



**STAFF REPORT  
ACTION REQUIRED**

**Residential Demolition Permit Applications for 1-12  
Oakburn Crescent and 14-40 Oakburn Place**

<b>Date:</b>	November 12, 2007
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 23 – Willowdale
<b>Reference Number:</b>	07-266172 DEM 00 DM; 07-266200 DEM 00 DM; 07-266208 DEM 00 DM; 07-266211 DEM 00 DM; 07-266214 DEM 00 DM; 07-266217 DEM 00 DM; 07-266220 DEM 00 DM; 07-266225 DEM 00 DM; 07-266227 DEM 00 DM; 07-266230 DEM 00 DM; 07-266231 DEM 00 DM; 07-266232 DEM 00 DM; 07-266234 DEM 00 DM; 07-266235 DEM 00 DM; 07-266273 DEM 00 DM; 07-266276 DEM 00 DM; 07-266279 DEM 00 DM; 07-266283 DEM 00 DM; 07-266286 DEM 00 DM; 07-266290 DEM 00 DM; 07-266293 DEM 00 DM; 07-266297 DEM 00 DM; 07-266302 DEM 00 DM; 07-266306 DEM 00 DM; 07-266311 DEM 00 DM; 07-266315 DEM 00 DM

**SUMMARY**

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In accordance with Section 33 of the *Planning Act* and the City of Toronto Municipal Code Ch. 363, Article 11, “Demolition Control”, as amended by By-law No. 1009-2006, the harmonized demolition control by-law, applications for demolition permits are referred to North York Community Council to refuse or to grant the applications, including any conditions to be attached to the demolition permits.

This report recommends approval, subject to conditions, of permits for the proposed demolition of 26, 3-storey residential buildings located at 1-12 Oakburn Crescent and 14-40 Oakburn Place, containing a total of 284 existing residential apartment units. The developer requires permission to demolish the existing dwellings in order to proceed with its phased development of 1,195 residential units that was recently approved by the Ontario Municipal Board.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council approve the request to demolish the subject residential buildings and instruct the Chief Building Official to issue the demolition permits subject to the following conditions:
  - a. Prior to the issuance of any demolition permit, any Section 37 agreements related to the development shall have been executed and registered on title.
  - b. Prior to the issuance of any demolition permit, the Owner shall have satisfied any conditions contained within the Section 37 agreements that are required to be satisfied prior to demolition permit issuance.
  - c. Prior to the issuance of any demolition permit, the Owner shall have satisfied any conditions of the draft plan of subdivision approval that are required to be satisfied prior to demolition permit issuance.
  - d. Prior to the issuance of any demolition permit, the Owner shall have provided to the City to the satisfaction of the Chief Building Official an Environmental Building Audit (including the dust control plan) completed by a qualified environmental consultant.
  - e. Prior to the issuance of any demolition permit, the Owner shall have obtained any necessary clearances from Parks, Forestry and Recreation (Urban Forestry Services) with respect to tree protection.
  - f. Prior to the issuance of any demolition permit, the Owner shall have provided a demolition management plan to the satisfaction of the Chief Building Official.
  - g. Prior to the issuance of any demolition permit, the Owner shall have provided a tenant communication strategy to the City to the satisfaction of the Chief Planner or designate in consultation with the City Solicitor.
  - h. The Owner agrees to fulfill all requirements of the section 37 agreements and the subdivision conditions in relation to demolition control and demolition commencement.
  - i. The Owner shall remove all debris and rubble from the site immediately after demolition.
  - j. The Owner shall erect a fence in accordance with the provisions of Municipal Code Chapter 363, Article III if deemed appropriate by the Chief Building

Official.

- k. The Owner shall maintain the site free of garbage and weeds in accordance with the Municipal Code Chapters 632-5 and 629-10, Paragraph B.
- l. The Owner shall backfill any holes on the property with clean fill.

## **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

On September 25, 26 and 27, 2006, City Council adopted the recommendations of the Request for Direction Report of the Director, Community Planning, North York District, setting out revisions to the application that the City would find acceptable.

At its meeting of February 5, 6, 7 and 8, 2007, City Council endorsed a settlement in relation to the proposed development of 1,195 new residential dwellings, in the form of 5 residential apartment buildings (including a replacement rental building) and townhouses.

The phased project also involves the sale of Oakburn Place and portions of Oakburn Crescent to the developer. These proposed sales and related road closures and declaration of lands as surplus were also approved by City Council earlier this year.

The development applications were considered by the Ontario Municipal Board and in its Decision/Order dated February 28, 2007, the Board approved the proposed site-specific Official Plan Amendment and approved in principle the proposed zoning amendment.

In its further Decision/Order dated November 1, 2007, the Board approved the zoning amendment and approved, subject to conditions, the related draft plan of subdivision application for the 1,195 unit project.

## ISSUE BACKGROUND

The City of Toronto Municipal Code [Chapter 363, Article 11, “Demolition Control” Subsection D(1)] requires that residential demolition applications be referred to Community Council for consideration if six or more dwelling units are proposed to be demolished.

## COMMENTS

The site is located east of Yonge Street, north of Highway 401, and south of Sheppard Avenue East. On October 1, 2007, the applicant filed demolition permit applications to demolish 26 existing 3-storey residential buildings located at 1-12 Oakburn Crescent and 14-40 Oakburn Place. The buildings collectively contain 284 existing rental units.

The site is subject to a site-specific zoning by-law amendment approved by the Ontario Municipal Board, which zones the property RM6(176) and O1 to permit the development of 1,195 proposed residential units in a combination of 5 high-rise buildings and townhouse blocks, and two park blocks.

Under the Province’s Transition Regulation pertaining to the *City of Toronto Act*, Ontario Regulation 614/06, Section 111, does not apply to this project. The Transition Regulation exempts those projects from the application of Section 111 where a planning application that contemplated rental demolition was filed prior to January 1, 2007. Since the official plan and zoning amendment applications were filed in 2005, Section 111 does not apply. This Report therefore addresses only the Section 33 *Planning Act* demolition control requirements, which, through the City’s Municipal Code, require a City Council decision respecting the proposed demolition when six or more existing units are involved.

The proposed development does, however, include the replacement of all of the existing 284 residential rental units within a new rental building to be constructed as part of the first phase of the project. Detailed provisions related to: the provision of a replacement residential rental building; tenant assistance; the phasing of the development; timing of demolition of existing buildings on the site relative to the timing of the building permit for the replacement rental building; matters to be satisfied prior to the commencement of demolition; and the provision of a new road and park configuration for the site, among other matters, are contained within two section 37 agreements that have been executed by the developer and the draft plan of subdivision conditions which have been approved by the Ontario Municipal Board.

This Report recommends that Community Council approve the request to demolish the subject residential buildings, and instruct the Chief Building Official to issue the demolition permits subject to conditions, which include matters related to the section 37 agreements and the draft plan of subdivision conditions for the development.

Additional recommended conditions of this Report address matters including those related to demolition management, environmental certification, tree protection, and the maintenance of the demolition site in accordance with the City's requirements.

This report recommends approval, subject to conditions, of permits for the proposed demolition of 26, 3-storey residential buildings located at 1-12 Oakburn Crescent and 14-40 Oakburn Place. The recommended conditions require, among other matters, adherence to section 37 agreement and subdivision conditions pertaining to the proposed demolition.

## **CONTACT**

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## **SIGNATURE**

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