

**609 Avenue Road
Residential Demolition Application Report**

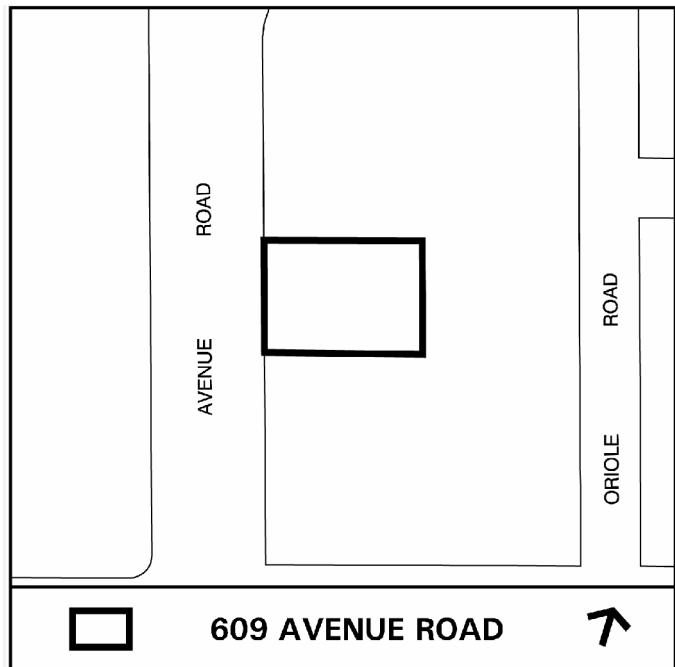
Date:	September 13, 2007
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 22 – St. Paul’s
Reference Number:	File No. 07 237520 DEM 00 DM

SUMMARY

The proposal is to demolish a six-storey equity co-operative apartment building pursuant to Section 33 of the *Planning Act*.

The Ontario Municipal Board issued its decision, on August 16, 2007, to permit the construction of a 16-storey residential building on the site of a vacant six-storey equity co-operative apartment building. The demolition of the existing six-storey building is required to construct the new residential building.

Planning staff recommend the approval of the application to demolish the existing building, in advance of a building permit for a replacement building, subject to specified conditions.



RECOMMENDATIONS

The City Planning Division recommends that City Council:

1. Approve the application to demolish the residential building at 609 Avenue Road and instruct the Chief Building Official to issue the demolition permit once a building permit has been issued for a temporary sales office, on the condition that:
 - (a) Prior to the issuance of the demolition permit, the applicant submit a Designated Substance Report, a Dust Control Plan and other information, if any, required for review and approval by the Medical Officer of Health;
 - (b) Prior to the issuance of the demolition permit, the applicant submit a Temporary Landscape Plan to the satisfaction of the Director of Community Planning, Toronto and East York District, showing the:
 - (i) siting of the sales office
 - (ii) location of temporary parking
 - (iii) temporary landscaping
 - (c) Prior to the issuance of the demolition permit, the applicant submit financial securities in the amount of 120% of the temporary landscaping estimate, as approved by the Director of Community Planning, Toronto and East York District, to guarantee provision of the temporary landscaping on site;
 - (d) The Owner remove all debris and rubble from the site immediately after demolition;
 - (e) The Owner erect a fence in accordance with the provisions of the Municipal Code, Chapter 363, Article III, if deemed appropriate by the Deputy Chief Building Official;
 - (f) The Owner maintain the site free of garbage and weeds, in accordance with the Municipal Code Chapters 632-5 and 629-10, Paragraph B;
 - (g) The Owner erect a replacement building on the site not later than three (3) years from the day demolition of the existing building is commenced;
 - (h) The Owner backfill any holes on the property with clean fill; and
 - (i) On the Owner's failure to complete the new building within the time specified in Condition 1(g), the City Clerk shall be entitled to enter on the collector's roll, to be collected in like manner as municipal taxes, the sum

of twenty-thousand (\$20,000) dollars for each dwelling unit contained in the building in respect of which the 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.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On October 14, 2005, City Planning received an application to amend the Official Plan and Zoning By-law of the former City of Toronto to permit a 17-storey residential condominium building at 609 Avenue Road. On January 18, 2006 City Planning received a related Site Plan application.

Toronto and East York Community Council considered a preliminary report on the Official Plan Amendment and Rezoning Application at its meeting of April 4, 2006. The report identified that the proposed development did not comply with certain provisions contained in the Official Plan and Zoning By-law, particularly as they relate to height and density. It also identified that an assessment had been undertaken by Planning staff on the potential applicability of the Official Plan policies on rental housing demolition. It was determined that due to the small number of rental units involved, the Official Plan policies on rental demolition did not apply to the proposal.

On July 27, 2006, the applicant filed an appeal of the Official Plan Amendment and Rezoning application, as well as a referral of the Site Plan application to the Ontario Municipal Board, citing Council's failure to make a decision on the applications within their respective time frames as prescribed by the *Planning Act*.

At its meeting of September 25, 26 and 27, 2006, in the absence of a scheduled hearing date or a revised application, City Council adopted staff's recommendation to direct the City Solicitor to oppose the applications in their current form.

On March 7, 2007, City Planning staff received and circulated a revised proposal which reduced the height and density, and increased the setbacks of the proposed 16-storey tower, among other revisions.

Planning staff, in a report dated June 25, 2007, recommended that City Council direct the City Solicitor to appear at the Ontario Municipal Board to support the revised applications to amend the Official Plan and Zoning By-law and the associated Site Plan application respecting the construction of a 16-storey residential condominium at 609 Avenue Road as set out in the Planning Staff report dated May 22, 2007, subject to conditions.

At its meeting of July 16 and 17, City Council directed the City Solicitor to appear at the Ontario Municipal Board to support the revised applications to amend the Official Plan and Zoning By-law and the associated Site Plan application respecting the construction of a 14-storey residential condominium at 609 Avenue Road, subject to conditions.

On August 16, 2007, the Ontario Municipal Board issued Decision/Order No. 2316 allowing the appeal by the Applicant, therefore approving the 16-storey building. The Board also approved the By-law, Site Plan Agreement and Section 37 Agreement before the Board, subject to any changes made to those documents as agreed upon by the City and the Applicant.

Site

The site is located on the east side of Avenue Road, between Lonsdale Road and Heath Street West. The lot has a frontage of 38.6 metres with an area of 2045.3 m². The existing six-storey equity co-operative apartment building located on the site is the subject of this demolition application. The existing equity co-operative building has a total of 24 dwelling units, all of which are now vacant.

Demolition Control

Section 33 of the *Planning Act* provides that Council may refuse an application for demolition of residential rental properties and conversion to a purpose other than the purpose of a residential rental property.

Section 111 of the *City of Toronto Act, 2006* provides the City powers to prohibit and regulate the demolition of residential rental properties and conversion to a purpose other than the purpose of residential rental property. City Council has adopted implementing By-law 885-2007 for Section 111 of the *City of Toronto Act, 2006*. Since the development applications were filed prior to the proclamation of the *City of Toronto Act, 2006* a separate application on rental housing demolition and conversion is not required.

COMMENTS

The Owner has requested permission under Section 33 of the *Planning Act* to demolish the vacant, 24-unit, six-storey equity co-operative apartment building. The building was originally constructed for rental purposes and later converted to an equity co-operative. All but two of the units in the co-operative had been occupied by shareholders or their immediate families. The two conventional rental units fell below Council's six-unit threshold for rental housing protection contained in the Official Plan.

The Owner is requesting permission to demolish the existing vacant building in advance of a building permit for the 16-storey building to provide for a temporary sales centre on site. The Owner submits that the existing vacant building is in poor condition and cannot be used as a sales centre.

Under the *City of Toronto Act, 1991* (No. 4), the City has the authority to impose conditions related to the proposed demolition. Planning staff recommend conditions of

approval respecting fencing on the site, removal of debris and maintenance of the site, provisions of fill material, and submission of a dust control plan.

Given the Owner's proposal to construct a temporary sales centre in place of the existing residential building, Planning staff are recommending additional conditions of approval relating to the temporary landscaping of the site, post demolition.

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SIGNATURE

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