

## **Request to demolish the Residential Building - 162 Bathurst St.**

**Date:** January 14, 2019  
**To:** Toronto and East York Community Council  
**From:** Director and Deputy Chief Building Official, Toronto Building  
**Wards:** Ward 10 Spadina-Fort York

### **SUMMARY**

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

In accordance with Section 33 of the Planning Act and the City of Toronto Municipal Code, Ch. 363, Article 6 "Demolition Control," the application for the demolition of an existing 2 story semi-detached house at 162 Bathurst Street (Application No. 19-247087 DEM) is being referred to the Toronto and East York Community Council for consideration to refuse or grant the application, including any conditions, if any, to be attached to the permit application because a building permit has not been issued for a replacement building.

### **RECOMMENDATIONS**

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The Director and Deputy Chief Building Official, Toronto Building, Toronto and East York District recommends that the Toronto and East York Community Council give consideration to the demolition application for 162 Bathurst Street, and decide to:

1. Refuse the application to demolish the vacant residential building because there is no permit application to replace the building on the site; or
2. Approve the application to demolish the vacant residential building without any conditions; or
3. Approve the application to demolish the vacant residential building with the following conditions:

- a) That construction fences be erected in accordance with the provisions of the Municipal Code, Chapter 363, Article 7, 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 backfilled with clean fill.

## **FINANCIAL IMPACT**

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There are no financial impacts.

## **DECISION HISTORY**

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There is no history for this property.

## **COMMENTS**

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On November 08, 2019, the agent, acting for the owner of the property, submitted an application for the demolition of an existing vacant semi-detached house at 162 Bathurst St. (Survey attached). The agent also submitted an application for the demolition of the other half of this semi-detached house at 160 Bathurst St. A building permit for the replacement building has not been issued for neither of these addresses.

A fire occurred on March 4, 2019, at 160 and 162 Bathurst Street. This incident caused damages to the roofs of the buildings. Orders to Remedy Unsafe Building was issued on March 6, 2019 by the City of Toronto for both 160 and 162 Bathurst Street (19-121607 FDA 00 VI and 19-122217 FDA 00 VI-orders are attached to this report).

-30- Forensic Engineering was retained to assess the damage and to provide necessary recommendations to make the situation safe. (Reports are attached). Following this report both buildings were secured and fenced as per the engineers recommendations. On August 27, 2019, -30- Forensic Engineering confirmed that both buildings have been secured and the unsafe conditions have been addressed and controlled as best as possible at this time and also recommended that the buildings be demolished (Report is attached). Therefore the Orders to remedy were satisfied and closed by the City of Toronto on August 29, 2019.

On January 8, 2020 Toronto Building received a letter from Milosevic Fiske LLP, on behalf of the owners requesting the permission to demolish both semi-detached houses

at 160 & 162 Bathurst Street in the absence of a replacement building permit. (Letter is attached as attachment #3)

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

The land is not within a Toronto and Region Conservation Authority regulated area.

## **CONTACT**

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Sam Sarkhosh, Acting Plan Review Manager, Toronto Building - Toronto and East York District; Tel.: (416) 392-7576; email address: [sam.sarkhosh@toronto.ca](mailto:sam.sarkhosh@toronto.ca)

## **SIGNATURE**

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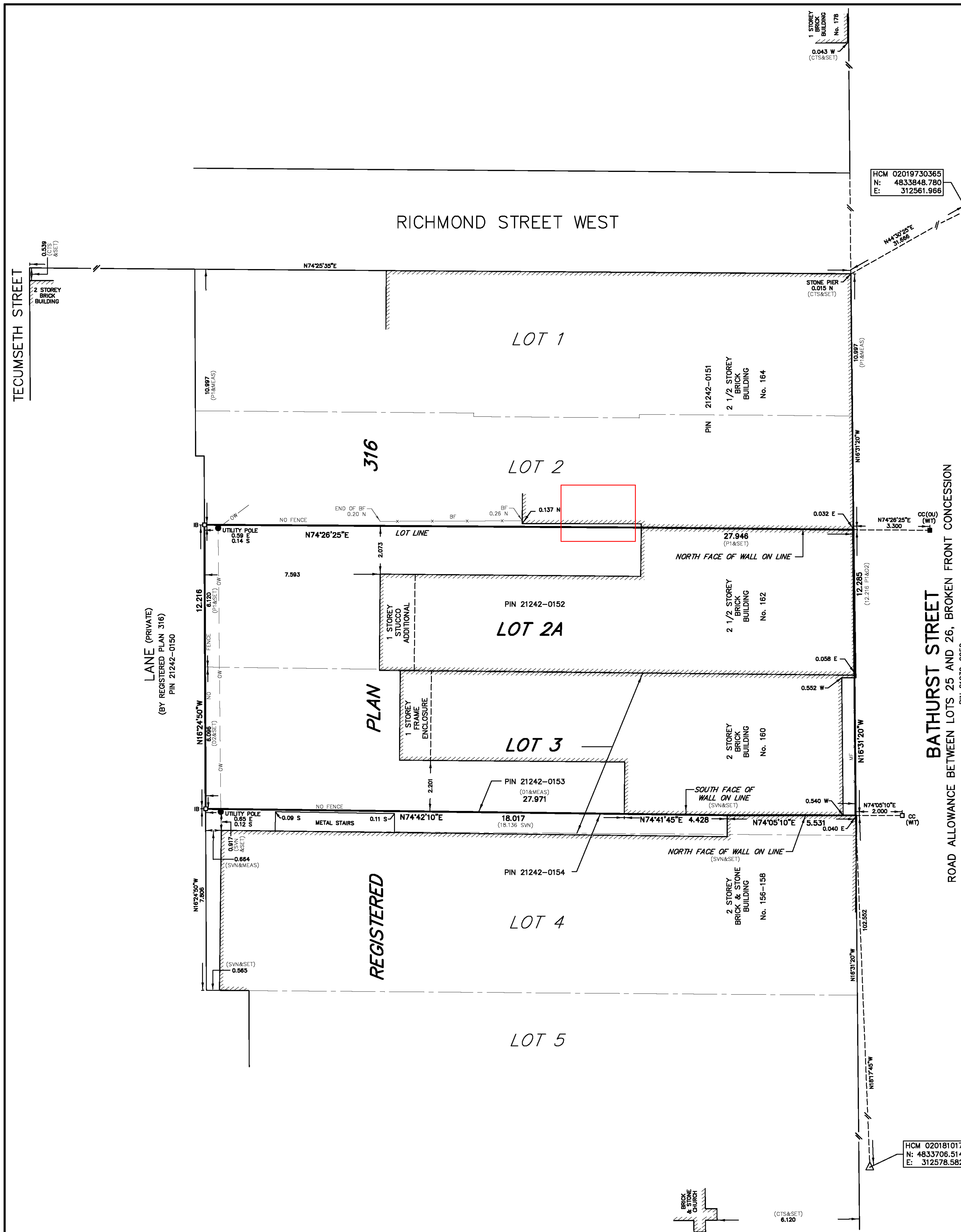
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Kamal Gogna  
Director & Deputy Chief Building Official, Toronto Building  
Toronto and East York District

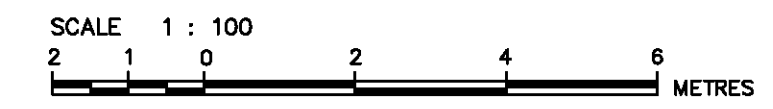
## **ATTACHMENT**

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Attachment 1: Survey  
Attachment 2: Orders to Remedy Unsafe Building  
Attachment 3: Fire damage report by -30- Forensic Engineering  
Attachment 4: Roof structural assessment report by -30- Forensic Engineering  
Attachment 5: Letter of compliance report by -30- Forensic Engineering  
Attachment 6: Letter from Milosevic Fiske LLP



**SURVEYOR'S REAL PROPERTY REPORT  
PART 1 – PLAN OF SURVEY OF  
LOT 2A AND PART OF LOT 3  
REGISTERED PLAN 316  
CITY OF TORONTO**



HOLDING JONES VANDERVEEN INC.  
ONTARIO LAND SURVEYORS  
© COPYRIGHT

**PART 2 – REPORT**

**TITLE**  
THIS PLAN COMPRISES ALL OF PINS 21242-0152 AND 21242-0153.

**REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY**  
NONE

**OCCUPATION NOTES**  
BUILDING No. 162 BATHURST STREET LIES PARTIALLY EAST OF THE EAST LIMIT AS SHOWN ON THE PLAN.  
SEE FENCES AS SHOWN ON THE PLAN.  
SEE UTILITY POLES AND OVERHEAD WIRE AS SHOWN ON THE PLAN.

**COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS**  
NOT CERTIFIED BY THIS REPORT

**NOTES**

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT SET
CC	DENOTES	CUT CROSS
IB	DENOTES	IRON BAR
WT	DENOTES	WITNESS
BF	DENOTES	BOARD FENCE
CTS	DENOTES	CITY OF TORONTO SURVEY DEPARTMENT
HCM	DENOTES	HORIZONTAL CONTROL MONUMENT
MF	DENOTES	METAL FENCE
OU	DENOTES	ORIGIN UNKNOWN
OW	DENOTES	OVERHEAD WIRE
SVN	DENOTES	SPEIGHT & VAN NOSTRAND LIMITED, O.L.S.
N	DENOTES	NORTH
S	DENOTES	SOUTH
E	DENOTES	EAST
W	DENOTES	WEST
P1	DENOTES	REGISTERED PLAN 316
D1	DENOTES	INSTRUMENT CA686416
D2	DENOTES	INSTRUMENT CA141007

**BEARING, DISTANCE AND CO-ORDINATE NOTES**

BEARINGS AND CO-ORDINATES ARE GRID AND ARE DERIVED FROM SPECIFIED CONTROL POINTS No. 020181017 AND No. 02019730365 AND ARE REFERRED TO THE 3<sup>rd</sup> MODIFIED TRANSVERSE MERCATOR GRID PROJECTION, ZONE 10, CENTRAL MERIDIAN 79°30'W LONGITUDE, NAD 83 (ORIGINAL).  
CO-ORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O. REG. 216/10.  
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99988631.  
CO-ORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.  
DISTANCES AND CO-ORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON NOVEMBER 05, 2019.

NOVEMBER 05, 2019  
DATE

THOMAS R. REED  
ONTARIO LAND SURVEYOR

ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM  
**2074146**

THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR.  
IN ACCORDANCE WITH REGULATION 1006, SECTION 9(5.3)

THIS SURVEYOR'S REAL PROPERTY REPORT WAS PREPARED FOR:  
ALLIANCE COMMERCIAL CONSTRUCTION.

**HOLDING JONES VANDERVEEN INC.**  
ONTARIO LAND SURVEYORS  
1700 LANGSTAFF ROAD, SUITE 1002  
VAUGHAN, ON L4K 3S3  
PHONE: 905-660-4000, 416-445-3800 EMAIL: hjv@hjv-ols.ca

SCALE: 1:100 DRAWN BY: J.Y. CHKD. BY: S.K. JOB NO: 19-2788 - SRPR



100 Queen Street West  
 Toronto, ON M5H 2N2  
 BCIN: 17523

# Order to Remedy Unsafe Building

Pursuant to Subsection 15.9(4) of the *Building Code Act, 1992*

**Order Number:** 19 121607 FDA 00 VI

**Date Order issued:** March 04, 2019

**Address to which Order applies:**

**Application/Permit Number:**

160 BATHURST ST

N/A

**Order issued to:**

RINA ACCAPUTO  
 843 LOGAN AVE  
 TORONTO, ON M4K 3E2  
 CAN

An inspection on or about Mar 4, 2019 at the above referenced address found the building to be in an unsafe condition as defined in Sentence 15.9 (2) of the Building Code Act, 1992.

You are hereby ordered to take the required actions itemized below immediately, or by the dates listed below.

Item	Reference	Description and location	Required action and compliance date
1	15.9(4)	Due to a recent fire in the building, extensive damage to the building Structure has been caused, thereby, creating an Unsafe Condition.	1) You are required to retain the services of a Professional Engineer to assess and evaluate the Structural Integrity of the building. 2) Provide Toronto Building with a report from the Structural Engineer, indicating the damage and also the remedial steps to be taken to remedy any Unsafe Conditions. 3) Remedial works must be taken up immediately under the Supervision of the Professional Engineer to remedy any Unsafe Conditions. 4) A building permit shall be obtained for the permanent repairs.

**Order issued by:**

Signature *Surindera Gupta* BCIN 20329 Telephone 416-338-0700  
 Name Surindera Gupta, Building Specialist Facsimile 416-696-4151  
 Address Toronto Building Division, 95 The Esplanade Ground Floor Toronto, ON M5E 2A2

**Note:**

- The Signature above is the unique electronic signature of Surindera Gupta, it can only be added by Surindera Gupta and was produced after Surindera Gupta electronically authenticated this document.
- It is illegal to obstruct the visibility of a posted Order. It is also illegal to remove a posted Order unless authorized by an inspector or Registered Code Agency. [Building Code Act, 1992 s. 20]
- An Order may be appealed to the Superior Court of Justice. [Building Code Act, 1992 s. 25]. It may also be appealed to the Building Code Commission concerning the sufficiency of compliance with the technical requirements of the Building Code. [Building Code Act, 1992 s. 24]
- Failure to comply with this Order is an offence which could result in a fine. [Building Code Act, 1992 s.36]

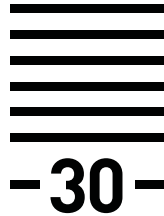


100 Queen Street West  
Toronto, ON M5H 2N2  
BCIN: 17523

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## Order to Remedy Unsafe Building

Pursuant to Subsection 15.9(4) of the *Building Code Act, 1992*



**-30- Forensic Engineering**  
40 University Avenue  
Suite 800  
Toronto, ON  
M5J 1T1

Office 416-368-1700  
30fe.com

Mr. Christopher Davies  
Charles Taylor Adjusting  
360 Bay Street, Suite 700  
Toronto, ON  
M5H 2V6

April 3, 2019

Dear Mr. Davies:

**Re: Fire Damage Assessment**

Location: 160-162 Bathurst Street, Toronto, ON  
Insured: Corrado Accaputo  
Your File: AM007933/ Can-Sure file number 43929  
Our File: 190274TGP  
Incident Date: March 4, 2019

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**1.0 BACKGROUND**

We were contacted by Mr. Christopher Davies of Charles Taylor Adjusting regarding a fire that occurred on March 4, 2019, at 160-162 Bathurst Street in Toronto, Ontario (the 'subject building'). This incident caused damage to the roof and floor structures, exterior wall assemblies, and interior finishes of the subject building. As a result, the City of Toronto issued an "Order to Remedy Unsafe Building" for both 160 and 162 Bathurst Street. We were asked to assess the fire damage, provide our repair recommendations, and recommendations to temporarily remediate the unsafe conditions.

This report is based on our site examination, the reported information, and an independent engineering analysis. This report is a summary<sup>1</sup> overview of the circumstances surrounding this loss and should not be considered a complete technical document. Should you require a more detailed report, one can be prepared.

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<sup>1</sup> This report has been kept brief as requested and may not conform to ASTM International E620-18 Standard Practice for Reporting Opinions of Scientific or Technical Experts or Rule 53.03(2.1) of the Ontario Rules of Civil Procedure. Should litigation be contemplated, we recommend a full report be commissioned.





## 2.0 SITE EXAMINATION

Mr. Thomas Pepper, C.F.E.I., P.Eng., and Ms. Claire Miller, B.E.Sc., E.I.T., both of 30 Forensic Engineering, attended the site of the incident loss on March 7, 2019, to assess the fire-related damage to the building.

The subject building, located at 160-162 Bathurst Street, was a mixed-use building, with a barber shop located on the ground level of 162 Bathurst Street, and residential units throughout the remainder of the building. The building was a balloon-framed<sup>2</sup> wood structure clad with brick veneer. The roofs were covered with asphalt shingles.

At the rear of the building there was a steel fire escape leading from the third-storey level of 162 Bathurst Street to grade. For the purpose of this report, we have described the building as facing east towards Bathurst Street (Figure 1).



Figure 1: View of east elevation of subject building

<sup>2</sup> Balloon framing is a method of wood construction that uses continuous studs that run from the sill plate at foundation level to the top plate at roof level, with intermediate floor structures nailed to them.





## 2.1 Exterior Observations

At the time of our site visit, we observed that plywood had been installed over the doors and windows, and a metal fence had been installed to secure access to the site. From the exterior of the building, we observed that the roof of 160 Bathurst Street had partially collapsed (Figure 2).



**Figure 2: View of west elevation of subject building showing collapsed roof at 160 Bathurst Street**

The roof soffit at 160 Bathurst Street and the soffit and fascia on the barber shop facade of 162 Bathurst Street were charred and blackened as a result of smoke and soot contamination (Figure 3 to Figure 4).



Figure 3: View of east elevation of 160 Bathurst Street showing blackened roof soffit



Figure 4: View of east elevation of 162 Bathurst Street showing fire damaged soffit and fascia





The masonry facade at the front of the building between 160 and 162 Bathurst Street was cracked, and it appeared that some of the bricks were loose. (Figure 5).



**Figure 5: View of subject building showing cracked facade with loose masonry bricks**



## 2.2 Interior Observations of 160 Bathurst Street

Within the basement, we observed extensive charring on a total of nine ground floor joists within the southeast bedroom, as well as on three joists within the adjacent room. The ground floor wood decking was also extensively charred in these areas (Figure 6).



**Figure 6: View of ground floor framing in southeast bedroom showing extensive fire damage and charring to wood decking and wood joists**





Along the east end of the south wall of the basement, the wall framing was heavily charred, and portions of the wood studs had been completely consumed by the fire (Figure 7).



**Figure 7: View of east end of south wall in basement showing charred wood studs and wall framing**



We could not physically access the southeast bedroom on the main level due to the condition of the floor structure observed from the basement level. However, based on our visual review, there was extensive charring on at least three second level support joists (Figure 8). The remainder of the ceiling finishes were intact and concealed the remaining second level joists.



**Figure 8: View of charring on second level joists above southeast ground level bedroom**





The main level loadbearing wall running midspan along the length of the structure was extensively fire damaged at its east end. At least five wall studs were heavily burnt and partially consumed by the fire (Figure 9). The east end of the north wall was also severely fire damaged, and six wall studs had been consumed by the fire (Figure 10).



**Figure 9: View of fire damaged studs in loadbearing wall on ground level**



Figure 10: View of fire damaged studs in north wall on ground level





Due to the structural concerns of the floor framing, we were unable to physically access the southeast room at the second level. However, visually, the room sustained extensive smoke and soot damage (Figure 11).



**Figure 11: View of southeast room at second level showing extensive smoke and soot damage**



### 2.3 Interior Observations of 162 Bathurst Street

From the main level, we observed that the northeast corner of the floor framing on the second level had collapsed and a total of ten joists, and the wood decking, were charred as a result of the fire (Figure 12).



Figure 12: View of collapsed portion of second floor level in northeast corner





At the second level, the wood studs at the east end of the south wall that separated this residential unit from the adjoining unit, were heavily charred, and portions of the studs had been consumed by the fire (Figure 13).



**Figure 13: View of south party wall at second level showing fire damaged wood studs**



The third floor level joists above the second level kitchen were extensively charred (Figure 14).



**Figure 14: View of charred floor joists above second level kitchen**





Within the northeast bedroom of the third level, the north wall framing had been consumed by the fire, and the masonry wall of the neighbouring building was blackened with soot (Figure 15).



**Figure 15: View of north wall at second level showing burnt wood studs and blackened neighbouring masonry wall**



The roof rafters and sheathing had also sustained extensive charring and the ridge board had been partially consumed by the fire (Figure 16).



**Figure 16: View of roof structure showing burnt rafters and partially consumed ridge board**





The south wall structure of the third level had been entirely consumed by the fire, and the framing members along the east wall were heavily charred (Figure 17).



**Figure 17: View of southeast corner of third level showing fire damaged framing members**

The remaining interior finishes and the exposed wood framing members sustained extensive smoke and soot damage throughout the entire structure.



### 3.0 DISCUSSION AND CONCLUSIONS

Based on our site observations, the subject building sustained fire damage that resulted in the building becoming structurally unsound. In order to remediate the unsafe conditions, we recommend the following actions.

#### 3.1 160 Bathurst Street

The north portion of the structure has become structurally unsound since much of the structural framing was damaged by the fire, and the roof structure has collapsed. Due to the extent of fire damage, we recommend that the complete structure be demolished.

#### 3.2 162 Bathurst Street

Based on our observations at the time of our site visit, it is possible for this structure to be salvaged. However, extensive temporary shoring will need to be installed at multiple locations throughout the structure to reinstate it and to remediate the unsafe conditions. Demolition of select areas will be required including the third level walls and roof structure, as well as the portion of collapsed second floor framing. Once the structure is shored and is deemed to be structurally sound, all fire damaged components will need to be removed and replaced, and all remaining smoke and soot contaminated components will need to be cleaned and treated. However, this would be a labour-intensive and likely a cost prohibitive option.

Alternatively, based on the extent of fire, smoke, soot, and water damage, and the original construction methods (i.e., balloon framing with full height wall studs),<sup>3</sup> the most cost-effective method to remediate the unsafe conditions would be to demolish and rebuild the structure.

A designated substance survey must be conducted for both structures, in accordance with Section 30 of the *Ontario Occupational Health and Safety Act* (OHSA), "Designated Substances." In the event of demolition of the structures, all designated substances must be removed from the building prior to commencing demolition. In the event that access to the building is required prior to conducting a designated substance survey, all individuals entering the building shall wear the required personal protective equipment as it should be assumed that asbestos and lead are present.

If access to the building is required, a structural professional engineer shall be present to affirm the areas which are safe for entry.

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<sup>3</sup> In this context, the original construction methods (balloon framing) meant that any wall stud with any amount of damage would need to be replaced from foundation to roof.



#### 4.0 CLOSURE

This report has been prepared for the exclusive use and benefit of our client and is not for the use and benefit of, nor may it be relied upon by, any other person or entity. The contents of this report may not be distributed to any person or entity other than the client without our permission. Our repair recommendations apply exclusively to the subject matter.

This completes our assessment to date. If you have any questions, please do not hesitate to contact us.

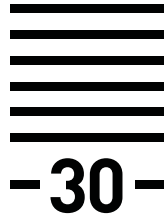
Sincerely,

Claire Miller, B.E.Sc., E.I.T.  
April 3, 2019

Matt Hartog, B.Eng., P.Eng.  
April 3, 2019



The above signatures have been electronically applied by Amanda Wyllie with the express written permission of Claire Miller and Matt Hartog.



**-30- Forensic Engineering**  
40 University Avenue  
Suite 800  
Toronto, ON  
M5J 1T1

Office 416-368-1700  
30fe.com

Mr. James Gillespie  
Office of the Fire Marshal  
Ministry of Community Safety and Correctional Services  
2284 Nursery Road  
Midhurst, ON  
L0L 1X0

March 5, 2019

Dear Mr. Gillespie:

**Re: Roof Structure Assessment**

Location: 160 and 162 Bathurst Street, Toronto, ON  
Our File: 190274TGP  
Date of Loss: March 4, 2019

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**BACKGROUND**

Following a fire event on March 4, 2019, 30 Forensic Engineering was retained by Mr. Chris Davies of Charles Taylor Adjusting to evaluate the post-fire condition of the roof structures of the buildings at 160 and 162 Bathurst Street in Toronto, Ontario, to allow the Office of the Fire Marshal (OFM) to conduct their investigation. Mr. Tom Pepper, P.Eng., of 30 Forensic Engineering attended the site on the date of the fire event.

The subject buildings were two-storey commercial buildings constructed of wood framing and brick/concrete masonry walls. The roof structures consisted of wooden roof joists, rafters, collar ties, and plank sheathing.

**162 BATHURST STREET**

The damage to the roof structure of the building at 162 Bathurst Street generally consisted of charring of wood members and smoke and soot contamination. Access for the purpose of the OFM's investigation is considered acceptable.





## 160 BATHURST STREET

The roof structure of the building at 160 Bathurst Street sustained significant fire and structural damage that included a partial collapse of the south portion of the roof. The rafters, collar ties, and plank sheathing of the north portion of the roof were consumed by the fire. Although the ceiling joists appear to be generally intact and supported on an interior load bearing wall, the roof structure is no longer considered structurally sound.

Upon review, it is recommended the OFM's access to the building at 160 Bathurst Street be limited to the main and basement levels until the selective demolition of the remaining portion of the roof structure has been carried out to remove any immediate safety hazards.

## CLOSING COMMENTS

Both buildings will need to be secured, the main level window openings boarded, and their perimeters fenced off using a 6 ft. high fence to prevent access in accordance with Article III of Chapter 363 of the City of Toronto's Building Construction and Demolition by-law.

This concludes our assessment to date. Should you have any further questions, please do not hesitate to contact the undersigned.

Sincerely,



Tom Pepper, C.F.E.I., P.Eng.

The above signature has been electronically applied by Steph Jorgensen with the express written permission of Tom Pepper.

c.c. Mr. Christopher Davies of Charles Taylor Adjusting, [christopher.davies@ctpic.com](mailto:christopher.davies@ctpic.com)

Mr. Surindera Gupta  
Building Specialist, Toronto Building  
95 The Esplanade  
Toronto, ON  
M5E 1Y8

August 27, 2019

Dear Mr. Gupta:

**Re: Letter of Compliance**

Location: 160 and 162 Bathurst Street, Toronto, ON  
Our File: 190274TGP  
Incident Date: March 4, 2019

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## 1.0 BACKGROUND

We were contacted by Mr. Christopher Davies of Charles Taylor Adjusting regarding a fire that occurred on March 4, 2019, at 160 and 162 Bathurst Street in Toronto, Ontario. This incident caused extensive damage to the buildings, and an "Order to Remedy Unsafe Building" was issued by the City of Toronto for both 160 and 162 Bathurst Street.

## 2.0 COMPLIANCE WITH ORDERS

This letter is to confirm that, to date, both buildings have been secured. The window and door openings have been boarded, and the building perimeters have been fenced off using 6 ft. high fence to prevent access, in accordance with Article III of Chapter 363 of the City of Toronto's Building Construction and Demolition by-law (Figure 1 and Figure 2). The buildings are not suitable for occupancy. As such, the unsafe conditions have been addressed and controlled as best as possible at this time.



Figure 1: View of front elevation of buildings showing secured condition



Figure 2: View of rear elevation of building showing secured condition



30 Forensic Engineering issued a report on April 3, 2019, recommending that the buildings be demolished. The buildings are scheduled to be demolished in the coming weeks, and a demolition permit application will be prepared. At this time, we have not received instructions to prepare this application.

We trust this letter serves your immediate needs. If you have any questions, please do not hesitate to contact us.

Sincerely,

(License no. 100227227)

Claire Miller, B.E.Sc., P.Eng.  
August 27, 2019



Matt Hartog, B.Eng., P.Eng., WRT  
August 27, 2019

The above signatures have been electronically applied by Claire Wilcox with the express written permission of Claire Miller and Matt Hartog.



January 8, 2020

**Deanna L. Sgro**  
Counsel  
Direct Line: (416) 916-1387 ext 102  
Email: ds@mflitigation.com

Mr. Sam Sarkosh  
Manager Plan Review (Acting) – Toronto Building  
Toronto and East York District  
City of Toronto  
100 Queen St. West, 1 W  
Toronto, Ontario  
M5H 2N2

***REGULAR LETTERMAIL***

***VIA EMAIL:*** Sam.Sarkhosh@toronto.ca

Dear Mr. Sarkosh:

**Re: Demolition Permit for 160 Bathurst St. & 162 Bathurst St. Toronto, Ontario  
Request to have the matter placed before Community Council**

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We have been retained by Ms. Rina Accaputo, the owner of the properties municipally known as 160 Bathurst St and 162 Bathurst St. (“Properties”) in Toronto, Ontario. Alliance Commercial Construction Ltd. (“Alliance”) was retained to secure and demolish the existing structures on the Property.

Following today’s conversation, we have been informed that a request to have the matter placed before community council has yet to be received. Please accept this as a formal request to have the matter placed before community council for a demolition permit in accordance with Chapter 363-12.D of the Toronto Municipal Code.

The reason the demolition of these structures where a corresponding building permit has not been issued are as follows:

- a) In March of 2019 the buildings were destroyed by a devastating fire;
- b) At the time of the fire the owners were in the process of negotiating a sale of the properties;
- c) The owners had no plans or desire to develop the properties;





- d) As a result of the fire a sale did not proceed;
- e) The owners have made a claim with their insurer relating to the fire and the damage;
- f) The insurance company requires the demolition of the buildings to be complete before the proceeds of the insurance can be paid;
- g) Demolition is required in accordance with an assessment of damage; (see attached Engineers report dated April 3, 2019);
- h) The owner of one parcel, and spouse of Rina Accaputo, Corrado Accaputo, subsequently passed away in the late fall of 2019;
- i) The widower/owner wishes to sell the properties as soon as possible;
- j) The widower/owner wishes to settle her insurance claim as soon as possible;
- k) The owner does not have any desire nor any obligation to build;
- l) The widower/owner is a senior and the current situation and further delays are extremely stressful on her and her family.

Furthermore, while the structures may not be deemed unsafe because of the fencing placed around them, they certainly pose a risk, especially if someone were to manage to enter through the fencing, possibly in search of warmth, during these cold winter months. While the site may be notionally secure, danger and risk still exist given the structural damage to the buildings. Demolition will ensure increased safety. Furthermore, it's condition and appearance have a negative impact on the neighbouring businesses and streetscape. The demolition of this vacant, dangerous and unsightly structure is appropriate.

The issuance of demolition permit in the absence of a building permit is right and just in these circumstances and is in accordance with the Code.

As referenced above please find a detailed engineers report recommending demolition and all other relevant documents.



**Milosevic Fiske LLP**  
TRIAL AND APPELLATE LAWYERS

Your immediate attention to this matter is appreciated, and as discussed, we would be grateful to receive confirmation that the request has been placed on the first possible Toronto Community Council Agenda.

Sincerely,  
MILOSEVIC FISKE LLP

Deanna L. Sgro  
DS

*CC: Ms. Rina Accaputo and Mr. Roberto Accaputo*