

To: City Clerk , Mayor, Councillors

Re: 14th PEC, Item #4.3 – Reinstatement of Demolition Control By-Law

Section 33 of The Ontario *Planning Act* provides municipalities with broad powers to control demolitions of residential properties. In 1992, London City Council enacted such a Demolition Control By-law in 1992 and it designated the entire city as the demolition control area. Under the By-law the Director of Building Controls reported on a request for residential demolition a standing Council Committee. This by-law was repealed in December of 2010. The repeal meant that (non-heritage) demolition applications no longer needed council approval under the Planning Act but could instead be issued administratively under the Building Code Act and Building Code Regulations.

I am writing in support of the request before you from ACO London to consider reinstating a Demolition By-Law under the authority of the Planning Act.. Without repeating the details of their submission, I'd like to stress a few points.

- While the stated purpose of the 2010 repeal was to “streamline” the demolition application process to remove the requirement of Council approval under the Planning Act, this goal could have been met without a full repeal There are important differences between the operation of the Planning Act and the Building Code Act and Regulations, and the public benefits of the Planning Act process could have been maintained.
- Demolition Control By-Laws under the Planning Act have been recognized by the Province as a mechanism to retain affordable housing, to encourage maintenance of the existing housing stock, and to promote revitalization. (Municipal Tools for Affordable Housing (2011, section 2.25, <http://www.mah.gov.on.ca/AssetFactory.aspx%3Fdid%3D9270>)
- The current mechanism under the Building Code Act is not transparent. It is difficult for the public to get up to date information about residential demolitions. The monthly report to council does not contain an adequate level of detail and in any event it does not give the public any notice prior to the issuance of a demolition permit. ACO London needed to resort to an MFIPPA request in order to compile basic data about the number of demolitions which have been provided to you.
- Other cities have adopted “hybrid” by-laws where the Planning Act framework is retained coupled with specific delegations. Cambridge and Waterloo delegate certain approvals to administration, but if staff decides to reject an application or approve it with conditions, then it must go to council. There are other variations that could be considered if there is a concern with overloading council agendas.

In summary, City Council should revisit the full repeal of the Demolition Control By-Law and reinstate the Planning Act approach. You may opt for a full council-review option or you could, retain some level of staff delegation, which could be viewed as a “compromise” measure. Thank you for your consideration of this request.

Samuel Trosow,