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TO:	CHAIR AND MEMBERS PUBLIC SAFETY COMMITTEE
FROM:	GEORGE KOTSIFAS DIRECTOR OF BUILDING CONTROLS AND CHIEF BUILDING OFFICIAL
SUBJECT:	475 MCCORMICK BLVD – PROPERTY STANDARDS RELATED DEMOLITION JANUARY 24, 2012

RECOMMENDATION

On the recommendation of the Director of Buildings Controls and Chief Building Official, the attached proposed by-law, attached as Appendix "A", **BE INTRODUCED** at the Council meeting of January 31, 2012 to approve the demolition of the building at 475 McCormick Blvd. and leave the property in a graded and levelled condition.

PREVIOUS REPORTS

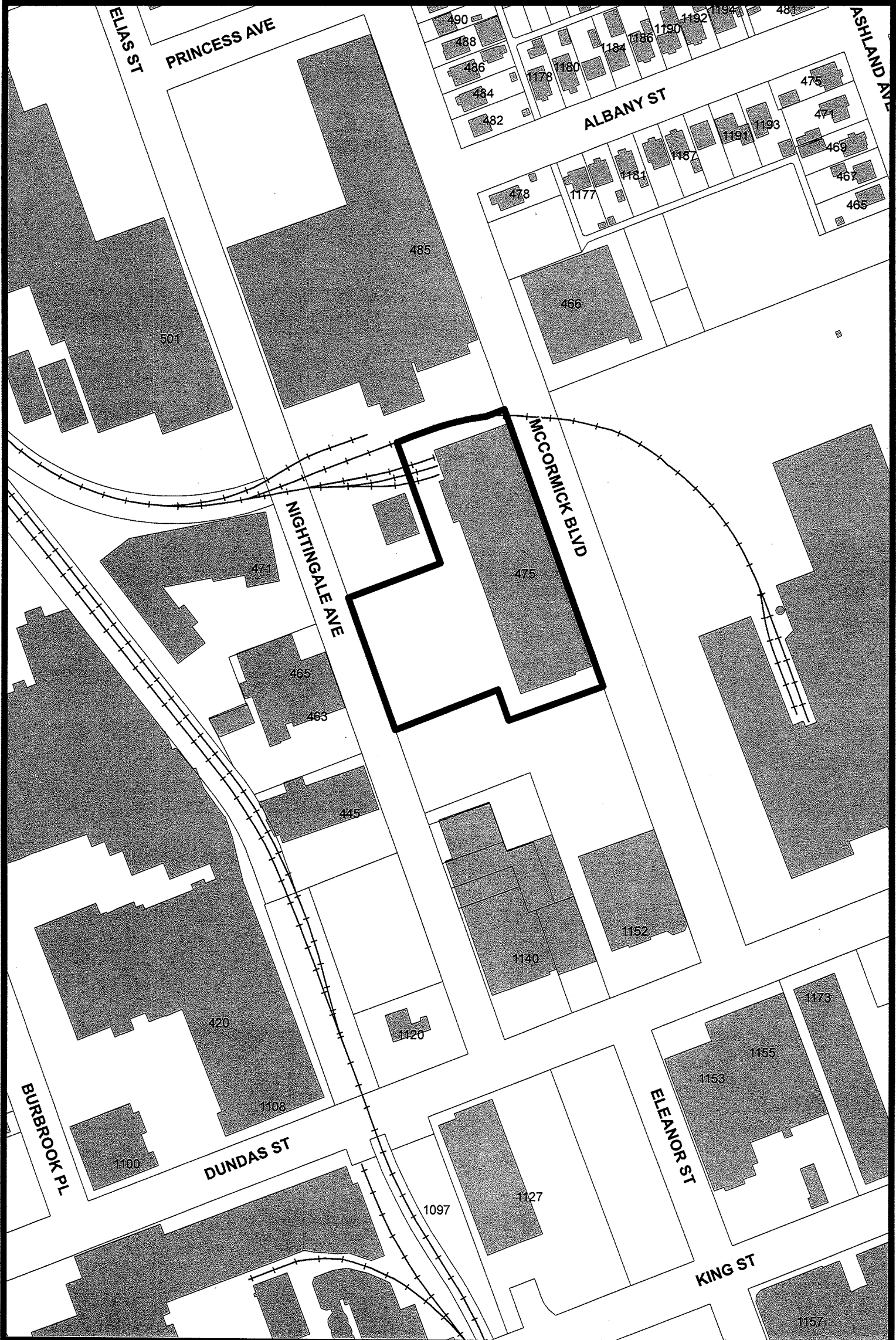
Vacant buildings – Property Standards and City Policy – CPSC – June 2010.

BACKGROUND

The subject site is located at 475 McCormick Blvd. and is approximately 150m north of Dundas St E. The site consists of a 4,250m² (46,000 sq. ft.) building which has been vacant for at least three years. A review of historical information indicates that the site has had industrial operations since the 1920's including medium and heavy manufacturing operations. Records indicate that in 1958, a refrigerator manufacturer operated an enamel dipping operation at the south west corner of the site. The north end of the building was recently used as a covered loading area including a train shed. The most recent use of the building was kitchen cabinet maker.

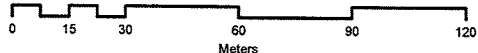
Since early 2010, the City began receiving property standards complaints regarding this vacant building. In May and September 2010, McCormick Blvd. was closed on two separate occasions due to roofing materials, including plywood sheathing and large felt materials, blowing onto the roadway causing unsafe conditions. Existing active commercial and industrial businesses were impacted by the road closures. In both cases, emergency repairs were undertaken at the direction of Property Standards Officers and billed back to the property owner. Also in response to the roof condition, an Unsafe Building Order pursuant to subsection 15.9(4) of the Building Code Act was issued (US 609615) ordering that a professional engineer be retained to examine the roofing materials and associated substrates and submit a report including corrective remedial work to be performed. This Unsafe Order was not complied with by the property owner.

As a result of non-compliance with the Unsafe Order, the City engaged the services of an independent professional engineer to undertake an analysis of the roof system. The cost of this assessment was invoiced to the property owner. Due to winter weather conditions in 2010, the assessment was completed in the spring of 2011. The assessment of the roof areas was divided into four general areas with the largest area measuring approximately 40,900 sq. ft. It is from this roof area where roofing felts have completely blown off exposing the wood in much of the roof. The assessment concluded that the roof system in this area is assessed to be in extremely poor condition. The engineering report recommended that this roof area is in need of a full replacement immediately and that the roof deck load capacity should be reviewed for life



LOCATION MAP





Address: 475 McCormick Blvd



Corporation of the City of London
Prepared By: Planning and Development



Legend

-  Subject Site
-  Assessment Parcels
-  Buildings
-  Parks

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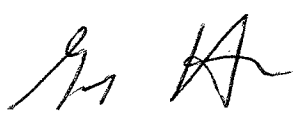
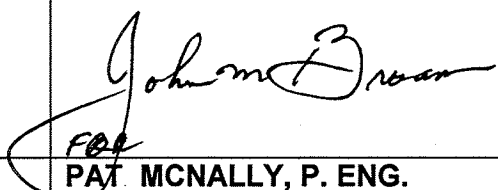
safety concerns. The projected cost of the roof replacement is \$818,400.

In 2011, there were two additional occurrences (April, June) where McCormick Blvd. was closed to traffic due to plywood sheathing and felt blowing off the roof onto the roadway. There were also several complaints of squatters entering the building deeming the building unsecured. Several interior site visits indicated evidence of materials being burned, evidence of drug paraphernalia and theft of metal materials (copper wiring).

The subject property is in tax arrears and the property was offered for disposal as part of a tax sale conducted by the City on November 17, 2009. The City received no bids for the subject parcel. As of December 31, 2011, the total property tax arrears were \$877,000.

A Property Standards Order was issued on December 7, 2011 addressing the structural system, roof/related roof structure, doors, windows and electrical system. The Order was sent by registered mail and posted on the building. Attached to the Order is the engineering review of the roof system. The Property Standards Order was not appealed. The authority for demolition comes from Section 15.2 of the Building Code Act.

Administration recommends that the subject building be demolished to address ongoing nuisance, safety and quality of life issues specifically affecting neighbouring businesses and industry. In response to a public tender which included a designated substance survey and Phase I and Phase II Environmental Site Assessment Reports prepared for the City, a demolition quotation has been obtained for \$158,087. All costs of the demolition and 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:	
	
O. KATOLYK, MLEO (C) MANAGER OF LICENCING AND MUNICIPAL LAW ENFORCEMENT SERVICES	
PREPARED AND RECOMMENDED BY:	REVIEWED & CONCURRED BY:
	
G. KOTSIFAS, P. ENG. DIRECTOR OF BUILDING CONTROLS AND CHIEF BUILDING OFFICIAL	PAT. MCNALLY, P. ENG. EXECUTIVE DIRECTOR – PLANNING, ENVIRONMENTAL & ENGINEERING SERVICES

OK:mh

Attach.

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APPENDIX A

Bill No.
2012

By-law No.

A By-law to approve demolition of the property with municipal address of 475 McCormick Blvd. 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 15.3(1) of the *Building Code Act* provides that, an owner or occupant who has been served with an order made under subsection 15.2(2) and who is not satisfied with the terms or conditions of the order may appeal to the committee by sending a notice of appeal by registered mail to the secretary of the committee within 14 days after being served with the order;

AND WHEREAS section 15.3(2) of the *Building Code Act* provides that, an order that is not appealed within the time referred to in subsection (1) shall be deemed to be confirmed;

AND WHEREAS no appeal was received thereby confirming the order;

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*;

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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 as Appendix 1**) 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 475 McCormick Blvd., City of London, and with legal description PT BLK D PLAN 494 (C) AND PT GLEESON ST PLAN 494 (C) AS CLOSED BY BYLAW EL25618 DESIGNATED AS PTS 2, 3, 14, 15, 16, AND 17 PLAN 33R-12757 S/T ROW OVER PTS 14 AND 16 PLAN 33R-12757 AS IN 453987 AND S/T ROW OVER PTS 2, 14, AND 15 PLAN 33R-12757 AS IN LT451335 is approved, and the property shall be cleared of all buildings associated with the Property Standards Order, 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 , 2012.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First reading -
Second reading -
Third reading -

THE CORPORATION OF THE CITY OF LONDON

ORDER

Issued Pursuant to Subsection 15.2(2) of the Ontario Building Code Act, S.O.1992, c.23

ORDER NUMBER PV 11-038595

DATE ISSUED: December 7, 2011

ISSUED TO:

Avenue Developments Ltd.
475 McCormick Blvd., LONDON ON N5W 5N1

Avenue Developments Ltd
c/o Kenneth James Chapman
25-627 Wharncliffe Rd S, LONDON ON N6J 2N7

Avenue Developments Ltd.
c/o Kevin Robert Hutton
58 Eula White Place, LONDON ON N5Z 5C2

Avenue Developments Ltd
c/o Kevin Hutton
123 Fitzwilliam Blvd., LONDON ON N6H 5H6

Avenue Developments Ltd
c/o Kevin R. Hutton
18-375 Edith Cavell Blvd., PORT STANLEY ON N5L 1H9

MUNICIPAL ADDRESS 475 McCormick Blvd. London, Ontario

PIN 08289-0051

LEGAL DESCRIPTION PT BLK D PLAN 494 (C) AND PT GLEESON ST PLAN 494 (C) AS CLOSED BY BYLAW EL25618 DESIGNATED AS PTS 2,3,14,15,16,AND 17 PLAN 33R-12757 S/T ROW OVER PTS 14 AND 16 PLAN 33R-12757 AS IN 453987 AND S/T ROW OVER PTS 2,14, AND 15 PLAN 33R-12757 AS IN LT451335.

BE ADVISED that on **November 30, 2011**, that an inspection has revealed that the above noted property does not conform to the standards prescribed in The City of London Property Standards By-Law CP-16. The particulars of the repairs to be made are set out in the "Schedule of Repairs to be Made", attached hereto, and form part of this **ORDER**.

You are hereby Ordered to carry out the repairs as set out in the "Schedule of Repairs to be Made" or the site is to be cleared of all buildings, structures, debris and left in a graded and leveled condition. This **ORDER** shall be complied with and the property brought into conformance with the standards prescribed in the Property Standards By-law on or before **January 13, 2012**.

Where it has been determined that the repairs or clearance as set out in this Order have not been carried out in accordance with this **ORDER** as confirmed or modified, in addition to any possible court action, The Corporation of the City of London may carry out the repairs or clearance at the owner's expense. The Corporation of the City of London shall have a lien on the land for the amount spent on the repairs or clearance and the amount shall have priority lien status as described in section 1 of the *Municipal Act, 2001*. The amount may be added to the tax roll of the property.

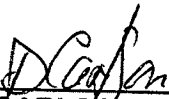
You are Hereby Advised that if you are not satisfied with the terms or conditions of this **ORDER**, you may appeal by sending a notice of appeal by registered mail to the Secretary of the Property Standards Committee, c/o Planning Division, City Hall, P.O. Box 5035, London, Ontario, N6A 4L9. The fee to appeal the Property Standards Order is **\$150.00**.

TAKE NOTICE that the final day giving notice of appeal from this **ORDER** shall be **January 13, 2012**.

In the event that no appeal is received within the above prescribed period, the **ORDER** shall be deemed to be confirmed and shall be final and binding.

Where a permit is required to carry out a repair required to comply with this Order, it is the responsibility of the owner to obtain any such permit.

DATED AT LONDON, ONTARIO, this 7th, day of December, 2011.



DOUG CARLSON
PROPERTY STANDARDS OFFICER

"SCHEDULE OF REPAIRS TO BE MADE"

<u>Municipal Address</u>	475 McCormick Blvd	File No. PV 11-038595
<u>Date Received</u>	November 30, 2011	
<u>Owner</u>	Avenue Developments Ltd 475 McCormick Blvd., LONDON ON N5W 5N1	
	Avenue Developments Ltd c/o Kenneth James Chapman 25-627 Wharncliffe Rd S, LONDON ON N6J 2N7	
	Avenue Developments Ltd. c/o Kevin Robert Hutton 58 Eula White Place, LONDON ON N5Z 5C2	
	Avenue Developments Ltd c/o Kevin Hutton 123 Fitzwilliam Blvd., LONDON ON N6H 5H6	
	Avenue Developments Ltd c/o Kevin R. Hutton 18-375 Edith Cavell Blvd., PORT STANLEY ON N5L 1H9	
1) <u>Non-conformance:</u>	The building and every structural system or component serving a part thereof, shall be capable of sustaining its own weight together with the loads that may be imposed by natural causes such as snow and winds. Roofing felts and plywood roof sheathing have failed due to wind loads. A report outlining roof deficiencies is provided for your information.	
<u>By-law Section:</u>	4.1.1. Structural System - Capable	
<u>Repairs Required:</u>	Repair/replace all damaged and missing plywood sheathing and roof felts.	
2) <u>Non-conformance:</u>	The industrial building's roof has not been maintained. The roof is exhibiting signs of deterioration and failure, evident of several occurrences where the roofing felts and plywood materials have blown onto McCormick Blvd., causing emergency actions being taken including street closure. A report outlining roof deficiencies is provided for your information.	
<u>By-law Section:</u>	4.4.1. Roof/Related Roof Structure - Maintained	
<u>Repairs Required:</u>	Repair/replace all damaged and missing plywood sheathing and roof felts.	
3) <u>Non-conformance:</u>	The buildings windows at various locations have not been maintained. Several windows are damaged.	
<u>By-law Section:</u>	4.3.2, 4.3.3. Doors, Windows - Maintained	
<u>Repairs Required:</u>	Repair/replace all broken and missing glass.	
4) <u>Non-conformance:</u>	The buildings electrical system and central station connection has not been maintained as required by the Ontario Electrical Code and The Fire Code.	
<u>By-law Section:</u>	5.4.7 Electrical Systems – Central Station - Maintained	
<u>Repairs Required:</u>	Repair/replace all damaged electrical systems and associated components. Repair/replace the Central station connection and all associated components.	