

# TORONTO STAFF REPORT

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May 23, 2006

To: Scarborough Community Council

From: Italo Joe Luzi, Acting Scarborough District Manager  
Municipal Licensing & Standards

Subject: Backyard Flooding Issues on and Abutting the Adjacent Properties East of the  
Proposed Development at 4331 Lawrence Avenue East  
Ward 44 - Scarborough East

Purpose:

To advise Scarborough Community Council on the backyard flooding issues on and abutting the adjacent properties on the East side of the above-captioned development.

Financial Implications and Impact Statement:

There are no financial implications for the City with regard to this matter.

Recommendation:

It is recommended that Scarborough Community Council receive this report for information.

Background:

At its meeting on April 4, 2006, Scarborough Community Council (Report 3, Clause 12) requested “the Executive Director, Municipal Licensing and Standards, in consultation with the Executive Director, Technical Services, to report on the backyard flooding issues on and abutting the adjacent properties on the east side of the site, and report thereon to Scarborough Community Council for its meeting of June 13, 2006.” This Staff Report has been prepared in consultation with designated staff from Technical Services.

The above-captioned site is the subject of a proposal to build approximately 60 semi-detached dwelling units. A number of these proposed dwellings/buildings will abut the backyards of the existing dwellings located on Melchior Drive and Woodgarden Crescent. Concerns have been raised by these residents (at community meetings dealing with the development at 4331 Lawrence Avenue East) about potential ponding and flooding conditions within their backyards.

From the information contained in the Final Rezoning Application Report from the Director of Community Planning dated March 21, 2006, we know that a storm sewer was built within the backyards of the existing properties on Melchior Drive and Woodgarden Crescent, that two catch basins exist and are located at the rear of 58 Melchior Drive and at the rear of 64 Woodgarden Crescent and that an intake structure is located at the rear of 62 Melchior Drive (Lot 169, Plan 5441). The properties were likely originally graded away from the main dwellings and a swale was constructed along the rear yards to provide a way for the storm water to reach the catch basins. The natural slope of the area is from north to south towards Danzig Creek, but landscaping of the homes on Woodgarden Crescent and Melchior Drive has impeded this grade in a number of locations.

Comments:

A site inspection by Technical Services and Municipal Licensing and Standards Staff on May 4<sup>th</sup>, 2006, confirmed that any previously existing rear yard swale(s) at the properties on Melchior Drive and Woodgarden Crescent, is/are now for the most part, non-existent. It is likely that over the years, changes in the landscaping of the backyards have led to these conditions. To further compound the restricting flow of storm water to the catch basins, the grates of the two catch basins within the easement were noted to be completely blocked during the inspection period.

The manhole at the rear of 64 Woodgarden Crescent was exposed and in good condition while the, what are believed to be catch basins, at the rear of 54 Melchior Drive and the one at the rear of 58 Melchior Drive were completely covered by a decorative landscaping stone and completely covered by earth, respectively. Neither of these catch basins was accessible or visible for inspection. This likely has contributed to some flooding in the rear yards of the above-captioned properties although a check of Municipal Licensing and Standards records ( dating back 20+ years ) reveals no formal complaints filed about flooding issues from these 13 properties.

Without the benefit any formal complaints and/or subsequent investigations, it is difficult to ascertain the magnitude of any flooding issues at the rear of these 13 properties. A brief discussion with one property owner on the day of the site visit by staff seemed to indicate that flooding has been an issue in the past, but to what extent is not known. A search of other City records did not reveal any plans which outline the original swale conditions for the easement and/or the private properties. This, and the lack of grading plans for the subdivision, makes it difficult to Order the property owners to re-establish those swale conditions using the authority of the Building Code Act and the Property Standards By-law.

Chapter 629, Property Standards, of the Toronto Municipal Code (the City's Property Standards By-law) provides that all catch basins, storm drains, ditches and swales shall be maintained free from defects and obstructions (§ 629-11. Landscaping, drainage and grading). Chapter 629 also imposes a duty upon the owner of a property to repair, maintain and keep clean the property in accordance with the standards, and take immediate action to eliminate any unsafe condition (§ 629-5. Owner's duties).

Upon receiving a formal complaint, a Municipal Standards Officer may issue a Notice of Violation, or an Order to comply to a homeowner requiring that any defective private catch basins and swales located on their property be repaired. If the owner fails to complete the necessary repair prescribed in the Order to Comply in the specified time, and the Order to Comply has been confirmed as required by the *Building Code Act, 1992*, the City may undertake the needed repair and recover the amount spent on the repair by adding the amount to the tax rolls.

Conclusions:

It is anticipated that the proposed project at 4331 Lawrence Avenue East, when completed, will likely have a positive effect on the control of and the volume of storm water affecting the 13 identified properties backing onto the proposed development. This opinion also formed part of the information provided in the Final Rezoning Application Report referenced above. When coupled with the absence of any historical complaint activity about flooding, any future reported flooding can be dealt with on an as needed/individual basis and the requirements of the harmonized Property Standards By-law applied accordingly to the property with any cited infractions.

Contact:

Jacob Abraham  
Supervisor, Scarborough District  
Municipal Licensing and Standards  
Telephone: (416) 396-7731  
Fax: (416) 396-4266  
E-mail: [jabraham@toronto.ca](mailto:jabraham@toronto.ca)

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Italo Joe Luzi, Acting Scarborough District Manager  
Municipal Licensing and Standards





























