

**City Council****Notice of Motion**

MM55.68	ACTION			Ward:All
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**Improving demolition control policies to strengthen heritage protection  
- by Councillor Kristyn Wong-Tam, seconded by Councillor Josh  
Matlow**

*\* Notice of this Motion has been given.*

*\* This Motion is subject to referral to the Planning and Growth Management Committee. A two-thirds vote is required to waive referral.*

**Recommendations**

Councillor Kristyn Wong-Tam, seconded by Councillor Josh Matlow, recommends that:

1. City Council request that the findings and recommendations of the two-year pilot program to create a new communications protocol be reported back in the first quarter of 2015 by the Chief Planner and Executive Director, City Planning, the City Solicitor and the Chief Building Official and Executive Director, Toronto Building on the process for issuing demolition permits to strengthen the protection of properties that are not officially identified in the City's heritage inventory.
2. City Council request the Chief Building Official and Executive Director, Toronto Building, in collaboration with the Chief Planner and Executive Director City Planning, to develop a public notification process to inform the local Councillor and local community when demolition permits are issued.
3. City Council request the Chief Planner and Executive Director, City Planning, the City Solicitor and the Chief Building Official and Executive Director, Toronto Building to report back to City Council in the first quarter of 2015 with recommendations for implementing a process to review demolition applications that does not vary according to zoning and housing type.

**Summary**

Properties which 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 City 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 and Executive Director, Toronto Building. The Chief Building Official and Executive Director, Toronto Building 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, Toronto and East York Community Council requested 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 Building Division. Due to the property's commercial zoning and its unlisted and undesignated heritage status, the application was not reviewed outside of the Toronto Building. A demolition permit was then issued by the City without notification from the Chief Building Official and Executive Director, Toronto Building to the local Ward Councilor or City Planning staff. On January 18, 2012, the Odette House was demolished.

A meeting of City Planning, Heritage Preservation and Toronto Building staff was convened shortly afterwards by Councillor Wong-Tam to review the legislation that permits demolitions. As a result of that meeting, City staff undertook a two-year pilot program to create a new communication protocol between the related divisions including the Ward Councillor to prevent demolition permits from being issued for properties under consideration and review for Heritage listing or designation.

The process leading to the demolition of this building, which had been recently identified by City 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 August 25 and 26, 2014 as MM55.68)

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

Member Motion MM55.68