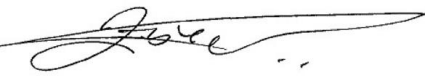




CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Building Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	May 18, 2021
SUBJECT/REPORT NO:	Demolition Permit – 1462 Upper James Street Hamilton (PED21092) (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 1462 Upper James Street, Hamilton 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 owner of the property is proposing to demolish the existing single family dwelling and leave the lands vacant at this time. This dwelling is located in a Mixed Use Medium Density C5 Zone. The C5 zone does not permit a replacement single family dwelling however does permit other residential uses such as a multiple dwelling, residential care facility, retirement home and a mixed use building consisting of commercial on the ground floor with dwelling units(s) above. The uses permitted would be subject to an approved Site Plan Application in the normal manner. The owners have indicated that they are not developers and have no interest in undertaking a development on this property. They also advised that they would like to sell it as a vacant property and allow someone else to develop it. They also indicated that the house is vacant, in a deteriorated condition and are worried about people breaking into the house.

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 permits residential uses, 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 3 of 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Not Applicable.

Staffing: Not Applicable.

Legal: Not Applicable.

HISTORICAL BACKGROUND

PRESENT ZONING: Mixed Use Medium Density C5 Zone (Zoning By-law 05-200).

PRESENT USE: Single Family Dwelling.

PROPOSED USE: Vacant Land.

BRIEF DESCRIPTION: This is a one storey single family dwelling which is on the vacant building register. Although it appears to be in a deteriorated condition nothing has been submitted to the Building Division declaring the dwelling to be unsafe. Additionally, this property is not on the City's Heritage inventory list.

This land is located in Ward 8. Please see Appendix "A" to Report PED21092.

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 to issue a demolition permit for 1640 Upper James Street, Hamilton, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of *The Planning Act* as amended, without having to comply with conditions 6(a), (b), and (c) of the Demolition Control By-law 09-208.

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