

## **Residential Demolition Application 1396 Kingston Road**

<b>Date:</b>	September 1, 2016
<b>To:</b>	Chair and Members, Scarborough Community Council
<b>From:</b>	Acting Director, Toronto Building, Scarborough District
<b>Wards:</b>	<b>Ward 36 – Scarborough Southwest</b>
<b>Reference Numbers:</b>	File No. 2016SC005 Folders No. 16-131154 DEM 00 DM

### **SUMMARY**

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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 1396 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**

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**Toronto Building recommends that the Scarborough Community Council give consideration to the demolition application for 1396 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
- 1396 Kingston Road has a commercial tenant on the main floor and two residential units occupied by two tenants on the second floor. This is the building that the applicant is requesting to be demolished at this time
- 1400 Kingston Road is a commercial building with no residential occupancy

On June 14, 2016 a residential demolition application was considered by the Scarborough Community Council File No. 2016SC004 and Folder No. 16-125635 DEM 00 DM and was adopted with amendments. City Council has delegated authority for this matter to the Scarborough Community Council and therefore, the decision was final. The motion was *"to approve the application to demolish the building containing two vacant residential units with conditions"*. Our building inspector visited the site on September 1, 2016 and confirmed that the building has not been demolished.

On August 25, 2016 an email was submitted by the owner's agent in support of the proposed demolition of the vacant building containing two vacant residential units at 1396 Kingston Rd. In his email, the applicant advised that one of the residential tenants moved out on June 30, 2016 and the other residential tenant is moving out of the apartment as of August 31, 2016. The commercial tenant is moving out on September 30, 2016. At that time, the building will be completely vacant (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 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 1396 Kingston Road 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 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**

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Bill Stamatopoulos  
A/Director, Toronto Building  
Scarborough District

## **ATTACHMENTS:**

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