

TO:	CHAIR AND MEMBERS COMMUNITY AND PROTECTIVE SERVICES COMMITTEE
FROM:	G. KOTSIFAS, P. ENG. MANAGING DIRECTOR - DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT:	529 PHILIP STREET - PROPERTY STANDARDS RELATED DEMOLITION May 25, 2016

RECOMMENDATION

That, on the recommendation of the Managing Director of Development & Compliance Services and Chief Building Official, the attached proposed by-law **BE INTRODUCED** at the Council meeting on May 31, 2016; 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 529 Philip Street and leave the property in a graded and levelled condition.

PREVIOUS REPORTS

Vacant Buildings – Property Standards and City Policy – CPSC June 21, 2010

BACKGROUND

On June 28, 2010, City Council passed City Policy indicating that where a Property Standards Order (as deemed confirmed, or as confirmed or modified by the Property Standards Committee or a Judge) is not complied with, the Chief Municipal Law Enforcement Officer shall not cause the property to be demolished unless the matter has been reported to Council setting out the reasons for the proposed demolition and Council has passed a by-law approving of the proposed demolition. The report may advise Council that in addition to the non-compliance of a Property Standards Order, the subject vacant property has created or has contributed to neighbourhood nuisance issues including, but not limited to: pest infestation, break and enter, squatters, prostitution, drug use, arson, graffiti, and the accumulation of trash/rubbish/debris. Staff may advise Council on the conditions of the vacant building and property conditions and Council may approve the proposed demolition.

PROPERTY ISSUES

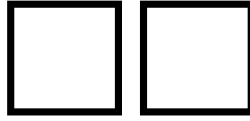
The subject property is located at 529 Philip Street. The property contains a dilapidated former auto repair garage. This building has been vacant for at least 10 years. A significant fire occurrence damaged the building on October 7, 2005.

There have been numerous complaints regarding the upkeep of this building. The City has taken numerous actions to secure the building as a result of no actions taken on behalf of the property owner. All actions taken by the City including costs and inspection fees were billed to the property owner.

There have been several fire-related occurrences at this property. Since 2005, there have been 6 fires, numerous fire investigations, one Hazardous Materials response and a Fire Code conviction for failure to secure.

There have been 13 specific London Police Service occurrences related to the abandoned building since 2007. These include arson, graffiti, trespassing, property damage, weapons and drugs.

The subject building remains vacant and in a dilapidated state. There remains a partial roof collapse and interior/exterior damage.



Aerial Photo - 529 Philip Street - April 2015



Photo of Subject Property – 529 Philip Street – Dilapidated Former Auto Repair Garage

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A Property Standards Order issued on February 3, 2016 is attached to this report. Staff have had verbal contact with the property owner who indicated a lack of funds to undertake a demolition.

CONCLUSION

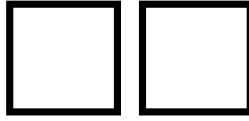
Civic Administration recommends this building be demolished to address ongoing neighbourhood nuisance, safety and quality of life issues. A demolition quotation has been obtained for \$9,600 plus applicable taxes. All costs of the demolition plus staff inspection fees will be the responsibility of the property owner. If fees are not paid, the costs are added to the tax roll.

PREPARED BY:	SUBMITTED BY:
O. KATOLYK, MLEO (c) CHIEF MUNICIPAL LAW ENFORCEMENT OFFICER	G. KOTSIFAS, P.ENG. MANAGING DIRECTOR DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

OK:lb

Att: Appendix A
Appendix 1 - Property Standards Order

cc: LPS – COR Unit
Fire Prevention
952714 Ontario Limited



APPENDIX A

Bill No.
2016

By-law No.

A By-law to approve demolition of an abandoned building with municipal address of 529 Philip Street 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);

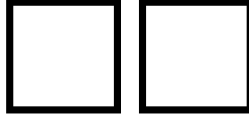
AND WHEREAS section 15.4(4) of the *Building Code Act* provides that the municipality shall have a lien on the land for the amount spent on the repair or demolition under subsection (1) and the amount shall have priority lien status as described in section 1 of the *Municipal Act, 2001*;

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** 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 Chief Municipal Law Enforcement Officer 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 abandoned building at municipal address of 529 Philip Street, City of London, and with legal description CON B PT LOT 13 PLAN 45 LOT 4 PT LOTS 5-9 & PT LOTS 4 & 5 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

, 2016.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First reading -
Second reading -
Third reading -

REGISTERED MAIL

February 3, 2016

File PV 16-003319

952714 Ontario Limited
13 Parkview Dr
STRATHROY ON N7G 4A1

Municipal Address: 529 Philip St., London ON

As an owner or occupant including a person having an interest in the above-noted property, I hereby enclose an Order pursuant to Subsection 15.2(2) of the Ontario Building Code Act, S.O. 1992, c.23.

Please be advised that under City of London Inspection By-law No. A-30 and the Fees & Charges By-law A-49, an inspection fee will be charged at the rate of \$110.00 per hour (minimum charge: \$110.00) for any inspection conducted following the compliance date, where any of the deficiencies listed in the schedule(s) of the Property Standards Order have not been corrected. Failure to pay for any inspection costs will result in the costs being added to the property tax roll.

Failure to comply with an Order may result in enforcement actions being taken.

If you require any information concerning this matter, please contact the undersigned at this office.

Yours truly,

W. Jeffery (Mr.)
Municipal Law Enforcement Officer
City of London

WJ:sb
Attach.

cc: BF – February 21, 2016

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The Corporation of the City of London
Development & Compliance Services, Rm 706
By-law Enforcement Section
Fax: 519.963.5080
Direct Line: 519.661.2500 x6506
wjeffery@london.ca www.london.ca

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 16-003319
DATE ISSUED: February 3, 2016
ISSUED TO: 952714 Ontario Limited
13 Parkview Dr
STRATHROY ON N7G 4A1
MUNICIPAL ADDRESS: 529 Philip St., London ON
LEGAL DESCRIPTION: CON B PT LOT 13 PLAN 45 LOT4 PT LOTS 5-9 & PT LOTS 4 & 5
N/S TRAFALGAR 1.67AC 405.00FR D

BE ADVISED that on **February 2, 2016**, an inspection of the above-noted property revealed the 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 forming 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 or refuse. 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 **February 21, 2016**.

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 Development & Compliance Services, City Hall, P.O. Box 5035, London, Ontario, N6A 4L9. **Appeal fee for property standards notice is \$150.00.**

TAKE NOTICE that the final day giving notice of appeal from this **ORDER** shall be **February 21, 2016**.

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. You are expected to comply with the terms and conditions of this **ORDER** to avoid any possible enforcement actions being taken.

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 3rd day of February, 2016.

WADE JEFFERY
PROPERTY STANDARDS OFFICER

"SCHEDULE OF REPAIRS TO BE MADE"

Municipal Address

529 Philip St

File No. PV 16-003319

Date of Inspection

February 2, 2016

Owner

952714 Ontario Limited
13 Parkview Dr
STRATHROY ON N7G 4A1

1) Non-conformance:

The overall condition of the accessory building throughout has not been maintained and is damaged in locations creating an unsafe condition.

By-law Section:

3.2.1

Repair to be Made:

3.2.1 Accessory Buildings

Maintained - Accessory buildings, other than farm out buildings, unless they are unsafe shall be maintained.

Repair all damaged roofs and siding related to the accessory structure to comply with the CP-16 by-law.

February 3, 2016

WJ:sb