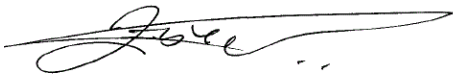




CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Building Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 20, 2021
SUBJECT/REPORT NO:	Demolition Permit - 196 Dundurn Street South (PED21058) (Ward 1)
WARD(S) AFFECTED:	Ward 1
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

Notwithstanding the previous property owner has already demolished the residential property without the benefit of a demolition permit, that a demolition permit to authorize the demolition only be issued in accordance with the following standard conditions for a delegated authority demolition permit in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of *The Planning Act*:

- (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 owner of the property is seeking approval through a demolition permit for the demolition of the previously existing single family dwelling that was demolished by the previous owner on April 4, 2019 without the benefit a demolition permit. The current owner advised that he has no immediate plans for a replacement building. The owner is also seeking approval, by way of a building permit, to renovate an existing detached building located at the rear of the property to be used for a non-residential use.

Notwithstanding that the demolition has already occurred, this report is recommending that the property owner be held to the standard rebuild conditions that would have been required had a demolition permit been sought prior to the demolition.

The zone permits mixed residential and commercial as well as other non-residential uses. The owner is in the preliminary stages of attempting to apply for an on-line building permit application for renovations to the detached building, however as of the date this report was written, he has not actually submitted the application to the City for review. It is also noted that the current owner has started renovations to this building without a building permit. As a result, Orders to Comply have been issued to the current owner, for the demolition without a permit and for the renovations to the detached building without permits. Additionally, an Order to Comply was issued to the previous owner for the demolition of the previously existing house without a permit.

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 “routine applications”. This application has been deemed a “routine application” as this property is in an established neighbourhood. Additionally, the current zoning would permit a replacement building, subject to an approved Site Plan Application and a building permit 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.

The effect of the staff recommendation is that the previous owner would continue to be in contravention of the Ontario Building Code for having demolished the residential property without a permit until such time as the recommended conditions (a) through (c) have been met, as would have been the case if they had successfully obtained the demolition permit prior to demolition.

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.

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 of 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Not Applicable.

Staffing: Not Applicable.

Legal: Not Applicable.

HISTORICAL BACKGROUND (Chronology of events)

On April 4, 2019 the previous owner, Jason Fiorino, demolished the existing house without a demolition permit. As a result, an Order to Comply was issued and legal action has been taken and is currently on going against him by our Inspections Section.

April 19, 2019 – previous owner, Jason Fiorino, applied for a demolition permit which has been since cancelled, due to the owner not submitting requested documentation.

Late January or early February 2020 - Skyway Construction Group purchased the property. Greg Hart is the owner of Skyway Construction Group.

December 10, 2020 – Order to Comply was issued to Skyway Construction Group for the demolition of the house without a permit.

December 10, 2020 – Two additional Orders to Comply were issued to Skyway Construction Group. One for renovations to the detached building without a permit and the second to not cover certain building systems in the building.

December 22, 2020 – Greg Hart (Skyway Construction Group) applied for a demolition permit application which is currently under review.

February 19, 2021 – Lucy Shaw, applicant on behalf of the owner, started the electronic permit application process however has not actually submitted the application to the Building Division for review.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Not Applicable.

RELEVANT CONSULTATION

Not Applicable.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Not Applicable.

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ALTERNATIVES FOR CONSIDERATION

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

That the Chief Building Official be authorized to issue a demolition permit for the previously existing single family dwelling located at 196 Dundurn Street South, 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:II