



STAFF REPORT ACTION REQUIRED

Residential Demolition Control - 14 & 16 Wineva Ave

Date:	March 18, 2009
To:	Toronto and East York Community Council
From:	Director, Toronto Building, Toronto and East York District
Wards:	Ward 32 – Beaches-East York
Reference Number:	P:\2009\Cluster B\BLD\Toronto and East York\2009TE026

SUMMARY

This staff report is about a matter for which the 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 applications for 14 & 16 Wineva Avenue to you, to decide whether to grant or refuse the applications, including conditions, if any, to be attached to the permits.

RECOMMENDATIONS

1. Refuse the applications to demolish the subject residential buildings; or alternatively, should the replacement building permits be issued,
2. Approve the applications to demolish the subject residential buildings with the following conditions:
 - a. the applicant, construct and substantially complete the new buildings to be erected on the site not later than two years from the day demolition of the existing residential buildings is commenced; and
 - b. should the applicant fail to complete the new buildings within the time specified in the permit, the clerk of the municipality shall enter on the collector's roll, to be collected in a like manner as municipal taxes, \$20,000 for each dwelling unit (14 & 16 Wineva Avenue) and such sum shall, until payment thereof, be a lien or charge upon the land in respect of which the permits to demolish the residential properties is issued.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

On March 5, 2009, Darryl Jessop, owner of the properties applied for permits to demolish the residential buildings at 14 and 16 Wineva Avenue (see survey – Attachment #1). At that time applications to construct 3 new 3 storey dwellings in place of the 2 existing dwellings were also filed with the City (see site plan – Attachment #2).

COMMENTS

In accordance with the Residential Demolition Control By-law #1009-2006, the applicant posted a sign on the property for 14 days giving notice of the intention to demolish the dwellings on the property. Toronto Building is in receipt of an objection to these applications from the local Councillor, Sandra Bussin on behalf of the area residents. Accordingly, the demolition permit applications are being referred to the Toronto and East York Community Council for your consideration.

The proposed development which would see the existing dwelling replaced with 3 new dwellings was the subject of an Ontario Municipal Board (OMB) appeal of Committee of Adjustment decisions related to two consent and three minor variance applications. Although, in its decision of February 20, 2009 (the “Decision”), the OMB approved the proposed development, City Council, at their meeting of February 23, 24 and 25, 2009, directed the City Solicitor to request a review of the Decision, pursuant to Section 43 of the Ontario Municipal Board Act. The request to review the OMB decision was made by the City on Friday March 20, 2009 and the request from the City also includes a request to stay the OMB decision, immediately. At the time of the writing of this report, the Ontario Municipal Board had not made a determination with respect to the City’s request. In such cases, the Municipal Code requires the City Council to issue or refuse to issue the demolition permit. The authority to approve these applications has been delegated to Community Council.

It is likely that the Ontario Municipal Board will have made a decision as to whether to stay the Decision by the time Community Council considers these demolition applications. Should a stay not be granted, the building permits for the replacement structures would be issued, and section 33 of the Planning Act would require Community Council to approve the applications. The Planning Act authorizes Community Council to require that the applicant construct and substantially complete the new dwellings to be erected on the site by not later than two years from the day demolition of the existing residential property is commenced. Further, that on failure to complete the new dwellings within the two years, the clerk shall be entitled to add to the municipal taxes, up to \$20,000 for each dwelling unit contained in the residential property.

CONTACT

Armando Barbini
Manager, Plan Review, Toronto Building
Toronto and East York District
Tel. No. (416) 397-4819
Fax. No. (416) 392-7120
abarbini@toronto.ca

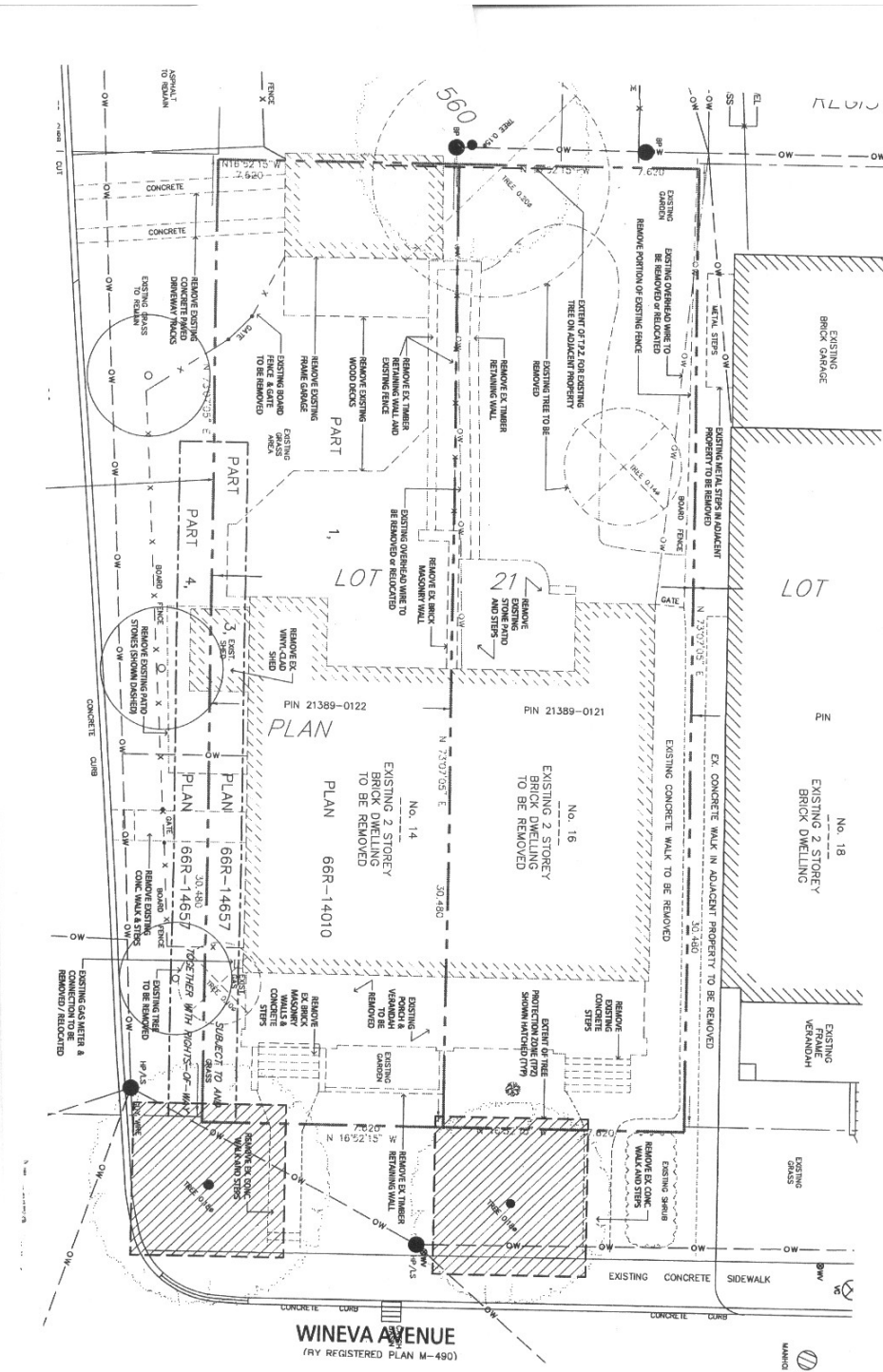
SIGNATURE

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

ATTACHMENTS

Attachment 1: Survey
Attachment 2: Site Plan

Attachment 1: Survey



Attachment #2 – Site Plan

