



STAFF REPORT ACTION REQUIRED

Residential demolition applications for 97 Castlewood Road.

Date:	July 5, 2008
To:	Chairman and Members, North York Community Council
From:	Director of Building and Deputy Chief Building Official
Wards:	Ward 16, Eglinton -Lawrence
Reference Number:	File No: Building Permit No. 08 - 159433 DM

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 97 Castlewood Road, 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 only be approved subject to following conditions:

- a. The Owner construct and substantially complete the new building, authorized by building permit file number 08 159419 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 Owner agrees to maintain the existing semi-detached frame garage located at the back of the property unless separate permits to demolish or repair the existing garages are obtained simultaneously by both owners;
- c. 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;
- d. All debris and rubble be removed immediately after demolition;
- e. 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 97 Castlewood Rd. is proposing to demolish the existing two 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 six minor variances from the provisions of Toronto Zoning By-law 438-86. The C of A approved these 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 May 16, 2008. No permits have been issued for this property as of the date of this report.

ISSUE BACKGROUND

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.

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 garage at #97 Castlewood Rd. and structural damage to their property it would cause if the demolition of the one side of the garage is permitted. Concerns were also raised over safety issues during the construction of the new single family dwelling especially since the two neighbouring properties share a common driveway.

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 owner requires permission to demolish the existing building under the Planning Act in order to construct the new two storey single family dwelling. The owner has agreed to maintain the existing garage and to continue to discuss the issue with the property owners of # 99 Castlewood Rd. Since the two frame garages are attached the demolition and construction for these structures will require separate building permits for each property to be issued at the same.

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

This application is for the demolition of the existing single family dwelling. There is a semi-detached frame garage at the back of the property which is not included with this application. The existing garage is structurally attached to another frame garage located at # 99 Castlewood Rd.

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 including variances authorized by the C of A for this property.

Upon completion of the review, and confirmation of compliance with the zoning by-law including the C of A Decision the Building Code Act and the Building Code by staff in

the Toronto Building, the Chief Building Official will issue the building permit for 97 Castlewood Road, 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

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SIGNATURE

Steve Franklin P. Eng
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Deputy Chief Building Official
North District

ATTACHMENTS

Attachment 1 Site Plan
Attachment 2 Photo of the garages
Attachment 3 C of A Decision

