




Hamilton

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Building Division

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| TO: | Major and Members Committee of the Whole |
| COMMITTEE DATE: | April 15, 2020 |
| SUBJECT/REPORT NO: | Demolition Permit - 393 Rymal Road West (PED20057) (Ward 8) |
| WARD(S) AFFECTED: | Ward 8 |
| PREPARED BY: | Frank Peter (905) 546-2424 Ext. 2781 |
| SUBMITTED BY: | Ed VanderWindt Director, Building and Chief Building Official Planning and Economic Development Department |
| SIGNATURE: |  |

RECOMMENDATION

That the Chief Building Official be authorized to issue a demolition permit for 393 Rymal Road West in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of *The Planning Act*, 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 if the replacement building is not erected within two years of the demolition of the existing building on the property, the City be paid the sum of \$20,000 which sum:
 - (i) the City Clerk is authorized to enter on the collector's roll and collect in like manner as municipal taxes; and
 - (ii) is a lien or charge on the property until paid; and
- (c) 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 in a form satisfactory to the Chief Building Official and the City Solicitor.

EXECUTIVE SUMMARY

The records of the Building Division indicate that this property, known as St. Elizabeth Village, consist of five-hundred and eighty-eight (588) townhouse dwelling units, a church building, a seven (7) storey nursing home, a clubhouse and cafeteria building, administrative offices and a single family dwelling. The owner, Zest Communities Incorporated, is proposing to demolish the single family dwelling located within the development and leave the area of land vacant at this time. The dwelling to be demolished is located on the north side of the internal road known as Bishop Reding Trail and backs onto Rymal Road West. It is located between the dwellings known as 36 and 42 Bishop Reding Trail and may be referred to as 301 Rymal Road West.

Under Section 4 of the Demolition Control By-law 09-208 the Chief Building Official has the delegated authority to issue a demolition permit for residential properties that are considered to be “routine applications”. This application has been deemed a “routine application” as this property is located in the middle of an established neighbourhood and current zoning would permit the replacement residential use, subject to an approved Site Plan Application in the normal manner. Therefore, the standard conditions required to be registered on title that would require a building permit to be issued in conjunction with the demolition permit and the replacement building to be substantially completed within two years of the date of the demolition would apply in accordance with the By-law.

However, where the owner of the property does not agree with the conditions being imposed, Section 7 of the By-law requires the Chief Building Official to advise Council. Council then retains all power to: issue, including imposing the standard rebuild condition; issue without conditions or refuse to issue the demolition permit.

This Report is presented to Council as the owners are not in agreement with the recommended conditions as set out in the Demolition Control By-law.

Alternatives for Consideration – See Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Not Applicable.

Staffing: Not Applicable.

Legal: Not Applicable.

HISTORICAL BACKGROUND

PRESENT ZONING: “DE/S-664, 664a, 664b, 664c, 1023, 1788” (Low Density Multiple Dwellings, Modified) (Hamilton Zoning By-law 6593).

PRESENT USE: Single Family Dwelling.

PROPOSED USE: Vacant Land.

BRIEF DESCRIPTION: A recent inspection revealed that the split level single family dwelling at 393 Rymal Road West is structurally sound and not unsafe.

This land is located in Ward 8. Please see Appendix “A” for a location map.

No interest to the Hamilton Municipal Heritage Committee.

The owner of the property, as per the demolition permit application, is:

Zest Communities Inc.
393 Rymal Road West
Hamilton, ON L9B 1V2

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Not applicable.

RELEVANT CONSULTATION

Not applicable.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Not applicable.

ALTERNATIVES FOR CONSIDERATION

Should the Committee wish to approve the demolition without imposing the conditions for a replacement dwelling, then the following recommendation may be appropriate:

That the Chief Building Official be authorized and directed to issue a demolition permit for the single family dwelling located at 393 Rymal Road West, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of *The Planning Act* as amended.

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” – Location Map

FP:ll