

**Residential Demolition Application
1390 Kingston Road**

Date:	June 9, 2016
To:	Chair and Members, Scarborough Community Council
From:	Acting Director, Toronto Building, Scarborough District
Wards:	Ward 36 – Scarborough Southwest
Reference Numbers:	File No. 2016SC004 Folder No. 16-125635 DEM 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 former City of Toronto Municipal Code Ch. 363, Article II “Demolition Control”, the application for the demolition of the vacant commercial building containing two vacant residential units at 1390 Kingston Road is referred to the Scarborough Community Council to refuse or to grant the application as a building permit has not been issued for a replacement building.

If the Scarborough 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 Scarborough Community Council give consideration to the demolition application for 1390 Kingston Road and decide to:

- 1) Refuse the application to demolish the building containing two vacant residential units because there is no permit to replace the building on the site; or
- 2) Approve the application to demolish the building containing two vacant residential units without conditions; or

- 3) Approve the application to demolish the building containing two vacant residential units 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) that all debris and rubble be removed immediately after demolition;
 - c) that sod be laid on the site and the site be maintained free of garbage and weeds, in accordance with the Municipal Code Chapter 623-5 and 629-10, paragraph B;
 - d) that any holes on the property are backfilled with clean fill;
 - e) that all privately and publicly owned trees, which are protected by the City of Toronto By-laws, be protected in accordance with the By-laws during the demolition process;
 - f) that the applicant for the demolition permit construct and substantially complete the new building to be erected on the site of the property where the building is to be demolished not later than two years from the day demolition of the existing building is commenced; and
 - g) that on failure to complete the new building within the time specified in (f) above, the City Clerk shall be entitled to enter on the collector's roll, to be collected in like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000) for each dwelling unit contained in the residential property in respect of which the 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.

Financial Impact

Future property tax revenues may be impacted.

COMMENTS

On March 9 and 22, 2016; permit applications for the demolition of three buildings located at 1390, 1396 and 1400 Kingston Rd. were submitted by the agent of Kingston Cornell Developments Inc., the owner of the property. The permit applications numbers are: 16-125635 DEM 00 DM, 16-131154 DEM 00 DM and 16-131159 DEM 00 DM respectively. Based on the Birchcliff Zoning By-law, this property is zoned CR (Commercial Residential).

An aerial view shows the site located at the northeast corner of Cornell Avenue and Kingston Road (Attachment 1). A survey submitted with the demolition permit applications shows the three two-storey commercial/residential buildings on the site (Attachment 2). The site comprises three buildings known as: 1390, 1396 and 1400 Kingston Rd. containing the following uses:

- 1390 Kingston Road is a vacant building containing two vacant residential units. This is the building the owner is requesting to demolish at this time.
- 1396 Kingston Road has a commercial tenant on the main floor and two residential units occupied by two tenants on the second floor. When the property owners decide to demolish this building; approval from the Scarborough Community Council will be required.
- 1400 Kingston Road is a commercial building with no residential occupancy.

On May 5, 2016, a letter was submitted by the owner's agent in support of the proposed demolition of the vacant building containing two vacant residential units at 1390 Kingston Rd. In his letter, the applicant advised that this building should be demolished immediately as it is a sore spot in the area, attracts garbage and creates undesirable situations (Attachment 3).

The site is subject to Site Plan Approval and on November 26, 2015, an application (15-257257-ESC-36-SA) was submitted for a proposal to construct a 7-storey mid-rise residential condominium containing 41 residential units. The existing three buildings located on-site will eventually be demolished to be replaced by the proposed 7-storey mid-rise development.

On June 3, 2016 an application to Committee of Adjustment was submitted 16-167580 000 00 MV (A166/16SC) to seek relief from a number of zoning requirements.

This demolition application is being referred to the Scarborough Community Council because the building proposed to be demolished at 1390 Kingston Rd. contains two vacant residential units and the applicant has not received a permit to replace the buildings or to redevelop the site. In such cases, Chapter 363 Article II of the City of Toronto Municipal Code requires Community Council to issue or refuse the demolition permit.

The application for the demolition of the building has been circulated to the Heritage Preservation Services, Urban Forestry and the Ward Councillor. The building has not been designated as a heritage building.

CONTACT

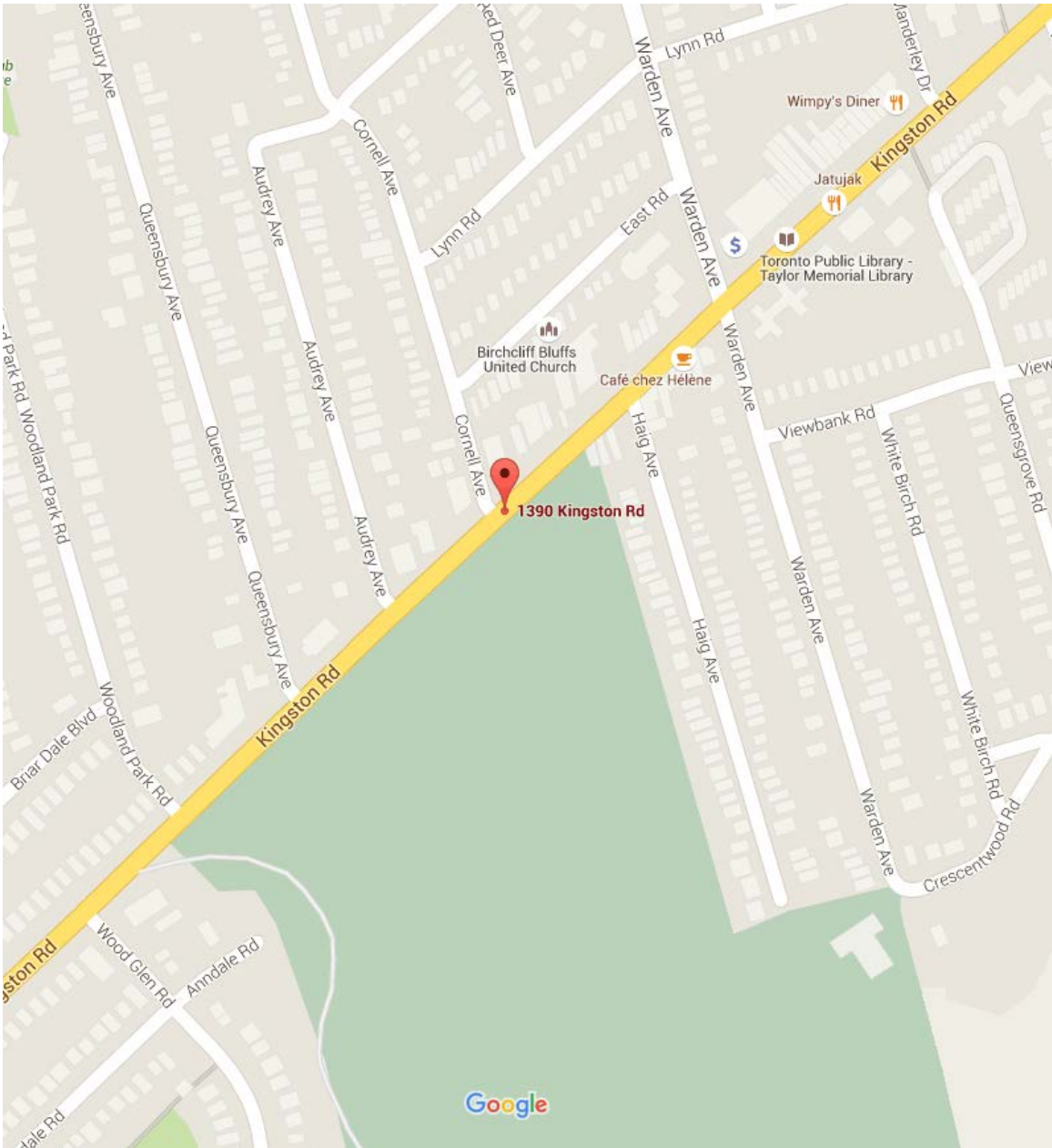
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SIGNATURE

Diane Damiano
A/Director, Toronto Building
Scarborough District

ATTACHMENTS

Attachment 1: Aerial View
Attachment 2: Survey of the property
Attachment 3: Applicant's letter



Attachment 1

KINGSTON CORNELL DEVELOPMENTS INC.
4-150 Connie Crescent, Unit 4
Concord, Ontario
L4K 1L9

905-738-2009

Mr. Bob Lue
Manager, Plan Review
Toronto Building, Scarborough District
Scarborough Civic Centre
150 Borough Drive, 3rd Floor
Toronto, Ontario
M1P 4N7

Dear Mr. Lue,

Re: Demolition Permit Application No. 16 125635 DEM 00 DM – 1390 Kingston Road
No. 16 131154 DEM 00 DM – 1396 Kingston Road

As requested, we are writing to request a demolition permit for the above referenced buildings.

1390 Kingston Road is an older building that has been boarded up and not in use. The ground floor area is 296.7 square metres and was used for commercial use. The second floor area is 120.9 square metres and it is our understanding that this space has not been in use for nearly 25 years. We believe the second floor space was used for residential purposes but it has currently been vacant for a long time. This building should come down immediately as it is a sore spot in the area and just attracts garbage, and creates other undesirable situations. We are requesting a demolition permit immediately for the purpose of redeveloping the site but it is in the best interest for the property to come down now.

1396 Kingston Road is in a similar situation. The ground floor is 124 square metres and the commercial tenant is moving out. The second floor is 124 square metres. There are two residential tenants who are in significant arrears in rent and have been sent default notices and L1/L2 will be shortly filed with the Landlord/Tenant Board. Furthermore this building is also very old and creates undesirable situations.

We plan to construct condos on the site and are currently under site plan review. We wish to demolish the properties now before a building permit is issued. If you need further information please feel free to contact me.

Yours truly
KINGSTON CORNELL DEVELOPMENTS INC.


Richard Herlick
Manager

Attachment 3