



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Building Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	October 18, 2024
<b>SUBJECT/REPORT NO:</b>	Demolition Permit - 3033 and 3047 Binbrook Road (PED24138) (Ward 11)
<b>WARD(S) AFFECTED:</b>	Ward 11
<b>PREPARED BY:</b>	Jorge M. Caetano (905) 546-2424 Ext. 3931
<b>SUBMITTED BY:</b>	Jorge M. Caetano Acting Director, Building and Chief Building Official Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That request to issue a demolition permit prior to the owner obtaining final Site Plan Approval for redevelopment of 3033 and 3047 Binbrook Road be **DENIED** since the houses are in fair condition, boarded up and secure, and staff consider the application to be premature;
- (b) That the Chief Building Official be authorized to issue a demolition permit for 3033 and 3047 Binbrook Road in accordance with 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 in accordance with section 6(b) of the Demolition Control Area By-law 22-101.

**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.

The owner of 3033 and 3047 Binbrook Road has submitted the required demolition permit application and is proposing to demolish the two existing houses 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 (2) 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 houses prior to receiving final Site Plan approval.

Since the houses are 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 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 demolitions 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 it's 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 applications; however, they do not wish to wait for final Site Plan approval of DA-17-107. The owner is also stating that the houses have been vacant for an extended period of time and are beyond repair at this point. They have also stated that they are constantly dealing with vandalism and people breaking into the dwelling notwithstanding their ongoing efforts to keep the buildings properly boarded up. The break-ins and vandalism have also caused distress to neighbours and, in the owner's opinion, poses significant safety concerns. However, these issues may be related to the current vacant status of the dwellings.

**PRESENT ZONING:** C3-317, Glanbrook Zoning By-law.

**PRESENT USE:** Two Single Detached Dwellings.

**PROPOSED USE:** Vacant Land.

**BRIEF DESCRIPTION:** 3033 Binbrook Road is a 2-storey vinyl/metal sided dwelling. House is vacant with all openings boarded up. Appears to be in fair condition. This property is not on the City's Heritage inventory list. See Appendix "A" to report PED24138 for photo.

3047 Binbrook Road is a 2-storey brick and siding dwelling. House is vacant and all openings boarded up. Appears to have not been maintained for several years. This property is on the City's Heritage inventory list, owner is to retain the brick carriage house on the site but demolish the house. See Appendix "A" to report PED24138 for photo.

This land is located in Ward 11. Please see Appendix “B” to report PED24138 for a location map.

Since the houses are 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 permits 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.

### **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Not Applicable.

### **RELEVANT CONSULTATION**

Cultural Heritage Planning has been consulted and there are no Heritage or Archaeological concerns, provided the historic structure (carriage house) on the site is retained and integrated into the new development.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Not Applicable.

### **ALTERNATIVES FOR CONSIDERATION**

Should the Committee wish to approve the demolition of the houses at 3033 and 3047 Binbrook road the following recommendation would be appropriate:

That the Chief Building Official be authorized to issue demolition permits for 3033 and for 3047 Binbrook Road in accordance with 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 PED24138 – Photos of Houses

Appendix “B” to Report PED24138 – Location Map

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