



STAFF REPORT ACTION REQUIRED

Residential Demolition Application for 216 Owen Boulevard

Date:	December 14, 2009
To:	Chairman and Members, North York Community Council
From:	Director of Building and Deputy Chief Building Official
Wards:	Ward 25, Don Valley West
Reference Number:	File No: 2009 NY 005 Building Permit No. 09 - 176074 DEM 00 DM

SUMMARY

This staff report is about a matter that the community council has delegated authority to make a final decision provided that it is not amended so that it varies from City policy or by-laws.

In accordance with section 33 of the Planning Act and the Toronto Municipal Code Chapter 363, Article II "Demolition Control" the application for the demolition of a residential dwelling, at 216 Owen Blvd., is referred to the North York Community Council for consideration because as of the date of this report a building permit application for a replacement building has not been submitted by the owner.

The owner requires permission to demolish the existing building in order to construct a new two storey single family dwelling.

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

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. The owner applies for a building permit for the new construction and substantially complete the new building on the site of the building to be demolished by not later than two (2) years from the day the demolition is commenced;
 - ii. The failure to complete the construction within the time specified, shall entitle the City Clerk to enter on the collector's roll, to be collected in like manner as municipal taxes, the sum of twenty-thousand dollars (\$20,000.00) for the dwelling unit in respect of which a 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;
 - iii. 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;
 - iv. that all debris and rubble be removed immediately after demolition;
 - v. 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
 - vi. that holes on the property are backfilled with clean fill.

Financial Impact

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

COMMENTS

The owner of the property municipally known as 216 Owen Blvd. is proposing to demolish the existing one storey detached house and replace it with a new storey single family dwelling. The property is located west of Bayview Avenue and North of York Mills. Refer to the zoning map and the survey in Attachments #1 and #2.

This submission to NYCC is for the demolition of the existing one storey single family dwelling. Building permit application to demolish the existing house was made on October 5, 2009 but no application for a replacement building has been submitted as of the date of this report.

The owners applied to the Planning Division in April 2009 and the planner, Francis Kwashie, has informed Toronto Building that basically, revised plans are needed to address the concerns of Urban Forestry, Tree Protection as well as Ravine issues. This application has been dormant without action from the property owners. The owners also require a permit from Toronto Regional Conservation Authority as well as a geotechnical report to assess the impact of the proposed development on the long term slope stability. None of the above mentioned matters have been addressed in the recent months.

During a recent inspection, it was observed that the building is not demolished but the house windows and doors have been boarded.

The application for the demolition of the existing dwelling unit was circulated to the Heritage Preservation Services, Urban Forestry and the Ward Councillor. Toronto Building received clearance from Heritage Preservation Services but no clearance has been received from Urban Forestry (City and private trees).

The owners have submitted a letter, (copy attached), dated October 5, 2009 in support of this application, refer to Attachment #3. The owners state that the property is vacant and has become a magnet for loitering and illegal activities by adults and teenagers. In their opinion, the site has become a safety hazard and security issue for the neighbourhood.

The City of Toronto Municipal Code [Chapter 363, Article II “Demolition Control” Subsection D (4) (c)] requires that applications for demolition be referred to Community Council for consideration, if an application for demolition is submitted and no building permit issued. In this instance a building permit for the replacement building has not even been applied for

CONTACT

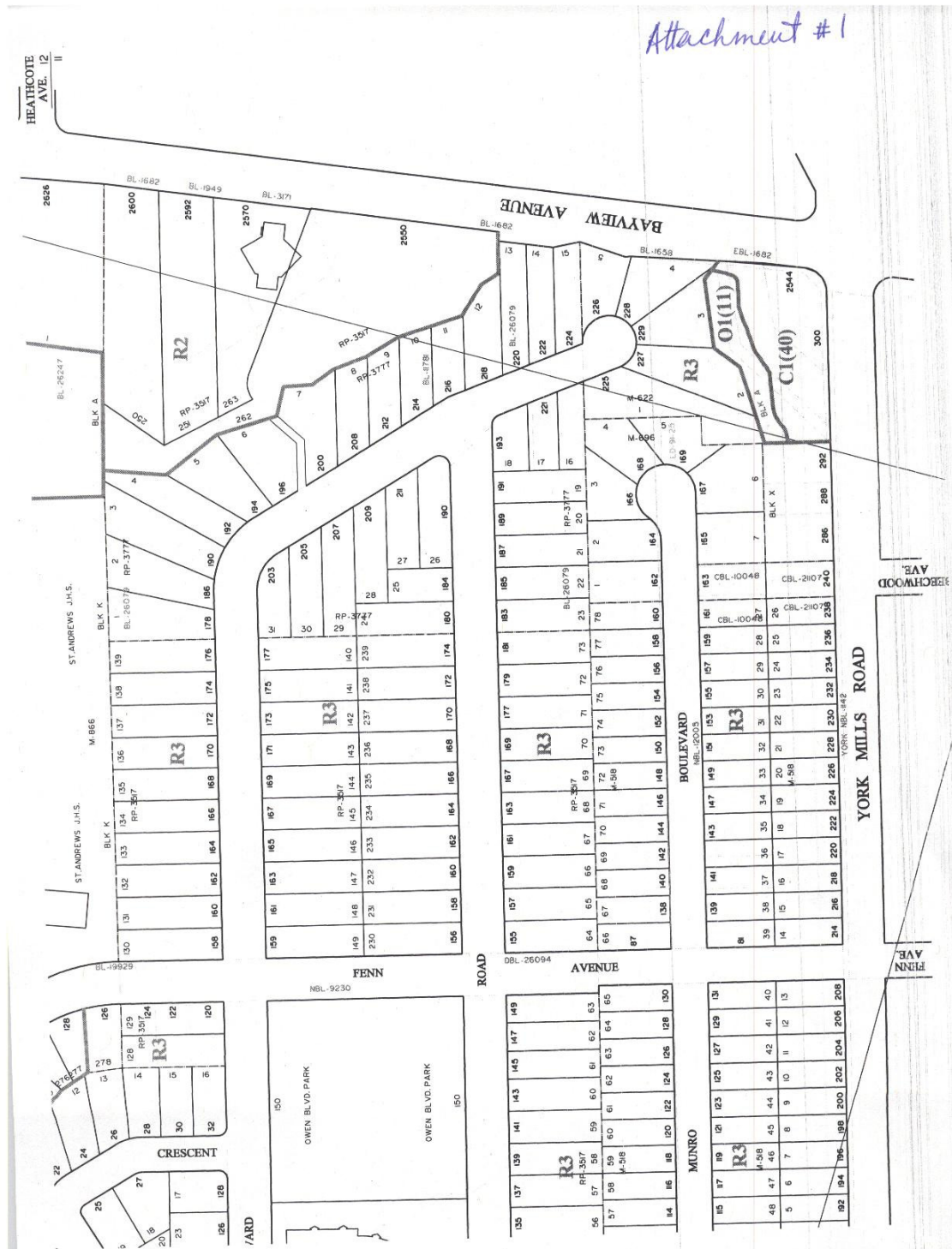
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SIGNATURE

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

ATTACHMENTS

Attachment #1:	Zoning Map
Attachment #2:	Property Survey
Attachment #3	Owners' Letter dated October 5, 2009



Attachment #3

To the City of Toronto

Oct. 5, 2009

Dear Sir/ Ms.

We (Sohaila Hemati & Khosrov Nademi Nassari) are the owners of 216 Owen Blvd., and we would like to request the issuing of a demolishing permit for our property prior to the issuing of the building permits. Around April we applied for a new two storey dwelling, but because of a ravine issue the site plan approval is taking longer than we expected. We are in the process of receiving site plan approval with the planning department.

The above property is vacant, and we as owners are facing some difficulties. The vacant property has become a magnet for loitering and illegal activity by adults and teenagers. Therefore, this has become a safety hazard and security issue for the whole neighbourhood.

As you know, by checking your records the vacant property stated above has received many noise, loitering and safety complaints.

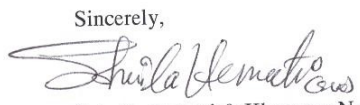
Mr. Ford, the previous city counsellor of North York area is aware of our situation and we had a conversation over the phone with him. Last year, Mr. Ford suggested we demolish the property and offered to help us in obtaining a demolishing permit. Unfortunately we were out of town at the time and did not follow through with the process.

Although, we (Sohaila Hemati & Khosrov Nademi Nassari) frequently put no trespassing signs up, block the entrance to our property and board up the windows, the property continues to get broken into by strangers. We have tried on numerous occasions to follow all the rules and regulations in an attempt to maintain safety and security in the neighbourhood. However, young teenagers and adults have continuously gained access to the property in various ways. Furthermore, some contractors have used the property to dispose of construction waste materials that have sometimes been toxic (asbestos, etc). We filed a complaint about this, but did not hear back because the city was on strike. We would like to request that the city of Toronto follow-up on our urgent situation and provide us with the necessary "demolishing permit" for the 216 Owen Blvd.

Meanwhile, we are trying to satisfy the entire request from the TCRC and Forestry department in order to close the file for site plan approval and begin construction.

We appreciate your cooperation in this regard.

Sincerely,


Sohaila Hemati & Khosrove Nademi Nassari

