

Bill No. 268
2016

By-law No. B.- _____

A by-law to approve demolition of abandoned buildings with municipal address of 1474 Highbury Ave N. under the Property Standards provisions of the *Building Code Act*.

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, 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 abandoned buildings at municipal address of 1474 Highbury Ave N., City of 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 July 26, 2016.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First reading – July 26, 2016
Second reading – July 26, 2016
Third reading – July 26, 2016

Appendix 1

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 15-039012

DATE ISSUED: December 14, 2015

ISSUED TO: 1551991 Ontario Inc
PO Box 20030
WOODSTOCK ON N4S 8X8

MUNICIPAL ADDRESS 1474 Highbury Ave N., London ON

LEGAL DESCRIPTION PLAN 82 PT LOT 12 PT LOT 25 3.65AC 162.50FR 980.00D

BE ADVISED that on December 11, 2015 an inspection of the above-noted property revealed the property does not conform with 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 January 1, 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 repair 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 January 1, 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 14th day of December, 2015.

NATALIE PHILPS
PROPERTY STANDARDS OFFICER

"SCHEDULE OF REPAIRS TO BE MADE"

Municipal Address 1474 Highbury Ave N

File No. PV 15-039012

Date of Inspection December 11, 2015

Owner(s) 1551991 Ontario Inc
PO Box 20030
WOODSTOCK ON N4S 8X8

1) Non-conformance: Missing fascia, soffit and shingles in disrepair beyond proper performance.

By-law Section: 4.4.1 Roof/Related Roof Structure - Maintained

Every roof including related roof structures, fascias, soffits, eaves troughs, roof gutters, downpipes, guards and lightning arrestors shall be maintained.

Repair to be Made: Appropriate measures should be taken to secure the exterior of the exiting dwelling.

2) Non-conformance: All doors, windows, skylights and shutters, including storm and screen doors and windows shall be maintained.

By-law Section: 4.3.2 Doors, Windows – Maintained

Repair to be Made: Repair/replace broken windows on building in accordance with City of London Property Standards Bylaw CP-16.

3) Non-conformance: Small pests may be accessing the dwelling on the subject property.

By-law Section: 4.10.1 Free of Pests

All buildings shall be kept free of rodents, vermin and insects at all times and methods used for exterminating rodents or insects or both shall be in accordance with the provisions of the Pesticides Act, R.S.O. 1990, Chapter P.11, as amended, and all regulations enacted pursuant thereto.

Repair to be Made: Appropriate measures should be taken to secure the exterior of the exiting dwelling.

Please Note

Any wildlife or pest must be removed from all buildings prior to the structure(s) being secured. If the owner of the subject property does not take responsibility for this removal, the City of London will have the removal completed and the owner will be responsible for all cost involved in this process.

January 1, 2016
NP:sb

