



STAFF REPORT ACTION REQUIRED

Demolition Control Applications 60 Rowena Drive (5 Avonwick Gate)

Date:	September 18, 2009
To:	North York Community Council
From:	Edward Tipping, Director and Deputy Chief Building Official
Wards:	Ward 34 – Don Valley East
Reference Number:	2009 NY 019 09 114690 DEM 00 DM

SUMMARY

This Staff Report is about a matter for which Community Council does not have delegated authority from City Council to make a decision on whether to issue or refuse the permit to demolish the residential properties at the above noted address because the buildings on the subject property have a heritage designation under the Ontario Heritage Act (OHA).

On March 6, 2009 Toronto Building received a demolition permit application to demolish three vacant residential buildings located at 60 Rowena Drive (also known as 5 Avonwick Gate). The buildings on the property have been designated under the OHA.

In accordance with Section 33 of the Planning Act and the Municipal Code, Chapter 363, Article II “Demolition Control”, the above noted demolition permit application is submitted to the North York Community Council for consideration and to make recommendation to refuse or to grant the issuance of a demolition permit because the owner has not applied for a building permit to replace the buildings to be demolished.

If the North York Community Council recommends granting the issuance of the demolition permit, it may do so with or without conditions.

The recommendation to grant or to refuse the demolition application will be forwarded to City Council for a final decision.

RECOMMENDATIONS

Toronto Building recommends that North York Community Council:

1. Refuse the application to demolish the subject residential building; or
2. Approve the application to demolish the subject residential building without conditions; or
3. Approve the application to demolish the subject residential building with the following conditions;
 - i. that a construction fence be erected in accordance with the provisions of the Municipal Code, Chapter 363, Article III, if deemed appropriate by the Chief Building Official;
 - ii. that all debris and rubble be removed immediately after demolition;
 - iii. that sod be laid and the site be maintained free of garbage and weeds, in accordance with the Municipal Code Chapter 623-5, and 629-10, paragraph B; and
 - iv. that holes on the property are backfilled with clean fill.

Financial Impact

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

BACKGROUND

The owner of 60 Rowena Drive is the Toronto Catholic District School Board (TCDSB). The buildings consist of the Senator Frank O'Connor House and a garage and outbuilding, all of which were associated with the Maryville Farm, the country residence of Senator Frank O'Connor, a Canadian businessman, politician and philanthropist who donated the land to the Christian Brothers.

Following the process under the OHA, Council gave notice of its intention to designate the building in recognition of their cultural resource value at its meeting of January 27, 28 and 29, 2009. The designating By-law 221-2009 was enacted on February 25, 2009 when survey work was completed to provide a registrable legal description for the part of the property related to the designation.

On March 6, 2009, the TCDSB submitted an application to Toronto Building to demolish the three vacant residential buildings located at 60 Rowena Drive which had been designated under the OHA. The applicant described the buildings to be demolished as "vacant residence".

On March 17, 2009, the TCDSB also made a separate application to repeal By-law 221-2009 designating the buildings under OHA.

As a result of the application to demolish and the request to repeal By-law 221-2009; staff of Heritage Preservation prepared reports that were considered by City Council at its meeting of May 25, 26 and 27, 2009. The staff report of March 31, 2009 (Item NY26.21) states that the demolition application received on March 6, 2009, “constitutes an application to demolish under section 34(1) of the OHA”. The staff report recommended against consenting to the demolition or to the repeal of the designating by-law. Council, at its meeting of May 25, 26 and 27, 2009, considered Item 2009 NY 26.21 and refused both the consent to demolition and the repeal of the designating by-law.

COMMENTS

The application is being referred to the North York Community Council for consideration because Toronto Building has not received an application to replace the building that is being demolished. In such cases, By-law 1009-2006, and the Municipal Code, requires City Council to issue or refuse the demolition permit.

In accordance with By-law 1009-2006 1.D. (4), Council may impose any reasonable conditions which have regard to the nature of the residential property, including the preservation of significant natural features, as well as requiring the erection and maintenance of structures and enclosures. In addition, under the City of Toronto Act, Council may revoke the demolition permit if the demolition has not been seriously commenced six months after the permit issuance, or the demolition has been substantially suspended or discontinued for a period of more than one (1) year.

If the North York Community Council recommends granting the issuance of the demolition permit, it may do so with or without conditions. If conditions are contemplated, it is my opinion that reasonable conditions would include the removal of debris, maintenance of the site in accordance with the City’s Property Standards By-law and the erection of fencing if deemed necessary.

During a recent inspection, it was observed that the buildings are not demolished and are fenced and boarded.

The application for the demolition of the three buildings was circulated to the area Councillor and Urban Forestry for review and response. To date, Toronto Building did not receive any response from Urban Forestry staff.

CONTACT

Magda Ishak, P.Eng., Manager, Plan Review, North York District,
Tel No: (416) 395-7555; Fax No: (416) 395-7589
e-mail: mishak@toronto.ca

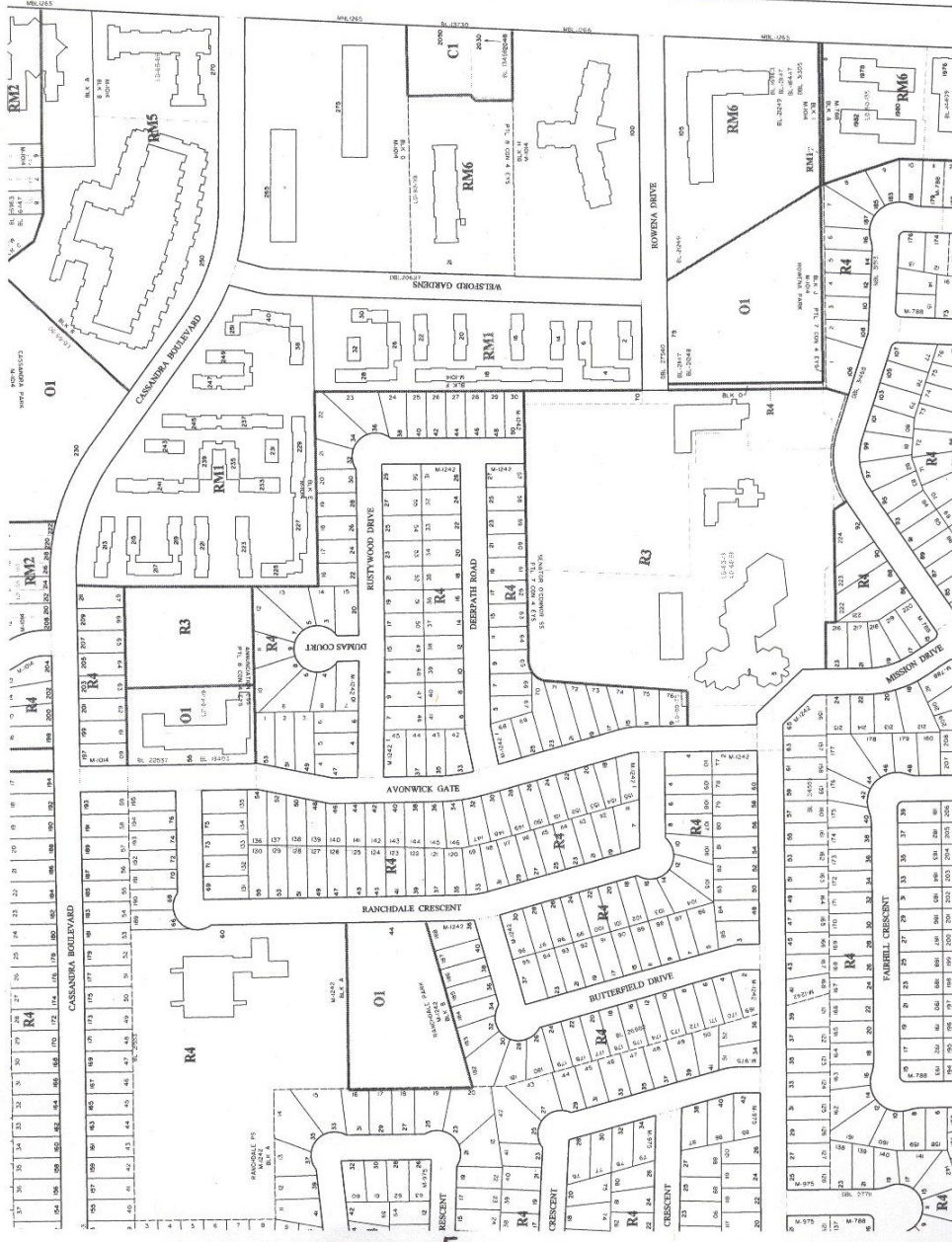
SIGNATURE

Edward Tipping, P.Eng
Director of Building and
Deputy Chief Building Official
North York District

ATTACHMENTS

1. Zoning Map
2. (A) & (B) Site Location Plans by Trow Associates Inc.

Attachment #1





Phase I ESA
Figure 1 - Site Location Plan
60 Rowena Drive
Toronto, Ontario

January 2009
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