

Residential Demolition Application – 461 Jones Avenue

Date:	February 9, 2009
To:	Toronto and East York Community Council
From:	Director, Toronto Building, Toronto and East York District
Wards:	Ward 30 – Toronto-Danforth
Reference Number:	P:\2009\Cluster B\BLD\Toronto and East York\2009TE022

SUMMARY

This staff report is regarding a matter for which your Community Council has delegated authority from City Council to make a final decision.

In accordance with Section 33 of the Planning Act and Article II of Municipal Code Ch. 363 , Demolition Control, as amended by By-law No.1009-2006, I refer the demolition application for 461 Jones Avenue to you, to decide whether to grant or refuse the application, including any conditions, if any, to be attached to the permit.

RECOMMENDATIONS

1. Approve the application to demolish the subject residential building with the following condition:
 - a. All debris and rubble be removed immediately after demolition.
 - b. Any holes on the property be backfilled with clean fill.
 - c. The owner shall ensure that the dust control measures approved by the Medical Officer of Health are implemented during demolition.
 - d. All mould contaminated material must be handled and disposed according to Ministry of Labour regulations and any applicable guidelines including the Canadian Construction Association and the Environmental Abatement Council of Ontario, or in the alternative,

2. That Toronto and East York Community Council refuse the application to demolish the subject residential building because there is no building permit for a replacement building on the site.

Financial Impact

Not applicable

COMMENTS

On June 3, 2008, RBG Limited, the applicant, applied on behalf of the owner of the property (Royal Bank of Canada) for a permit to demolish the residential building at 461 Jones Avenue (see survey Attachment #1).

The subject property contains a dwelling that has been contaminated with mould. The demolition of the dwelling in a safe manner is important to the safety and well being of the workers and immediate neighbours. The applicant has prepared a Demolition and Excavation Dust Control Plan (Attachment #3) outlining the method of demolition and disposal to be followed. The review and recommendations contained in the comments from Public Health dated January 23, 2009 (Attachment #4) will help ensure the demolition occurs in an appropriate manner.

In a letter dated June 11, 2008 (Attachment #2), the solicitor for the owner advises that it would be more cost effective to demolish the dwelling instead of incurring the cost of remediation and repair. The owner intends to demolish the property and market the property for sale as a vacant building lot. A building permit to replace the existing dwelling has not been applied for.

Since the building permit for a replacement building has not been applied for nor will be applied for by the current owner, the application is being referred to the Toronto and East York Community Council. In such cases, the Municipal Code requires the City Council to issue or refuse the demolition permit. The authority to approve these applications has been delegated to Community Council.

In accordance with Section 2 of the City of Toronto Act, 1991(No.4) Toronto and East York Community Council may impose any reasonable conditions which have regard to the nature of the residential property including the preservation of significant natural features and requiring the erection and maintenance of structures and enclosures.

CONTACT

Armando Barbini, Manager, Plan Review,
Toronto Building, Toronto and East York District.
Tel: (416) 397-4819, Fax: (416) 392-0721,
E-mail: abarbini@toronto.ca

SIGNATURE

Jim Laughlin, Deputy Chief Building Official and Director, Toronto Building,
Toronto and East York District

ATTACHMENTS

Attachment #1: Survey
Attachment #2: Letter from Applicant
Attachment #3: Demolition and Excavation Dust Control Plan
Attachment #4: Public Health Memorandum

N 17° 26' 20" W (Reference Bearing) N 16° 26' 00" W (P)



Attachment #2: Letter from Applicant

Gowling Lafleur Henderson LLP | Barristers & Solicitors | Patent & Trade Mark Agents |



One Main Street West
Hamilton, Ontario
L8P 4Z5
Phone 905-540-3280 x23362
Fax

June 11, 2008

CITY OF TORONTO

BUILDING DEPARTMENT

Att: Lorna McGrath, Application Examiner

Re: Royal Bank of Canada Reference Number 37393907-001 polei
461 Jones Avenue, Toronto, ON, M4J 3G7
DEMOLITION APPLICATION NO.

We are solicitors for Royal Bank of Canada in connection with the above referenced mortgage sale proceedings.

This letter is intended to accompany an application for a permit to demolish the property at this address.

Royal Bank holds a first mortgage on this property. The Bank, pursuant to the provisions in its mortgage, went into possession of the premises on November 9, 2007. At the time of taking possession, the property was discovered to have significant mould contamination. An environmental assessment was done at the property and I'm enclosing a copy of the report provided by Safetech Environmental Limited dated December 28, 2007. Repair estimates were obtained and CMHC, whom holds the mortgage insurance on this property, determined that it was more cost effective to demolish the property and sell it as vacant land rather than incur the cost of remediation and repair. It is contrary to Royal Bank policy to sell a property on an "as is" basis that has not been fully remediated where there is significant mould contamination. The concern here is that the purchaser may only do cosmetic repairs and not take the proper steps to remediate the mould contamination. The property could then be sold to an unsuspecting purchaser or rented to tenants who were not made aware of the potential serious health issues associated with toxic mould. The expectation in this instance is that the property will be purchased by a party who has the intention of building a new house thereon. Accordingly, I would appreciate it if you could have this demolition permit issued at the first possible opportunity.

Yours truly,
Gowling Lafleur Henderson LLP
per:


Brian W. McCluskey

BWM/db

enclosure

905-540-3280 Quote file number H143745

Attachment #3: Demolition and Excavation Dust Control Plan



DEMOLITION AND EXCAVATION DUST CONTROL

Re: 461 Jones Ave, Toronto

The Demolition and Excavation Dust Control Plan identifies measures that will be taken by the proponent to control dust during demolition, related soil excavation or during soil remediation/excavation activities. The following measures will be included as applicable:

- The daily, or more frequently if required, wetting of all soft and hard surfaces and any excavation face on the site, with the addition of calcium chloride or other recognized materials as a dust suppressant, if required;
- The daily cleaning of the road pavement and sidewalks for the entire frontage of the property to a distance of twenty-five (25) metres from the property line;
- The designation of truck loading points to avoid trucks tracking potentially contaminated soil and demolition debris off site. Such loading points should be on a gravel base to minimize tracking of soil onto the sidewalk and the street. If the loading point becomes contaminated it should be cleaned and replaced;
- All trucks and vans leaving the site should be cleaned of all loose soil and dust from demolition debris including the washing of tires and sweeping or washing of exteriors and tailgates by a designated labourer. A daily log of each truck leaving the site should be kept by the applicant (developer) noting when the truck was cleaned and by whom;
- Tarping all trucks leaving the site which have been loaded with indigenous soil or demolition debris;
- An air monitoring program, if necessary, as determined through consultation with the Medical Officer of Health;
- Supervision of the dust control measures by a qualified environmental consultant if necessary, as determined through consultation with the Medical Officer of Health.

Attachment #4: Public Health Memorandum



Dr. David McKeown
Medical Officer of Health

Public Health
277 Victoria Street
5th Floor
Toronto, Ontario M5B 1W2

Ron de Burger, Director
Healthy Environments

Tel: 416-392-1356
Fax: 416-392-0713
www.toronto.ca/health
Reply: M.Azeff
416-338-8062

January 29, 2009

Armando Barbini, Manager
Building, Plan Review
100 Queen Street West
1st Floor, West Tower
Toronto, Ontario
M5H 2N2

Dear Mr. Barbini,

Re: Demolition Permit Application 09 165240, 461 Jones Avenue

Thank you for your request of January 8, 2009 to review and comment on the above referenced application. The applicant proposes a demolition of a single family dwelling and its foundation located at 461 Jones Avenue in the City of Toronto. The applicant submitted the following documents for review:

- Mould Assessment Report, 561 Jones Avenue, Toronto, Ontario, prepared by Safetch Environmental Limited (SEL), dated January 14, 2008, SEL Project Number 218107
- Demolition and Excavation Dust Control, Re: 461 Jones Ave., Toronto, prepared by Veranova Properties Limited, received by fax, December 21, 2008.

Staff at Healthy Environments have reviewed the above-mentioned documents and offer the following comments.

COMMENTS:

Safetch Environmental Limited (SEL) conducted a visual assessment and inspection for water damage and mould growth of a vacant residential building located at 461 Jones Avenue, Toronto, Ontario, herein after referred to as the subject building. The purpose of the assessment was to determine the extent of mould growth present in order to provide recommendations for appropriate remedial actions and/or to recommend further investigative strategies, if necessary.

Hazardous Materials

Information contained the submitted SEL mould assessment, indicates that there is evidence of moderate to extensive water damage and that mould growth is present throughout. The SEL assessment provides specific details with regards to the locations where visible mould is present or presumed present as well as descriptions of the condition of the building and its construction

materials. Based on the findings of their investigation SEL recommends that a complete demolition of the residence and construction of a new residence is more cost effective than remediation and renovation.

Dust Control Plan

The proposed dust control measures included in the submitted documents have been reviewed and are approved by the Medical Officer of Health.

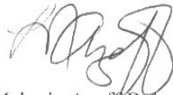
Based on the information provided by the applicant, staff at Healthy Environments has no objection to the issuance of the demolition permit. However, it is recommended that the permit be issued contingent on strict adherence to the following recommendations.

RECOMMENDATIONS:

1. The owner shall ensure that the dust control measures approved by the Medical Officer of Health are implemented during the remedial work.
2. All mould contaminated material must be handled and disposed off in accordance with the Ministry of Labour regulations and any applicable guidelines, including the Canadian Construction Association "Mould Guidelines for the Canadian Construction Industry" and the Environmental Abatement Council of Ontario (EACO) "Mould Abatement Guidelines".

Should you have any questions or concerns, please do not hesitate to contact me at 416-338-8062.

Yours truly,



Melanie Azef B.A., B.A.Sc, CPHI(C)
Environmental Health Officer
Healthy Environments – South Region

c.c. Keith Willson, MOE
Dorothy Holster, MOL
The Royal Bank c/o Veranova Properties Limited Attn: Mr. Scott Robertson, 812-505
Consumers Road, North York, ON M2J 4V8
RBG, c/o Mr. Bob Boyco, 570 Orwell St., Unit #1, Mississauga, ON L5A 3V7