



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

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 4, 2020
SUBJECT/REPORT NO:	Amendments to the Property Standards By-law 10-221 Respecting Incomplete and Unrepairable Buildings (PED20032) (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 procedural and maintenance changes to the City of Hamilton Property Standards By-law 10-221 with respect to incomplete and unrepairable buildings described in Report PED20032, detailed in the proposed amending by-law attached as Appendix "A" be approved;
- (b) That the amending by-law attached as Appendix "A" to Report PED20032, which has been prepared in a form satisfactory to the City Solicitor be enacted by Council.

EXECUTIVE SUMMARY

By-law amendments are occasionally required as part of continuous improvement efforts for the most efficient and effective by-laws. Report PED20032 recommends amending the City of Hamilton Property Standards By-law 10-211 (the Property Standards By-law) to include provisions to:

- Demolish or complete structures where there has been no substantial progress on the construction or demolition of the building for a period of more than one year

- Demolish any building that is vacant or is damaged by accident, storm, fire, neglect or otherwise, where it is not feasible to repair the building.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial/Staffing: N/A

Legal: Staff recommendation to use the Property Standards By-law and less formal appeal process is the preferred method to enforce incomplete and unrepairable buildings or structures.

HISTORICAL BACKGROUND

On September 15, 2010, City Council enacted the City of Hamilton Property Standards By-law to prescribe the standards for the maintenance and occupancy of property within the municipality and repeal By-law 03-117. Since its enactment, nine amendments to the Property Standards By-law were passed as a matter of housekeeping or to address specific municipal needs.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The *Building Code Act, 1992* allows municipalities to pass a by-law to prescribe standards for the maintenance and occupancy of property.

RELEVANT CONSULTATION

The Building Division and Legal Services was consulted in the preparation of this Report and the draft amending by-law attached as Appendix “A” to Report PED20032.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

As part of continuous improvement efforts, staff work to review enforcement activities, and update 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, improve processes and to correct obsolete or imprecise language while maintaining the by-law’s original intent and effectiveness.

Incomplete Buildings or Structures

The *Building Code Act, 1992* authorizes the Chief Building Official (CBO) to revoke building permits where there has been no substantial progress on the construction or demolition of a building or structure for a period of more than one year. On occasion properties having the permit revoked remain dormant and open to the elements or trespass indefinitely. To remedy, the CBO may only commence the formal lengthy process and rights of appeal from the civil courts in an application to the Superior Court of Justice for injunctive relief under section 38 of the *Building Code Act, 1992*.

Staff propose adding a provision to the Property Standards By-law 10-221 to compel the completion or demolition of a building after a permit is revoked. This approach provides a fair and comprehensive procedure to best deal with incomplete buildings. Using the Property Standards By-law avoids the formality of a civil legal setting and associated expenses to both the City and the property owner. The proposed amendment also re-states the provisions of section 37 of the *Building Code Act, 1992* to introduce as evidence a copy of the Chief Building Official's direction or order to revoke.

Unrepairable Buildings or Structures

Property Standard Orders require for the alternative to repair or remove the condition that does not conform with the standards of the By-law. Vacant buildings or structures damaged by accident, storm, fire, neglect or otherwise are not necessarily deemed unsafe, but demolition may be appropriate where it is not feasible to repair a damaged or derelict building. To ensure that no person or other person's property is exposed to risk of injury or damage, City staff propose amendments to require any building or portion of it deemed unrepairable or unsalvageable to be demolished within one year.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and 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.

Healthy and Safe Communities

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Draft amendment to the Property Standards By-law 10-221