

то:	COMMUNITY AND PROTECTIVE SERVICES September 9, 2013	
FROM:	G. KOTSIFAS, P. ENG. MANAGING DIRECTOR OF DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL	
SUBJECT:	93 ADELAIDE STREET SOUTH – PROPERTY STANDARDS DEMOLITION	

RECOMMENDATION

That on the Recommendation of the Managing Director, Development and Compliance Services and Chief Building Official, the attached proposed by-law **BE INTRODUCED** at the Municipal Council Meeting on September 17, 2013; it being noted that the effect of the by-law will cause the City to take all necessary actions to demolish all buildings and structures at 93 Adelaide Street South and leave the property in a graded and levelled condition.

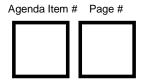
BACKGROUND

The subject property contains a single detached which has been vacant for several years. The property is in tax registration and is eligible for tax sale. There have been numerous complaints regarding the upkeep of this dwelling and property and there have been numerous Orders issued by the City with respect to property related by-law infractions. The City has previously demolished the garage and removed a derelict vehicle from the property.

The most recent Property Standards Order (attached) was appealed to the Property Standards Committee. On March 4, 2013, the Committee confirmed the Order with a condition that a demolition permit be obtained and the building be demolished by June 1, 2013. No action was taken. City Administration attended at the Ontario Superior Court of Justice on July 30, 2013 in response to a Notice of Appeal dated March 15, 2013, filed in the Court by Mr. Becky (agent of the property owner). Neither the property owner nor Mr. Becky were present at the Court and the appeal was not confirmed with the Registrar. The property owner was notified again of the confirmed Order by the Chief Building Official on July 31, 2013.

The dwelling in its current dilapidated condition is a blight on the neighbourhood and negatively impacts surrounding properties. A demolition quotation has been obtained for \$ 8,600 plus applicable taxes. All costs of the demolition including staff inspection fees will be the responsibility of the property owner. If fees are not paid, the costs are added to the tax roll.

PREPARED BY:	SUBMITTED BY:	
O. KATOLYK CHIEF, MUNICIPAL LAW ENFORCEMENT SERVICES	G. KOTSIFAS, P. ENG. MANAGING DIRECTOR OF DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL	



APPENDIX A

Bill No. 2013

By-law No.

A By-law to approve demolition of the property with municipal address of 93 Adelaide Street South under the Property Standards provisions of the *Building Code Act*.

WHEREAS subsection 5(3) of the *Municipal Act*, 2001 provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 15.1(3) of the *Building Code Act* provides that the council of a municipality may pass a by-law to require property that does not conform with the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition;

AND WHEREAS Council has passed Property Standards By-law CP-16 that requires owners of property that does not conform to the standards of the by-law to repair and maintain the property to conform with the standards of the by-law or to clear it of all buildings, structures, debris or refuse and left in a graded and levelled condition;

AND WHEREAS section 15.2(2) of the *Building Code Act* provides that an officer who finds that a property does not conform with the standards prescribed in the Property Standards By-law may make an order giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;

AND WHEREAS section 15.4 of the *Building Code Act* provides that, if an order of an officer under section 15.2(2) is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the committee or a judge, the municipality may cause the property to be repaired or demolished accordingly;

AND WHEREAS section 15.4(3) of the *Building Code Act* provides that a municipal corporation or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under subsection (1);

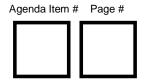
AND WHEREAS section 15.4(4) of the *Building Code Act* provides that the municipality shall have a lien on the land for the amount spent on the repair or demolition under subsection (1) and the amount shall have priority lien status as described in section 1 of the *Municipal Act*, 2001;

AND WHEREAS Council passed By-law A.-6554-211 to adopt a Policy whereby, in the event a confirmed Property Standards Order is not complied with, the City's Manager of By-law Enforcement shall not cause the property to be demolished unless he or she has reported to Council setting out the reasons for the proposed demolition and Council has passed a by-law approving of the proposed demolition;

AND WHEREAS a property standards order (attached) has not been complied with in accordance with the order as deemed confirmed or as confirmed or modified by the committee or a judge;

AND WHEREAS the City's Manager of By-law Enforcement has reported to Council setting out the reasons for the proposed demolition;

AND WHEREAS Municipal Council wishes to cause the property to be demolished;



NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1. The demolition of the property at municipal address of 93 Adelaide Street South, City of London, and with legal description Plan 437, Block O, Lot 22 is approved, and the property shall be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition, in accordance with the City of London Property Standards By-law and *Building Code Act*.
- 2. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council

, 2013.

Joe Fontana Mayor

Catharine Saunders City Clerk

First reading Second reading -Third reading -

Agenda Item #	Page #