

**From:** [geoffrey.jonesserra@bell.net](mailto:geoffrey.jonesserra@bell.net)  
**To:** [Planning and Growth Management Committee](#)  
**Cc:** [ferris.virani@southeqlinton.ca](mailto:ferris.virani@southeqlinton.ca)  
**Subject:** My comments for 2016.PG10.1 on February 24, 2016 Planning and Growth Management Committee - SERRA letter and report  
**Date:** Monday, February 22, 2016 10:14:55 PM  
**Attachments:** [fv-PGMC on Feb 24, 2016 - SERRA re PG10.1 - scan.pdf](#)  
[SERRA survey report - construction issues Jan 31-2016.pdf](#)

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## **To the City Clerk:**

Please add my comments to the agenda for the February 24, 2016 Planning and Growth Management Committee meeting on item 2016.PG10.1, **Strategy for Minimizing the Negative Impacts of Residential Infill Construction Activity**.

I understand that my comments and the personal information in this email will form part of the public record and that my name will be listed as a correspondent on agendas and minutes of City Council or its committees. Also, I understand that agendas and minutes are posted online and my name may be indexed by search engines like Google.

## **Comments:**

The South Eglinton Ratepayers' and Residents' Association (SERRA), founded in 1965, is one of the oldest residents associations in North Toronto. South Eglinton or Davisville Village lies south of Eglinton, between Bayview Avenue and Yonge, in Ward 22. Residential infill or replacement construction is a significant issue in our area.

**SERRA asks that the Committee adopt the recommendations in the staff report** released on February 9, 2016, entitled "Strategy for Minimizing the Negative Impacts of Residential Infill Construction Activity", **including its budgetary provisions**, and that the Committee recommend that staff continue to work with residents associations.

## **List of attachments**

This email provides the following two pdf attachments with more details.

- 1- SERRA Survey of Infill Construction Issues dated January 31, 2016;
- 2- SERRA letter of February 22, 2016, signed by:

Mr. Ferris Virani  
Member of the Board of Directors and  
Coordinator of Construction Issues  
South Eglinton Ratepayers' and Residents' Association (SERRA)  
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**SERRA Presentation at the Committee Meeting**

Please note that we have already registered a speaker to make a presentation at the Committee meeting on February 24. This is Mr Geoffrey Jones, also on the Board of Directors of SERRA.

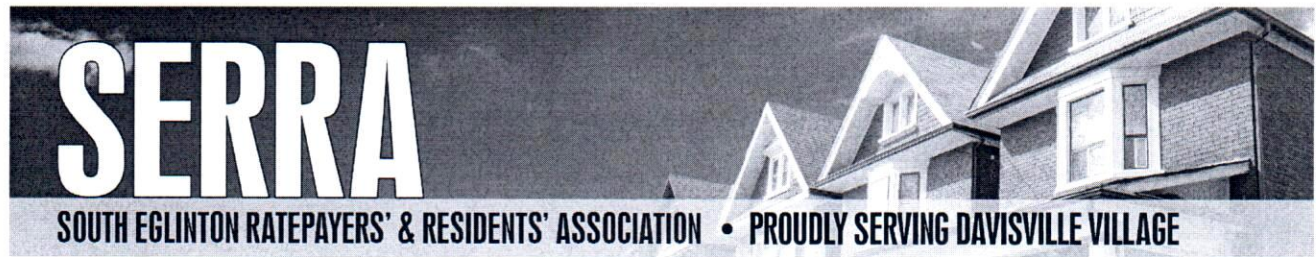
Kindest regards,

**Geoffrey Jones**

South Eglinton Ratepayers' and Residents' Association (SERRA)

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February 22, 2016

David Shiner  
Chair  
Planning and Growth Management Committee  
c/o Nancy Martins, Committee Secretariat  
10th floor, West Tower, Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

Dear Mr Shiner,

**SERRA Comments on Agenda Item PG10.1 on February 24, 2016**  
**regarding Impacts of Residential Infill Construction**

The South Eglinton Ratepayers' and Residents' Association, founded in 1965, is one of the oldest residents associations in North Toronto. South Eglinton is often called Davisville Village and lies south of Eglinton Avenue East, between Bayview Avenue and Yonge, in Ward 22. Residential infill or replacement construction is a significant issue in our area. This letter provides:

- 1- SERRA input, below, re Agenda Item PG10.1 on February 24, 2016.
- 2- PDF attachment: SERRA Survey of Infill Construction Issues

We have consulted with Toronto Building staff as they drafted the report released on February 9, 2016, entitled "Strategy for Minimizing the Negative Impacts of Residential Infill Construction Activity". SERRA asks that the Committee approve this report, including its budgetary provisions, and that the Committee recommend that staff continue to work with residents associations. Please find below some SERRA comments on this initiative. For convenience, I have tried to put this in short paragraphs, often referring to the text.



### **Residents As Case Managers**

The staff report talks about “Residents As Case Managers” on page 4. In Davisville, when residents can’t figure out how to get City action, they very often come to SERRA.

### **This is an important issue for SERRA**

At the Annual General Meeting of SERRA in April, 2015, we polled our members. Construction issues in Davisville Village were the top complaint. We give kudos to city councillors who have supported this initiative, especially Jaye Robinson and Josh Matlow, our councillor. I mention them because SERRA has been in touch with their offices directly.

### **Two Key Recommendations - for SERRA involvement**

Staff recommendations go in the right direction. In particular, we welcome:

- 1- Ticketing Pilot Project for contractors violating bylaws.  
SERRA is often in contact with neighbours through the Committee of Adjustment process and we are happy to participate in the pilot project during construction.
- 2- Best Practices Guide - SERRA believes strongly in educating both the community and contractors. Knowledge makes problems easier to solve. SERRA can provide input.

### **SERRA is a member of FoNTRA**

The Federation of North Toronto Residents’ Associations (FoNTRA) has written to the City to express its concerns about infill construction problems. FoNTRA is an umbrella organisation of about 30 residents associations that work closely together. All of us deal with infill construction issues. For the last 2 years, SERRA has had a very active role for many infill housing issues.

### **Working group structure at SERRA**

SERRA is structured with working groups for important issues. This is how we are able to work pragmatically. We don’t just complain. We meet with developers and architects. We regularly put our members in touch with lawyers, planners, and other professionals who know construction. We also work collaboratively with city staff. For this report, Toronto Building needed data. SERRA provided 10 well-organised pages about the problems that Davisville faces and is mentioned on page 5. See my January 31, 2016 report to Toronto Building, attached to this letter.

### **Breaking Down Silos**

Last year a local infill construction site posed risks for pedestrians. Also, the contractor was not building the house that the city had approved. The 1st developer had sold the site to a 2nd developer, who was using different plans. Lots of different city departments can get involved in something like this. As the staff report points out, currently residents have to figure out the system and then act as case managers themselves, because of silos within city government. This is not an easy task for the average Toronto resident. For this case, we were lucky that our City Councillor, Josh Matlow, took a direct interest, organised a community meeting at a local church, and brought city staff from a number of departments, breaking down silos. SERRA thinks it is important for the City to hire more staff, get rid of silos, and simplify procedures so that city staff can work together quickly to take care of problems. The report has interesting ideas about this.

### **Hiring staff takes money**

SERRA has tracked infill development houses since the year 2000. There are 6 times more infill construction sites than 15 years ago. Are there are 6 times more building inspectors? Today some builders see the cost of non-compliance is low. So they don't comply with city bylaws, because a safe construction site can cost more. Or perhaps they are just busy somewhere else and see no dollar cost to ignoring a problem. The report asks for \$450,000 for up to 7 new staff, with a net cost of \$0. SERRA likes the 7 new staff. SERRA likes the \$450,000, as a sign of City commitment. And SERRA likes the \$0. We hope the \$0 means that costs of compliance monitoring are being shifted to those numerous rotten apples who are not complying.

### **The key word is "quickly"**

Here is a common scenario. Residents see bad construction being done by what often appear to be bad contractors. They call the city - 311. The contractor is working on something he should not be doing. By the time that City staff get there, there is nothing to see. Almost everyone nowadays owns a smart phone, so there are photos. City staff know what has happened, but do nothing. Residents therefore think that their city government is helpless and this contributes to political malaise. They know this was not the case 20 years ago. So they become angry and unhappy. They want to see City employees empowered and they want to see the community empowered.

### **SERRA and Davisville Village do welcome development**

SERRA members are not against replacement housing in our area. We simply want to see it done with good practices, so that life and limb are not at risk and so that the new houses built are indeed those the city has approved. Implementation of this report will not solve all problems, but it is at least a significant step in the right direction, hopefully one of many to come.

Yours sincerely,



### **Ferris Virani**

Member of the Board of Directors and  
Coordinator of Construction Issues  
South Eglinton Ratepayers' and Residents' Association (SERRA)

# **SERRA - Report of member and resident survey: infill construction issues**

Prepared by: Ferris Virani, SERRA working group  
January 31-2016

## **Summary:**

Infill construction has been identified as a significant concern for SERRA members and residents within SERRA boundaries.

SERRA conducted a survey that determined the two most significant construction-related issues are:

- (1) Safety
- (2) lack of by-law enforcement

## **Key findings from the survey:**

- The City needs to be more responsive to residents' concerns when residents are adversely affected, especially as it relates with safety, by construction-related activities
  - Existing by-law enforcement is ineffective and builders are taking advantage of that situation to the detriment of residents
- 

Construction nuisance has always been a top-of-mind nuisance issue for SERRA members and residents within SERRA boundaries particularly in recent years during which construction activities within SERRA boundaries have risen to unprecedented levels.

In January 2016, SERRA conducted an email survey of its members to:

- (i) Determine what are the main issues
- (ii) of those issues, which ones are most important to members
- (iii) use the data to provide substantiated feedback to the City of Toronto in support of its initiative PG-15007 "Improving Response to Infill Construction Sites: Work Plan"



- (iv) use the data to provide substantiated feedback to Councillor Matlow who had expressed his interest in receiving this data so that he could appropriately target his advocacy for residents within his Ward
- (v) for SERRA to advocate on behalf of its members with the City and to assign its limited resources to the issues which are most relevant to its members

All current and lapsed SERRA members were contacted by email. Additionally, SERRA volunteers and board members actively solicited feedback from neighbours and acquaintances within Ward 22.

### **Responses and analysis:**

A total of 21 responses were received from which 76 specific items were identified

7 SERRA members responded to the email survey  
 13 were from conversational feedback  
 1 was by email from an adjacent Ward

The items were then grouped into 4 categories and 9 subcategories as shown in Table 1 below:

**Table 1 : Summary of survey responses**

	Safety (physical and environmental)					General Nuisance		Legal		Other	
	Environ- ment	Hygiene	Sidewalk imped- iment	Street imped- iment	Hazard and other impacts to neigh- bour/ residents	Noise	Duration	Legal/ rights/ compliance	Trespass/ encroach- ment	Other	Enforce- ment
# of responses	10	9	12	4	5	9	3	4	3	6	11
% of total responses	13%	12%	16%	5%	7%	12%	4%	5%	4%	8%	14%
% of total responses	53%					16%		9%		22%	
% within category	25%	23%	30%	10%	13%	75%	25%	57%	43%	35%	65%

### Results in order of importance by category:

1. **53% Safety (physical and environmental)** - predominantly sidewalk hazards and impediments
2. **22% Other** – predominantly related to the lack of by-law enforcement : 22%
3. **16% General nuisance** – predominantly noise, and duration of construction projects
4. **9% Legal issues** – issues such as builders changing design and planning compliance; trespass/encroachment

The results by sub-category were ranked in order of the frequency of responses as shown in Table 2 below

**Table 2 : Sub categories in order of frequency of responses**

Sub category	Frequency of response	Examples of responses
Sidewalk impediment	16%	Safety of seniors and young children having to walk on the street to get around construction vehicles and obstructions  Construction vehicles (and materials blocking sidewalks)  I couldn't push my (stroller / wheelchair / shopping buggy) past the damage in the sidewalk
Enforcement	14%	Ticket or fine developers for doing things that they are not supposed to do  City needs to respond very quickly, that is, much quicker than they do now, to nuisances reported by neighbours  311 calls - operators don't know where to route calls  the City needs to establish a system for responding to complaints during these hours (weekends, after hours or on statutory holidays)  Inspectors focused on all nuisance issues with a cross department perspective since many nuisance issues involve multiple City departments



Sub category	Frequency of response	Examples of responses
Environment	13%	Rodents attracted to garbage left on construction sites Dust – (toxins / harmful substances it may contain)
Hygiene	12%	The area around the work site (sidewalks and curb areas) should be left clean every day.
Noise	12%	If right to enjoyment of life is impacted, then neighbours should receive a property tax credit There appears to be little accountability for those who engage in noisy work after hours
Other	8%	Dust settling on cars and homes (residents bear the cost of cleanup)
Hazard and other impacts to neighbour/ residents	7%	Bricks and construction debris falling on my property
Street impediment	5%	Building materials taking up parking space - driving safety hazard Multiple constructions on the same street prevents emergency access
Legal/ rights/ compliance	5%	Residents don't know what their rights are Approved plans not being adhered to Building plans should be made available to neighbours
Duration	4%	Construction permits must have a duration to avoid prolonged states of construction (years) An accurate estimate of the length of time for completion
Trespass/ encroachment	4%	Contractor vehicles in my driveway Used my water / used my hydro without permission

Sub category	Frequency of response	Examples of responses
		<p>Walked over my property (caused damage) to get around to the back</p> <p>Walked all over my roof</p>

### **Key recommendations:**

- Most of SERRA members' and neighbourhood residents' issues could be mitigated if the City were to address the root cause – lack of appropriate and timely by-law enforcement. The common theme of responses is that builders are aware that the City is unable to appropriately enforce by-laws. As such, builders generally pay little or no heed to common courtesy or to adherence of by-laws
- The City should establish Construction Standard Operating Procedures ("CSOP") that have to be followed by builders before, during and post-construction. Such CSOPs should incorporate all by-law requirements and be written in simple layperson language. With the implementation of CSOPs, builders and the public alike would not have to acquire specific knowledge of by-laws and there would be no excuse for builders or their agents to not comply with by-laws. The CSOP must be signed-off by the builder and the property owner with the understanding that any transgression of the CSOP will result in fines, work stoppage and other actions (to be determined) by the City. A bound CSOP document must be present at the work site at all times and available on the City of Toronto web site for ready reference by the public.
- The City must find a way to put more emphasis on the prompt enforcement of by-laws (24 x 7 x 365) to curb transgressions by builders such as:
  - Environmental concerns such as dust from demolition. Older buildings often contain lead paint, lead pipes, asbestos and other materials which are hazardous to human health.
  - Builders who have started work too early or are working later than permitted and excessive noise is being created; excessive dust is being created; demolitions are taking place on weekends
  - Safety concerns such as when sidewalk safety or road safety is compromised because of construction-related activities which cause pedestrians to walk on the road in the path

of vehicular traffic; streets are blocked by construction vehicles which could impede emergency vehicles from getting through

- 311 operators should be provided with the means to identify construction-related matters and refer calls quickly and efficiently to a single department which is accountable for investigation and enforcement of by-laws (or CSOPs if they were in place)
- Builders must be held responsible to provide at least 4 weeks' written notice to residents within a distance of 50 metres of the property line before commencement of construction to allow all residents to prepare for the noise and other inconveniences that will follow

## **Extracted comments from the survey feedback**

Decks and windows magically appear. Mutual driveways get narrower. City staff and building inspection seem to be commonly duped and ineffective.

Enforcement is inadequate

311 calls - operators don't know where to route calls

"Due process" is ineffective

Residents don't know what their rights are

Building plans should be made available to neighbours

Approved plans not being adhered to

Construction permits must have a duration to avoid prolonged states of construction

If right to enjoyment of life is impacted, then neighbours should receive a property tax credit

Contractors must inform neighbours of anticipated construction noise at least (some period of time) before construction

Stop giving construction and related vehicles an open right to block roads and sidewalks whenever they like and without warning.

Stop letting construction sites eg board fences block sight lines for pedestrians and drivers so that they are put at risk when turning or crossing at an intersection or entering a street.

Respond to citizen complaints with policy that says work stops until the complaint is resolved.

Put taxpayers and residents before profit-focused construction management and workers

Contractors and residents should be aware of what time of day construction can start, what time it should stop and whether work is permitted on the weekends

The area around the work site (sidewalks and curb areas) should be left clean every day.

Proper fencing around the worksite is essential for the safety of residents.

An accurate estimate of the length of time for completion of the project would be helpful.

laws governing residential infill construction sites, I think they should be enforced

enforcement the times of day that construction is permitted.

Immediate neighbours should receive a contact number if they have any concerns



People expect a fast response, especially to safety and by-law infraction problems....needs to be consequences to those contractors who make a habit of ignoring the rules.

A database needs to be started that complies these type of infractions. The city needs to know who they are dealing with and so do the neighbours. Residents should be able to access this data.

By informing neighbours who to call for each type of issue or give them one number to call.

City needs to respond very quickly, that is, much quicker than they do now, to nuisances reported by neighbours

Make it clear to developers that they don't own the City or the neighbourhoods ... maybe they do. They tend to operate without giving a damn about neighbours.

Ticket or fine developers for doing things that they are not supposed to do

Get tough on dust created when stones or cement are cut

Speed on Davisville and traffic control is required

The City needs to establish a system for responding to complaints during these hours (weekends, after hours or on statutory holidays)

The City should be maintaining a publicly accessible database for contractors and trades identifying confirmed complaints

Contractors should be required to post a bond with the City with a system of Administrative Monetary Penalties - confirmed complaints will result in fines being taken from the bond

Inspectors focused on all nuisance issues with a cross department perspective since many nuisance issues involve multiple City departments

A system / process that allows quicker response. Many nuisance issues and violations need to be addressed in real time or near real time.

A means to penalize builders including fines and or work stoppage orders. ie \$X and / or X number of days work stoppage per type of infraction. Breaking rules needs to result in consequences. Need some "teeth" in this process

Allow for digital / electronic documentation from citizens. ie pictures / videos of citizens should be used as a means of "evidence" to support reporting an incident

There is little to no recourse when the noise is actually occurring

There appears to be little accountability for those who engage in noisy work after hours

Construction vehicles blocking sidewalks and roads

Narrow streets blocked by vehicles prevent emergency vehicles from getting through

Contractor vehicles blocking my driveway

Contractor vehicles in my driveway

Couldn't get my stroller past the broken sidewalk

Couldn't push my mother in her wheelchair past the damaged sidewalk

I slipped on the gravel that was piled on the road and sidewalk...and had a really bad fall and could barely walk for (a period of time)

Use of my hydro/water (without permission) (without compensating when they said they would)

Multiple constructions on the same street prevents emergency access

Building materials taking up parking space - driving safety hazard

Walked all over my roof

Our neighbour's construction has taken two years .. and is still not completed. Suggested solution: A construction permit should last only a certain amount of time I was regularly unable to use our own backyard (because of) activity and the noise

Workers showing up at 7 a.m. and staying into the dinner hour

Noise and vibrations. Frequently I was unable to sit in my office at the back of the house to write, because of the distractions

Trucks showed up without notice and blocked our parking pad so that I could not get my car out. Suggested solution: Contractors should be required to provide notification of such activity

Construction Bins were put on the mutual drive without notice, which interfered with our ability to park our car.

Dust and dirt....showed up on our deck, our deck furniture, our windows and our new car.

Our property was damaged by construction vehicles and heavy bins

Due to the work that the neighbour did, we have had to spend money on repairs and reconfigurations that we would not necessarily done, had the construction not been done.

Bricks falling on neighbouring house

Music and radios blasting is not necessary...Loud talk and swearing. "The f---ing joist"

Crews leave food and drink containers all over and in open garbage bins. Local rats and raccoons take delight!

311 calls- They take up to 4 days to respond to a garbage complaint and couldn't enter the site to see the problem. Then passed it along to the building inspector. He can't enter the site unless invited.

For a noise complaint, I was told to write down a noise log!

With today's cameras and cellphones, why can't residents submit digital evidence of parking and 311 complaints?

Parking and noise should receive quick response from the city.

Residents don't know what their rights are and what the rules are. A manual available for the basic survival of construction? Plans ... should be available to the neighbours ...

Plans that have been approved at the Committee of Adjustment or OMB level should be followed, especially concerning issues of privacy and overlook.

I had people walking all over my roof