

Report to Community and Protective Services Committee

To: Chair and Members
Community and Protective Services Committee
From: Scott Mathers, MPA, P.Eng
Deputy City Manager, Planning and Economic Development
Subject: Property Standards Related Demolition
Date: November 11, 2024

Recommendation

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the following action be taken:

- the attached by-law (Appendix 'A') **BE INTRODUCED** at the Council meeting on November 26, 2024, it being noted that that the effect of the by-law will be to permit the City of London to take all necessary actions to bring 1154 Hamilton Road into compliance with the Property Standards By-law including the potential demolition of the building and clearing of the land.

Summary

The request for demolition approval is intended as a near-to-last effort to motivate property owners to address ongoing property standards, neighbourhood nuisance, safety, and quality of life issues. Staff have continually attempted to have the property owners take stewardship over this building for some time now.

All associated inspection, maintenance, and potential demolition costs have been and will continue to be invoiced to the property owner from the time the building was identified as vacant until its ultimate demolition.

The property at 1154 Hamilton Road has been neglected for several years and this request for proactive demolition represents the next step in the compliance process.

Link to the Corporate Strategic Plan

Strengthening the wellbeing and safety of neighbourhoods and residents across the City through proactive enforcement of the City's Property Standards By-law and by proactively addressing issues with vacant structures.

Background Information

City Council Policy directs that when a Property Standards Order is not complied with, the Director of Municipal Compliance may have the property demolished once Council has passed a by-law approving of the potential demolition.

Council endorsement and subsequent by-law do not dissolve an owner's responsibilities under the Vacant Buildings By-law, nor pause the steps taken by Staff to compel owners to take care of their properties through the available compliance tools. The requested by-law provides Civic Administration the ability to begin the process of preparing a property for demolition.

Property Information

1154 Hamilton Road (Ward 1)

Property Standards Order PV 23-026972 registered on title.

The former grocery store, bingo hall, and buffet restaurant at 1154 Hamilton Road has been vacant for several years. In 2021, the building was added to the vacant building registry. At that time, the owner addressed ongoing issues including untidy lot complaints, graffiti, breaches, and break-ins.



1154 Hamilton Road - south side (2023)



1154 Hamilton Road – façade (2024)



1154 Hamilton Road (north side, 2023)



1154 Hamilton Road (rear, 2024)

A rezoning was approved in April of 2023 to permit up to 34 new townhouse units on the site, with the planning proposal and site concept indicating the demolition of the existing building. However, there has been no movement toward demolition since that time, and the nuisance problems have persisted. In June 2024, Property Standards Order PV 23-026972 was registered on title, requiring several repairs to be made to the building. Based on the development application, the property owner does not intend to reuse the building. Property issues continue including break-ins, squatters, graffiti, debris and most recently a fire at the property on October 9, 2024.

Conclusion

Staff have undertaken several inspections, issued penalties, and initiated Property Standards Orders to secure, maintain, and repair the subject building. Considering that the owner does not intend to adapt or reuse the building and given the most recent fire occurrence, Civic Administration recommends demolishing the vacant, abandoned building at 1154 Hamilton Road due to ongoing public safety and neighborhood nuisance concerns.

Prepared by: **Nicole Musicco**
Manager, Licensing, Policy & Special Operations

Submitted by: **Orest Katolyk, MPL, MLEO(C)**
Director, Municipal Compliance

Recommended by: **Scott Mathers, MPA, P.Eng**
Deputy City Manager, Planning and Economic Development

Appendix "A"

Bill No.
2024

By-law No.

A By-law to approve the potential demolition of the vacant building at 1154 Hamilton Road 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 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 Chief Municipal Law Enforcement Officer has reported to Council setting out the reasons for the proposed demolition;

AND WHEREAS Municipal Council may wish 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 potential demolition of the vacant building at 1154 Hamilton Road in the City of London is approved and the property may be cleared of all identified buildings, structures, debris, and refuse and left in a graded and levelled condition in accordance with the *City of London Property Standards By-law* and the *Ontario Building Code Act* if required.
2. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on November 26, 2024, subject to the provisions of PART VI.1 of the Municipal Act, 2001.

Josh Morgan,
Mayor

Michael Schulthess
City Clerk

First reading - , 2024
Second reading - , 2024
Third Reading - , 2024