
CLARIFICATION STATEMENT FROM CITY STAFF

A Scarborough Community Council (the "Community Council") meeting took place on December 3, 2019 (the "Meeting"). The agenda for the Meeting included an item regarding various matters related to 939 Warden Avenue (the "Warden Matter").

At the Meeting, certain statements were made regarding the Warden Matter that require clarification and/or correction.

- 1) Generally, after proposed commercial boulevard parking ("CBP") spaces are approved in principle by the City, the applicant for the CBP is then responsible for painting the lines to the satisfaction of the City. Once the lines as painted are approved, a formal licence agreement is signed with the City.

As of December 3, 2019, eight CBP spaces had been approved in principle by the City's Transportation Services at 939 Warden Avenue. The CBP spaces approved at 939 Warden Avenue are located on the North side of the HotSpot Auto Parts building located at 939 Warden Avenue, parallel to Bertrand Avenue. The CBP spaces are not on the East side of the property as was incorrectly stated during the Meeting.

- 2) On March 30, 2017, architect Khalmar Building Productions Inc. applied for a building permit (the "Permit Application") in respect of 939 Warden Avenue (the "Property"). The Permit Application was paid for by 2204342 Ontario Inc, care of a "Hatcho Norsuda". On March 31, 2017, ownership of the Property was transferred from 2204342 Ontario Inc. to 1742385 Ontario Inc.

The description of work set out in the Permit Application was as follows: "raise existing roof, interior office and warehouse, exterior alterations" (the "Construction Permit").

An application for a separate permit to demolish the building was made by Zetta Construction on behalf of 1742385 Ontario Inc. on June 28, 2017. However, a demolition permit was not actually required given the nature of the work being completed. Accordingly, the application for a demolition permit was cancelled on July 4, 2017.

On June 28, 2017, the City received a complaint that "demolition/construction was continuing without the benefit of a permit". In response, a City Inspector attended at the Property on June 29, 2017 and noted that digging had occurred in multiple locations to allow for new piers and pads. This type of work does not require a construction permit. No stop work order was issued.

At a subsequent inspection on July 4, 2017, a City Inspector confirmed that no construction had occurred to-date that required a construction permit. A representative of the owner advised the Inspector apart from some minor interior work, no further work

would be done until the Permit was issued. This representation was to the satisfaction of the Inspector.

Thus, while construction work at the Property commenced prior to a construction permit being issued, the work that was being done prior to issuance of the permit was not of the nature that requires a permit.

On July 14, 2017, a Construction Permit was issued.

On March 1, 2019, the City received a complaint about freestanding walls at the east side of the Property. On April 1, 2019, a City Inspector confirmed that there were 4 sections of freestanding wall on the east side of the Property. The lack of lateral support raised concerns about the structural stability of the walls.

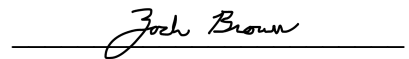
As a result, an Order to Remedy Unsafe Building (the "Order") was issued to the owner of the Property on April 2, 2019. The Order required the owner to obtain the services of a structural engineer and to provide a report including an assessment of the structural stability of the walls and recommendations to terminate the unsafe conditions. The owner was required to carry out the remedial work to eliminate the unsafe conditions and to submit a final engineer's report indicating all unsafe conditions had been removed by April 9, 2019. The deadline for compliance was extended to April 26, 2019 when the Order was re-issued on April 17, 2019.

On April 29, 2019, a City inspection revealed that the freestanding walls had been removed, thus satisfying the Order. These walls had previously been identified for removal in one of the drawings attached to the Construction Permit issued in July 2017. Therefore, the Construction Permit provided the owner with the necessary permission to remove the relevant wall (and/or portions of wall).



Bill Stamatopoulos, Deputy Chief Building Official

Toronto Building



Zachary Brown, Manager of Transportation Operations and Maintenance

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