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March 10, 2020

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**RE: Order to Remedy Unsafe Building #19 261013 UNS 00 VI dated December 13, 2019**

I am writing further to the Order to Remedy Unsafe Building #19 261013 UNS 00 VI issued on December 13, 2019 (the "Order").

In response to the Order, a report from Matteo Gilfillan & Associates Inc. (MGA) dated January 27, 2020 (the "Report") was submitted to Toronto Building for consideration. The Report was not submitted prior to the compliance date provided for in the Order, however Toronto Building has reviewed and considered the Report.

There are numerous gaps in the Report and the investigation conducted by MGA was incomplete. The Report does not fully evaluate the existing life safety of the building, as required by the Order. These are critical deficiencies in the Report and all of the measures suggested in it are undermined as a result. Further, the Report does not prescribe remedial measures that will either temporarily or permanently remove the unsafe condition of the building. Among other things, the proposal to maintain a single exit for each of the apartment units is not acceptable. The requirement for a second exit for the apartment units is of paramount importance to ensure the safety of the building occupants in the event of a fire condition. This is a fundamental safety principle of the Ontario Building Code ("OBC"). Toronto Fire Services has also issued a Notice of Violation to provide a second exit for each of the apartments in accordance with the requirements of the Ontario Fire Code ("OFC"). The Report does not provide any detailed analysis or calculations to explain how the lack of having a second exit for each of the apartment units will be safe.

The Order has not been complied with and the building remains in an unsafe condition that is hazardous to the occupants of the building. In addition to the unsafe condition of the building, there are outstanding matters in terms of the building's compliance with the *Building Code Act, 1992* (the "Act") in relation to the illegal construction that occurred and the conversion of the building to residential uses. Order #18 153224 COU 00 VI requiring a building permit to be obtained for the unauthorized change of use, has not been complied with.

If you pursue a legal residential use of the building, I do not expect that you can obtain a building permit for that purpose in the short or medium term. Further, I expect that any regularization will require removal of the occupants for a substantial period of time in order to carry out construction and works to come into compliance with the OBC and all other applicable law.

There are many issues and items that must be addressed to obtain a building permit to change the use of this building to a residential use. At a high level, they include, but are not limited to, the following:

- I. Obtaining land use permissions (the zoning applicable to the property does not permit residential use – there are also likely issues with sufficiency of parking spaces, loading areas, amenity space, and landscaped open space);
- II. Obtaining compliance with the Environmental Protection Act;
- III. Payment of applicable development charges;
- IV. Payment of applicable educational development charges;
- V. Satisfying Park dedication requirements; and
- VI. Satisfying the requirements of the 2012 Ontario Building Code (OBC).

Continued residential use of the building cannot be maintained. Below I will detail measures that must be taken immediately to allow an additional 60 days of occupancy to facilitate a period of transition for the occupants of the building that is appropriate, considering all of the circumstances. Following this period of transition, the occupancy of the building will be prohibited pursuant to subsection 15.9(6)(a) of the BCA.

Given the imminent impact to your residents and the loss of their current housing, the City has engaged a community partner to support residents with housing help assistance. The Agency's contact information is provided below.

**Woodgreen Community Services**

Tracy Murdoch, Manager, Housing and Homelessness

Housing Unit

Phone: (416) 645-6000 ext. 2529

Fax: (416) 469-2947

Email: [tmurdoch@woodgreen.org](mailto:tmurdoch@woodgreen.org)

The City will share this information with the residents and we strongly encourage you to do the same at the earliest opportunity.

**The following action items must be completed immediately:**

1. Provide a security guard stationed at each building exit for the duration of the occupancy (24 hours per day, 7 days per week). The security guard will be responsible for early detection of issues related to the exit in the event of a fire or fire alarm and ensuring occupants are immediately escorted from the building in the event of a fire or fire alarm.
2. Bars on the basement windows are to be removed.
3. Exit signage and emergency lighting must be installed and maintained in accordance with the requirements of the OBC for the duration of the occupancy.
4. Portable fire extinguishers are to be provided and maintained in accordance with the requirements of the OFC for the duration of the occupancy.
5. Self-closing devices must be installed on doors forming part of a fire separation for the duration of the occupancy as per the requirements of the OBC and OFC.
6. Positive latching of doors forming part of a fire separation must be maintained for the duration of the occupancy as per the requirements of the OBC and OFC.

7. Fire separations are to be repaired as noted in the Report and maintained in accordance with the requirements of the OBC and OFC.
8. The existing sprinkler system must be tested, reviewed, and cleared for use by a professional engineer.

Item one must be completed by 4:00 pm on Wednesday, March 11, 2020 and you shall advise Toronto Building once the security has been set up and is ready for inspection. You must advise Toronto Building of compliance with completing all of the above items by Friday, March 13, 2020. Toronto Building will be inspecting all items to ensure compliance is satisfactory. Please contact Senior Building Inspector, Josh Heisterkamp at 416-338-0838 or [josh.heisterkamp@toronto.ca](mailto:josh.heisterkamp@toronto.ca) to arrange for an inspection.

Failure to immediately address the action items noted above will result in Toronto Building exercising its authority under subsection 15.9(6)(b) of the BCA to cause the building to be renovated or repaired for the protection of the public. The costs of which would be added to the tax roll for the property.

Please contact myself or Tony D'Amico, Acting District Manager, Inspection Services at 416-338-1215 or [tony.damico@toronto.ca](mailto:tony.damico@toronto.ca) to provide an update on the necessary steps taken towards compliance or in the event you have any questions.



Kamal Gogna, P.Eng  
Interim Director, Deputy Chief Building Official

CC: Tony D'Amico, Acting District Manager, Inspection Services  
Doug Rollins, Director Housing Stability Services, Community & Social Services  
Tracy Murdoch, Manager, Housing and Homelessness