



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Building Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 15, 2016
SUBJECT/REPORT NO:	Demolition Permit 57 - 67 Academy Street (Ancaster) (PED16206) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Frank Peter (905) 546-2424 Ext. 2781
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the Chief Building Official be authorized and directed to deny a demolition permit for 57 - 67 Academy Street (Ancaster) in accordance with By-Law 09-208, as amended by By-Law 13-185, pursuant to Section 33 of *The Planning Act*, as amended.

EXECUTIVE SUMMARY

The owner of this property is proposing to demolish an existing six unit street townhouse dwelling (rental units) and rezone the lands from a Low to Medium Density Multiple Dwelling "RM1" Zone to an Existing Residential "ER" Zone to permit the construction of four single detached dwellings. A rezoning application to permit the four single detached dwellings has been submitted and is scheduled to be heard at the December 6, 2016 Planning Committee meeting under Report PED16183. Please note the Planning Division is recommending denial of the rezoning application.

The Urban Hamilton Official Plan (UHOP) Rental Housing Protection Policy does not permit the demolition of the six unit street townhouse rental dwellings unless the building is structurally unsound or the local housing market zone has an average vacancy rate of more than 2.0%. On the basis of the foregoing, as the proposed demolition of the existing building is contrary to the UHOP, it is recommended that the application for a demolition permit be denied.

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

Alternatives for Consideration – See Page 4 of 5

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

A detailed historical background will be provided for the demolition and redevelopment of the lands in Report PED16183 which is being presented to Planning Committee on December 6, 2016.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The subject lands are designated “Neighbourhoods” in the Urban Hamilton Official Plan (UHOP). In accordance with UHOP Rental Housing Protection Policy B.3.2.5.6, development or redevelopment that would have the effect of removing all or part of rental apartment or townhouse buildings or groups of buildings comprised of six or more units, and would result in the loss of six or more rental housing units shall be permitted if any one of two general criteria are met, outlined as a) and b) below:

- (a) all of the following criteria are met:
 - (i) the rental vacancy rate by dwelling unit and structure type for the City and the respective local housing market zone, as identified on Schedule G – Local Housing Market Zones and based on CMHC data, has been at or above 2.0% for the preceding twenty-four months; and,
 - (ii) the proposed removal shall not reduce the rental vacancy rate by dwelling unit and structure type to below 2.0% for the City and the respective local housing market zone; and,
 - (iii) the existing market rent levels for the units proposed to be removed are not significantly (approximately 10%) below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling unit and structure type and size; and,
 - iv) for vacant rental units, the last market rent levels charged prior to vacancy for the units proposed to be removed were not significantly (approximately

10%) below the average market rent levels at the time for the City and the respective local housing market zone for rental units of a similar dwelling unit and structure type and size; or,

- (b) the building (or buildings) is determined to be structurally unsound, confirmed by the submission of a structural audit, prepared by a qualified professional with the conclusions of such audit deemed acceptable by the City.

A structural audit has not been submitted to the City for the existing building. As such, the proposed demolition of the existing building is to be assessed based on the vacancy rate and rental rate criteria outlined in Policy B.3.2.5.6 (a).

The Tables 1 and 2 below show the available rental market data for townhouse units for the year 2015 received from CMHC. Data for 2014 are not available.

Table 1: Ancaster, Glanbrook, Flamborough Local Housing Market Zone

Units Types (Townhouses)	Vacancy Rate	Average Market Rent
Two-bedroom	-	-
Three-bedroom+	-	\$973
All unit types	-	\$967

Table 2: City-Wide

Units Types (Townhouses)	Vacancy Rate	Average Market Rent
Two-bedroom	-	\$978
Three-bedroom+	1.6%	\$990
All unit types	1.9%	\$987

The average market rent for all townhouse unit types within the Ancaster, Glanbrook and Flamborough housing market zone is \$967 (Table 1), with 10% below making a threshold of \$870. The average market rent for a two-bedroom townhouse City-Wide is \$978 (Table 2), with 10% below making a threshold of \$880. The average rent charged for units at 57 - 67 Academy Street is \$850. As such, the average rent charged is lower than 10% of the average rent charged for all townhouse unit types in the local housing market zone and for two-bedroom townhouses City-Wide. Therefore, the proposed demolition does not meet Policy B.3.2.5.6(a)(iii).

The vacancy rate for all townhouse units City-Wide is 1.9%, below the threshold of 2.0% (Table 2). Therefore, the proposed demolition does not meet Policy B.3.2.5.6(a)(i).

If any one of the criteria listed under Policy B.3.2.5.6(a) is not satisfied, the proposed demolition cannot be supported. The proposed demolition does not satisfy criteria (i) and (iii); therefore, it cannot be supported.

RELEVANT CONSULTATION

The Policy Planning Section of the Planning and Economic Development Department was consulted on the proposed demolition and the comments provided in the Policy Implications and Legislated Requirements Section have been provided by that Section.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

As previously noted above, it is recommended that the application be denied as the demolition of the six rental townhouse dwelling units does not comply with the Urban Hamilton Official Plan. Specifically, in Rental Housing Protection Policy B.3.2.5.6(a) as the vacancy rate for rental townhouse units on a City-Wide basis is 1.9%, below the minimum 2.0% which amongst other criteria, is a precondition for the removal of rental housing stock.

ALTERNATIVES FOR CONSIDERATION

Should Council wish to approve the demolition permit for this property, either of the following recommendations may be appropriate:

1. That the Chief Building Official be authorized and directed to issue a demolition permit for 57 - 67 Academy Street (Ancaster) in accordance with By-Law 09-208, as amended by By-Law 13-185, pursuant to Section 33 of *The Planning Act*, as amended.

Please note if this recommendation is imposed there are no requirements to rebuild on the property.

2. That the Chief Building Official be authorized and directed to issue a demolition permit for 57 - 67 Academy Street (Ancaster) in accordance with By-Law 09-208, as amended by By-Law 13-185, pursuant to Section 33 of *The Planning Act*, as amended, subject to the following conditions:
 - (a) That the applicant has applied for and received a building permit for a replacement building on this property;
 - (b) That the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property;
 - (c) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of \$20,000;

- (d) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (e)) in a form satisfactory to the Chief Building Official and to the City Solicitor; and,
- (e) That if the said replacement building is not erected as required, the City Clerk be authorized to add the said sum, until payment thereof, as a lien or charge upon the property until paid.

Please note if this recommendation is imposed, the demolition permit and building permits cannot be issued until these conditions have been satisfied including the rezoning application being approved and any other approvals as may be required have been obtained.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED16206 - Demolition Permit 57 - 67 Academy Street (Ancaster)

FP:fp