



CITY OF HAMILTON
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 20, 2017
SUBJECT/REPORT NO:	Housekeeping Amendments to the Vacant Building Registry By-law No. 10-260, and Property Standards By-law No. 10-22 (PED17108) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Robert Ustrzycki (905) 546-2424 Ext. 4721
SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the By-law attached as Appendix “A” to Report PED17108, which repeals and replaces the Vacant Building Registry By-law No. 10-260, making a number of updates including improving the definition of “vacant building”, and which has been prepared in a form satisfactory to the City Solicitor, be enacted; and
- (b) That the By-law attached as Appendix “B” to Report PED17108, which amends the Property Standards By-law No. 10-221, requiring that material used to board-up buildings be painted so that the boarding-up is less conspicuous, and which has been prepared in a form satisfactory to the City Solicitor, be enacted.

EXECUTIVE SUMMARY

By-laws are, on occasion, updated to correct minor errors, and as part of continuous improvement efforts. Report PED17108 recommends changes to the Vacant Building Registry By-law No. 10-260 and the Property Standards By-law No. 10-221 to:

- update and clarify the meaning of a vacant building;
- include the Vital Services By-law to the list of legislation to be complied with;
- update the offence and penalty provisions to include directors of corporations who knowingly concur with a contravention;
- update the Director’s title change;
- require that material used to board up buildings be painted so that the boarding up is less conspicuous.

OUR Vision: To be the best place to raise a child and age successfully.

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.

SUBJECT: Housekeeping Amendments to the Vacant Building Registry By-law No. 10-260, and Property Standards By-law No. 10-221 (PED17108) (City Wide) - Page 2 of 3

The recommended changes are minor in nature and do not in any way deviate from the by-laws' intent as originally approved and enacted by Council.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial / Staffing / Legal: N/A

HISTORICAL BACKGROUND

On October 13, 2010 Council enacted the Vacant Building Registry By-law No. 10-260, as amended twice in 2011, to regulate vacant buildings in the City of Hamilton. Municipal Law Enforcement, Building Services, and Fire Prevention staff continuously monitor vacant buildings to ensure their owners secure them from unauthorized entry and prevent structural deterioration.

This enforcement utilizes Property Standards By-law No. 10-221 for requiring the repair and maintenance of the vacant buildings. Minimum standards for Vacant and / or Damaged Buildings, and Vacant Buildings for Designated Heritage Properties are set out in Sections 6 and 7 of the By-law.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Legal Services was consulted in the preparation of this Report and the draft By-laws attached as Appendices “A” and “B” to Report PED17108.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

As part of continuous improvement efforts, staff work to improve enforcement activities, including updating various by-laws to address specific municipal needs identified by Council, committees, staff, public, and the courts. In addition to continuous improvement efforts, by-laws require changes over time to align with changes to legislation, improved processes and to correct obsolete or imprecise language while maintaining the by-laws' original intent and their effectiveness.

Vacant Building Registry By-law

The recommended draft by-law in Appendix “A” to Report PED17108 improves the current wording of the Vacant Building Registry By-law definition of “vacant building” making it clearer and aiding enforcement. Review of the remaining provisions of the By-law identified several other items that could be improved including adding the Vital Services By-law to the list of legislation to be complied with and making directors who knowingly concur in a corporation’s non-compliance subject to convictions and penalties.

Property Standards By-law

The Vacant Building Registry By-law works in conjunction with the Property Standards By-law which sets out the manner vacant buildings are to be repaired and maintained. The recommended draft by-law in Appendix “B” to Report PED17108, amending Property Standards By-law No. 10-221, adopts the same standard that is currently in place for Vacant and / or Damaged Designated Heritage Properties for all vacant / derelict buildings, requiring the painting of coverings for any windows, doors or other openings vulnerable to trespassing.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A”: Draft By-law to repeal and replace the Vacant Building Registry By-law No. 10-260

Appendix “B”: Draft Amending By-law to the Property Standards By-law No. 10-221

RU/st