



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 16, 2024
SUBJECT/REPORT NO:	455 King Street East and 457- 459 King Street East Demolition and Administrative Updates to By-Law 23-162, a By-Law to Prescribe Standards for the Maintenance and Occupancy of Property (PED24048) (Ward 3)
WARD(S) AFFECTED:	Ward 3
PREPARED BY:	RJ Reddy (905) 546-2424 Ext. 2547
SUBMITTED BY:	Monica Ciriello Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That Licensing and By-law Services be authorized to demolish the vacant and adjoining properties located at 455 King Street East and 457- 459 King Street East, in Hamilton and that the associated fees for carrying out the work be added to the property tax rolls for the corresponding properties.
- (b) That the amending By-law to City of Hamilton By-Law 23-162, a By-law to Prescribe Standards for the Maintenance and Occupancy of Property, attached as Appendix “A” to Report PED24048 be approved, which increases the maximum dollar amount that the Director of Licensing and By-Law Services is authorized to approve for completion of necessary work required for compliance with Property Standards Orders from \$20,000 to \$50,000.

EXECUTIVE SUMMARY

The purpose of this report is to recommend demolition of the properties located at 455 King Street East and 457- 459 King Street East, as a result of non-compliance with

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Property Standards Orders issued by Municipal Law Enforcement that expired on August 30, 2023. The existing buildings are vacant, in a state of extreme disrepair and continue to deteriorate in their current condition. Timely action by staff is required in order to resolve the health and safety risks associated with the building's current condition. The City is in a position to remediate the deficiencies stated on the Orders by either repair or demolition of the buildings.

Staff have evaluated the financial implications, the current significant use of City resources and the continued non-compliance of the state of the buildings. As a result, staff recommend that demolition of the buildings located at 455 King Street East and 457- 459 King Street East is the prudent option to remediate the vacant and deteriorated properties.

The cost to demolish has been received and evaluated by staff. Costs exceed the maximum amount that can be approved by the Director of Licensing and By-law Services under section 31(7) of the Property Standards By-law 23-162 and thereby requires Council approval.

This report also recommends an increase to the maximum dollar amount (from \$20,000 to \$50,000) that the Director of Licensing and By-Law Services is permitted to approve to carry out work required to achieve compliance with City orders.

Alternatives for Consideration – See Page 6

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The total estimated cost for demolition to grade of the buildings at 455 King Street East and 457- 459 King Street East is \$242,246, as detailed in the engineer's report attached as Appendix "B" to Report PED24048, the costs will be added to the property tax roll for the corresponding properties.

Staffing: Not Applicable

Legal: Not Applicable

HISTORICAL BACKGROUND

455 King Street East and 457- 459 King Street East are connected properties consisting of three-story buildings that were of mixed residential and commercial use but have

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been vacant since approximately 2022. The buildings are divided into three municipal addresses, #455, #457 and #459.

On or about August 5, 2022, the Building Division received an unsafe building complaint from Hamilton Fire Department and Hamilton Police Service. The Building Division determined a portion of the street-facing brick masonry for the property at 457 King Street East had collapsed onto the sidewalk and roadway below. The adjacent building at 455 King Street East had cracks along the firewall which adjoins the two buildings and the parapet walls appeared to be leaning. An engineering assessment arranged by the Building Division revealed that wooden beams along the front faces of the buildings had suffered long-term deterioration which compromised the structural stability of the street-facing walls.

On August 5, 2022, the Building Division issued Orders to Comply to the property owner to address the unsafe element of the building. The Building Division's Orders prohibited occupancy of the properties and required the owner to obtain an independent engineering report to both monitor the properties' stability and conduct a full structural assessment for the purpose of restoration. The Orders also required the property owner to provide a temporary and permanent solution to the deficiencies. Due to the structural safety concerns, Hamilton Police Service and Hamilton Fire Department assisted in removing the tenants of the 6 occupied units in the buildings. The property owner did not comply with the Building Division's Orders.

As a result of non-compliance, the Building Division took reasonable steps to remediate the Order by arranging the buildings to be made safe. To prevent further collapse, street-facing brick masonry was removed from the properties and temporary fencing around the properties was installed, as recommended by the engineers. Additionally, road access to King Street East, Emerald Avenue North and East Avenue North was blocked.

In January 2023, Municipal Law Enforcement received the file for 455 King Street East and 457- 459 King Street East from the Building Division. From January to April 2023, Municipal Law Enforcement attended the properties on several occasions to conduct inspections. On May 1, 2023, Municipal Law Enforcement staff issued two Property Standards Orders; one for the property at 455 King Street East, and the other for the properties at 457- 459 King Street East. The Property Standards Orders required the owner to obtain the necessary engineering report, and to effect repairs to the properties (with permits) or demolish the buildings.

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The Property Standards Orders were appealed by the property owner to request additional time to complete the necessary repairs. A hearing was held before the Property Standards Committee and as a result the compliance date was extended from July 2, 2023 to August 30, 2023.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Staff's review considered the following applicable provincial legislation:

- *Municipal Act, 2001, S.O. 2001, c.25*
- *Building Code Act, 1992, S.O. 1992, c.23*

RELEVANT CONSULTATION

In preparing the recommendations and alternative highlighted herein, the following internal divisions were consulted:

- Corporate Services Department, Legal and Risk Management Services Division, Legal Services;
- Planning and Economic Development Department, Corporate Real Estate Division;
- Planning and Economic Development Department, Licensing & By-law Services Division;
- Planning and Economic Development Department, Building Division; and,
- Hamilton Police Service

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Impact

The state of the vacant properties at 455 King Street East and 457- 459 King Street East have resulted in significant use of City resources, including but not limited to; Hamilton Police Service, Municipal Law Enforcement, Hamilton Fire Department and the Building Division.

The unattended vacant buildings have resulted in an increase in criminal activity in the area. Since 2022 Hamilton Police Service have received ongoing calls for service to 455 King Street East and 457- 459 King Street, which have resulted in an officer being dispatched to that property. The most common call for service that an officer responded to were violent crime and crimes including; assaults, disturbances, shootings, and other weapon related calls. Hamilton Police Service continues to respond to ongoing non-emergency calls for property theft and trespassing at the properties. Hamilton Police

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Service does not have the ability to recoup the emergency service costs associated with responding to calls for service at 455 King Street East and 457 - 459 King Street East. Since January 2023, Municipal Law Enforcement staff have had many interactions with the property for several By-law violations. Municipal Law Enforcement staff have issued a total of 9 Orders for 455 King Street East and 457- 459 King Street East for violations of the Property Standards By-law 23-162, Vacant Building By-law 17-127 and Yard Maintenance Bylaw 10-118. These Orders have been reactive in nature and were in response to complaints received. As a result of non-compliance with the Orders, \$7,861.75 in charges has been applied to the property tax rolls in the form of fees for service, administrative penalty notices and related administrative fees for contractor completed work.

The Building Division has also assessed significant costs to the owners tax role, through continued involvement with 455 King Street East and 457- 459 King Street East. Initial costs to make the building safe was approximately \$240,000. Monthly costs continue to be incurred for the rental of the temporary fencing around the perimeter of the building. (All costs incurred have been, continue to be applied to the property owner(s) tax role).

Due to the deteriorated state of the buildings at 455 King Street East and 457- 459 King Street East, both the northernmost lane on King Street East and the sidewalk adjacent to the properties continue to be blocked by the temporary fencing to avoid risks associated with the potential collapse of the buildings or falling debris. As a result, vehicle and pedestrian traffic have been impacted. Staff receive ongoing complaints regarding the blocked lane and sidewalk. Staff's recommendation to demolish would result in the expedient removal of the temporary fencing and would restore full access to the sidewalk and roadway.

Based on the factors above, and in consultation with various departments staff recommend demolition to address the deficiencies at 455 King Street East and 457- 459 King Street East. The current state of the vacant properties poses an immediate health and safety risk and will continue to further deteriorate if no action is taken to remediate the issues. Staff's recommendation involves a larger upfront cost of \$242,246, compared to repairing the building at a cost of \$222,092. Demolition would allow for a timelier remediation of the properties and would reduce the significant use of City resources. City staff note that the current condition of the buildings after the emergency removal of the façade is critical. It has been recommended by the City's retained structural engineer to expedite the restoration or demolition process as all supporting elements are now left exposed to weather and wind conditions which worsen the overall condition of the buildings.

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Increase to Authorized Amount to Carry out Repairs under By-law 23-162

Furthermore, staff recommend increasing the maximum dollar amount that the Director of Licensing and By-law Services is permitted to approve to carry out the work required to achieve compliance with City orders. The Property Standards Bylaw, 23-162, identifies the maximum dollar amount at \$20,000 per order, consistent with the previously repealed Property Standards By-Law 10-221. Staff are proposing an increase to \$50,000 per order. The increase in dollar amount would reduce the number of cases brought before Council for approval and would thereby establish efficiencies and expediate compliance in the Licensing and By-law Services' work request approval process.

ALTERNATIVES FOR CONSIDERATION

In the alternative, Council may consider approving the cost to repair the buildings at 455 King Street East and 457- 459 King Street East to achieve compliance with the City's Orders. Engineer reports arranged by the City estimate the total cost for repair of the buildings at 455 King Street East and 457- 459 King Street East to be \$222,092, attached as Appendix "B" to Report PED24048. This amount does not account for the extent of repairs and scope of work suitable for occupancy of the building and only addresses the deficiencies listed in the Property Standards' Orders.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED24048 – Amending Bylaw to Bylaw 23-162
Appendix "B" to Report PED24048 – Engineer Report 24-02-21