

Residential Demolition Application – 589 Soudan Avenue

Date: September 27, 2023
To: North York Community Council
From: Director and Deputy Chief Building Official, Toronto Building
Wards: Ward 15 (Don Valley West)

SUMMARY

This staff report is about a matter for which the North 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 detached house at 589 Soudan Avenue (application no. 23-125369 DEM 00 DM) is being referred to the North York Community Council for consideration as Toronto Building received a written notice of objection to the issuance of the demolition permit.

RECOMMENDATIONS

The Director and Deputy Chief Building Official, Toronto Building, North York District recommends that North York Community Council:

1. Approve the application to demolish the vacant residential building at 589 Soudan Avenue without any conditions; or
2. Approve the application to demolish the vacant residential building at 589 Soudan Avenue with the following conditions:
 - A. That a construction fence 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 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

The recommendations in this report have no financial impact

DECISION HISTORY

There is no decision history for this property.

COMMENTS

On March 21st, 2023, Toronto Building received applications to demolish the existing detached house at 589 Soudan Avenue and build a new 2 storey detached house.

Toronto Building received a written notice of objection, on April 5th, 2023, from a neighbour outlining various concerns relating to the demolition of the existing detached house.

On September 25th, 2023, the owner, Sylvia Fazzolari, provided Toronto Building with a cover letter requesting that the application be referred to North York Community Council.

The application for the demolition of the detached house has been circulated to Urban Forestry and the Ward Councillor. The building is neither listed nor designated under the Ontario Heritage Act. Heritage Preservation Services have also confirmed that the property is not on any potential list.

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

CONTACT

Alex Shemilt
Manager, Plan Review
Toronto Building, North York District
Tel: (416) 395-0464, E-mail: Alex.Shemilt@toronto.ca

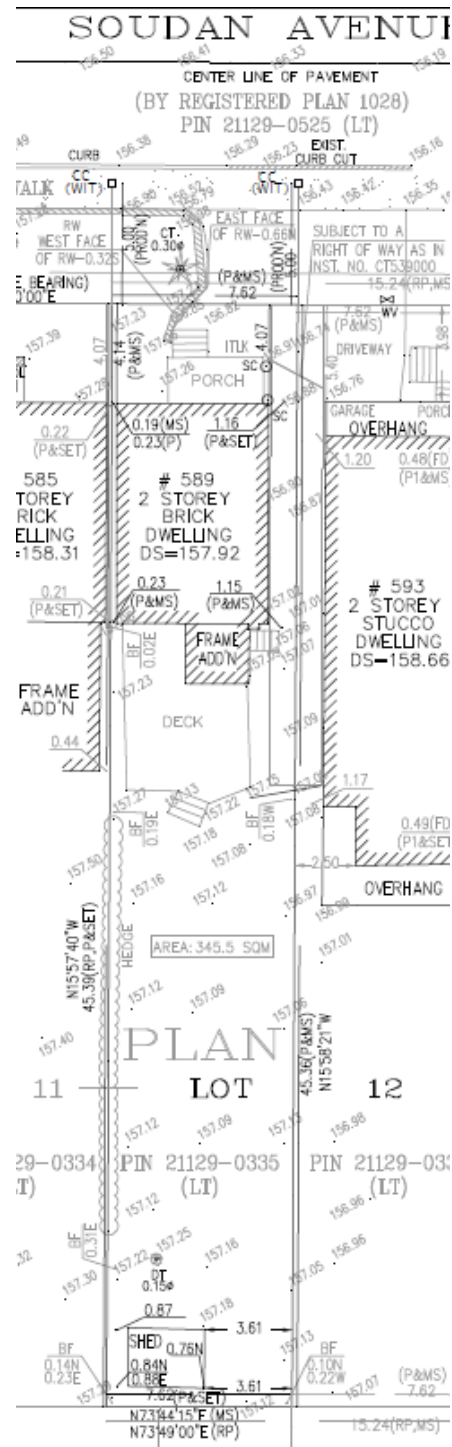
SIGNATURE

Natasha Zappulla
Director & Deputy Chief Building Official
Toronto Building, North York District

ATTACHMENTS

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5. Letter from Owner

1. Survey



1. Written Notice of Objection – Page 1 of 3

585 Soudan Avenue
Toronto ON M4S 1X1

April 5, 2023

Director & Deputy Chief Building Official
Toronto Building, North York District
5100 Yonge St
Toronto ON M2N 5V7

To Whom It May Concern:

Re: Application Number 23 125369 DEM 00 DM

We wish to make Remarks regarding the NOTICE – RESIDENTIAL DEMOLITION posted on or about March 24 at 589 Soudan Avenue. These Remarks form a *written notice of an objection to the issuance of the demolition permit*, pursuant to TORONTO MUNICIPAL CODE CHAPTER 363, BUILDING CONSTRUCTION AND DEMOLITION¹.

The property proposed for demolition is *immediately adjacent* to our own. By “immediately adjacent” we can attest that the structures are less than 18” apart, well within what may be considered any **Zone of Influence** for the proposed works.

The two properties are 90-100 years old and appear to have been constructed at the same time. When built, the floor plans were, in fact, mirror images of each other.

Due to the proximity of the site, our concerns regarding the proposed work are substantial.

1. Soil Conditions of the Subject Site (589 Soudan Ave) and Adjacent Lands (585 Soudan Ave).
Current subsurface soil conditions are unknown. Impact of the proposed demolition on subsurface soil conditions are also unknown yet can be anticipated.

Removal of subsurface structures – foundation walls, footings, basement floors in this case, plus other debris – is known to alter soil hydraulics such as soil moisture and drainage. Hydraulic conductivity changes are assured. Further, demolition activities are qualitatively most impactful around the footprint of a structure being removed.

¹ https://www.toronto.ca/legdocs/municode/1184_363.pdf ref. 363-6.3

2. Written Notice of Objection – Page 2 of 3

When a removed structure is in close proximity to an adjacent one – as is the case here – the impacts on soil conditions could be potentially severe. Disturbance of soils untouched for almost a century can also result in soil rebound with commensurate contiguous impacts proportional to proximity of any demolition.

In consideration of all these factors, we have significant concern for the stability of our own home as well as the stability of other features on our property.

2. Demolition Proficiency

We must assume a high level of Operator skill. Nonetheless, errors occur. The likelihood of consequential error in any demolition increases with proximity to any adjacent structures. In this case, both the likelihood and risk are high.

3. Damage to Footings (585 Soudan Ave)

The existing structure is to be wholly removed in preparation for an entirely new home. With the above-grade walls currently less than 18” apart, one may anticipate closer footings, perhaps wholly or partially connected. Furthermore, the new home proposes footings deeper than our own. The risk of undermining ours therefore exists and, due to the proximity of the structures, both likelihood and risk of damages are high.

4. Damage to Weeping Tiles (585 Soudan Ave)

The condition of drainage at the footings is unknown. With the above-grade walls less than 18” apart, one may anticipate drainage elements closer than that, here too perhaps wholly or partially connected.

5. Damage to Foundation Walls (585 Soudan Ave)

Use of powered machinery in demolition (and in site preparation for the new build) is assured. Due to the close proximity of the structures, our home is at high risk for direct damage resulting from impacts, strikes, and vibration from demolition/construction activities, as well as indirect damage due to Operator or Engineer error (eg: undermining).

6. Injury to Boundary Trees (Shared Property)²

The two properties benefit from a mature and healthy hedge comprised of over 50 – 8’-10’ White Cedars at the shared property line. These trees stabilize soils between the two properties and offer retention benefits to both as a result of a minor grade differential between the lots. Beyond aesthetics and enjoyment of the trees, the stability they offer is critical to

² https://www.toronto.ca/legdocs/municode/1184_813.pdf ref. 813-19.1

3. Written Notice of Objection – Page 3 of 3

maintaining the integrity of hardscape features and appliances at 585 Soudan Ave. Our concerns here regard injury or removal of shared trees during the demolition and preparation phases of the Proposal.

Due to our concerns, the Applicant has suggested a baseline assessment of our home against which any later damage(s) or injury(ies) may be referred. We have agreed to this as an initial step; however, this task has yet to be completed.

Therefore;

- ...and whereas the City of Toronto has a duty of care to ensure that Demolition and other works are done in a manner that does not cause harm to others;
- ...and whereas the soil conditions at present are unknown and that disturbance of these could adversely impact our property;
- ...and whereas we have no Engineering nor Analytical Report(s) regarding vibration control, shoring, soil compaction, nor of any other regard, that may be required³;
- ...and whereas we have no assurance of Operator Proficiency, nor any risk mitigation plan, or redress mechanism should any demolition or construction error occur;
- ...and whereas we have no current or specific response(s) to any of these matters from the Applicant,

... we respectfully suggest that any Demotion Permit not progress or be stayed, until such time as satisfactory undertaking(s) and/or assurance(s) to all identified issues be considered and fully resolved by both parties.

Sincerely,

JP Clifford / CM Pepevnak
585 Soudan Ave, Toronto ON M4S 1X1

³ https://www.toronto.ca/legdocs/municode/1184_363.pdf; ref. 363-3.4(2); 363-5.3

4. Letter from Owner

589 Soudan Avenue
Toronto, Ontario M4S 1X1

September 25, 2023
City of Toronto
North York Civic Centre
5100 Yonge Street, First Floor
Toronto On M2N 5V7

Re: 589 Soudan Avenue Demolition Permit # **23-125369 DEM 00**

Dear Mr. Shemilt

In light of the appeal to the demolition permit for the above noted property, I the undersigned being the owner of the property, wish for the matter referred to the North York Community Council

The Property is located on the south side of Soudan Avenue and currently has a 2-storey detached single family home which I have resided at since 1998.

I wish to demolish the house in order to build a new 2-storey detached single family dwelling with an integral garage as per building permit 23-125358 BLD 00 NH issued April 13, 2023 (minor variance approval A426/22NY dated January 19, 2023).

In addition, I would like to provide that on March 30, 2023, when the westerly neighbour (585 Soudan Avenue) requested information on the building and to ensure that their property would stay intact as currently is, I had offered to pay and provide for a pre-construction condition survey of their home at 585 Soudan Avenue, prior to demolition and excavation works.

The aforementioned survey would include visual inspection and documentation of interior and exterior structure surfaces, compiling a precise and accurate record of the existing building structure condition with defects detailed, described and photographed pending permission of the property representatives. The survey is not limited to buildings, rather includes walkways driveways patios pools etc.

In reply to having a preconstruction survey, the neighbours proceeded to contest the demolition.

Additionally, as it relates to the cedar hedge, the hedge is not in the best of condition, it is overgrown and many sections on the neighbour's side are bare and overgrown. Notwithstanding the subject health of the hedge, there is no plan to remove it.

Sincerely,

Sylvia Fazzolari