

Bill No. 208
2016

By-law No. A.-_____

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 on May 31, 2016.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First reading – May 31, 2016
Second reading – May 31, 2016
Third reading – May 31, 2016

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