

**359-377 Roehampton Avenue
Residential Demolition Application Report**

Date:	August 5, 2008
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 22 – St. Paul's
Reference Number:	07 109283 DEM 00 DM 07 109289 DEM 00 DM 07 109290 DEM 00 DM 07 109291 DEM 00 DM 07 109292 DEM 00 DM

SUMMARY

This application proposes to demolish two four-plex rental apartment buildings (8 residential units) and a detached dwelling, pursuant to Section 33 of the *Planning Act*.

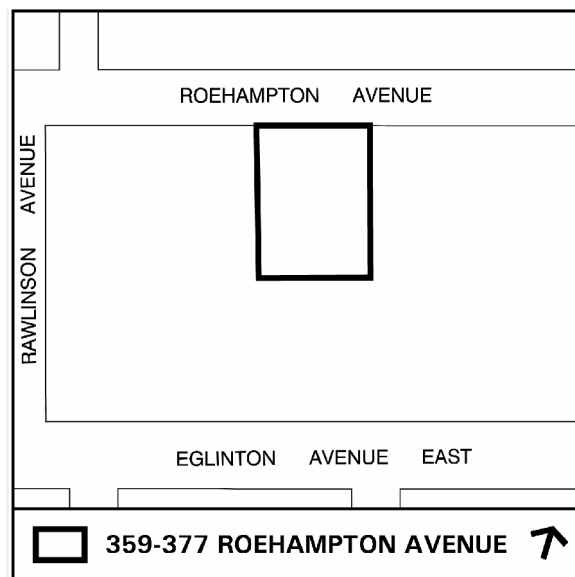
The Ontario Municipal Board issued its decision, on March 3, 2008, to permit the construction of two multi-unit residential buildings and 3 attached rowhouses containing a total of 15 dwelling units. The demolition of the existing buildings is required to construct the new residential buildings.

Planning staff recommend the approval of the application to demolish the existing buildings, subject to specified conditions

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council approve the application to demolish the residential building at 359-377



Roehampton Avenue and instruct the Chief Building Official to issue the demolition permit 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. The Owner removes all debris and rubble from the site immediately after demolition;
- c. 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;
- d. The Owner maintain the site free of garbage and weeds, in accordance with the Municipal Code Chapters 632-5 and 629-10, Paragraph B;
- e. The Owner erect a replacement building on the site not later than two (2) years from the day demolition of the existing building is commenced;
- f. The Owner backfill any holes on the property with clean fill; and
- g. On the Owner's failure to complete the new building within the time specified in Condition 1(e), 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

An application to amend the (former) City of Toronto Official Plan and Zoning By-law for the property at 359-377 Roehampton Avenue was submitted on October 21, 2005. On January 18, 2007, an application for Site Plan approval was submitted. On February 23, 2007, a further application to amend the new City of Toronto Official Plan was submitted. These applications were subsequently revised on August 30, 2007.

At its meeting of December 11, 12 and 13, 2007, City Council directed the City Solicitor to appear at the Ontario Municipal Board to oppose the revised applications to amend the Official Plan and Zoning By-law and the associated Site Plan application respecting the construction of two multi-unit residential buildings and 3 attached rowhouses containing a total of 15 dwelling units at 359-377 Roehampton Avenue.

On March 23, 2008, the Ontario Municipal Board issued its decision allowing the appeals by the Applicant, therefore approving the development. The Board decision approved the Official Plan Amendment, Zoning By-law Amendment and Site Plan before the Board, subject to any changes made to those documents as agreed upon by the City and the Applicant. The Board Order has issued bringing the Official Plan and Zoning By-law amendments into force.

Site

The site is located on the south side of Roehampton Avenue, east of Mount Pleasant Road and north of Eglinton Avenue East, and has an area of 0.22 hectares. The two existing four-plex apartment buildings located on the site, containing a total of 8 rental dwelling units and one detached dwelling, are the subject of this demolition application.

Demolition Control

Section 33 of the *Planning Act* provides that Council may issue (with conditions) or refuse an application for demolition of residential properties.

Section 363-12 D. of the City's Municipal Code requires Council approval for the demolition because no building permit has yet been issued. The site plan approval is being finalized with the Ontario Municipal Board and it is anticipated that such approval will issue shortly. At that time, the Applicant will proceed to submit for building permits.

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 buildings in advance of a building permit for the approved multi-unit development.

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

CONTACT

Michael Mestyan, Planner

Tel. No. 416-396-7026

Fax No. 416-396-4265

E-mail: mmestyan@toronto.ca

SIGNATURE

Raymond David, Acting Director
Community Planning, Toronto and East York District

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