

Residential Demolition Application - 12 Cluny Drive

Date: May 14, 2025

To: Toronto and East York Community Council

From: Deputy Chief Building Official and Director, Toronto and East York District

Wards: Ward 11 (University-Rosedale)

SUMMARY

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

In accordance with city wide residential demolition control under the Toronto Municipal Code Chapter 363, under the authority of Section 33 of the Planning Act, the application for the demolition of the existing three storey detached house containing one residential unit at 12 Cluny Drive (Application No. 25-130119 DEM 00 DM) is being referred to the Toronto and East York Community Council for consideration to refuse or to grant the application, including any conditions, to be attached to the demolition permit application because the building proposed to be demolished contains one residential dwelling unit and there are no replacement building permits to be issued at this time.

RECOMMENDATIONS

The Deputy Chief Building Official and Director, Toronto and East York District recommends that the Toronto and East York Community Council consider the application for demolition at 12 Cluny Drive and decide to:

1. Refuse the application to demolish the existing three storey detached house containing one residential unit at 12 Cluny Drive because a building permit application for a replacement building has not been applied for; or
2. Approve the application to demolish the existing three storey detached house containing one residential unit at 12 Cluny Drive without conditions; or
3. Approve the application to demolish the existing three storey detached house with one residential unit at 12 Cluny Drive 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

City Council granted approval for demolition in accordance with Section 42 (1) of the Ontario Heritage Act.

COMMENTS

On March 17th, 2025, an application was submitted to the City to demolish the existing three storey detached house containing one residential unit at 12 Cluny Drive. A supporting letter from WND & Associates indicated that a previous City Council hearing on March 9th, 2022, granted approval for demolition in accordance with Section 42(1) of the Ontario Heritage Act.

A letter from the owner dated April 15th, 2025, advised that the building has been subject to trespassing, vandalism and poses a risk to the community. The owner also stated that the windows and doors have been boarded up in an attempt to prevent further vandalism, but the concerns remain.

A permit for a replacement building has not yet been applied for, although the owner has submitted for preliminary zoning review and has been granted variance through the Committee of Adjustment for a new three storey detached dwelling. The owner is seeking to demolish the existing building in advance of the building permit submission.

The existing building is currently on the list of designated historical buildings.

The land is within a Toronto and Region Conservation Authority regulated area.

CONTACT

Joshua Amorim, Manager, Plan Review, Toronto Building, Toronto and East York District. Telephone: (416)394-8955; Email: Joshua.Amorim@toronto.ca

SIGNATURE

Natasha Barbini
Deputy Chief Building Official and Director, Toronto and East York District

ATTACHMENTS

1. Survey
2. Photos of building
3. Letter from Owner
4. Letter from Planner
5. City Council Decision (2022.TE31.17)

Attachment 2: Photos of building (front)



(rear)



(Side)



(Side)



(Side)



Attachment 3: Letter from Owner

Toronto Building
Scarborough Civic Centre
150 Borough Drive, 3rd Floor
Scarborough, ON
M1P 4N7

Attention: Joshua Amorim
Manager, Plan Review (House)

Dear Mr. Amorim,

**RE: Application for Residential Demolition without Replacement House
12 Cluny Drive, Toronto ON**

We are the Owners of 12 Cluny Drive in the City of Toronto, and have applied for a Minor Variance application to permit the construction of our new home. The Property is currently occupied by a three-storey single-detached dwelling and is located in the South Rosedale Heritage Conservation District.

On March 9, 2022 the Council of the City of Toronto authorized the Demolition of the Part V-designated structure ("C"-Rated within the South Rosedale Heritage Conservation District Study) on the Subject Site and its replacement with a new residential dwelling. The Minor Variances to permit the replacement dwelling were subsequently approved by the Committee of Adjustment on November 23, 2022 (File No. A0855/22TEY) and became Final and Binding on December 16, 2022.

Since the time of this Approval, we have advanced a revised architectural design proposal for our new house which is scheduled to be heard by the Committee of Adjustment on April 23, 2025 (File No. A1072/24TEY). In developing this revised replacement dwelling, we and our design team have consulted with adjacent neighbours and area residents, City of Toronto Heritage Preservation Services Staff, and Toronto and Region Conservation Authority Staff.

While this work has progressed it has become clear that the existing dwelling on the Subject Site poses a safety risk and despite our best efforts, has been the subject of vandalism and security concerns. Our design team has discussed this matter with City Staff including Heritage Preservation Services Staff and understand there are no concerns with proceeding to demolish the existing dwelling in advance of the filing of the replacement dwelling building permit documentation while detailed design work is underway for the replacement dwelling.

Accordingly, we are filing this Request in order to permit demolition of a residential building without the concurrent issuance of a replacement dwelling building permit in order to rectify the vandalism and safety concerns on the property and within the broader neighbourhood area. In accordance with Section 33 of the Planning Act and the City of Toronto Municipal Code, Chapter 363, Article 6, we understand that this application will be referred to Toronto and East York Community Council for consideration.

Enclosed with this Application, please find the following materials for your review and consideration:

1. Completed City of Toronto Application for a Permit to Construct or Demolish;
2. Completed City of Toronto Tree Declaration Form; and,
3. Plan of Survey, prepared by Speight, Van Nopstrand and Gibson Limited, and dated March 10, 2020.

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12 Cluny Drive, Toronto ON

15 April 2025
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Should you require any additional materials or have any questions regarding this request, please do feel free to contact the undersigned of this Letter or _____ of WND Associates at : _____. We look forward to and appreciate your consideration of this request.

Yours very truly,

Attachment 4: Letter from Planner



14 March 2025

Toronto Building
Scarborough Civic Centre
150 Borough Drive, 3rd Floor
Scarborough, ON
M1P 4N7

Attention: **Joshua Amorim**
Manager, Plan Review (House)

Dear Mr. Amorim,

RE: **Application for Residential Demolition without Replacement House**
12 Cluny Drive, Toronto ON
WND File No.: 23.526

WND Associates have been retained by the Owners of 12 Cluny Drive in the City of Toronto (the “Subject Site”) to assist in the design development, Minor Variance application and Committee of Adjustment review processes for the demolition and construction of a single detached dwelling on the Subject Site (the “Proposed Development”). The Subject Site is located on the west side of Cluny Drive, generally south of the intersection of Cluny Drive and Cluny Avenue in the South Rosedale neighbourhood (Figure 1).

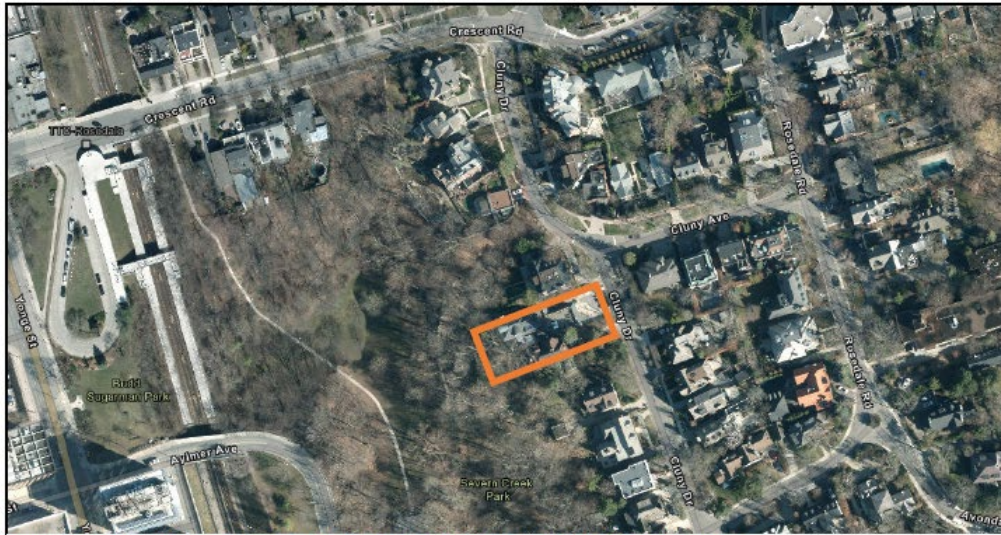


Figure 1: Aerial view of 12 Cluny Drive (outlined in yellow) and the surrounding neighbourhood.

The Subject Site & Neighbourhood Area

The Subject Site is rectangular in shape with approximately 22.86 metres of frontage onto Cluny Drive, a depth of 82.37 metres, and an approximate lot area of 1,827 square metres.

The Subject Site is currently occupied by a 3-storey single-detached dwelling. The current dwelling is oriented along the northern lot line, with the primary entrance perpendicular to the street, facing the southern landscaped area, and an attached garage fronting Cluny Drive. Private parking is provided in the aforementioned garage and accessed by a gravel driveway from Cluny Drive (**Figure 2**).



Figure 2: View of the existing dwelling and driveway from Cluny Drive.

On March 9, 2022 the Council of the City of Toronto authorized the Demolition of the Part V-designated structure ("C"-Rated within the South Rosedale Heritage Conservation District Study) on the Subject Site and its replacement with a new residential dwelling. The Minor Variances to permit the replacement dwelling were subsequently approved by the Committee of Adjustment on November 23, 2022 (File No. A0855/22TEY) and became Final and Binding on December 16, 2022. Since the time of this Approval, the Owners have advanced a revised architectural design proposal for the replacement dwelling which is scheduled to be heard by the Committee of Adjustment on April 23, 2025 (File No. A1072/24TEY). In developing this revised replacement dwelling, the Owner and the design team have undertaken consultation with adjacent neighbours and area residents, City of Toronto Heritage Preservation Services Staff, and Toronto and Region Conservation Authority Staff.

While this work has progressed and through discussions with the Owners and nearby residents, we understand that the existing dwelling on the Subject Site poses a safety risk and despite the best efforts of the Owners, has been the subject of vandalism and security concerns. We have discussed this matter with City Staff including Heritage Preservation Services Staff and understand there are no concerns with proceeding to demolish the existing dwelling in advance of the filing of the replacement dwelling building permit documentation while detailed design work is underway for the replacement dwelling.

Accordingly, we are filing this Request in order to permit demolition of a residential building without the concurrent issuance of a replacement dwelling building permit in order to rectify the vandalism and safety concerns on the Subject Site and within the broader neighbourhood area. In accordance with Section 33 of the Planning Act and the City of Toronto Municipal Code, Chapter 363, Article 6, we understand that this application will be referred to Toronto and East York Community Council for consideration.

Enclosed with this Application, please find the following materials for your review and consideration:

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Should you require any additional materials or have any questions regarding this request, please do feel free to contact the undersigned of this Letter. We look forward to and appreciate your consideration of this request.

Yours very truly,

WND associates
planning + urban design

Attachment 5: City Council Decision (2022.TE31.17)



Item - 2022.TE31.17

Tracking Status

- City Council adopted this item on March 9, 2022 without amendments and without debate.
- This item was considered by the Toronto and East York Community Council on February 16, 2022 and adopted without amendment. It will be considered by City Council on March 9, 2022.

City Council consideration on March 9, 2022

TE31.17 - Demolition of a Structure within the South Rosedale Heritage Conservation District and Approval of a Replacement Structure - 12 Cluny Drive

Decision Type: ACTION

Status: Adopted on Consent

Ward: 11 - University - Rosedale

City Council Decision

City Council on March 9, 2022, adopted the following:

1. City Council approve the demolition of the heritage building at 12 Cluny Drive, a "C" rated structure in the South Rosedale Heritage Conservation District, in accordance with Section 42 (1) 4 of the Ontario Heritage Act and the erection of a building in accordance with Section 42 (1) 2 of the Ontario Heritage Act, subject to the following:

- a. City Council approve the replacement structure for 12 Cluny Drive as shown in the plans and elevations submitted by the applicant and prepared by Harari Pontarini Architects, dated May 14, 2021 and on file with the Senior Manager, Heritage Planning, Urban Design, City Planning, and that the replacement structure be constructed substantially in accordance with the submitted plans;
- b. prior to the issuance of any heritage permit for the property at 12 Cluny Drive including a demolition permit, but excluding permits for interior work, repairs and maintenance and usual and minor works for the existing "C" rated building as are acceptable to the Senior Manager, Heritage Planning, Urban Design, City Planning, the applicant provide the following to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning:
 1. photo documentation of the existing structure at 12 Cluny Drive; and
- c. final building permit drawings for the replacement structure and a landscape plan consistent with the plans and elevations submitted by the applicant and prepared by Harari Pontarini Architect, dated May 14, 2021 and the South Rosedale Heritage Conservation District (SRHCD) Plan.

Background Information (Community Council)

(January 4, 2022) Report and Attachments 1-3 from the Senior Manager, Heritage Planning, Urban Design, City Planning - Demolition of a Structure within the South Rosedale Heritage Conservation District and Approval of a Replacement Structure - 12 Cluny Drive

<https://www.toronto.ca/legdocs/mmis/2022/te/bgrd/backgroundfile-175899.pdf>

17a - Demolition of a Structure within the South Rosedale Heritage Conservation District and Approval of a Replacement Structure - 12 Cluny Drive


Background Information (Community Council)

(January 24, 2022) Letter from the Toronto Preservation Board - Demolition of a Structure within the South Rosedale Heritage Conservation District and Approval of a Replacement Structure - 12 Cluny Drive
<https://www.toronto.ca/legdocs/mmis/2022/te/bgrd/backgroundfile-175903.pdf>

Toronto and East York Community Council consideration on February 16, 2022

Source: Toronto City Clerk at www.toronto.ca/council

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