

## **Residential Demolition Application(s) - 492-498 Eglinton Avenue East & 3-7 Cardiff Road**

Date: May 13, 2019

To: North York Community Council

From: Director & Deputy Chief Building Official  
North York District

Wards: Ward 15 - Don Valley West

### **SUMMARY**

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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 City Council on September 27, 2006 under the authority of Section 33 of the Planning Act, I refer the following seven (7) demolition application(s) for 492-498 Eglinton Ave. East and 3-7 Cardiff Road (Application No. 18-271361 DEM, 18-271368 DEM, 18-271374DEM, 18-271381 DEM, 18-271329 DEM, 18-271340 and 18-271346 DEM) to North York Community Council for consideration and to decide whether to grant or refuse the application(s), including any conditions, to be attached to the permit applications.

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

### **RECOMMENDATIONS**

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Toronto Building recommends that the North York Community Council:

Refuse the application to demolish the existing (7) dwellings at 492-498 Eglinton Ave. East and 3-7 Cardiff Road because there is no permit for a replacement building issued on this site;

Or, in the alternative;

Approve the application to demolish the subject residential building(s), with or without any further condition(s) that in the opinion of North York Community Council is reasonable, having regard to the nature of the residential properties being demolished.

## **FINANCIAL IMPACT**

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not applicable

## **DECISION HISTORY**

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not applicable

## **COMMENTS**

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This site upon which the existing seven (detached and semi-detached) dwellings are located is the subject of Official Plan and Rezoning application 16-124754 STE 22 OZ and Site Plan Approval application 16-259092 STE 22 SA which were submitted by the Owner on March 8, 2016 and December 1, 2016 respectively. These applications were submitted to permit the redevelopment of the lands for the purposes of a new residential condominium building, twelve storeys in height complete with 92 dwelling units and two levels of underground parking. To facilitate the development, the existing dwellings would be demolished.

The applications were appealed to the Ontario Municipal Board (OMB) by the Owner. In its Decision of November 15, 2017, the OMB approved the redevelopment of the lands for the purposes of a new residential building, twelve storeys in height complete with 92 dwelling units and two levels of underground parking but withheld its final Order pending terms of settlement and conditions of approval to be secured.

A review of the database indicates that the applications for Official Plan, Rezoning and Site Plan Approval are actively under review by City Planning and the owner advises that matters satisfactory for the issuance of the final Order of the Board have been submitted as late as May 9, 2019 and are being completed.

On December 21, 2018, applications to demolish the seven (7) existing residential dwellings at 492-498 Eglinton Ave. East and 3-7 Cardiff Rd were received by Toronto Building. The demolition permit applications have been reviewed by Toronto Building and are capable of being issued provided that a replacement permit is issued.

A review of the permit history associated with this project reveals that the owner of the lands submitted a building permit to construct the new building consistent with OMB decision on May 13, 2019. Building permit 19-153350 BLD 00 NB for the new building is currently under review by Toronto Building. While the building permit application for a replacement building has been submitted by the owner, a permit respecting the development cannot be issued until such time that the final Order of the Board is issued.

These demolition applications have been submitted to permit the demolition of the seven residential dwellings on the lands in advance of the replacement building permit being issued. In support of the request, the owner advises that, in anticipation of the final Order of the Board, the issuance of demolition permits at this time would permit the

site to be cleared and necessary site works to be advanced. As a result of concern that the vacant condition of the dwellings may pose a hazard, the Owner has indicated that the neighbouring community has expressed concern with their condition and are subject to vandalism, trespass, break-ins and infestation. They advise that the demolition would allow the site to be cleared and secured where fencing would be erected and the site appropriately hoarded. Please find attached a copy of the correspondence submitted by the Owner in this regard.

Since the buildings at 492-498 Eglinton Ave. East and 3-7 Cardiff Road inclusive are all residential and a building permit for a replacement building has not been issued for the site, these applications are being referred to the North York Community Council. In such cases, the Municipal Code requires Community Council to approve or refuse the demolition permit.

As the buildings subject of this application contains 6 or more dwelling units, the request has been circulated to City Planning (SIPA) for their consideration. By way of communication from City Planning, Toronto Building is advised that the buildings were owner occupied units thereby Chapter 667 of the Toronto Municipal Code respecting residential rental demolition would not apply in this instance. These applications have also been circulated to Heritage Preservation Services, Urban Forestry, and the local Councillor.

In accordance with Section 2 of the City of Toronto Act, 1991 (No.4), C.Pr24, S.O.1991, North 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 enclosure.

## CONTACT

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Tony D'Arpino, Manager, Plan Review, Toronto Building - Toronto and East York District; Tel.: (416) 392-7632; email address: [Tony.DArpino@toronto.ca](mailto:Tony.DArpino@toronto.ca)

## SIGNATURE

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Alan Shaw, Director & Deputy Chief Building Official, Toronto Building – North York District

## ATTACHMENTS

1. Letter from Owner

## Attachment 1: Letter from Owner



492 Eglinton Avenue East Ltd.  
1090 Don Mills Road, Suite 300  
Toronto, Ontario  
M3C 3R6

May 9, 2019

Mr. Tony D'Arpino  
Manager  
Toronto & East York District  
City of Toronto  
100 Queen Street West, 1<sup>st</sup> Floor  
Toronto, Ontario  
M5H 2N2

**RE: 492, 494, 496, 498 EGLINTON AVENUE EAST & 3, 5, 7 CARDIFF ROAD  
REQUEST FOR COUNCIL'S CONSIDERATION UNDER SECTION 33 OF THE PLANNING ACT FOR  
DEMOLITION OF 7 SINGLE FAMILY STRUCTURES**

Mr. D'Arpino,

492 Eglinton Avenue East Ltd. is the registered owner of 492, 494, 496, 498 Eglinton Avenue East and 3, 5, 7 Cardiff Road, Toronto, ON. Our site plan application to construct a 12-storey building over 2-levels of underground parking is progressing well. We have been working closely with our city planner to clear all outstanding site plan comments and we anticipate that a NOAC will be issued shortly. Additionally, a pre-consultation building permit application meeting was held on May 8, 2019 with City of Toronto Building to ensure a complete and thorough application was submitted. Our application to construct was successfully submitted on May 9, 2019. We will continue to work with City of Toronto staff to clear all comments relating to both site plan and the building permit applications.

The site currently contains 7 residential houses. These houses have been vacant since 2016. Despite our best efforts, the homes suffer from regular break-ins, trespassers and a pest infestation.

We are requesting that Council consider approving the demolition of the vacant structures. Demolishing the houses will aid in the acceleration of our building program which will begin in the coming months. Further, our neighbors have expressed great displeasure with the existing condition of the homes. Demolition will allow us to clean the site and erect fencing, hoarding and other security measures which will satisfy concerns put forward by our neighbors.

Please let me know if any additional information is required. Your consideration of this matter is appreciated.

Regards,

A handwritten signature in black ink, appearing to be "Rob Kansun".

Rob Kansun  
Vice President