




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 – 10-16 Kenilworth Avenue North, Hamilton (PED25028) (Ward 4)
WARD(S) AFFECTED:	Ward 4
PREPARED BY:	Joyanne Beckett, P.Eng. (905) 546-2424 Ext. 4650
SUBMITTED BY:	Robert Lalli, P.Eng. 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 10-16 Kenilworth Avenue North be **DENIED** since the building is 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 10-16 Kenilworth Avenue North 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.

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The owner of 10-16 Kenilworth Avenue North has submitted the required demolition permit application and is proposing to demolish the existing vacant, 3-storey, commercial & residential (8 dwelling units), building prior to receiving final Site Plan Approval for the redevelopment of the property. Demolition of a building containing residential units 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 building prior to receiving final Site Plan approval.

Since the building is in a fair condition, although boarded up and secure, staff deem 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, apply 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 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 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 have not yet made application for Site Plan approval, and they do not wish to wait for final Site Plan approval. The owner (Ontario Aboriginal Housing Services) would like to demolish the building to reduce risk on site and insurance costs while decisions related to acquisition of adjacent Metrolinx land are pending. The land acquisition will inform the final design of the proposed building on the site.

PRESENT ZONING: C5, Mixed Use Medium Density, Zoning By-law, 05-200.

PRESENT USE: Vacant 3-storey mixed commercial and residential (8 dwelling units) building.

PROPOSED USE: Future 6-storey commercial/residential building with a minimum of 45 units (design incomplete at this time).

BRIEF DESCRIPTION: 10-16 Kenilworth Avenue North is a 3-storey vinyl/metal sided mixed use, commercial and residential building. Building Division records recognize 8 dwelling units on the 3rd floor. The building is vacant with all openings on doors and low windows on the 1st floor boarded up. The building on the exterior appears to be in fair condition. This property is not on the City's Heritage inventory list. All utilities to the building have been disconnected and a Metrolink Corridor Development Permit has been obtained to demolish the building. See Appendix "A" to report PED25028 for photos.

This land is located in Ward 4. Please see Appendix "B" to Report PED25028 for a location map.

Since the building 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

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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.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Not Applicable.

ALTERNATIVES FOR CONSIDERATION

Should the Committee wish to approve the demolition of the building at 10-16 Kenilworth Avenue North the following recommendation would be appropriate:

That the Chief Building Official be authorized to issue a demolition permit for 10-16 Kenilworth Avenue North 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 PED25028 – Photos of Building
Appendix “B” to Report PED25028 – Location Map

JB:ll