



STAFF REPORT ACTION REQUIRED

Residential Demolition Application – 18 Wells Hill Ave.

Date:	October 11, 2016
To:	Toronto and East York Community Council
From:	Director, Toronto Building, Toronto and East York District
Wards:	Ward 21 (St. Paul's)
Reference Number:	P:\2016\Cluster B\BLD\Toronto and East York\TE16012 Demolition Application No. 16-224090 DEM

SUMMARY

In accordance with city-wide residential demolition control under Article II, Demolition Control, of Municipal Code Ch. 363, as amended by By-law No. 1009-2006, enacted by the City Council on September 27, 2006 under the authority of Section 33 of the Planning Act, I refer the demolition application for 18 Wells Hill Ave to you, to decide whether to grant or refuse the application, including any conditions, if any, to be attached to the permit.

This staff report is regarding a matter for which the Community Council has delegated authority from City Council to make a final decision. Please note that while notices of objection were received in relation to this demolition application, at the time of writing of this report, they have been withdrawn in writing.

RECOMMENDATIONS

Toronto Building recommends that the Toronto and East York Community Council:

1. Approve the application to demolish the subject detached, three storey single family dwelling building at 18 Wells Hill Ave with the following conditions:
 - a) that the applicant for the demolition permit construct and substantially complete the new building to be erected on the site issued by Toronto Building in building permit 16 105940 BLD 00 NH no later than two years from the day demolition of the existing single family dwelling is commenced;
 - b) that failure to complete the new building within the time specified (two years), the clerk of the municipality shall be entitled to enter on the collector's roll, to be collected in like manner as municipal taxes the sum of \$20,000 for each dwelling unit contained in the residential property in respect of which the

demolition permit is issued and such sum shall, until payment thereof, be a lien or charge upon the land in respect of which the permit to demolish the residential property is issued;

- c) the developer/contractor complies with city by-laws especially with respect to construction noise, dust control, debris/garbage, and protecting the construction site; and
- d) any further condition, that in the opinion of Toronto East York Community Council is reasonable, having regard to the nature of the residential property to be demolished.

Financial Impact

Not applicable.

COMMENTS

On September 16, 2016, Jim Kim from LJK Design Industries, the applicant representing the owner, applied for a permit to demolish the existing detached dwelling on the lands municipally known as 18 Wells Hill Avenue.

The owner of the property is currently in possession of an existing demolition permit, demolition permit number 16-105956 DEM. This demolition permit was applied for on January 19, 2016 and was subsequently issued to the owner on June 27, 2016.

The issued demolition permit followed the issuance of a replacement building permit for the construction of a new dwelling on the lands in building permit 16 105940 NH. The plans and drawings which formed the basis for the issuance of the building permit for the replacement dwelling were designed to demonstrate full compliance with the Zoning by-law(s) applicable to the lands without the need of a request for relief from the Committee of Adjustment.

Upon issuance of the permits to the owner, objections to the issuance of the demolition permit were received from area landowners alleging that the demolition permit was improperly issued. More specifically, it was alleged that a Public Notice of Demolition was not properly posted on the premises.

In response to the allegations, a review of demolition permit 16 105956 DEM was undertaken where it was determined by Toronto Building that the demolition permit was properly issued to the owner. In response to this, an Application in the Superior Court of Justice was been filed by the area landowners and the Casa Loma Residents Association reiterating their objection to the issuance of the demolition permit.

A cover letter to the new application submitted for demolition approval by the applicant on behalf of the owner notes that demolition permit 16 105956 DEM was properly issued and that Toronto Building agrees that it was properly issued. The letter indicates that the new application has being submitted out of an abundance of caution and without acknowledgement or acceptance that the new application affects the validity of the issued demolition permit. Attached please find a copy of the solicitor's letter in that regard.

Upon receipt of this new application for demolition, a Notice of Demolition posting was delivered to the applicant to post on the premises. Additionally, the matter was referred to the local councillor and Urban Forestry Services. Inspections performed by Toronto Building confirmed that the Notice of Demolition was properly posted on the premises and for a period of no less than 14 days as required by the Toronto Municipal Code.

Objections to this application for demolition of the existing single family dwelling were received by local area residents in writing in late September. At the time of writing of this report however, they had subsequently been withdrawn in writing. In the circumstances of an objection to a proposed demolition, City Council has delegated its authority to issue a demolition permit to Toronto and East York Community Council.

In accordance with Section 2 of the City of Toronto Act, 1991 (No.4), C.Pr24, S.O.1991, Toronto and East York Community Council may impose any reasonable conditions which have regard to the nature of the residential properties, including the preservation of significant natural features and requiring the erection and maintenance of structures and enclosures.

CONTACT

Tony D'Arpino, Acting Manager, Plan Review, Toronto Building - Toronto and East York District; Tel.: (416) 392-7632; Fax: (416) 696-0721; email address: tdarpin@toronto.ca

SIGNATURE

Mario Angelucci,
Deputy Chief Building Official and Director
Toronto Building, Toronto and East York District

ATTACHMENTS

1. Copy of Solicitor's Letter

Attachment 1: Copy of Solicitor's Letter

Goodmans^{L.P.}

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September 16, 2016

Our File: 162133

VIA EMAIL

Mario Angelucci, Deputy Chief Building Official and Director
Toronto Building
Toronto City Hall, 12th Floor, East Tower
100 Queen Street West
Toronto, Ontario
M5H 2N2

Dear Mr. Angelucci:

**Re: 18 Wells Hill Avenue
Demolition Permit Application**

We are solicitors for Anna Trevisan, the owner of the property known municipally as 18 Wells Hill Avenue in the City of Toronto (the "Property").

On June 27, 2016, our client was issued a demolition permit for the Property (the "Existing Demolition Permit"). The Existing Demolition Permit is identified as Demolition Permit #16-105956.

As you are aware, certain landowners in the area of the Property subsequently alleged that the Existing Demolition Permit was issued improperly. Specifically, they alleged that notice of our client's application for the Existing Demolition Permit was not properly posted on the Property.

In response to these allegations, Toronto Building conducted a review of the Existing Demolition Permit and the process leading to its issuance (the "Review"). The Review concluded that the Existing Demolition Permit was properly issued and that Toronto Building would not take any further action in respect of it.

As you know, our client has always taken the position that notice of the Existing Demolition Permit was properly posted, that the Existing Demolition Permit was properly issued and, accordingly, that she is entitled to act on it. The Review supported this position.

Goodmans^{LLP}

Our client continues to hold the view that the Existing Demolition Permit is valid. However, as you know, certain landowners in the area of the Property have commenced an Application in the Superior Court of Justice with the aim of preventing demolition of the existing house on the Property. The Application reiterates the allegation that the process leading to the issuance of the Existing Demolition Permit was flawed. In light of these allegations, and out of an abundance of caution, our client has decided to commence the demolition permit process anew and to file a fresh demolition permit application for the Property.

Accordingly, enclosed please find the required demolition permit application materials. Our client would like to post notice of the demolition permit application as soon as possible, so we would appreciate receiving the appropriate form of notice as soon as possible.

In our view, the enclosed demolition permit application in no way affects the validity of the Existing Demolition Permit or our client's right to act on it (subject to any order of the Court).

Please feel free to contact me or Max Laskin if you would like to discuss further.

Yours truly,

GOODMANS LLP

Roslyn Houser
RH/ML

encl. Demolition Permit Application Materials

cc. Anna Trevisan

Jim Kim

Toronto Building, Applications

City Legal

Tom Friedland, Goodmans LLP

Max Laskin, Goodmans LLP