

March 23, 2004

Briefing Note

Issue: The Budget Advisory Committee request for UDS to report on how demolition permit applications should be reviewed and whether a peer review process could be implemented for this function.

- Key Points:**
- It is recommended that a more comprehensive review of the demolition permit process be undertaken at a later date. There are several ongoing initiatives that will impact the process by which demolition permits are currently reviewed. A report-back once these initiatives are completed will allow a more comprehensive examination of the demolition permit review process.
 - A Coroner's inquest into the collapse of the Uptown Theatre, in December, 2003 has recently been announced. This inquest may result in statutory changes to the regulation of building demolition in the Ontario Building Code and *Building Code Act*.
 - The Building Division is preparing to implement a harmonized procedure for the submission and review of demolition permits. This will increase the number of demolition applications Toronto Public Health reviews.
 - It is not clear that there is legislative authority to implement a peer review process for the review of demolition permit applications, as suggested by the Budget Advisory Committee.
 - At its March 1, 2 and 3, 2004 meeting, City Council directed that the Commissioner of Urban Development Services report on a harmonized demolition approvals process by May, 2004. Based on Council's deliberations, the intent of this direction was to focus on site improvements after demolition, consistent with those that apply in the former City of York. The Building Division is currently conducting this analysis.

Background:

- Demolition of buildings is regulated by the *Building Code Act, 1992* and the Ontario Building Code, 1997. The Code permits a municipality to establish a by-law prescribing the plans, specifications, documents and other information that must accompany a demolition application.
- The Building Permit by-law harmonizes requirements for demolition applications across the City. However, staff of the Building Division and Public Health identified that applications are not consistently reviewed across the City in keeping with the by-law and have been working on a harmonized practice across the City.
- The harmonized procedure outlines intake requirements, including a demolition permit application checklist used to determine whether contaminated substances are present in the building, or on the proposed demolition site. The policy would expand the review of demolition permits by Public Health city-wide.
- On March 5, 2004, Ontario's Coroner announced that an inquest will be held into the death of a 27 year-old man in the collapse of the Uptown Theatre last December. A specific date for the inquest has not been set. The investigation is expected to look into the rules and regulations governing the demolition of buildings, as well as specific factors that led to the Uptown collapse.
- Recommended changes to the regulation of building demolition in the Ontario Building Code and *Building Code Act* will likely result from the Coroner's inquest. It would be premature to make focussed recommendations to BAC at this time regarding demolition permit review, when the provincial recommendations will likely require the City to take a more holistic review of the demolition permit application process.
- BAC also requested that UDS report on whether a peer review process could be implemented for the review of demolition applications. It is not recommended that this process be implemented for demolition permit applications, as there is no clear statutory authority for implementation of a peer review process for demolition permit applications under the *Building Code Act*.
- The *Building Code Act* provides the authority for municipalities to require general review by an architect or engineer to determine, "whether the construction is in general conformity with the plans, sketches, drawings, graphic representations, specifications and other documents

that are prepared by an architect, professional engineer or both and that form the basis for the issuance of a building permit.” This does not appear to extend to a peer review for environmental matters.

- At its March 1, 2 and 3, 2004 meeting, City Council directed that the Commissioner of Urban Development Services report on a harmonized demolition approvals process.
- Based on Council’s deliberations, this request appears to pertain to harmonizing the process for “beautification” of sites, subject to Council’s approval of demolition control under the *Planning Act*, following the demolition of a building. UDS has been requested to report back to Planning and Transportation Committee by May, 2004. The Building Division is in the process of preparing this report and related recommendations.
- It is unlikely that there will be recommendations from the province regarding changes to the demolition process prior to the May report back on harmonization of demolition control practices across the City.
- Given the potential implications, careful consideration to altering the City’s practices in this area should be deferred pending the broader provincial review of roles and responsibilities in this area.