



**STAFF REPORT
ACTION REQUIRED**

**Residential demolition applications for
443 & 445 Duplex Avenue.**

Date:	August 19, 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. 2008NY018 Building Permit No's. 08 - 175843 DM & 08 – 175844 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 applications for the demolition of a residential dwellings, at 443 & 445 Duplex Avenue, are 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 written notices of objection to the issuance of demolition permits were received within 14 days of the posting of the Public Notice of the Proposed Residential Demolition and building permits to erect a new buildings on the site of the residential properties sought to be demolished were not issued.

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 two residential dwellings be refused.

Financial Impact

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

DECISION HISTORY

The owner of the property municipally known as 443 and 445 Duplex Avenue is proposing to demolish two existing semi-detached dwelling units and not to replace them with new residential units at this time.

The owner has also submitted a separate related application under the Planning Act seeking approval for the construction of a 20 storey residential tower and six - 2 storey townhome units. The application for rezoning was submitted to the City on July 16, 2008. The site of the proposed development comprises of four properties along Orchard View Boulevard and four properties along Duplex Avenue. Demolition permits for 58, 60, 64 and 68 Orchard View Boulevard and 439 and 441 Duplex Avenue were applied for in July 2004. At it's meeting of October 2004 City Council approved the request for the demolition of these properties by way of report.

<http://www.toronto.ca/legdocs/2004/agendas/council/cc041026/tn8rpt/cl023.pdf>

The approval was subject to a number of conditions. At it's meeting of May 29, 2007 North York Community Council amended the approval by way of motion.

<http://www.toronto.ca/legdocs/mmis/2007/ny/bgrd/backgroundfile-3623.pdf>

Subsequent to this meeting demolition permits were issued in October 2007.

Minor variances to permit a temporary commercial parking facility on the site of these demolished properties were approved by the Committee of Adjustments with two conditions in June of 2007. These conditions are:

- 1) to obtain a Site Plan Approval; and
- 2) to allow the use for a 3 year period commencing on the date of the Site Plan Approval.

The Site Plan Approval was obtained by the owners in February of 2008. The site is now being used as a parking lot.

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 number of written objections to the proposed demolitions. The objections to the demolition of the existing dwellings are based on the concerns of the community associations over the demolition of the existing structures without an approved development plan in place. Concerns were also raised by the owners of the neighbouring properties over safety issues caused by the demolition of these properties

The City of Toronto Municipal Code [Chapter 363, Article II “Demolition Control” Subsections C (1) & (4)(c)] requires that applications for demolition be referred to Community Council for consideration when an owner is requesting to demolish residential dwellings and is not replacing them, or if written notices of objection to the issuance of demolition permits are received within 14 days of the posting.

The neighbours have expressed their concerns with this application regarding deterioration of the property value of the remaining homes in the area, safety and other environmental issues.

COMMENTS

There are no building permit applications made to replace the demolished dwellings. The application for rezoning was just recently submitted. The site at the corner of Orchard View Boulevard and Duplex Avenue, where the other semi-detached dwellings were demolished is presently used as a parking lot.

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 applications for the demolition of the two existing dwelling units were circulated to the Heritage Preservation Services, Urban Forestry and the Ward Councillor.

CONTACT

Galina Veltman P. Eng., Manager Plan Review Tel: 416-395-7018; Fax: 416-395-7589;
E-mail: veltman@toronto.ca

SIGNATURE

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

ATTACHMENTS

- Attachment 1 Site Plan
- Attachment 2 Letter from Avenue Road Eglinton Community Association
- Attachment 3 Letter from Lytton Park Resident's Organization



ATTACHMENT 1 - SITE PLAN

Attachment - 2

Avenue Road Eglinton Community Association
666 Oriole Parkway
Toronto M4R 2C5

July 8, 2008

Director and Deputy Chief Building Official
Toronto Building – North-York District
5100 Yonge Street
Toronto, Ontario M2N 5V7

RECEIVED

JUL 15 2008

Toronto Building
North York District

Notice - Residential Demolition Location: 443 Duplex Ave. 445 Duplex Ave.
Application Number: 08-175844 & 08-175843

Dear Sir/Madam,

ARECA objects to the demolition of these two residential properties without an approved development plan in place.

We ask that this application be refused at this time.

Yours truly,


Dorothy Smyth

Vice President
ARECA

ATTACHMENT 2 -
LETTER FROM AVENUE ROAD EGLINTON COMMUNITY ASSOCIATION

Steve Franklin
Director and Deputy Chief Building Official
Toronto Building - North-York District
5100 Yonge Street
Toronto, Ontario M2N 5V7

Dear Sir,

**RE: Notice - Residential Demolition Location: 443 Duplex Ave. & 445 Duplex Ave.,
Application Number: 08-175844 & 08-175843**

Lytton Park Residents' Organization (LPRO) objects to the demolition of these two residential properties without an approved development plan in place.

We ask that this application be refused at this time.

Sincerely,

Arlena Hebert
Director
Lytton Park Residents' Organization
ahebert@ca.inter.net
416-322-7344
71 Chudleigh Avenue
Toronto M4R 1T4

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**ATTACHMENT 3 -
LETTER FROM LYTTON PARK RESIDENT'S ORGANIZATION**