

MM27.12.7

From Charlotte Sheasby-Coleman

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Etobicoke, Ontario
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December 15, 2020

To Toronto City Council
12th Floor, West Tower, City Hall
100 Queen Street West
Toronto, Ontario
M5H 2N2

Attention: Marilyn Toft

Item 2020.MM27.12 for City of Toronto Council Meeting on December 16, 2020 - Planning Application Screening and the Heritage Review Process (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.MM27.12>)

As a long-time resident of Mimico and a member of this community who fought passionately to delay the demolition of 98 Superior, I am grateful that a motion has been put forward by Councillor Mark Grimes and seconded by Mayor John Tory stating, in part that:

City Council request the Chief Planner and Executive Director, City Planning to conduct a review of heritage screening and evaluation within the context of all planning applications to ensure the early identification of properties with cultural heritage value or interest and timely interim protection while a property is undergoing consideration for heritage designation.

I sincerely hope that all members of Council will do the right thing and that this motion will be passed unanimously.

For eight hours on Saturday, November 28th, I sat on the front porch at 98 Superior in front of a bulldozer (that was driven to within two feet of my person) and, along with many other community members, requested the attendance of a bylaw officer (requests were also made by attending police officers), a building inspector and an urban forestry representative to enforce a stop order on the demolition based on the owner's failure to meet various conditions of his demolition permit. We also requested that a representative of Councillor Grimes office attend. I again made these requests by email not once, but twice, to Mayor Tory and Councillor Grimes and others in advance of the demolition that we knew would take place at 6:00 in the morning on Monday, November 30th.

While a representative of Urban Forestry did attend the site on Saturday and acknowledged non-compliance, he stated that he was unable to issue a stop work order since the bulldozer was not in motion at the time.

In the upside down and inexplicable world of 98 Superior, on Monday, Nov 30, 2020 after the demolition had taken place, a Stop Work Order and Contravention Inspection Form were issued by Urban Forestry to the Contractor and Agent on site. And (as of yesterday, Tuesday, December 15th), more than two weeks after I and numerous members of the community were forced to stand alone in the dark and watch this completely preventable tragedy, on an unsafe and no-compliant work site, unfold, the equipment has not returned, the rubble remains and conditions of the demolition permit remain unsatisfied.

Myself and others are filing Freedom of Information requests and will also be making more detailed submissions to Council and the Province about irregularities and deficiencies that must be addressed, and I sincerely hope that all members of Council will recognize that there is much more that needs to be done at the municipal and provincial levels to ensure that our communities, heritage properties, and urban forests, are safeguarded from ill-advised and unscrupulous development. Sandra Shaul's letter of today's date also highlights the urgent need to address matters relating to the building code and *loopholes* that exist within and between city bylaws and provincial regulations.

For now, I would ask that three important matters be taken into serious consideration by Council and be addressed moving forward:

- Firstly, if construction and demolition are to be allowed on weekends and before and after regular business hours, then bylaw officers, building inspectors and representatives of other departments must be available to respond, in person and on site, to citizen concerns;
- Secondly, that exact dates and times for proposed demolitions must be filed with the City and that inspections to ensure compliance and safety must taken place prior to demolitions moving forward (I have spoken to Artur Gaj, the inspector assigned to the demolition of 98 Superior who explained to me that the inspection of a demolition site to ensure fencing, etc. is in order currently takes place post-demolition);
- Thirdly, if a developer is to change their proposed plans to obtain a demolition permit, then any deferred plans at the Committee of Adjustment must be removed from the table. To allow a developer to demolish a property based on revised plans and then reapply to have their earlier plans approved is not a loophole but a licence from the City to lie.

Myself and others will continue to advocate for much needed change regarding planning, building and heritage and we will also advocate for justice for 98 Superior in that sanctions and

finances be imposed as appropriate, and that the owners be held to the building plans that enabled the demolition.

Sincerely,

Charlotte Sheasby-Coleman

A black rectangular redaction box covering the signature of Charlotte Sheasby-Coleman.

I have attached as an Appendix to this letter, two emails and an attached document that were sent to Mayor Tory, Councillor Grimes, and MPP Hogarth in advance of the demolition.

I also have a series of emails between myself and Councillor Grimes and others between November 27th and December 8th that I would be happy to share with any interested Councillors.

Appendix

November 29, 2020

Without Prejudice

A Brief Summary of Some of the Reasons that the Proposed Demolition of the Potential Heritage Property at 98 Superior Avenue in Mimico (the Property) on November 30th Should Not Be Allowed to Proceed

Background Relating to Request for Consideration of Heritage Status of 98 Superior

The *Report for Action* (EY20.4) from the Senior Manager, Heritage Planning submitted for consideration to the Toronto Preservation Board and the Etobicoke York Community Council is dated November 9, 2020 (<https://www.toronto.ca/legdocs/mmis/2020/ey/bgrd/backgroundfile-158459.pdf>). In tandem with the Agenda Item (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.PB19.4#>), it is stated that this matter will be considered by the Preservation Board on November 30th. Mark Grimes issued a public statement (also shared with me by his Special Assistant, Community & Stakeholder Relations in an email on November 28th) which states that “Following consideration by the Toronto Preservation Board, City Council makes the decision on the final approval, and Council doesn't meet again until December 16th.”

For some reason, that remains inexplicable (at least to me), on November 25th, a Building (aka Demolition) Permit (20 213877 DEM 00 DM) was issued by William M. Johnston (Chief Building Officer and Executive Director) and Sandra Burrows (Deputy Chief Building Official and Director) to the Applicant. There was no public notice or signage on the property to let the wider neighbouring community know that this permission had been granted. Nor was that information shared on the Application website.

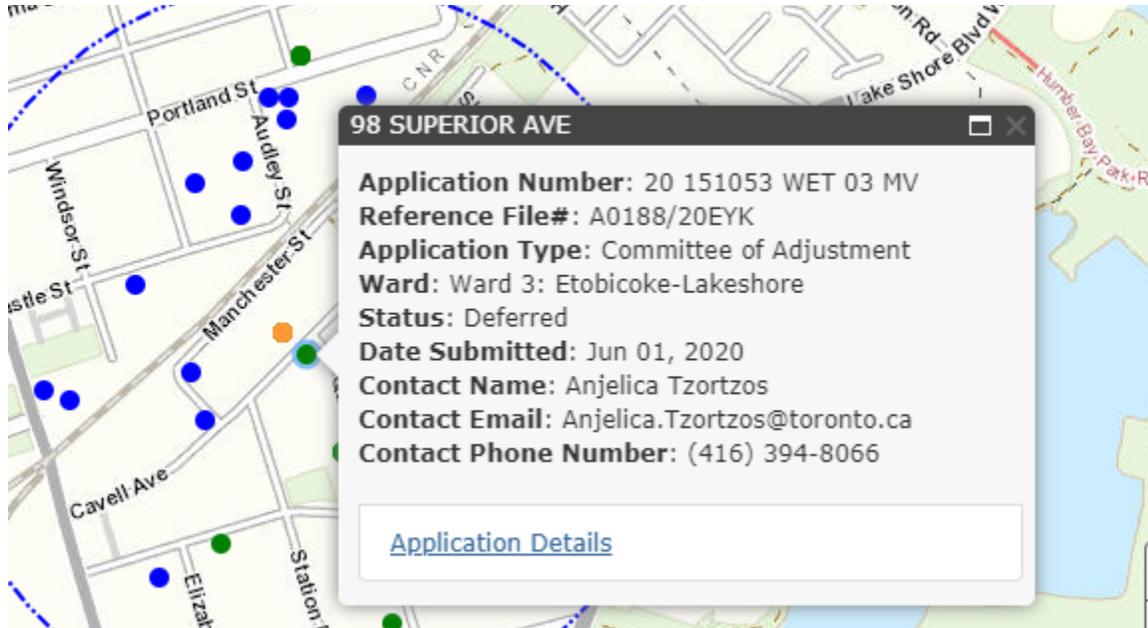
On Friday, November 27th, fencing appeared, although there was still no signage relating to demolition, a tree protection plan or anything else that might inform the public as to what was happening (or that it would be happening according to permits, codes and safety). In fact, the Demolition Permit (which states on its face that “This card must be kept posted in a conspicuous place on site of construction”) was not even produced until mid-day on November 28th upon the request by police officers after the issue was raised by attending neighbourhood residents. No tree protection barriers, no visible evidence of facilities for the workers (already onsite on November 28th) (<https://www.ontario.ca/laws/regulation/910213>) and, in fact, no other indication that demolition was imminent was visible to the neighbouring community in advance.

COA Development Application Folder

In the Committee of Adjustment Application Folder for 98 Superior (<http://app.toronto.ca/AIC/index.do> (98 Superior), there are only 17 documents. These documents are all dated between June 1st and August 11th, 2020 and include the Application, the Urban Forestry Documents opposing the Application and Councillor Grimes letter dated August 5th, along with the Heritage Staff Report requesting a 6 month deferral “to research and evaluate the property for possible inclusion on the City's Heritage Register. “

This report is dated July 30, 2020 which, if respected, should have allowed a deferral until January 30, 2021 which would have clearly allowed the above-referenced November 30th Preservation Board meeting on November 30th and the EYC Council meeting on December 16th to take place prior to any approval of demolition.

As at this evening at 9:00 pm (November 29, 2020), the Application relating to 98 Superior continues to show that the Status is “Deferred”. There is also no “Notice of Decision” in the file which is a standard component of the Development Application as per Section 45 of the *Planning Act*.



These two omissions mean that any member of the public looking into the status of this Application, up until this evening (the night before the planned demolition), would have been unable to ascertain that the variance had, in fact, been approved and that a Demolition Permit had been granted. Clearly this illustrates an astonishing lack of oversight and a failure as to appropriate public disclosure.

Building Permit Status Folder

I only became aware of this folder when it was linked to a news report on November 28th. The Demolition Folder (the contents of which are not available) relating to the permit being granted on November 25th, 2020 cites a “Proposal to demolish existing single family dwelling and construct a 2 unit dwelling.”

<http://app.toronto.ca/ApplicationStatus/setup.do?action=init>

The “Building Permit Status – Application Details (Plumbing, Mechanical, Drain and Site)” within this folder also state that it is a 2 unit build.

However, the owner has clearly stated that he intends to construct a triplex.

These errors evidence irregularities within the building/demolition permit and again, a failure as to clear public disclosure.

Concerns Relating to Asbestos

On Saturday, while we attended at the property, workers inside the interior of the house were seen, via the upstairs window, in suits associated with asbestos removal and they were then observed removing bags from the house. There are understandable concerns as to whether or not the extensive and strict protocols associated with O. Reg. 278/05: DESIGNATED SUBSTANCE - ASBESTOS ON CONSTRUCTION PROJECTS AND IN BUILDINGS AND REPAIR OPERATIONS under *Occupational Health and Safety Act, R.S.O. 1990, c. O.1* (<https://www.ontario.ca/laws/regulation/050278>) were followed and whether or not an inspection by the appropriate authority (Building Inspector, Ministry of Labour, Ministry of the Environment) has been performed and showing that all asbestos has been safely removed and properly disposed of before demolition can even be contemplated. My understanding is that the upstairs windows of the home were also open today.

Tree Protection

On Saturday when the bulldozer was delivered to the property, no attempt whatsoever had been made to comply with the *Tree Protection Policy* (TPP) (<https://www.toronto.ca/data/parks/pdf/trees/tree-protection-specs.pdf>) which states in part:

Prior to commencing with any demolition or construction activity it is important that an arborist determines the location, species, size and condition of trees on the property and surrounding properties and becomes familiar with the tree protection by-laws that could impact the proposal.

....

Tree protection barriers shall be installed to standards as detailed in this document and to the satisfaction of Urban Forestry

- Tree protection barriers must be installed using plywood clad hoarding (minimum 19mm or ¾" thick) or an equivalent approved by Urban Forestry
- Where required, signs as specified in Section 4, Tree Protection Signage must be attached to all sides of the barrier
- Prior to the commencement of any site activity such as site alteration, demolition or construction, the tree protection measures specified on this plan must be installed to the satisfaction of Urban Forestry
- Once all tree/site protection measures have been installed, Urban Forestry staff must be contacted to arrange for an inspection of the site and approval of the tree/site protection requirements. Photographs that clearly show the installed tree/site protection shall be provided for Urban Forestry review

No construction activities including grade changes, surface treatments or excavation of any kind are permitted within the area identified on the Tree Protection Plan or Site Plan as a

minimum tree protection zone (TPZ). No root cutting is permitted. No storage of materials or fill is permitted within the TPZ. No movement or storage of vehicles or equipment is permitted within the TPZ. The area(s) identified as a TPZ must be protected and remain undisturbed at all times

It was only upon our urgent questioning of the building supervisor as to how they could be contemplating demolition and bringing in large equipment without any tree protection plan in place, approved and posted, that some "fencing" was haphazardly erected around the two City trees in the front yard. Nothing was done relating to very large protected tree in the backyard.

While requests for a By-law Officer to attend by residents and the police were ignored (at least until 3:00 pm), we were grateful that a request for attendance by Urban Forestry was answered in the afternoon and Yaroslaw Medwidsky of that department attended. He climbed over the makeshift fencing to confirm that the so-called protection put in place in no way met standards (materials, parametres, etc.) and that the bulldozer itself was within the protection zone. **He said that if the bulldozer was started, he could issue a stop work order.**

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.PB19.4#>

Other Concerns

The *Pre-Demolition Notes* on the Permit state, in part, that the following measures will be taken:

Implement measures necessary for the protection of adjoining structures from damages that may result from demolition.

1. Disconnect and cap all services to the building....
2. Remove all designated substances and hazardous substances and materials in accordance with applicable legislation and guidelines.

....

5. Mitigate /suppress dust migration as outlined in accordance with the Healthy Environment's requirement.

....

Portable extinguishers 8.1.2.8(1) shall be provided.

For the sake of our community, most especially the nearby neighbours, we would like assurance that a comprehensive inspection be conducted, and its results assured, before any demolition is even contemplated.

(Please note that this submission is written on behalf of the wider concerned community but that I take full ownership for its contents. – Charlotte Sheasby-Coleman)

