

Residential Demolition Application - 261 Nairn Avenue

Date: June 7, 2019
To: Toronto & East York Community Council
From: Deputy Chief Building Official and Director
Wards: Ward 9 - Davenport

SUMMARY

This staff report is about a matter for which the Toronto & East York Community Council has delegated authority to make a final decision.

In accordance with the City-wide residential demolition control under the City of Toronto Municipal Code Ch. 363, Article II "Demolition Control", 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, the application for the demolition of an existing mixed use building at 261 Nairn Avenue is being referred to the Toronto & East York Community Council to refuse or grant the demolition application, including any conditions to be attached to the permit, because a building permit has not been issued for a replacement building.

RECOMMENDATIONS

Toronto Building recommends that the Toronto & East York Community Council give consideration to the demolition application for 261 Nairn Avenue, and decide to:

1. Refuse the application to demolish the mixed use building at 261 Nairn Avenue because there is no permit application to replace the building on the site; or
2. Approve the application to demolish the mixed use building without any conditions, resulting in compliance with Demolition Control By-Law No. 1009-2006, passed under authority of Section 33 of the Planning Act and resulting in the non-application of the City of York Act, 1994 (No.2) respecting the requirement for vacant lot beautification measures to be taken as a condition of the issuance of demolition permit; or
3. Approve the application to demolish mixed use building resulting in compliance with Demolition Control By-Law No. 1009-2006, passed under authority of Section 33 of the Planning Act and resulting in the non-application of the City of York Act, 1994 (No.2), respecting the requirement for vacant lot beautification measures to be taken as a condition of the issuance of demolition permit, subject to the following conditions:

- a) That construction fences 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 that the site be maintained free of garbage and weeds, in accordance with the Municipal Code Chapter 629-10, paragraph B and 629-11; and
- d) That any holes on the property are immediately backfilled with clean fill.

FINANCIAL IMPACT

There are no financial impacts.

DECISION HISTORY

The City of Toronto Municipal Code [Chapter 363, Article II “Demolition Control” Subsection D (1)] requires that the application be referred to Community Council for consideration if no building permits are issued to erect a replacement building on the property. This existing 2-storey building contains two dwelling units and a retail use.

The Parks, Forestry and Recreation Division purchased the property for the purpose of creating a new parkette. The property is located at the south-east corner of Nairn Avenue and Rogers Road, in an area with the lowest level of local parkland provision and will provide excellent utility as new parkland given its size, shape, and corner location.

COMMENTS

On May 10, 2019, an application under file #19-135558 DEM 00 DM was accepted for the demolition of an existing mixed use building, commercial on the ground floor and residential on the second floor. This proposed demolition, once complete will form the development of a parkette located at 261Nairn Avenue.

The applicant has submitted supporting documents showing City Council approved the acquisition of this property for parks purposes by way of Delegated Authority of the Deputy City Manager, Josie Scioli, on October 10, 2018. The property was purchased in December 2018. The funding for the acquisition, demolition, environmental, and base park condition development are part of the Council-approved 2018 Parks, Forestry & Recreation Capital Budget- Land Acquisition account. https://www.toronto.ca/wp-content/uploads/2018/10/971e-2018-328_261-Nairn-Ave.pdf

Toronto Building can confirm that the proposed demolition is not regulated under Chapter 667 of the Municipal Code (rental housing demolition and conversion), as the existing mixed use building does not contain 6 or more residential units.

The application for the demolition has been circulated to Heritage Preservation Services, Public Health, Urban Forestry, and the Ward Councillor. The existing building is not currently on the list of designated historical buildings.

The application for the demolition reveals that existing building contains hazardous materials. Designated substances are regulated under the Occupational Health and Safety Act (OHSA) R.S.O 1990 by O. Reg. 490/09 – Designated Substances and O. Reg. 278/05 Asbestos on Construction Projects and in Buildings and Repair Operations. A designated substances survey report, prepared by environmental consultant, was circulated to Toronto Public Health, Health Environment Group and Toronto Building for their recommendations in regard to handling the substances for the purpose of demolition as required by Section 30 of the OHSA Regulation. Recommendation has been received.

The land is not subject to Toronto and Region Conservation Authority.

The Property is located in the former City of York and subject to both 1-83 bylaw and the harmonized zoning bylaw 569-2013 bylaw. The use is permitted under both bylaws.

CONTACT

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Manager, Plan Review
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SIGNATURE

Tim Crawford
Deputy Chief Building Official and Director
Toronto & East York District

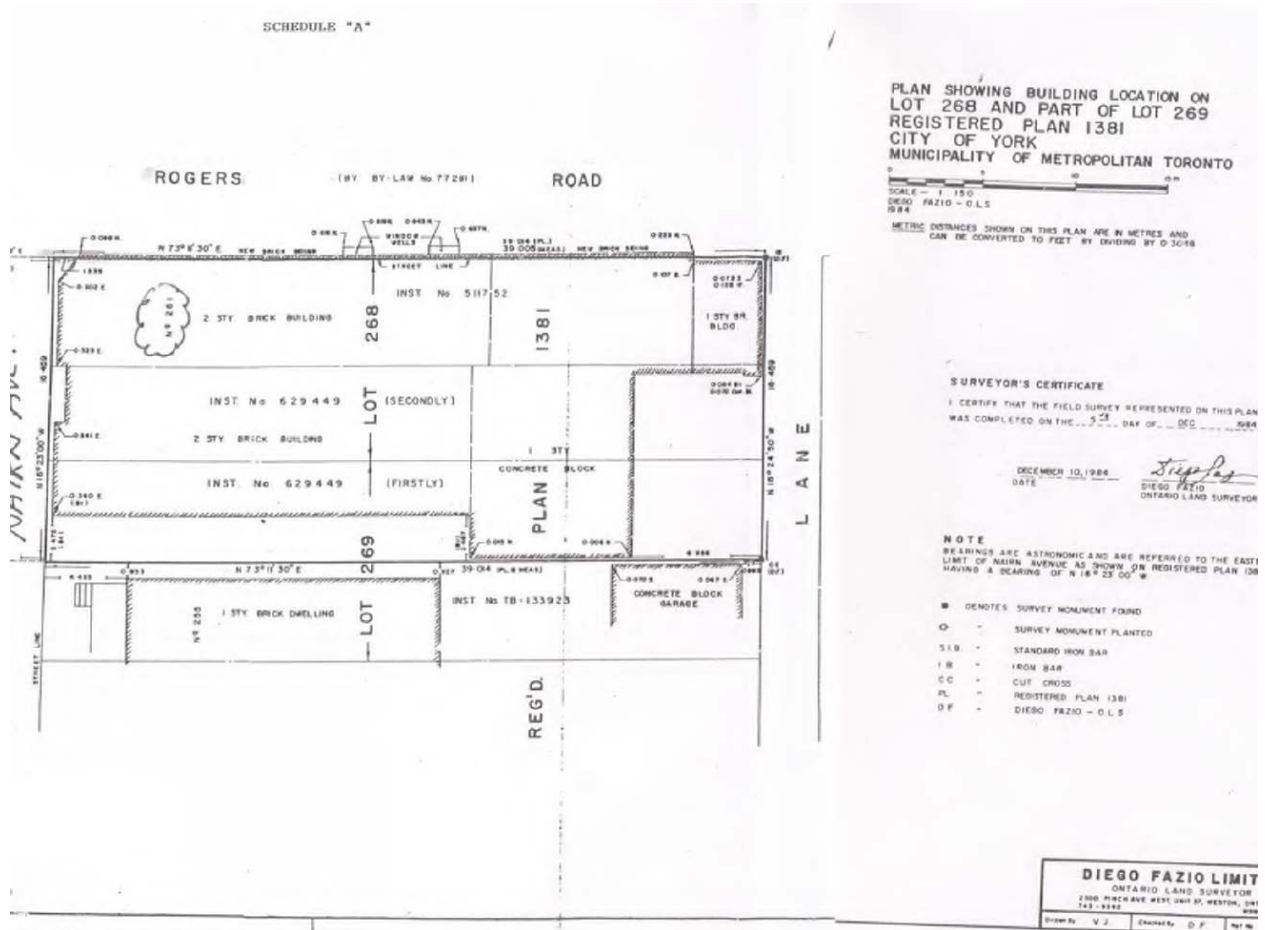
ATTACHMENT

Attachment 1: Survey and a Map for property 211-215 Rogers/261 Nairn Ave.
Attachment 2: Google Street views of the property
Attachment 3: Parks, Forestry & Recreation January 3, 2019 purchase transaction Memorandum

Attachment 4: Parks, Forestry & Recreation demolition permit application Memorandum dated February 19, 2019

Attachment 5: Delegated authority to purchase the property for the purpose of creating a parkette

Attachment 1: Survey and a Map for property 211-215 Rogers/261 Nairn Ave.



Attachment 2: Google Street views of the property



Attachment 3: Parks, Forestry & Recreation January 3, 2019 purchase transaction
Memorandum



Memorandum

Real Estate Services

Tel: 416 392-5838
Fax: 416 392-1880

BY E-MAIL ONLY

January 3, 2019

TO: Dessislava Simova
Planner, Parks & Recreation

and Alex Schuler
Acting Manager, Property Management & Lease Admin.

and Sara Baxter
Supervisor of Appeals, North York Civic Centre

FROM: Daran Somas
Acting Manager of Transaction Services

RE: 261 Nairn Avenue
PLAN 1381 LOT 268 PT LOT 269
PIN No.: 104760266
Roll No.: 19 14 041 050 011 00
Ward 9 – Davenport
Realty Tax Class: Commercial - C2

This transaction was completed on December 14, 2018. The property is a Two Story Building with Commercial Space on the Main Floor and Residential Space on the Second Floor, building to be demolished. The property is approximately 617.06 sqm (6,642 sqft).

Parks, Forestry & Recreation will be responsible for all costs associated with the maintenance of the property.

By copy of this memo, Sara would you please initiate the process to qualify this property for tax exemption.

If you have any questions regarding the attached please contact Allan Mak at (416) 392-8159.

A handwritten signature in black ink, appearing to read "Daran Somas", written over a horizontal line.

Daran Somas
Acting Manager, Transaction Services



Memorandum

Parks, Forestry & Recreation
Janie Romoff, General Manager

Parks Development & Capital Projects
Planning, Design & Development
24th Floor, Metro Hall
Toronto, ON M5V 3C6

Jennifer Kowalski
Project Manager
T: (416) 392-0356
F: (416) 392-3355
e: jennifer.kowalski@toronto.ca

February 19, 2019

To: Dave Nosella
Project Manager, Capital Projects
Parks Development and Capital Projects
Parks, Forestry and Recreation

Re: **Demolition of 261 Nairn Avenue for Park Development**
Ward 9 – Davenport

Dear Mr Nosella,

This memo requests Parks, Forestry & Recreation – Capital Projects to apply for a demolition permit to demolish existing two-storey mixed use building located at 261 Nairn Avenue in order for the property to be developed as parkland.

City Council approved the acquisition of this property for parks purposes by way of Delegated Authority of the Deputy City Manager, Josie Scioli, on October 10, 2018. The property was purchased in December 2018. The funding for the acquisition, demolition, environmental, and base park condition development are part of the Council-approved 2018 Parks, Forestry & Recreation Capital Budget – Land Acquisition account.

https://www.toronto.ca/wp-content/uploads/2018/10/971e-2018-328_261-Nairn-Ave.pdf

A Phase 1 Environmental Site Assessment (ESA) was completed in November 2018 and potential environmental concerns were not identified. A Designated Substance Survey (DSS) was completed in January 2019. The DSS has identified asbestos-containing building materials (vinyl floor tile and plaster), which must be abated prior to demolition. Copies of all environmental reports are attached.

Please contact me at (416) 392 - 0356 or jennifer.kowalski@toronto.ca if you require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Kowalski", with a long horizontal flourish extending to the right.

Jennifer Kowalski

Attachment 5: Delegated authority to purchase the property for the purpose of creating a parkette



DELEGATED APPROVAL FORM
CITY MANAGER
DEPUTY CITY MANAGER, INTERNAL CORPORATE SERVICES

1 of 5

TRACKING NO.: 2018-328

With Confidential Attachment

Approved pursuant to the Delegated Authority contained in Item EX27.12, as adopted by City Council on October 2, 3 & 4, 2017, as amended by Item GM27.12, adopted by City Council on May 22, 23 & 24, 2018 or, where applicable, in Item EX28.8, as adopted by City Council on November 7, 8 & 9, 2017

Prepared By:	Allan Mak	Division:	Real Estate Services
Date Prepared:	October 1, 2018	Phone No.:	416-392-8159

Purpose	To obtain authority to enter into an agreement to purchase (the "Agreement") the property located at 261 Nairn Avenue from Antonio, Giuseppina, Peter, and Dora Borsellino (the "Vendor") for the purpose of creating a parkette.
Property	The property known municipally as 261 Nairn Avenue situated at the southeast corner of Rogers Road and Nairn Avenue. The property is west of Rogers Road and Dufferin Street. The subject property, being part of PIN 10476-0266 (LT) is shown on Location Map, attached hereto as Appendix "B" (the "Property").
Actions	<ol style="list-style-type: none"> 1. Authority be granted to execute the Agreement to acquire the Property on the terms and conditions outlined below, and on such other or amended terms and conditions as may be satisfactory to the Deputy City Manager, Internal Corporate Services, and in a form acceptable to the City Solicitor. 2. The Deputy City Manager, Internal Corporate Services, or their designate shall administer and manage the Agreement including the provision of any amendments, consents, approvals, waivers, notices, and notices of termination provided that the Deputy City Manager, Internal Corporate Services, at any time, may refer consideration of such matter to City Council for its determination and direction. 3. The City Solicitor be authorized to complete the transaction on behalf of the City, including payment of any necessary expenses and amending and waiving terms and conditions of the Agreement including amending any dates, on such terms as the City Solicitor considers reasonable. 4. The Director of Real Estate be authorized to execute any and all documents required by the transaction and the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto. 5. Authority be granted for the public release of the confidential information contained in Confidential Attachment 1 upon completion of the City's acquisition of the property.
Financial Impact	<ol style="list-style-type: none"> 1. The approximate costs incurred by the City in connection with this transaction is provided in Confidential Attachment 1 to this DAF. 2. Funding is available in the 2018 Council Approved Capital Budget for Parks, Forestry & Recreation under account CPR115-47-01. <p>The Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	The Parks, Forestry and Recreation Division recommends purchasing the property for the purpose of creating a new park. The property is located in an area with the lowest level of local parkland provision and it can provide excellent utility as new parkland given its size, shape, and corner location.
Terms	See Appendix "A" for Terms

Property Details	Ward:	Ward 17 – Davenport
	Assessment Roll No.:	19 14 041 050 011 00
	Approximate Size:	
	Approximate Area:	617.06 m ² (6,642 ft ²)
	Other Information:	

Revised May 28, 2018