

**Residential Rental Demolition Application under  
Municipal Code Chapter 667  
18, 22-26 Holmes Avenue, 19-23, 27-31 Olive Avenue**

<b>Date:</b>	December 17, 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>	File No. 07 167612 NNY 23 OZ & 07 272248 NNY 00 RH

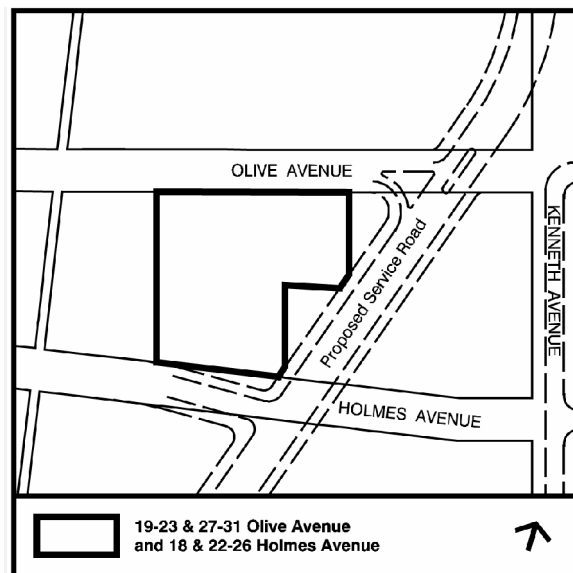
**SUMMARY**

This application is to demolish 10 residential dwelling units containing 1 rental housing unit. No building permit has been issued.

The demolition of residential rental property is prohibited under Chapter 667 of the Toronto Municipal Code unless a permit has been issued under Section 111 of the *City of Toronto Act*.

The applicant has also submitted separate related applications under the *Planning Act* to permit the construction of a 28-storey, 308 unit residential building and two 2-storey townhouse and two 4-storey townhouse buildings containing 74 units at 18, 22-26, Holmes Avenue, 19-23, 27-31 Olive Avenue, a portion of 33 & 37 Olive Avenue and a portion of 28 and 32 Holmes Avenue.

The demolition of these ten dwellings and one rental unit is proposed at this time as the dwellings currently sit vacant and have become the subject of numerous incidents of vandalism and break-ins.



This report recommends approval of the application to demolish the 10 residential dwelling units, including 1 rental housing unit, subject to conditions pursuant to the provisions of Municipal Code Chapters 667 and 363.

## **RECOMMENDATIONS**

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

1. City Council approve the application to demolish the 10 residential dwelling units, including 1 rental unit at 18, 22-26 Holmes Avenue, 19-23, 27-31 Olive Avenue, pursuant to Municipal Code Chapters 667 and 363.
2. City Council authorize the Chief Planner to issue a preliminary approval to the application under Municipal Code Chapter 667.
3. City Council authorize the Chief Building Official to issue a Section 111 permit under Municipal Code Chapter 667 after the Chief Planner has given the preliminary approval in Recommendation 2, on condition that:
  - a. The Owner remove all debris and rubble from the site immediately after demolition;
  - b. The Owner erect a fence in accordance with the provisions of Municipal Code Chapter 363, Article III if deemed appropriate by the Chief Building Official;
  - c. The Owner maintain the site free of garbage and weeds in accordance with Municipal Code Chapters 632-5 and 629-10, Paragraph B;
  - d. The Owner backfills any holes on the property with clean fill no later than one (1) month from the date of issuance of the demolition permit(s);
  - e. The Owner erect a residential building on site no later than three (3) years from the date of issuance of the demolition permit(s); and
  - f. Should the Owner fail to complete the new building within the time specified in Condition (f), the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000) for each dwelling unit for which a demolition permit is issued, and that each sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.
4. City Council authorize the Chief Building Official to issue a permit under Section 33 of the *Planning Act*, after the Chief Planner has given the preliminary approval in Recommendation 2, which permit may be included in the demolition permit for Chapter 667 under Section 363-11.1E, of the Municipal Code.

## **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

This site is currently the subject of Rezoning and Site Plan Control applications which propose to construct a 28-storey, 308 unit residential building, two 2-storey townhouses and two 4-storey townhouse buildings containing 74 units. A preliminary report was considered by Community Council on June 26, 2007 and direction provided for the Community Consultation process and notice to be given for the public meeting under the *Planning Act*. The public consultation meeting was held on September 24, 2007.

## **ISSUE BACKGROUND**

### **Proposal**

The applicant is proposing to demolish 10 single family detached dwelling units which contain one rental unit to allow the site to be developed with a 28-storey (87 metres), 308 unit residential building, two 2-storey townhouses fronting onto the future Doris Avenue extension, and two 4-storey townhouse buildings containing 74 units fronting onto Olive Avenue. A total of 384 residential units and a gross floor area of 28,480 m<sup>2</sup> is contemplated. The proposed density is 3.8 times the area of the lot. The applicant is proposing to purchase from the City the surplus portion of 33 and 37 Olive Avenue and 28 and 33 Holmes Avenue, and is also requesting density incentives as permitted by the Secondary Plan. The application conforms to the policies of the North York Centre Secondary Plan. There is no proposal to provide replacement rental housing.

The related applications for Zoning By-law and Site Plan Control amendments to permit the development will be the subject of a separate final report by City Planning.

### **Rental Housing Demolition and Conversion By-law**

By-law 885-2007 established Chapter 667 of the City of Toronto Municipal Code, which was approved by City Council on July 19, 2007. This demolition application is subject to the By-law as the related application for a Zoning By-law amendment was made on April 23, 2007; Chapter 667 applies to any related application that was made after January 1, 2007.

Under the By-law, the demolition or conversion of rental housing units is prohibited without a permit obtained from the City. Proposals involving 6 or more rental units require a decision by City Council, whereas proposals involving less than 6 rental units are delegated to the Chief Planner for approval. The Chief Planner may refer an application to Community Council for City Council's approval if the proposed demolition should be considered with any related development application, or that the demolition has implications for more than one Community Council area or is of City wide interest.

In this situation, as North York Community Council, nor City Council has yet to make a decision on the development proposal, the Chief Planner has recommended to refer the

application for demolition approval to the North York Community Council for City Council's approval.

Council may refuse an application, or approve the demolition with conditions that must be satisfied before the owner can require the issuance of the permit to demolish under the Building Code Act.

Under Section 33 of the *Planning Act* and Municipal Code Chapter 363, Council has the authority to approve or refuse a demolition permit, except in cases where a building permit has been issued to construct a new building. The proposed demolition requires approval under both Section 33 of the *Planning Act* and Section 111 of the *City of Toronto Act*. Section 363-11.1 of the Municipal Code provides for the co-ordination of these two processes. Under Subsection E, the Chief Building Official may issue one demolition permit for the purposes of Section 33 of the *Planning Act* and Chapter 667 of the Municipal Code. In these cases, Subsection D provides that the Chief Planner in consultation with the Chief Building Official may report on the application for a City Council Decision.

Toronto Building staff and the Chief Building Official were consulted in the preparation of this report.

## **Property Information**

The site presently contains ten single detached dwellings, one of which was used as a rental unit. The applicant submits that the ten single detached dwellings were vacant when the properties were purchased by the owner for the purposes of developing the 28-storey residential building and townhouse buildings.

The site is located on the south side of Olive Avenue Avenue, between Yonge Street and the future Doris Avenue extension. The site has a frontage of approximately 58.4m along Holmes Avenue, a depth of 80.9 m and an area of approximately 7454 m<sup>2</sup>. To create a development site, the applicant has purchased 10 properties and is also proposing to purchase City-owned properties at 33 and 37 Olive Avenue and 28 and 32 Holmes Avenue, which are irregular parcels left over from the lot assembly for the future Doris Avenue extension.

Land uses surrounding the site are as follows:

North: two 17-storey residential buildings, Bell Transfer Station

East: the proposed Doris Avenue extension, single detached dwellings, Willowdale Christian Assembly

South: a 28-storey residential tower, townhouses

West: the Willowdale Baptist Church

## **Reasons for Application**

The applicant requires approval under Chapter 667 to obtain a permit to demolish the 10 residential dwelling units as they contain 1 rental housing unit.

## **COMMENTS**

The request for a demolition permit has been made prior to determination by City Council on the development proposal and/or prior to the issuance of a building permit as the ten residential dwellings currently sit vacant and have been subject to numerous incidents of vandalism and break-ins. A letter submitted by the applicant, dated December 3, 2007, outlines that while hoarding fences have been erected around the vacant buildings, some of the fencing has been breached for the use of the aforementioned activities, and as such represent a safety concern for the neighbourhood.

Given the undesirable activities occurring on the subject site, City Planning Staff support the demolition of the ten dwellings prior to any approval by City Council on the development proposal and/or the issuance of a building permit. The final details of the development proposal are being discussed with staff and it is anticipated that a final report will be forthcoming within a couple of months.

### **Impact on Rental Housing Supply and Tenants**

Under Official Plan housing policy 3.2.1.6 (demolition of private rental housing), this demolition application is not subject to requirements for replacement or tenant assistance as the demolition and redevelopment will affect fewer than 6 rental units. The one rental house in the assembled properties is vacant, thus no existing tenants will be affected by the demolition.

Consistent with the Official Plan policy, under Chapter 667, the Chief Planner may approve the demolition if less than 6 rental units are affected, and any conditions that may be applied would normally deal with existing tenants. As the rental unit is vacant, it is not necessary to apply any conditions under Chapter 667.

### **Recommendations on rental housing demolition issues**

Staff is recommending that the demolition of the existing ten residential dwellings be approved, subject to the owner removing all debris and rubble from the sites immediately following demolition. Staff also recommends that fencing be erected around the site should it be required by the Chief Building Official, and that the owner backfill any holes on the property with clean fill and maintain the site free of garbage and weeds.

## **CONTACT**

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## **SIGNATURE**

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Thomas C. Keefe, Director  
Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: Zoning (Map)

Attachment 2: Site Plan (10 dwellings to be demolished)

# Attachment 1: Zoning (Map)



**TORONTO** City Planning  
**Dwellings to be Demolished**

**19-23 & 27-31 Olive Avenue and  
 18 & 22-26 Holmes Avenue**  
 File # 07\_167612

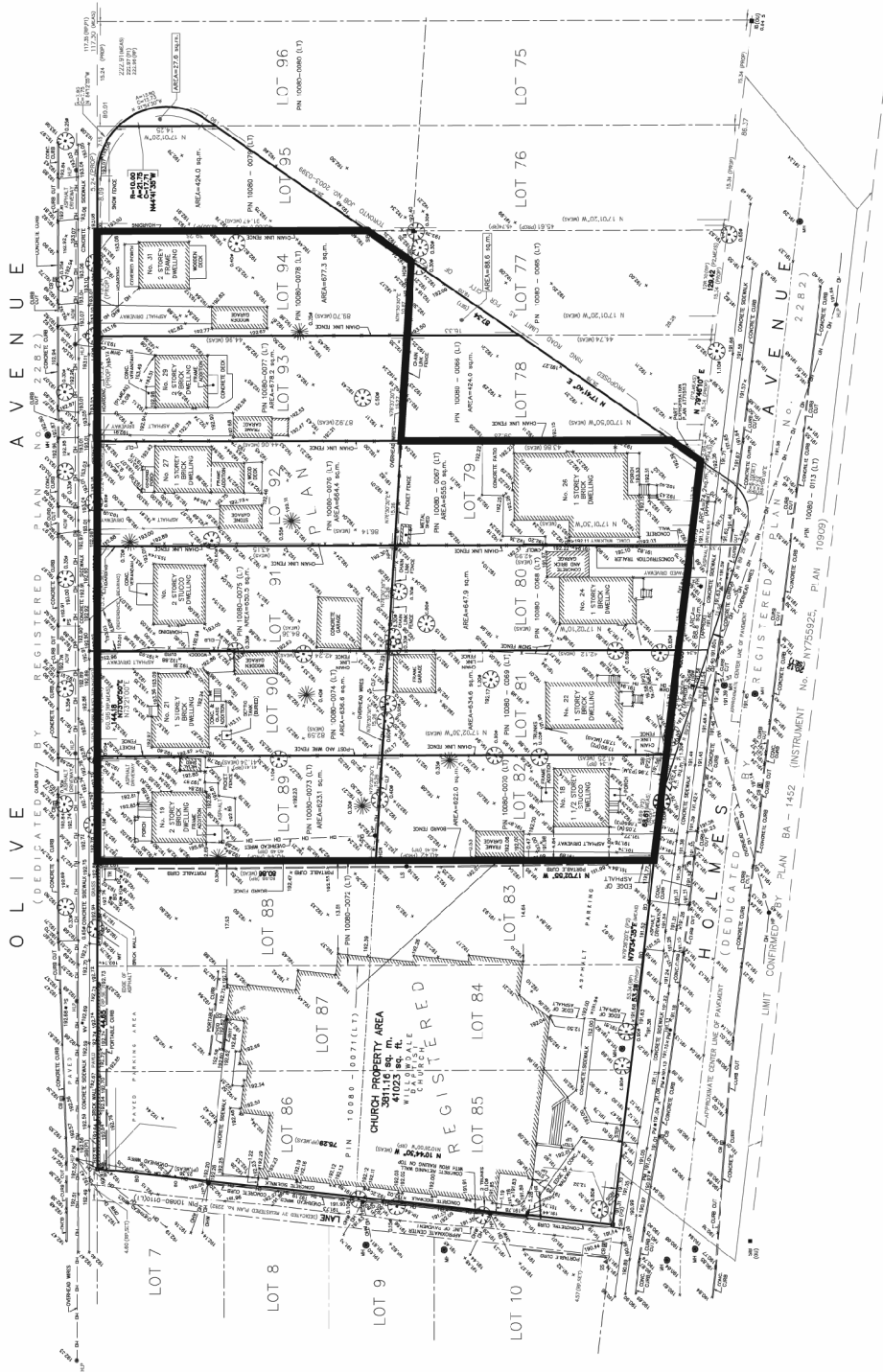
- ZONING**
- R4 One-Family Detached Dwelling Fourth Density Zone
  - RM1 Multiple-Family Dwellings First Density Zone
  - RM6 Multiple-Family Dwellings Sixth Density Zone
  - C1 General Commercial Zone

- C3 District Shopping Centre Zone
- O1 Open Space Zone



Not to Scale  
 Zoning By-law 7625  
 Extracted 06/05/07

**Attachment 2: Site Plan (10 dwellings to be demolished)**



**Site Plan**  
 Applicant's Submitted Drawing  
 Not to Scale  
 12/17/2007

**19-23 & 27-31 Olive Avenue and  
 18 & 22-26 Holmes Avenue**

File # 07\_167162