

Residential Demolition Application – 26, 30, 32, 34, 36, 38 Burnhamthorpe Road and 45, 47, 49 Burnhamthorpe Crescent

Date: September 20, 2023
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 applications for the demolition of five existing rental residential dwellings along with four existing 1 storey dwellings located at 26, 30, 32, 34, 36, 38 Burnhamthorpe Road and 45, 47, 49 Burnhamthorpe Crescent, (Application No. 22 241715 DEM 00 DM, 22 241721 DEM 00 DM, 22 241723 DEM 00 DM, 22 241727 DEM 00 DM, 22 241734 DEM 00 DM, 22 241738 DEM 00 DM, 22 241757 DEM 00, 22 241760 DEM 00 & 22 241767 DEM 00) are being referred to the Etobicoke York Community Council to refuse or grant the demolition applications, including any conditions to be attached to the permits, because a building permit has not been issued for a replacement building.

RECOMMENDATIONS

The Deputy Chief Building Official and 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 these properties.

COMMENTS

On December 22nd, 2022, applications for the demolition of three existing 1 storey dwellings at 26, 30, 32, 34, 36, 38 Burnhamthorpe Road and 45, 47, 49 Burnhamthorpe Crescent were submitted to Toronto Building. A building permit application for a replacement dwelling has been submitted for these buildings, however applicable law of site plan approval remains outstanding.

In a letter dated August 20th, 2023 the Owner, Islington Village Towns Development Inc which is an entity of Distrikt, outlined the reasons for requiring demolition permits at this time. The letter indicates the properties at 26, 30, 32, 34, 36, 38 Burnhamthorpe Road and 45, 47, 49 Burnhamthorpe Crescent are part of a zoning by-law amendment for four blocks of back-to-back townhouses and two blocks of stacked townhouses. The zoning amendment was approved at the Ontario Land Tribunal (by-law 791-2023) and the applicant has been progressing through the Site Plan Approval (22 133711 WET 03 SA) and Rental Housing Demolition (20-210842 WET 03 RH) approvals, with the Notice of

Approval Conditions having been issued on September 6th, 2023 for the Site Plan Approval. As part of the Rental Housing and Demolition Application, the Owner was required to enter into a Section 111 Agreement. They have satisfied four of the five conditions related to the Section 111 Agreement, with the last condition being the issuance of a shoring/excavation or foundation permit.

The Owner indicates that, in the time that has elapsed in securing approval for the new buildings on the site, the existing dwellings situated on the lands have remained vacant and intact but have been the subject of trespassing and vandalism. Issues such as mould, structural damage to entryways, lack of utilities, water damage and inoperable doors and windows are noted by the Owner in their letter. The Owner worked along side the Rental Housing branch of City Planning to ensure that applications for demolition did not contravene the City's Rental Housing by-law and they have been progressing steadily towards approval of their Rental Housing Demolition application.

A Toronto Building inspector attended the sites to conduct an inspection and noted that the buildings are hoarded, the properties secured and there does not appear to be any severe structural damage as of the time of the inspection on August 31st, 2023.

The application for the demolition of the residential buildings have been circulated to Heritage Preservation Services, Urban Forestry, and the Ward Councillor. At present, a review of the City's Heritage inventory register indicates that the buildings are 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. Removal of any by-law protected privately owned and City owned trees requires approval and permits from Urban Forestry prior to any demolition activity.

Since the buildings at 26, 30, 32, 34, 36, 38 Burnhamthorpe Road and 45, 47, 49 Burnhamthorpe Crescent are residential and a building permit for a replacement building has not been issued, 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.

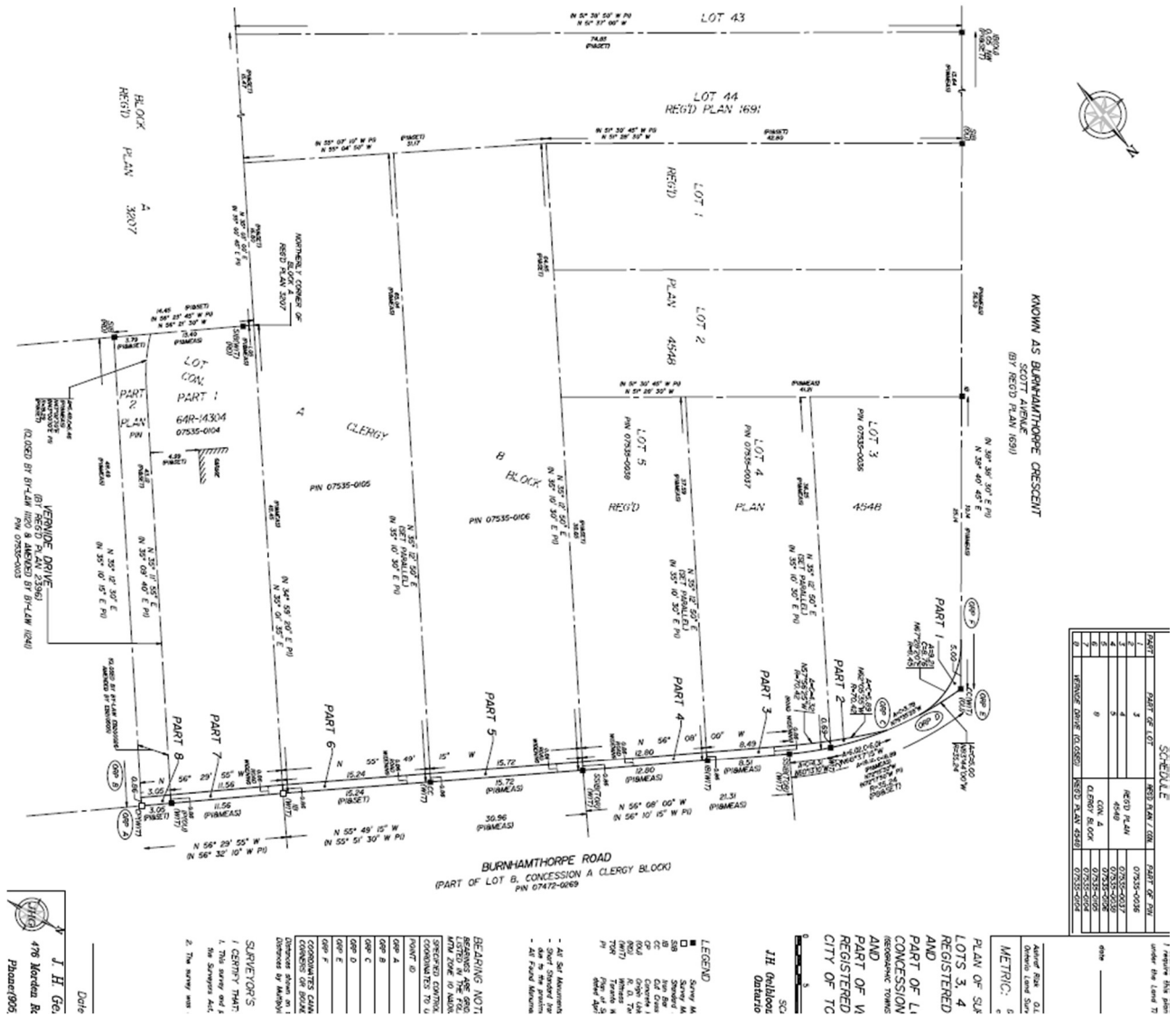
CONTACT

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Etobicoke York District
T: (416) 394 -8955
Email: joshua.amorim@toronto.ca

SIGNATURE

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

Attachment 1: Survey of 26, 30, 32, 34, 36, 38 Burnhamthorpe Road and 45, 47, 49 Burnhamthorpe Crescent





August 20, 2023

Joshua Amorim
Toronto Buildings
Etobicoke Civic Centre
2 Civic Centre Ct., 2nd fl.
Etobicoke ON M9C 5A3

Dear Mr. Amorim,

RE: Demolition Permit Request – Burnhamthorpe Redevelopment

We have a development application for townhouse and apartment units at 26-38 Burnhamthorpe Road and 45-49 Burnhamthorpe Crescent (19183250WET03OZ and 22133711WET03SA). We originally filed our rezoning application in 2019 and are nearing the end of the site plan approval process. The application has been filed under the ownership entity Islington Village Towns Developments Inc.

As part of our redevelopment application, we proposed to demolish five rental dwellings (34, 36 and 38 Burnhamthorpe Road and 45, 47 Burnhamthorpe Crescent), in addition to four non-rental dwellings (26, 30, 32 Burnhamthorpe Road and 49 Burnhamthorpe Crescent), for a total of nine residential dwellings. As part of the Rental Housing and Demolition Application, we entered into a Section 111 Agreement.

The Section 111 Agreement included five conditions to be satisfied prior to the issuance of a demolition permit for the rental dwellings. We have satisfied four of the five conditions, with the last condition being the issuance of either a foundation or excavation / shoring permit – which we are seeking relief from.

We have been dealing with numerous and constant trespassing, break-ins, vandalism, theft, fires, graffiti etc. with police being called several times. We are continuing to send people to board up buildings and windows, fence buildings etc. however the situation is escalating and there is a serious safety concern. Cold weather is approaching and last Fall/Winter there were many fires started by those taking shelter in the dwellings. We are concerned that the fires being started are a serious risk to the neighbours.

Our main priority is the safety of the individuals who are trespassing and breaking in the unsafe areas. As you can see in the pictures attached to this letter, despite the safety measures and constant maintenance, the dwellings continue to be a target and there is a real concern that someone will seriously injure themselves or a fatality will occur. The situation has gotten so dangerous that Toronto Police Services offered to send us a letter of support to urge the City to allow the demolition of these dwellings as soon as possible (see attached email).



See dates below of break and enters to Burnhamthorpe dwellings:

July 4 th , 2023	6 addresses	January 30 th , 2023	6 addresses
June 15 th , 2023	2 addresses	January 26 th , 2023	2 addresses
May 1 st , 2023	3 addresses	December 13 th , 2022	2 addresses
April 26 th , 2023	2 addresses	November 16 th , 2022	4 addresses
April 14 th , 2023	3 addresses	October 20 th , 2021	5 addresses
February 19 th , 2023	3 addresses	October 13 th , 2021	1 address
January 31 st , 2023	4 addresses	July 14 th , 2021	3 addresses

Additionally, although we are grateful for the effort of the Toronto Police Services to help us monitor this major safety concern, in our opinion, the extra use of public police monitoring to help deter break-ins and other mischievous activities on site could be better used for servicing the community.

As well, the public is dumping garbage and unwanted items, such as sharp and hazardous items, furniture, fridges etc. onto these properties which poses another safety concern - in addition to being an eye sore for the neighbourhood residents.

We filed our shoring permit application in April 2023 and are awaiting its issuance. We are requesting that Councillor Amber Morley walk on a Motion at the October 11th City Council meeting to allow the demolition of these dwellings to proceed in advance of a shoring permit being issued. As well, tree removal permits have been secured through Urban Forestry.

As such, given the severity of the safety concerns with respect to these properties, we urgently request to have a demolition permit issued for the following properties:

1. 26 Burnhamthorpe Road (22 241715 DEM 00 DM)
2. 30 Burnhamthorpe Road (22 241721 DEM 00 DM)
3. 32 Burnhamthorpe Road (22 241723 DEM 00 DM)
4. 34 Burnhamthorpe Road (22 241727 DEM 00 DM)
5. 36 Burnhamthorpe Road (22 241734 DEM 00 DM)
6. 38 Burnhamthorpe Road (22 241738 DEM 00 DM)
7. 45 Burnhamthorpe Crescent (22 241757 DEM 00 DM)
8. 47 Burnhamthorpe Crescent (22 241760 DEM 00 DM)
9. 49 Burnhamthorpe Crescent (22 241767 DEM 00 DM)

Sincerely,

Sasha Lauzon
Senior Director of Planning and Development
slauzon@distrikt.com
647-883-6863

Attachment 3: Police Letter

From: Marco Ricciardi <b8016@tps.ca>
Sent: Tuesday, July 18, 2023 2:34 PM
To: Kimberly Cruz <kcruz@distrikt.com>
Subject: Homes on Burhamthorpe Rd/Cres

Hello Kim,

Please forward this email to the City:

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To whom it may concern,

As the Crime Prevention/Community Relations officer, public safety is my primary concern. These 10 homes should be demolished as soon as possible. The longer these 10 homes stand empty, there is a greater the chance of someone getting hurt. Since April of this year, we have increased patrols in the area (at all hours of the day), but these patrols could be redirected to other problematic areas. The fast-tracking of the demolition permit for the 10 home should be a priority.

Thank you.

=====

Marco Ricciardi
Police Constable 8016
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Crime Prevention & Community Relations Officer | CPO - CRO
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Attachment 4: Site Photos from City Inspector



Residential Demolition Application- 514, 520 & 522 Royal York Road



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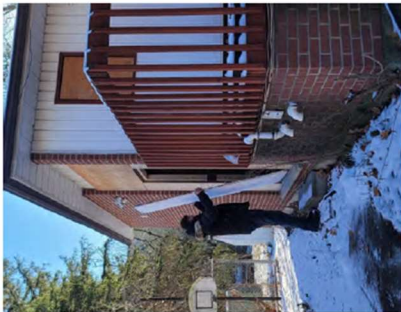
Residential Demolition Application- 514, 520 & 522 Royal York Road

Attachment 5: Site Photos from Owner





Residential Demolition Application- 514, 520 & 522 Royal York Road



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