



City of Hamilton Report for Consideration

To: Chair and Members
Planning Committee

Date: June 10, 2025

Report No: PED25153

Subject/Title: Demolition Permit – 1290 Upper James Street

Ward(s) Affected: Ward 8

Recommendations

That the request to issue a demolition permit for 1290 Upper James Street, Hamilton **BE DENIED** as compliance with Section 6 of the Demolition Control By-law 22-101, pursuant to Section 33 *The Planning Act*, has not been demonstrated and staff consider the application to be premature.

Key Facts

- A demolition permit application has been submitted to the Building Division
- The building, while currently vacant, previously contained 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.
- The owner has not submitted plans for redevelopment of the property.

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 do not meet the conditions for delegated authority and has requested council approval to demolish the building.

PRESENT ZONING: C7, Arterial Commercial, Zoning By-Law 05-200

PRESENT USE: Vacant Single Family Dwelling

PROPOSED USE: Vacant Land

BRIEF DESCRIPTION: 1290 Upper James Street, Hamilton is a 1-storey single family dwelling in fair condition (from an exterior inspection) and is vacant. See Appendix “A” to report PED25153 for photos.

This land is located in Ward 08. Please see Appendix “B” to report PED25153 for a location map.

Analysis

The owner of 1290 Upper James St has submitted the required demolition permit application and is proposing to demolish the existing vacant, 1-storey, residential building.

There are no built heritage interests or comments for this property.

The subject property meets the criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining 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. 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 (416-2128886).
- 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)

The owner indicates that the homes have been vacant for several years and is not seeking redevelopment of these lands at this time. In their view, the current state of these homes is a liability (fire hazard, trespassing) to keep these homes in their current condition and are asking to expedite issuance of the demolition permit as quickly as possible. The owner has stated that “the demolition of a part of the residential property does not reduce the number of dwelling units as these homes have been vacant for several years and inhabitable due to the ongoing vandalism of these homes”.

Staff are of the opinion that the request to demolish the dwelling is premature and therefore staff are recommending that Council deny issuance of the demolition permit until such time that the owner complies with Section 6 of Demolition Control Area By-law 22-101.

Alternatives

Should the Committee wish to approve the demolition of the building at 1290 Upper James Street the following recommendation would be appropriate:

That the Chief Building Official **BE AUTHORIZED** to issue a demolition permit for 1290 Upper James Street in accordance with By-law 22-101, pursuant to Section 33 of the *Planning Act* as amended, without having to comply with Section 6 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
 - 3.1. 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
- Kim Zanello, Building Inspector, Planning and Economic Development

Appendices and Schedules Attached

Appendix A: Photos of Building

Appendix B: Location Map

Prepared by: Joyanne Beckett, Manager, Building Engineering
Planning and Economic Development, Building Division

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