

TO:	COMMUNITY AND PROTECTIVE SERVICES FEBRUARY 19, 2020
FROM:	G. KOTSIFAS, P. ENG. MANAGING DIRECTOR, OF DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	VACANT BUILDINGS BY-LAW

RECOMMENDATION

That, on the recommendation of the Managing Director, Development & Compliance & Chief Building Official:

- (a) This report **BE RECEIVED** for information purposes; and
- (b) Civic Administration **BE DIRECTED** to prepare amendments to the Vacant Building By-law and hold a Public Participation Meeting before the Community and Protective Services Committee to implement a registry of vacant buildings with associated fees and a proactive enforcement protocol.

BACKGROUND

The following resolution was passed by Council on November 12, 2019:

That the Civic Administration **BE REQUESTED** to report back to the Community and Protective Services Committee (CPSC), as part of the planned report back in Q1 of 2020, with respect to potential options that may be available to make sure vacant properties, including properties designated under the Ontario Heritage Act, specifically those with Heritage Easement Agreements in place, are kept in good repair; including information on possible actions that could be taken to ensure compliance with the City of London's By-law, with a focus on public safety, nuisance control, preservation of heritage attributes and demolition by neglect, including but not limited to: the registration of vacant buildings, escalated fines or administrative penalties, and proactive City initiated demolition. It being noted that the communication dated October 16, 2019, from Councillor A. Kayabaga, with respect to this matter, was received.

This report addresses the Vacant Building By-law. A separate report addresses the Property Standards By-law in relation to the above resolution.

What are the municipal costs related to vacant buildings?

Abandoned vacant buildings place an inordinate strain on first responders and municipal staff. These buildings tend to attract crime, fires, and become dumping grounds for rubbish. They are the source of numerous neighbourhood nuisance issues.

- **Crime** - Vacant buildings often become a breeding ground for crime, tying up an inordinate amount of Police resources. Common issues relate to trespass of property, trouble with persons, drug related matters and weapons.
- **Arson and accidental fires** – Fires are very common in vacant buildings. Squatters often burn candles or start small fires for light, heat, and drug use purposes. Vacant buildings are a primary target of arsonists. Larger vacant buildings often contain open shafts and pits that can be a threat to firefighters.
- **Neighbourhood nuisances** – Vacant buildings are often used as dumping grounds for debris. The accumulation of debris within and surrounding a vacant building creates an additional fuel source, should a fire occur.

Why buildings are left vacant?

Buildings become vacant for several reasons. In some cases, the buildings have sustained fire or other damage which makes the building no longer habitable in its current state. Quite often it is not cost effective to rehabilitate the building to its previous condition. In other situations, the

property owners have defaulted on mortgage payments and banks have foreclosed on the mortgage, or the owner has stopped paying municipal taxes and has walked away from the property. In some situations, buildings are vacant due to the death of a property owner, or in other cases, vacant buildings are subject of a development application.

How has the Vacant Buildings By-law assisted?

In 2009, City Council approved the Vacant Buildings By-law. The goal of the By-law is to address the public safety and nuisance concerns.

As per the Vacant Buildings By-law, every owner of a vacant building shall:

- ensure that the vacant building is secured against unauthorized entry
- maintain liability insurance on the vacant building
- protect the vacant building against the risk of fire, accident, or other danger

Over the past several years, Orders have been issued, and several buildings have been boarded up by the City to prevent unauthorized entry. Several vacant buildings have also been demolished under the direction of the City.

Generally, complaints associated with vacant buildings are addressed in response to community complaints. Commonly, doors and windows are secured by City contractors against unauthorized entry; the cost of City actions are invoiced to the property owner.

In September 2014, a multi-agency enforcement team comprised of Municipal Law Enforcement, Fire Department, and the London Police Service was established to address vacant buildings throughout the City, and determine their compliance with City By-laws and Provincial legislation. The City maintains a registry of vacant buildings; there are 110 buildings currently listed (February 2020). The Fire Department has a protocol whereby front line fire crews visually inspect the buildings on a monthly basis. This process enables fire crews to maintain valuable information about the property that can be used, should an emergency occur at one of the vacant building sites. Where the fire crews observe a By-law violation, information is forwarded to Municipal Law Enforcement Services for action.

What are the benefits of registering vacant buildings with the municipality?

The City maintains a list of vacant buildings in response to complaints. If Council wishes to formalize the list and apply some cost recovery fees, an amendment would be required to the Vacant Building By-law to amend the definition of vacant buildings to clearly specify when a vacant building requires enforcement intervention (abandonment, unresponsive owner, repeated break-ins) and to add a registration fee and additional regulations to achieve the municipal purpose of the By-law.

The By-law defines a vacant building as a building or part of a building that is not used by the owner, or is not occupied by the owner. This definition should be amended to more clearly define the municipal purpose of the By-law by adding references to the following: protection from entry of unauthorized persons; protection from entry of inclement weather, and wildlife into the interior of the building; disconnection of services; and partially or completely boarded up doors and/or windows.

A registration fee is recommended to cover off proactive inspection and administration costs. The fee amount is under discussion with the London Fire Department. Additional recommended regulations include posting signage with property owner, contact information for emergency purposes or inquiries.

What enforcement actions are recommended?

MLEOs will proactively enforce the Vacant Building By-law. Where violations are found, Orders will be issued. Where Orders are not complied with, MLEOs will have the option to issue penalties under the Administrative Monetary Penalties System (AMPs) By-law. AMPs are currently being used to address parking violations. The protocol of using AMPs is to address other by-law violations, and will be implemented in Q2 2020. Civic Administration will continue to recommend the demolition of buildings where repeated violations are not being addressed by the property owner.

CONCLUSION

Abandoned vacant buildings place an inordinate strain on first responders and municipal staff. Civic Administration recommend amendments to the Vacant Building By-law on the following: strengthen the definition of vacant building, creating a formal registry including a fee, and creating additional signage regulations to identify vacant buildings. A proactive enforcement program is recommended including the application of the Administrative Monetary Penalties By-law to address by-law violations.

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