

# CITY OF HAMILTON

## MOTION

PLANNING COMMITTEE

DATE: February 2, 2021

**MOVED BY COUNCILLOR .....**

**SECONDED BY COUNCILLOR .....**

### **Integrating Health & Environmental Requirements to Demolition Permits**

WHEREAS, the City of Hamilton has declared a climate emergency and all matters related to the quality of the air we breathe ought to be prioritized;

WHEREAS, neither a demolition permit applicant, nor the Ministry of the Environment, Conservation and Parks (MECP), nor any Municipal Authority are required to notify neighbouring residents or businesses of a demolition before it occurs nor provide a forum to ask questions about potential impacts;

WHEREAS, the current practice for the City of Hamilton's demolition permit notices is that they are auto-generated and forwarded by email to Councillors and do not contain substantive information about demolitions, requiring instead that Councillors contact demolition permit applicants directly should they have concerns about impacts to neighbouring residents and businesses;

WHEREAS, demolition permit applicants are not obligated to respond to requests for information, such as date of demolition, scale of demolition, method of demolition, potential for contaminant emissions, potential of fugitive dust impacts and relevant dust mitigation plans, excessive noise impacts, emergency preparedness and disaster contingencies, etc.;

WHEREAS, demolition activities, and subsequent clean-up efforts, may impact not just air quality but can lead to pollutants being released to the stormwater system or demolition debris left in surface soil;

WHEREAS, the current demolition permit application does not require an applicant to do more than check a box indicating that they have followed MECP guidelines regarding contaminants;

WHEREAS, the current demolition permit application does not provide detailed information about potential pollutants or other harmful substances that may be released to air, land or water systems;

WHEREAS, in other Ontario Cities, such as the City of London, it is a requirement that Public Health be contacted to determine whether a Health Hazards Evaluation is required prior to demolition, depending on prior use of a structure to be demolished;

WHEREAS, the current permit application procedure does not require that the applicant's adherence to MECP guidelines regarding contaminant control be verified prior to issuance by the City of Hamilton's Building Division;

WHEREAS, it is irresponsible to assume that every demolition will be done well and in good faith;

WHEREAS, there is currently no way for the City of Hamilton to hold a company accountable when a demolition does go wrong: there is no requirement for post-demolition clean up, compensation to neighbours who experience property damage or loss, etc.;

WHEREAS, on September 30th 2019, an errant demolition by Delsan, a division of American Iron and Metal (AIM), at 319 Sherman Ave. N, negatively impacted the neighbouring residential, commercial and industrial neighbours and properties;

WHEREAS, in the interest of providing an organized and informed community response to the Delsan-AIM demolition, the Ward 3 Councillor and staff established contact with the company in order to determine the cause of the particulate dust plume and improper demolition and their remedial action plan;

WHEREAS, in the absence of documentation detailing potentially harmful substances contained in the building that was demolished, the Ward 3 Councillor and staff had to work with MECP representatives and City of

Hamilton's Public Health team to uncover this information and expedite disseminating this information to concerned residents.

THEREFORE BE IT RESOLVED:

- (a) That the General Manager of Planning and Economic Development draft a letter to the Ministry of Municipal Affairs and Housing requesting demolition requirements, under the Ontario Building Code be expanded to include a mandatory notification to all neighbouring properties, in writing, of the date and time that a demolition is to take place which includes:
  - (i) the previous use of the site to be demolished;
  - (ii) a list of any potential contaminants which could become airborne or enter Hamilton's waterways or soil;
  - (iii) the potential human health impacts of contamination; and,
  - (iv) a detailed action plan to mitigate all potential impacts to human health, air quality and waterways or soil.
- (b) That Public Health Services work with the Building Division to:
  - (i) determine the size, scope, building-types of demolitions that present the highest risk to human health;
  - (ii) determine application requirements for permit approval for any higher risk demolitions that qualify, such as:
    - (1) ensure that a designated substances survey (DSS), as defined within the Occupational Health And Safety Act, has been completed prior to demolition;
    - (2) an appropriate dust management plan will be implemented during demolition; and,
    - (3) inform mitigation requirements of human health impacts
  - (iii) review the dust mitigation plan with the Building Division before final approval;

(c) That the Building Division be directed to:

- (i) review the current demolition permitting process of other Ontario Municipalities which account for human health and environmental impacts and make relevant adjustments in accordance with the Ontario Building Code including but not limited to the above; and,
- (ii) report back with final recommended revisions to the City of Hamilton Building & Demolition Permit.