

Residential Demolition Application - 1 Lake Crescent

Date: April 29, 2021
To: Etobicoke York Community Council
From: Deputy Chief Building Official and Director, Toronto Building, Etobicoke York District
Wards: Ward 3 - Etobicoke Lakeshore

SUMMARY

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

In accordance with city-wide residential demolition control under the Toronto Municipal Code Ch.363, under the authority of Section 33 of the Planning Act, the application for the demolition of an existing detached dwelling located at 1 Lake Cres (Application No. 21 132253 DEM) is being referred to the Etobicoke 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

The Director, Toronto Building, Etobicoke York District recommends that the Etobicoke York Community Council give consideration to the demolition application 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 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 backfilled with clean fill.

FINANCIAL IMPACT

There are no financial impacts.

DECISION HISTORY

There is no history for this property

COMMENTS

On March 25, 2021, an application was submitted to Toronto Building for the demolition of an existing 1.5 storey dwelling with attached garage, rear concrete deck with connecting walkways, rear patio, rear glass enclosure, and metal clad shed and concrete pad at 1 Lake Crescent. A building permit application for a replacement dwelling has not been submitted.

In a letter dated April 1, 2021, William R. Hicks of HDS | Hicks Design Studio (Architect representing the Owner) outlined the reasons for requiring a demolition permit at this time.

The letter indicates the property at 1 Lake Crescent was purchased approximately eight (8) years ago with the intention to demolish the dwelling in favour of constructing a new dwelling on the property. To permit the construction of a new dwelling, an application to the Committee of Adjustment (COA) was submitted requesting variances to the Zoning By-law. Part way through the process, it was discovered that there was a "Title" irregularity on the portion of the lands abutting the waterfront. According to Mr. Hicks, it took six (6) years to have the matter resolved with the Ministry of Natural Resources.

Once the matter of the Title irregularity was resolved with the Province, the application was heard at the COA on October 24, 2019. This application was refused by the COA and was subsequently appealed to the Toronto Local Appeal Tribunal (LPAT). In its decision of January 18, 2021, the LPAT approved the development of the lands for a new dwelling subject to the conditions set out in the Order of the LPAT.

The Owner indicates that in the time that has elapsed in securing approval for a new dwelling, the existing dwelling situated on the lands has remained vacant and has been the subject of trespassing and vandalism. As a result, Municipal Licensing and Standards (MLS) have received a number of complaints and have responded accordingly each time. The owner has also responded and taken action as necessary. Supplementary information provided by the Owner demonstrating the current condition of the building is appended to this report.

It is the Owner's intent to submit a building permit to construct a new (replacement) dwelling on or about June 1, 2021 consistent with the approval in the Order of the LPAT. As a result of the building having fallen into disrepair and out of concern that the vacant condition of the property continues to be a target for vandalism and trespassing which poses a hazard to the community, the Owner has asked for approval to demolish the existing dwelling at this time. With the approval for demolition, the site would be returned to an unimproved condition (vacant lot) in anticipation of the replacement permit.

The application for the demolition of the residential building has been circulated to Heritage Preservation Services, Public Health, Urban Forestry, and the Ward Councillor. At present, a review of the City's Heritage inventory register indicates that the building is neither listed nor designated under the Ontario Heritage Act nor is the land located in an area regulated by the Toronto and Region Conservation Authority.

Since the building at 1 Lake Crescent is a residential building and a building permit for a replacement building has not been issued for the site, this application is being referred to the Etobicoke York Community Council. In such cases, the Municipal Code requires Community Council to approve or refuse the demolition permit.

CONTACT

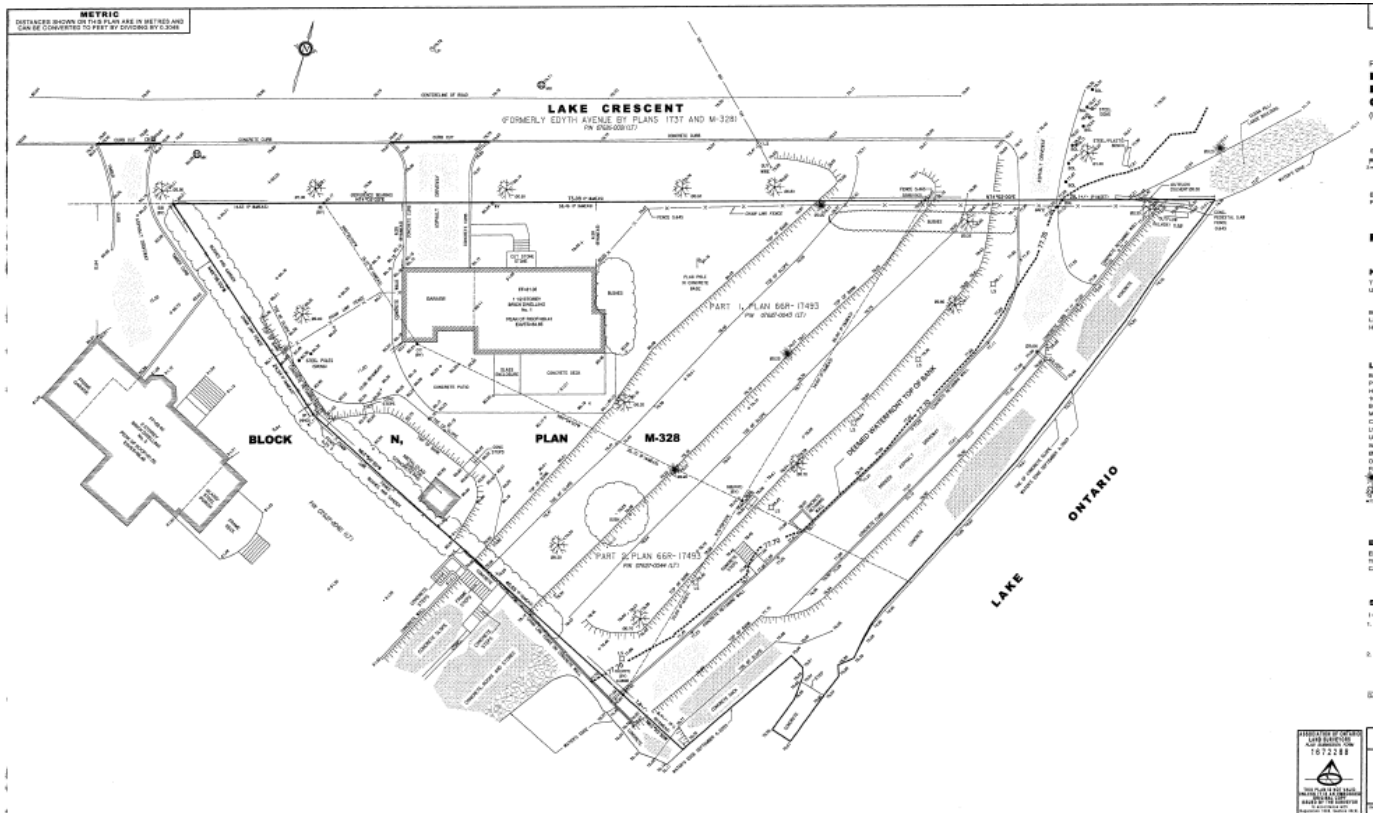
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SIGNATURE

Sandra Burrows, P. Eng, MCIP, RPP
Deputy Chief Building Official and Director, Toronto Building
Etobicoke York District

ATTACHMENT

Attachment 1: Site Plan of 1 Lake Cres.



Attachment 2: Letter from Owner's representative

April 01, 2021

Mr. Tamer Mikhail
Manager, Plan Review
Toronto Building
Etobicoke York-North Team
Etobicoke Civic Centre
2 Civic Centre Court
Toronto
Tamer.Mikhail@Toronto.ca

RE: Application for Demo Permit, 21 132253 DEM 00 DM (1 Lake Crescent)

Dear Mr. Mikhail:

We are the Architects and Building Managers for the above referenced property. The property is owned by Dr. Toan To and his wife. The To family currently resides in Thorncrest Village in Etobicoke and look forward to moving into their new family residence.

We are writing to seek the consent of City Council to permit the timely demolition of the aging, vacant and deteriorating house at 1 Lake Crescent in advance of the issuance of the building permit for the replacement house.

The To family purchased 1 Lake Crescent approximately 8 years with the intention of a newly designed house for the property. Due to prevailing and restrictive zoning restrictions which apply in an usual fashion on the site, an application to the Committee of Adjustment was necessary. Part way through the process, it was discovered that there was a Title irregularity on the waterfront portion of the lands and it took 6 years to have the matter resolved with the Province of Ontario, Ministry of Natural Resources.

The house stood vacant during this entire time.

More recently, the To family resolved the waterfront issue and proceeded to the Committee of Adjustment. In light of some localized opposition, the proposal was appealed to the Toronto Local Appeal Tribunal. The original Hearing date had to be cancelled due to the Covid Order.

Again, the house has stood vacant.

The hearing at TLAT has now concluded and a favourable decision issued for the To family. In total, it has been 9 years.



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During this time, there has been repeated events of trespass and vandalism. The Property Manager has on several occasions entered the house to find trespassers involved in illegal dangerous drug activity.

Further details of the state of activity are as follows:

- 1) Municipal Licensing & Standards have visited the property many times over the years to address unwanted public access and destruction at the house. This happened as recently as March 2021 again. Mr. Gurminder Purba, Supervisor-Investigation Services and his staff can attest to this.
- 2) Photographs of the inside of the house were taken recently as part of an Environmental Assessment which clearly demonstrates the vandalism. See Appendix A & B. We have also included some additional photos identified as Appendix C.
- 3) Even though the property is boarded up and secured, we get repeated incidents of breakins associated with drug related activities that our Property Manager deals with. These create a risk to the overall situation.

We are writing to seek assistance in proceeding now in the timely demolition of the vacant house. It is serving no purpose and a new house, in accordance with the TLAB approvals will be constructed. Every day that the house sits in a vacant state the possibility of vandalism and other activity exists.

We are currently working with our Consultants to provide a building permit submission to the City. We expect that we will be able to submit a building permit on or about June 01st.

Please keep us informed as this request is considered.

Sincerely,

William R. Hicks
B.E.S., B.Arch., MRAIC. OAA

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cc: Mr. Barry Horosko, Horosko Planning Law, Dr. Toan To

4.0 OBSERVATIONS

Site Observations:

On March 3, 2021, at the time of our inspection and sampling, the following observations were noted:
*for detailed findings and lab analysis see section 6.0 and Appendix A and B.



APPENDIX B



APPENDIX C

