



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Building Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 14, 2025
SUBJECT/REPORT NO:	Demolition Permit – 58 Carluke Road West (PED25027) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Jorge M. Caetano (905) 546-2424 Ext. 3931
SUBMITTED BY:	Robert Lalli Director, Building and Chief Building Official Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the request by the owner to issue a demolition permit for 58 Carluke Road West without the rebuild conditions be **APPROVED** since the single detached dwelling is located next to an industrial use (bakery) and a new single detached dwelling would be incompatible with the existing industrial use of the property;
- (b) That the Chief Building Official be authorized to issue a demolition permit for 58 Carluke Road West in accordance with By-law 22-101, pursuant to Section 33 of The Planning Act, as amended, without having to comply with section 6(a) 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 58 Carluke Road West has submitted the required demolition permit application and is proposing to demolish the existing single detached dwelling with no plans to build a new residence on the property. Demolition of a single detached dwelling 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.

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 single detached dwelling with no plans to build a new residence on the property.

Cultural Heritage has provided comments stating that his property also meets the criteria for archaeological potential, but there is no applicable law under the Ontario Heritage Act preventing issuance of a Building Permit related to potential disturbance of an area of archaeological potential. Heritage staff recommend that the owner be advised of their concerns noted on pages 3 and 4 of this Report.

Since the single detached dwelling is located next to an industrial use, and a new single detached dwelling would be incompatible with the existing industrial use of the property, staff are of the opinion that the request to issue a demolition permit should be granted without the applicant having to comply with the conditions in section 6(a) of the Demolition Control Area By-law 22-101.

Alternately, if Council feels the request is not reasonable, Council could approve the alternative recommendation on page 5 of this report and deny the demolition permit until such time as the owner complies with the conditions in section 6(a) of the Demolition Control Area By-law 22-101.

Alternatives for Consideration – See Page 5

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.

The owner has submitted the required demolition building permit application; however, they have no plans to construct a new residence. The agent for the owner is stating that the single detached dwelling is vacant and run down. They also state that the property is a bakery factory which has been running for decades. There are substantial odours coming out of the bakery as well as annoying noise that have caused incidences between the bakery and former tenants. Additionally, as part of the negotiations for a new lease the current tenant of the bakery is insisting that the home be demolished. According to the agent of the owner, the new lease is crucial to the continuation of the bakery which supplies many jobs in the area.

Cultural Heritage Comments

The property at 58 Carluke Road West, Ancaster, (also 1770 Fiddlers Green Road, Oakrun Farm Bakery) is on the City's Inventory of Heritage Properties. Upon receiving notice of the Building Permit Application to Demolish in 2023, Heritage staff conducted additional research on the property and determined that the dwelling proposed to be demolished was most likely constructed in the late 19th century. It resembles a vernacular Ontario Cottage but appears to have been heavily modified. No significant historical or associative value was identified through staff's research. Therefore, staff does not recommend taking any formal action in response to the proposed demolition. Staff did reach out to the owner to request photographs (documentation) and that the owner engage someone to salvage any remaining heritage features prior to demolition. According to our files, staff have not received a response to date on this request.

The property also meets the criteria for archaeological potential, but there is no applicable law under the Ontario Heritage Act preventing issuance of a Building Permit

related to potential disturbance of an area of archaeological potential. Heritage staff recommend that the owner be advised of the following:

“The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbance, in addition to any areas impacted by the installation of services, such as water, electricity and ground-source heat pumps, and the proponent is advised to conduct an archaeological assessment prior to such impacts in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the MCM.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”

PRESENT ZONING: A1, Zoning By-law 05-200. Grand River Conservation Authority.

PRESENT USE: Bakery with an accessory single detached dwelling.

PROPOSED USE: Bakery.

BRIEF DESCRIPTION: The single detached dwelling at 58 Carluke Road West is a 2-storey aluminium sided single detached dwelling. The single detached dwelling is vacant, windows open and currently open to trespass. This property is on the City’s Inventory of Heritage Properties, however, Cultural Heritage has stated that there is no applicable law under the Ontario Heritage Act to prevent the issuance of a demolition permit (see their comments on pages 3 and 4 of this report). See Appendix “A” to report PED25027 for photos.

This land is located in Ward 12. Please see Appendix “B” to report PED25027 for a location map.

Since the single detached dwelling is located next to an industrial use and a new single detached dwelling would be incompatible with the existing industrial use of the property, staff are of the opinion that the request to issue a demolition permit should be granted without the applicant having to comply with the conditions in section 6(a) of the Demolition Control Area By-law 22-101.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Not Applicable.

RELEVANT CONSULTATION

Cultural Heritage Planning has been consulted and while 58 Carluke Road West is on the City’s Inventory of Heritage Properties, staff does not recommend taking any formal action in response to the proposed demolition. The property also meets the criteria for archaeological potential, but there is no applicable law under the Ontario Heritage Act preventing issuance of a Building Permit related to potential disturbance of an area of archaeological potential (see their comments on pages 3 and 4 of this Report).

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Not Applicable.

ALTERNATIVES FOR CONSIDERATION

Should the Committee wish to deny the demolition of the single detached dwelling at 58 Carluke Road West the following recommendation would be appropriate:

That the Chief Building Official be authorized to issue demolition permits for 58 Carluke Road West in accordance with By-law 22-101, pursuant to Section 33 of *The Planning Act* as amended, once the applicant has applied for and received a building permit for a replacement building on the property, and they have complied with the conditions in section 6(a) of the Demolition Control Area By-law 22-101.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED25027 – Photos of Single detached dwellings
Appendix “B” to Report PED25027 – Location Map

JMC:ll