



City of Hamilton Report for Consideration

To: Chair and Members
Planning Committee

Date: June 10, 2025

Report No: PED25058

Subject/Title: **Demolition Permit – 2 McDonalds Lane, Stoney Creek**

Ward(s) Affected: Ward 10

Recommendations

- 1) That the request to issue a demolition permit prior to the owner obtaining final Site Plan Approval for redevelopment of 2 McDonalds Lane, Stoney Creek, **BE DENIED** since the building is in fair condition, boarded up and secure, and staff consider the application to be premature;
- 2) That the Chief Building Official **BE AUTHORIZED** to issue a demolition permit for 2 McDonalds Lane, Stoney Creek, 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.

Key Facts

- A demolition permit application has been submitted to the Building Division.
- The building contains a residential occupancy and is subject to the Demolition Control By-law.
- The Chief Building Official does not have delegated authority to issue the demolition permit as the application does not meet the conditions for delegated authority.
- The building is in fair condition, with no formal Site Plan Application to the Planning Division for future development.

- The owner wishes to demolish the building prior to receiving Site Plan Approval or meeting any other conditions necessary for the Chief Building Official to issue the demolition permit.

Financial Considerations

N/A

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 application; however, they have not yet made application for Site Plan approval, and they do not wish to wait for final Site Plan approval.

PRESENT ZONING: RR, Rural Residential, Zoning By-law, 3692-92.

PRESENT USE: Vacant 2-storey semi-detached residential building.

PROPOSED USE: Unknown.

BRIEF DESCRIPTION: 2 McDonalds Lane is a 2-storey semi-detached residential building. The building is vacant with all openings boarded up. The building on the exterior appears to be in fair condition. This property is not on the City's Heritage inventory list. Some utilities to the building have been disconnected. See Appendix "A" to report PED25058 for photos.

This land is located in Ward 10. Please see Appendix "B" to report PED25058 for a location map.

Analysis

The owner of 2 McDonalds Lane has submitted the required demolition permit application and is proposing to demolish the existing vacant, 2-storey, residential 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.

The owner indicated that they are seeking relief from Section 6 of the Demolition Control By-law for the following reasons:

- The residence was purchased in an uninhabitable condition and without hydro/water,
- The property has become a safety and operational liability, and
- There have been reports of vandalism and trespassing which pose a concern for neighbourhood safety.

Cultural Heritage Planning has been consulted and there are no concerns in terms of heritage buildings and landscapes, however the subject lands meet the criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential. 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 note that, as part of Formal Consultation Application FC-24-082, which included 2 McDonalds Lane, staff required that an archaeological assessment be conducted and submitted as part of a complete Official Plan Amendment and/or Zoning By-Law Amendment application. An archaeological assessment has not been submitted to the City of Hamilton for review and approval. Therefore, 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)."

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 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.

Alternatives

Should the Committee wish to approve the demolition of the building at 2 McDonalds Lane the following recommendation would be appropriate:

That the Chief Building Official **BE AUTHORIZED** to issue a demolition permit for 2 McDonalds Lane 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.

Relationship to Council Strategic Priorities

1. Sustainable Economic & Ecological Development
 - 1.1. Reduce the burden on residential taxpayers.
2. Safe & Thriving Neighbourhoods
 - 2.1. Increase the supply of affordable and supportive housing and reduce chronic homelessness.
3. Responsiveness & Transparency
 - 3.2. Get more people involved in decision making and problem solving.

Previous Reports Submitted

N/A

Consultation

Alissa Golden, Program Lead, Cultural Heritage, Planning and Economic Development
Michael Fiorino, Planner II, Planning and Economic Development
Bill Aitken, Building Inspector, Planning and Economic Development

Appendices and Schedules Attached

Appendix A: Photos of Building

Appendix B: Location Map

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| Submitted and recommended by: | Robert Lalli, P.Eng., Director, and Chief Building Official Planning and Economic Development, Building Division |