attached to the building, structures or parts thereof, have been identified by the ML&S property standards officer and that demolition of the dwelling would eliminate these items of concerns.

The applicant also states that it would be in the public’s interest to demolish the building pending the redevelopment of the larger lands, instead of leaving the property unoccupied and boarded for a prolonged period of time.

Neil Pattison, Manager of Development for 961852 Ontario Inc. has agreed in a letter dated July 9, 2007 (refer to attachment #5) to leave the property unfenced, to grade it properly, to cut the grass and maintain it.

The application for the demolition of the dwelling was circulated to the Heritage Preservation Services, Public Health, Urban Forestry and the Ward Councillor. We did not receive negative comments.

CONTACT

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SIGNATURE

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North York District

ATTACHMENTS

1. Zoning map
2. Surveys (2 & 2A)
3. Owner's sketch of land assembly for the future development
4. Applicant's letter dated June 26, 2007
5. Applicant's letter dated July 9, 2007