

## City Council

### Notice of Motion

MM16.19	ACTION			Ward:All
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### **Improving demolition control policies to strengthen heritage protection - by Councillor Kristyn Wong-Tam, seconded by Councillor Peter Milczyn**

- \* This Motion has been deemed urgent by the Chair.*
- \* This Motion is not subject to a vote to waive referral.*
- \* This motion has been added to the agenda and is before Council for debate.*

### **Recommendations**

Councillor Kristyn Wong-Tam, seconded by Councillor Peter Milczyn recommends that:

1. City Council request a review be completed in the second quarter of 2012 by the Chief Planner, the City Solicitor and the Chief Building Official of the process for issuing demolition permits to strengthen the protection of properties that are not officially identified in the City's heritage inventory and to provide greater accountability and notification to the directly affected community and ward councillor;
2. City Council request the Chief Planner, the City Solicitor and the Chief Building Official to report back to Council in the second quarter of 2012 with recommendations for implementing a process to review demolition applications that does not vary according to zoning and housing type.

### **Summary**

Properties that have been identified as having historical significance to Toronto cover all land use designations. Many of these properties are designated or listed under Part IV of the Ontario Heritage Act but many are not as a result of the magnitude of compiling this inventory. At the same time, the process for demolishing properties in Toronto varies according to zoning. This reveals a gap between the process for identifying a property as having heritage value and the procedures that are in place to protect it from demolition.

Under Section 33 of the Ontario Planning Act, only demolition applications received for residential properties are subject to approval by Council. As a result, the process for scrutinizing these applications is more comprehensive than their non-residential counterparts. Demolition applications submitted for non-residential properties are subject only to approval by

the Chief Building Official. The Chief Building Official is required to issue a demolition permit unless the demolition convenes any applicable law or policy.

Given that the heritage value of a property is not determined on the basis of its zoning, this leaves many properties throughout the city without a comprehensive review process in place if an application for demolition is submitted. This gap in municipal and provincial policies and legislation was recently demonstrated in the process leading to the demolition of the building at 81 Wellesley Street East.

On November 2, 2011, a motion was adopted by the Toronto and East York Community Council requesting that the property at 81 Wellesley Street East, the Odette House, be studied by the City Planning Division for the potential of designation under Part IV of the Ontario Heritage Act. About one month later, a demolition permit was issued to the property owner of 81 Wellesley by the Toronto Buildings Division. Due to the property's commercial zoning and its unlisted and undesignated heritage status, the application was not reviewed outside of the Toronto Buildings Division. A demolition permit was then issued by the City without notification from the CBO Chief Building Official to the local ward Councillor or City Planning Division. On January 18, 2012, the Odette House was demolished.

The process leading to the demolition of this building, which had been recently identified by Council as having potential historical importance, speaks to a gap in municipal policies and legislation that requires review and resolution. The current provincial and municipal legal framework leaves all non-residential properties and certain exempted properties, including rooming houses, exposed to potential demolition without comprehensive review of their heritage value to the city.

(Submitted to City Council on February 6 and 7, 2012 as MM16.19)

### **Background Information (City Council)**

(February 7, 2012) Member Motion (MM16.19)