



STAFF REPORT ACTION REQUIRED

Residential Demolition Application 23 Riverside Crescent

Date:	May 4, 2016
To:	Etobicoke York Community Council
From:	Director of Toronto Building and Deputy Chief Building Official
Wards:	Ward 13 Parkdale-High Park
Reference Numbers:	File No. 2016 EY015 Folder No. 16 135591DEM 00 DM

SUMMARY

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

In accordance with section 33 of the Planning Act and the Municipal Code Chapter 363, Article II “Demolition Control” the application for the demolition of a residential dwelling at 23 Riverside Crescent is referred to the Etobicoke York Community Council for consideration for the issuance of a demolition permit because the property is located in the Former City of Toronto and a written notice of objection to the issuance of demolition permit was received.

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

If the Etobicoke York Community Council grants issuance of the demolition permit, it may impose conditions, if any, to be attached to the demolition permit.

RECOMMENDATIONS

Toronto Building recommends that the Etobicoke York Community Council give consideration to the demolition application for 23 Riverside Crescent and decide to:

1. Approve the application to demolish the single family dwelling without conditions.

ALTERNATIVE RECOMMENDATIONS

1. Approve the application to demolish the single family dwelling with the following conditions:
 - a. 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;
 - b. the Owners construct and substantially complete the construction of the new single family dwelling authorized by the building permit folder number 16- 135558 BLD 00 NH on the site of the existing building to be demolished by no later than two (2) years from the day the demolition is commenced;
 - c. 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 a municipal taxes, the sum of twenty thousand dollars (\$20,000.00) for each 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;
 - d. that all debris and rubble be removed immediately after demolition;

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

In 2014 the owners of 23 Riverside Crescent applied and received authorization from the Committee of Adjustment for variances to replace an existing, one and a half storey single detached house and attached garage and replace it with a new two storey detached dwelling and attached garage.

This decision was appealed by the owner of the abutting property on the west. On March 5, 2015 the OMB issued a decision dismissing the appeal and authorizing all variances subject to the conditions imposed by the Committee.

Permit applications to demolish the existing house and to construct a new two storey single family dwelling were made on April 4, 2016.

In accordance with the requirements of the City of Toronto Municipal Code Chapter 363-12C, Article II “Demolition Control” a Public Notice of the Proposed Residential Demolition was posted on the property for a period of at least 14 days prior to the issuance of the demolition permit.

A permit application to construct a new two storey single family dwelling was made on April 4, 2016 and the building permit # 16-135558 BLD 00 NH is under review at the time this report was prepared.

COMMENTS

The Director and Deputy Chief Building Official in the Etobicoke York District had received a written objection to the demolition permit application from 19 Riverside Crescent.

The objections to the demolition of the existing structure are based on the concerns of the neighbour over the effect of the demolition on both private trees and ravine trees as well as possible damage to a retaining wall located on her property and safe disposal of construction debris.

Under Section 8 of the Building Code Act the Chief Building Official shall issue a building permit once the proposal is found to be in compliance with the Building Code and all other applicable laws. The owners had received a permit to construct from TRCA for the proposed construction as well as a permit from Ravine and Natural Feature Protection Division as per Chapter 813 Article II of the Toronto Municipal Code. The C of A decision authorized the variances for this property, thus addressing compliance with zoning by-law/other applicable law. Upon completion of the review, and confirmation of compliance with the Building Code Act and the Building Code, the Chief Building Official will be issuing the building permit number 16-135558 BLD 00 NH for 23 Riverside Crescent, as required by the Building Code Act (BCA).

Under Section 33 of the Planning Act Council shall issue a demolition permit where a building permit has been issued to erect a new dwelling on the site of the residential property sought to be demolished.

Section 33 of the Planning Act also states that applicant has the right to appeal to the OMB, within 30 days of the receipt of the application by the City to demolish the

dwellings if Council neglects to make a decision, or refuses the issuance of the permits. The existing dwelling is not listed and/or designated under the Ontario Heritage Act.

The application for the demolition has been circulated to Public Health, Urban Forestry, and the Ward Councillor.

CONTACT

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SIGNATURE

Rick Conard
Director and Deputy Chief Building Official
Toronto Building,
Etobicoke York District

ATTACHMENTS

1. Site Plan
2. Objection letter

Attachment 2: Objection Letter

Dr. Elizabeth Kocmur
19 Riverside Cres.
Toronto, ON M6S 1B5

April 21, 2016

Director and Deputy Chief Building Official
Toronto Building Etobicoke York District
2 Civic Centre Court
Toronto, ON M9C 5A3

Attention: John Heggle

Dear Sirs/Mesdames:

Please be advised that I am objecting to the Demolition Permit Application 16 135591 DEM 00 DM. My property borders 23 Riverside Crescent to the northeast.

I am objecting because I am concerned about the effect of the demolition on both private trees and ravine/natural feature trees, both on my property and on 23 Riverside Crescent. I am also concerned that demolition could damage the retaining wall on my property close to the boundary with 23 Riverside Crescent. I am concerned about demolition waste entering the Humber Bay, and damage to the shoreline by heavy machinery. Finally, I am concerned about what the owners of 23 Riverside Crescent intend to do with the property after demolition.

I only learned about this demolition application yesterday evening, when I saw a sign on the property. I have not received any mailed notice about it. I intend to file a more detailed objection after speaking to a municipal lawyer. I am therefore requesting a two-week extension of the time to object, to May 4, 2016.

Yours truly,



Elizabeth Kocmur