




CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Building Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 18, 2024
SUBJECT/REPORT NO:	Demolition Permit – 639 Rymal Road West (PED24186) (Ward 14)
WARD(S) AFFECTED:	Ward 14
PREPARED BY:	Jorge M. Caetano (905) 546-2424 Ext. 3931
SUBMITTED BY:	Jorge Caetano Acting Director, Building and Chief Building Official Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the request to issue a demolition permit prior to the owner obtaining final Site Plan Approval for redevelopment of 639 Rymal Road West be **DENIED** for the reasons noted in this Report;
- (b) That the Chief Building Official be authorized to issue a demolition permit for 639 Rymal Road West in accordance with the Delegated Authority contained in section 6(b) of the Demolition Control Area By-law 22-101, pursuant to Section 33 of *The Planning Act* once final Site Plan Control approval has been granted for redevelopment of the property.

EXECUTIVE SUMMARY

On May 8, 2024, Council directed staff that reports were to be prepared and submitted to the Planning Committee with a recommendation for the issuance/refusal of demolition permits where the proposed demolition did not fall under one of the exemptions, or delegated authority, contained in the Demolition Control Area By-law 22-101.

The intent of demolition control is to retain housing stock, maintain the integrity of neighbourhoods, prevent the premature loss of dwelling units and the creation of vacant land, retain existing dwelling units until new uses have been considered, and prevent the premature loss of municipal assessment.

**SUBJECT: Demolition Permit – 639 Rymal Road West (PED24186) (Ward 12) -
Page 2 of 4**

The owner of 639 Rymal Road West has submitted the required demolition permit application and is proposing to demolish the existing house prior to receiving final Site Plan Approval for the redevelopment of the property. Demolition of a house is subject to the Demolition Control Area By-law 22-101. Under By-law 22-101, in certain scenarios, Council delegates demolition approval of a Residential Property to the Chief Building Official.

The most common and applicable scenario for delegated approval is where the erection of a new building is proposed on the site of a Residential Property to be demolished and the required standard conditions are registered on title. The standard conditions require, prior to issuance of the demolition permit, that a building permit for the new building be issued in conjunction with the demolition permit and that the new building be erected within two years of the date of the demolition; otherwise, \$20,000 shall be added to the tax roll. The Chief Building Official also has delegated authority to issue the demolition permit where a final Site Plan approval has been granted which would eliminate the requirement that a new dwelling be authorized through the issuance of a building permit.

Where the owner of the property does not agree with the required standard conditions, or where the Chief Building Official refuses to issue demolition control approval, the Demolition Control Area By-law requires the Chief Building Official to advise Council. Council then retains all power to issue or refuse to issue Demolition Control Approval.

This Report is presented to Council as the owner would like to demolish the existing house prior to receiving final Site Plan approval.

Since the house is in fair condition, boarded up and secure, staff consider the application to be premature and are recommending that Council deny the demolition permit and that the owner comply with the Demolition Control Area by-law and wait for final Site Plan approval in accordance with section 6(b) of Demolition Control Area By-law 22-101.

Alternately, if Council feels the request is reasonable, Council could approve the alternative recommendation on page 4 of this report and approve the demolition without the owner obtaining final site plan approval for redevelopment of the property.

Alternatives for Consideration – See Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

Under the Demolition Control Area By-law, Council delegates the Chief Building Official authority to issue Demolition Control Approval to demolish Residential Property under certain scenarios. The most common scenario, which is applicable in this situation, is where the erection of a new building is proposed on the site of the Residential Property to be demolished and where the standard conditions, which are required to be registered on title, apply. Another scenario is where final Site Plan approval has been granted.

The owner has submitted the required demolition building permit application; however, they do not wish to wait for final Site Plan approval which the owner is stating will likely take at least two years to obtain due to a pending resolution of a significant issue regarding capacity of sanitary sewers. The owner is also stating that the house has been uninhabitable for several years and is beyond repair at this point. They have also stated that they are constantly dealing with people breaking into the dwelling notwithstanding their ongoing efforts to keep the buildings properly boarded up. Additionally, according to the owner, there have been several fires at the house started by persons getting into the building and the owner feels this is only causing ongoing safety and other concerns to the neighbourhood. However, these issues may be related to the current vacant status of the dwelling.

PRESENT ZONING: Transit Oriented Corridor Multiple Residential (TOC3) zone (Zoning By-law 05-200). Holding Provision: H157, By-law 23-153.

PRESENT USE: Single Detached Dwelling.

PROPOSED USE: Vacant Land.

BRIEF DESCRIPTION: This is a one storey brick bungalow with an attached garage. House is vacant, boarded up and secure. Hydro is disconnected. Overall condition is fair, and solid. Roof is secure but could use some repair. See photos in Appendix "A" to report PED24186. This property is not on the City's Heritage inventory list.

This land is in Ward 14.

Since the house is in fair condition, boarded up and secure, staff are of the opinion that the request to demolish the dwelling is premature and therefore staff are recommending that Council deny the demolition permit and that the owner comply with the 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.

Control Area by-law and wait for final Site Plan approval in accordance with section 6(b) of Demolition Control Area By-law 22-101.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Not Applicable.

RELEVANT CONSULTATION

Cultural Heritage Planning has been consulted and there are no Heritage or Archaeological concerns.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Not Applicable.

ALTERNATIVES FOR CONSIDERATION

Should the Committee wish to approve the demolition of the house at 639 Rymal Road West the following recommendation would be appropriate:

That the Chief Building Official be authorized to issue a demolition permit for 639 Rymal Road West in accordance with the Demolition Control Area By-law 22-101, pursuant to Section 33 of *The Planning Act* as amended, without having final Site Plan approval for the redevelopment of the property, and without having to comply with section 6(b) of the Demolition Control Area By-law 22-101.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED24186 – Photos of House

JMC:ll