

CITY OF HAMILTON

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Parking and By-law Services Division**

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| TO: Chair and Members Planning Committee | WARD(S) AFFECTED: WARD 3 |
| COMMITTEE DATE: June 4, 2013 | |
| SUBJECT/REPORT NO: Yard Maintenance: Clean Up of 405 King Street East (Ward 3) (PED13118) | |
| SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department | PREPARED BY: Glyn Wide (905) 546-2424 Ext. 5413 |
| SIGNATURE: | |

RECOMMENDATION

That the Senior Director of Parking and By-Law Services be authorized and directed to expend no more than \$40,000 for the removal and disposition of building debris from 405 King Street East, Hamilton, and that the amount expended be added to the tax roll for this property, all in accordance with Sub-sections 10 (12), 10 (13) and 10 (14) of the Yard Maintenance By-law No. 10-118.

EXECUTIVE SUMMARY

After a fire in December 2012, it was necessary to issue an Order under the Yard Maintenance By-law requiring the property owner to clean up 405 King Street East. The property remains in non-compliance, and staff recommend that the City undertake the clean up in the interest of public safety. The cost of the clean up will be added to the tax roll for this property.

Alternatives for Consideration – See Page 3

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: A quote of \$39,934.20 to remove and dispose of the debris was obtained from a City approved contractor. Upon completion of the clean up, the City will have a lien with priority status on the property, which, among other things, means the amount may be added to the tax roll for the property and collected in the same manner as property taxes. The value of the commercial property is \$45,000 to \$52,000. However, staff is exploring efforts to salvage the debris with the City approved contractor to lower the overall cost.

Staffing/Legal: N/A

HISTORICAL BACKGROUND (Chronology of events)

In December 2012, the commercial/residential properties at 403, 405 and 409 King Street East suffered fire damage. The property at 405 consisted of one building with a commercial store front and residences above. The property at 403 King had a commercial front and residential units behind and 409 King contained residential units only.

The owners of 403 and 409 King Street East are complying with Orders to clean up their properties. An Order was also issued under the Yard Maintenance By-law requiring the owner of 405 King Street East to clean up that property by April 11, 2013. That property remains in non-compliance at the time this report was written.

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Building Services, Taxation, Real Estate and Legal Services have been consulted. Ward 3 Councillor Morelli has been apprised and is supportive of the clean-up action being recommended.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

In December 2012, a fire caused extensive damage to 403, 405 and 409 King Street East. The damage to the buildings resulted in large piles of debris on all three

**SUBJECT: Yard Maintenance: Clean Up of 405 King Street East (Ward 3)
(PED13118) - Page 3 of 4**

properties which are located on a major artery in plain view of large volumes of vehicular and pedestrian traffic.

The owners of the properties at 403 and 409 King Street East have taken steps to clean up their properties, hiring a private contractor who is taking steps to apply for Demolition Permits. Orders issued under the Yard Maintenance By-law No. 10-118 were issued and complied with.

The Ontario Fire Marshall demolished the building. As a result, the owner of 405 King Street East was required to apply for a Demolition Permit, which was issued on April 2, 2013 (Permit No. 13-100566-00 DP). However, the property owner has not taken any further steps to clean up the property and, therefore, an Order was mailed to the owner requiring removal of the debris by April 11, 2013 (see the Location Map attached as Appendix "A" to Report PED13118). In addition to mailing the Order, Municipal Law Enforcement staff has spoken with the property owner and his son. At the time this report was written, the property remains non-compliant.

In accordance with Building By-law No. 08-161, the Building Services Division had a fence erected to prevent entry to 405 King Street East. However, staff report seeing individuals trespassing on the property and exiting the basement from under the rubble of the collapsed building.

In the interest of public safety, staff recommends that the City undertake the required work at 405 King Street East in accordance with Sub-section 10 (12) of the Yard Maintenance By-law. However, as the cost to remove the debris exceeds the limit of the delegated authority (\$10,000), Council approval is necessary in accordance with Sub-section 10 (14) of the Yard Maintenance By-law. The property taxes on this property are paid up and the cost will be added to the tax roll in accordance with Sub-section 10 (13) of the Yard Maintenance By-law.

ALTERNATIVES FOR CONSIDERATION

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

N/A

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

Strategic Priority #1

A Prosperous & Healthy Community

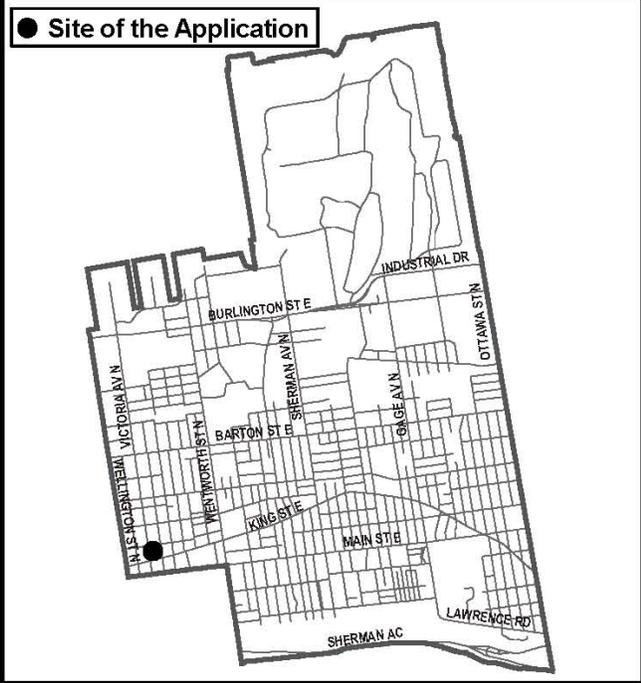
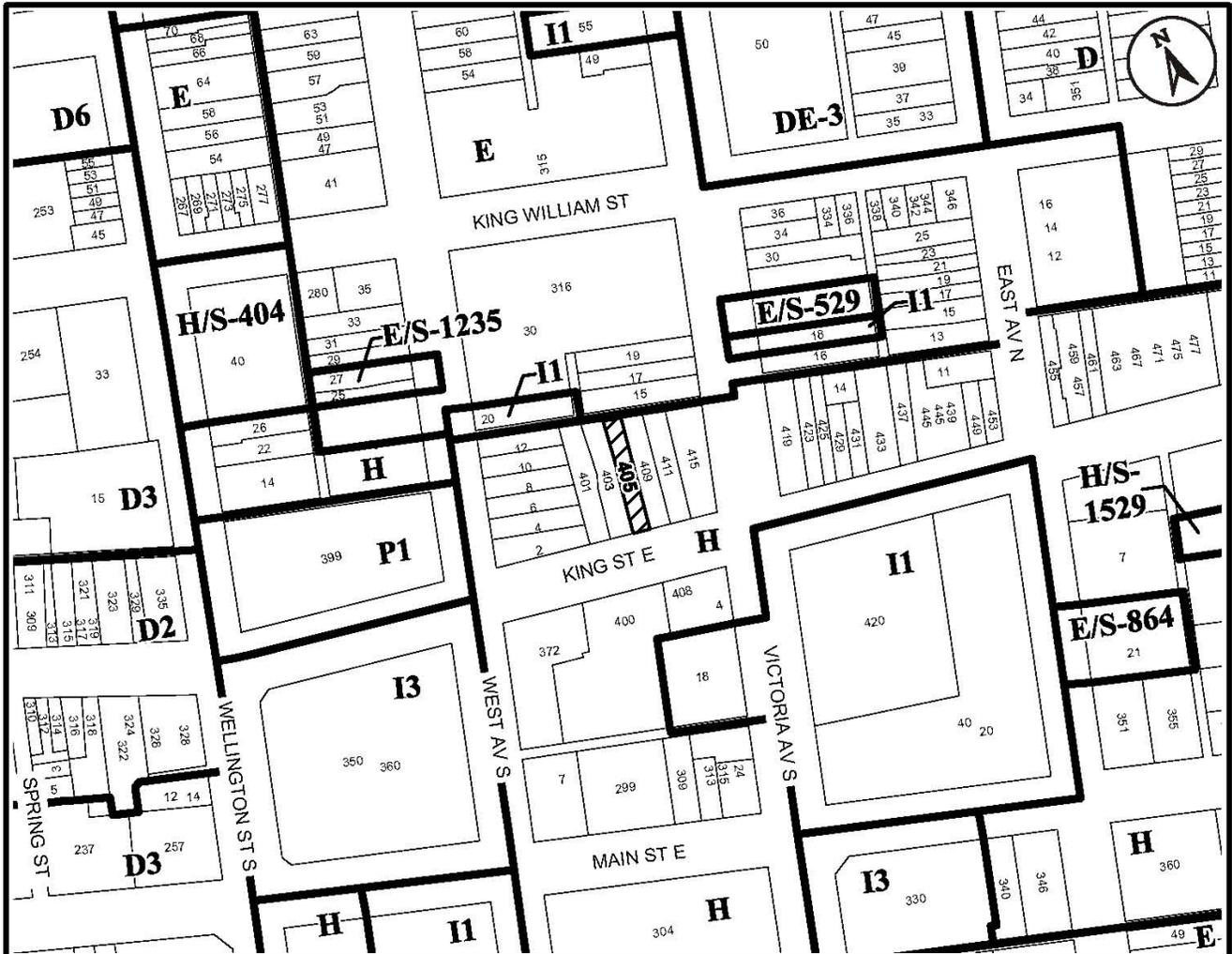
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APPENDICES / SCHEDULES

Appendix "A" to Report PED13118 - Location Map of 405 King Street East, Hamilton.

Appendix "B" to Report PED13118 - Image of 405 King Street East, Hamilton.

GW/mf



Ward 3 Key Map N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
405 King St E

Date:
May 17, 2013

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
MC/AL

Subject Property

405 King Street East



