

**CITY OF HAMILTON**

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Parking and By-law Services Division**

<b>TO:</b> Chair and Members Planning Committee	<b>WARD(S) AFFECTED:</b> CITY WIDE
<b>COMMITTEE DATE:</b> December 6, 2011	
<b>SUBJECT/REPORT NO:</b> Vacant Building Registry By-law Update (PED09031(d)) (City Wide)	
<b>SUBMITTED BY:</b> Tim McCabe General Manager Planning and Economic Development Department	<b>PREPARED BY:</b> Marty Hazell 905-546-2424 Ext. 4588
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That the Vacant Building Registry By-law be amended to require an owner to display "vacant building signage" which includes emergency contact information on every registered vacant building;
- (b) That the City's User Fees and Charges By-law be amended by adding a \$300.00 annual fee for each additional vacant building on a property to cover the costs for inspections and administration; and,
- (b) That the amending By-law, attached as Appendix "A" to Report PED09031(d), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

**EXECUTIVE SUMMARY**

On October 13, 2010, City Council enacted the Vacant Building Registry By-law to provide a more effective approach to monitoring vacant buildings on a 100% cost-recovery basis for the required staffing, operating and equipment costs.

The purpose of this Report is to provide an update on staff's experience in administering the By-law during its first year in existence, and to recommend changes for improved efficiency and effectiveness when addressing vacant buildings.

***Alternatives for Consideration – Not Applicable***

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS** (for Recommendation(s) only)

**Financial/Staffing:** N/A

**Legal:**

The amendments to the Vacant Building Registry By-law would be made in accordance with the City's authority under the Municipal Act, 2001.

**HISTORICAL BACKGROUND** (Chronology of events)

The long-standing reactive (complaint-driven) approach to Property Standards enforcement of vacant buildings in Hamilton meant that, except in extreme cases of building deterioration (i.e. blatant unsafe conditions), vacant buildings were inspected only upon complaint and primarily for "open to trespass" issues. As a result, many vacant buildings had significant Property Standards and/or Building Code deficiencies that were not being addressed. Further, many remained dormant and deteriorated to an unsafe condition and, in some cases, to a state beyond repair.

On January 12, 2009, the (former) Committee of the Whole, approved a protocol for a proactive approach to Property Standards enforcement of vacant buildings, including a comprehensive/consistent procedure for monitoring vacant buildings to protect them against continued deterioration.

Through Information Report PED09031(a), dated September 28, 2009, staff updated the (former) Economic Development and Planning Committee on the efficiency and effectiveness of the Vacant Building Protocol. Staff concluded that, while process improvements were continuing to be implemented, the new proactive process had resulted in more effective monitoring of vacant buildings and prevention against continuing deterioration.

On May 18, 2010, staff provided an update of the Process Review of the Vacant Building Protocol, and in approving Report PED09031(b), staff were directed "to conduct a comprehensive investigation into the creation of a Vacant Building Registry By-law, including an assessment of the staff resources required and appropriate fees for cost-recovery."

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In October 2010, the (former) Economic Development and Planning Committee and City Council approved the following recommendations:

“(a) That the draft Vacant Building Registry By-law, attached as Appendix "A" to Report PED09031(c), which has been prepared in a form satisfactory to the City Solicitor, be passed subject to approval of items (i), (ii), (iii), (iv) and (v) below:

(i) That a one time administration fee of \$240.00; applied to initial registration, be approved and added to the City’s User Fees and Charges By-law;

(ii) That a \$600.00 annual Vacant Building Fee, for inspections and administration, be approved and added to the User Fees and Charges By-law;

(iii) That 1.0 additional FTE be approved for enforcing and administering the Vacant Building Registry By-law, up to 200 buildings, based on 100% cost recovery and no additional levy impact;

(iv) That one additional vehicle, at an estimated cost of \$37,000.00, be approved for enforcing the Vacant Building Registry By-law to be funded from the administrations fees as outlined in Recommendation (a) (i) above; and,

(v) That staff be authorized and directed to hire additional temporary staff, at the rate of .25 FTEs for every 50 additional buildings beyond 200 to accommodate fluctuations in the Vacant Building Registry based on 100% cost recovery and no additional levy impact.

(b) That subject to City Council enacting a Vacant Building Registry By-law, as referenced in recommendation (a) above, staff be directed to update the Vacant Building Protocol accordingly.”

**POLICY IMPLICATIONS**

N/A

**RELEVANT CONSULTATION**

Legal, Finance, Fire, Building Services and Hamilton Police Service were consulted in the preparation of this Report.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

(include Performance Measurement/Benchmarking Data, if applicable)

The Vacant Building Registry By-law, approved by City Council on October 13, 2010, provides a systematic approach to monitoring vacant buildings on a 100% cost-recovery basis for the required staffing, operating and equipment costs. The By-law requires the owner of a vacant building (except for 1, 2 or 3 dwelling units, provided that each dwelling unit is fit to live in) to register the building and to:

- pay a one-time \$240.00 registration fee;
- pay an annual \$600.00 fee to cover the costs for inspecting and administration;
- provide updated contact information annually;
- monitor their vacant buildings once every two weeks or more frequently as required by the City; and,
- submit condition reports on the vacant building as required by the City (in addition to reports the City already can require under the Property Standards By-law or the Building Code).

Any owner of a vacant building who does not register with the City, or who fails to meet any requirement of the Vacant Building Registry By-law could be subject to fees or fines.

At the commencement of the process, adjustments to internal processes and procedures were required. As a result, input, tracking and administration have been improved upon. There is significant administrative activity required for the number of vacant buildings across the City, particularly for scheduling investigations and re-checks which are crucial to enforcement and in ensuring the requirements of the By-law as well as other by-laws and statutes, including Property Standards, Yard Maintenance, and the Building Code Act, are met on an ongoing basis.

The list of vacant buildings continues to fluctuate daily as a result of persons reporting vacant properties to staff or as vacant buildings are demolished or reoccupied. At the time that this report was written, there were 266 vacant buildings on the list, and approximately 100 in the Vacant Building Registry. More vacant building owners are becoming aware of the program and are registering their properties. At present there is one charge of "Failing to Register a Vacant Building" before the Courts and six more charges are pending.

Since the Vacant Building Registry By-law was enacted, a full time Administrative Clerk and one part-time Officer have been hired to oversee vacant buildings across the City.

In accordance with the City Council approval to hire additional temporary staff, at the rate of .25 FTEs for every 50 additional buildings beyond 200, it is anticipated that an additional .25 FTE will be assigned in the near future.

The By-law has been in effect for one year, and is providing effective monitoring of vacant buildings. The Hamilton Police Service supports the By-law, stating that it assists them with calls for service and that it aligns with their proactive enforcement program making our streets safer by attending and inspecting vacant buildings.

However, as part of continuous improvement efforts staff recommend the following:

- **Amending the By-law to include a requirement that a vacant building sign containing the owner's emergency contact information be displayed.**

This will provide information to emergency service providers or others when the owner's involvement is necessary.

- **Requiring a fee to cover the costs for inspections and administration of additional vacant buildings on the same property.**

There have been cases where an owner wishes to register a property and to pay only one fee when there is more than one vacant building on that property. To ensure full cost recovery for monitoring services provided by City staff, there needs to be a fee for every building. However, as there are efficiencies in monitoring more than one building on a single property (i.e. reduced driving time for inspections) staff recommend reducing the annual fee by 50% (\$600.00 to \$300.00) to cover the costs for monitoring additional vacant buildings on the same property.

- **Sharing of the Vacant Building List.**

In the letter notifying owners of the requirement to register their vacant buildings, staff intend to inquire if there is any interest in selling the property. If there is, staff can add the address to the list used by Economic Development staff in promoting these underutilized properties to businesses wishing to relocate or to seek set up in Hamilton.

Staff are continuing to work on addressing the following two challenges:

- to avoid registering their building, vacant building owners are sometimes applying for a Demolition Permit, which under the Building Code Act allows them six months to begin work and an additional one year to complete the demolition. This means that staff could continue to monitor some buildings for up to 1½ years with no cost recovery. Staff intend to continue to apply the vacant building registry requirements unless demolition occurs in a timely manner.

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- As the property owners often do not provide correct contact information as to their mailing addresses, it can be onerous for staff to determine the correct mailing address in order to properly enforce the By-law requirements. Staff continue to look for solutions to this problem.

**ALTERNATIVES FOR CONSIDERATION**

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

N/A

**CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)**

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

- ***Healthy Community***

Public Safety is protected.

- ***Growing Our Economy***

Enhanced vacant building maintenance/protection contributes to property values, including the surrounding neighbourhood.

**APPENDICES / SCHEDULES**

Appendix "A" to Report PED09031(d) – Amending By-law

MH/dt

**Authority:** Item , Committee  
Report (Staff report  
number)  
CM: Date

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW NO. \_\_\_\_\_**

**To Amend By-law No. 10-260, a By-law to Regulate Vacant Buildings**

**WHEREAS** Council of the City of Hamilton enacted a by-law to regulate vacant buildings, being City of Hamilton By-law No. 10-260;

**AND WHEREAS** this By-law provides for an amendment to City of Hamilton By-law No. 10-260 to require that signs providing the property owners' emergency contact information be displayed on vacant buildings;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

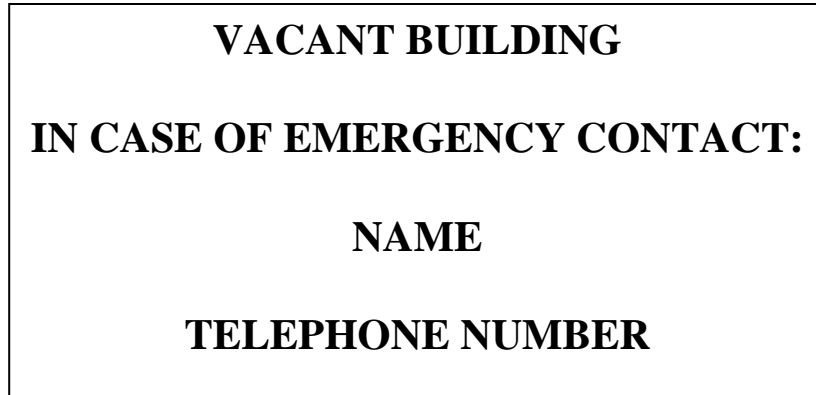
1. Section 2 of By-law No. 10-260 is amended to add the following new definition after the definition of "property" and to move the "and" at the end of the definition of "property" to end of the new definition accordingly:

"**street**" means any public highway but does not include a provincial highway;

2. Section 9 of By-law No. 10-260 is amended by adding the following new subsection 9(c) and relettering the subsequent subsections accordingly:

(c) post at least one sign on the vacant building, except a vacant building containing 1, 2 or 3 dwelling units, that:

- (i) bears the words "vacant building" and emergency contact information of the owner, including a name and telephone number, in black letters on a white retro-reflective background as illustrated in the following figure:



- (ii) is readable from each adjacent street;

3. This By-law comes into force on the day it is passed.

PASSED this            day of            , 2011.

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R. Bratina  
MAYOR

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R. Caterini  
CITY CLERK