

COMMUNITY & PROTECTIVE SERVICES COMMITTEE

To: CHAIR AND MEMBERS
COMMUNITY & PROTECTIVE SERVICES COMMITTEE

From: GEORGE KOTSIFAS, P. ENG
MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES &
CHIEF BUILDING OFFICIAL

Subject: VACANT BUILDINGS BY-LAW REVIEW
PUBLIC PARTICIPATION MEETING

Date: MARCH 2, 2021

Recommendation

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

- a) the attached proposed by-law (Appendix 'A') **BE INTRODUCED** at the Municipal Council meeting to be held on **March 23, 2021** to amend the Vacant Building By-law A-35.
- b) the attached proposed by-law (Appendix 'B') **BE INTRODUCED** at the Municipal Council meeting to be held on **March 23, 2021** to amend the Administrative Monetary Penalty System (AMPS) By-law No. A-54, to add penalties for non compliance related to the amended Vacant Building By-law A-35.

Executive Summary

The Vacant Building By-law has not had a full review since its adoption in 2009. The recommended amendments clarify definitions, introduce a new definition of a registry and associated regulations, limit the time period of allowing boarded buildings and clarify requirements for Orders issued to address public safety and public nuisances.

Linkage to the Corporate Strategic Plan

To improve regulatory processes – implement a review of by-laws with a risk based protocol focussing on municipal purposes.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

- Community & Protective Services Committee: Administrative Monetary Penalties – Application to Municipal By-laws (October 6, 2020)
- Community & Protective Services Committee: Vacant Building By-law – (February 19, 2020)

At its meeting held on March 2, 2020, Municipal Council resolved that Civic Administration **BE DIRECTED** to prepare amendments to the Vacant Buildings By-law to implement a registry of vacant buildings with associated fees and a proactive enforcement protocol and hold a public participation meeting at a future Community and Protective Services Committee (CPSC) meeting.

2.0 Discussion and Considerations

In consultation with London Police Service and London Fire, the following amendments to the Vacant Building By-law are recommended:

- **Inspection Registry Definition:** The definition section is amended by defining “Inspection Registry” as a City-maintained registry of vacant buildings that have been vacant for at least 30 consecutive days and an officer reasonably believes that the vacant building poses a risk to safety or is a public nuisance or could become a public nuisance. This definition provides the foundation for inclusion of a vacant property in a registry maintained by the municipality.

- **Public Nuisance:** Subsection 3.1(2) is amended by adding the phrase “or is a public nuisance or could become a public nuisance” after the phrase “that a vacant building poses a risk to safety”. This provides clarity and transparency that the municipality may regulate with respect to public nuisances.
- **Current Floor Plans:** Subsection 3.1(2)(ii) is amended as follows: Provide one set of floor plans (showing the current floor configuration) to the Fire Chief and one set of floor plans (showing the current floor configuration) to the Chief Building Official. The current regulation requires the submission of as-built floor plans if available. Most vacant buildings which are a concern are older and have had multiple owners. The requirement for the submission of floor plans is for the safety of first responders. Very few floor plans have been submitted to date as they are not available. This amendment will require the submission of floor plans showing the current floor configuration of the subject vacant building.
- **Property Contact Information:** Subsection 3.1(2) is amended by adding the following: provide the officer with the phone number for the owner or their agent, and any other contact information the officer reasonably requires. This will allow municipal staff and first responders to attempt immediate contact with the property owner and/or their agent in emergency situations.
- **Registry – Operational:** Section 3.1 is amended by adding the following: “Where a vacant building has been vacant for at least 30 consecutive days, an officer who reasonably believes that a vacant building poses a risk to safety or is a public nuisance or could become a public nuisance may add such building to an Inspection Registry. Where a building is added to an Inspection Registry, the City may conduct regular exterior inspections of the building for compliance with this by-law. The owner of the building shall be responsible for any inspections fees arising from such inspections.” This amendment provides direction to the new definition of Inspection Registry. Municipal Law Enforcement Officers (MLEO) may undertake proactive regular inspections of the exterior of vacant buildings and associated property to ensure compliance with the by-law. Fees for these inspections will be charged back to the property owner in accordance with the Inspections By-law. These inspections will complement the site visits undertaken by the Fire Department on a periodic basis to identify public safety issues.
- **Boarding of Buildings:** Section 3 is amended by adding the following: “Despite sections 3.1 through 3.8, a vacant building shall not be boarded up for a period exceeding 365 days, and the requirements of section 4.3 (Doors, Windows and Skylights) of the Property Standards By-law shall apply”. This new section will limit the time period vacant buildings can remain boarded. The time period of one year is in line with other Ontario municipalities which address vacant building issues in their by-laws. This regulation does not impact the application of the Property Standards By-law for non-boarding related issues such as un-kept properties, dilapidated roof structures, derelict vehicles etc. MLEOs have discretion in applying regulations especially if buildings were boarded up during the pandemic for security purposes.
- **Heritage:** Subsection 6.2 is amended by adding the word “heritage” after the phrase “inclusion of the”. This is a housekeeping amendment for clarity.
- **Legislative References:** Section 6.5 amended by adding references to the Property Standards By-law and the Building Code Act for clarity.
- **Administrative Monetary Penalties:** Section 7 is amended by adding the following : “Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with the Administrative Monetary Penalty System By-law A-54, or any successor by-law, be liable to pay the City an Administrative Monetary Penalty”. Where Orders issued under this by-law are not complied with, MLEOs will have the option to issue penalties under the Administrative Monetary Penalty System By-law (AMPs). An amendment to the AMPs by-law provides penalties for violations of the Vacant Buildings By-law.

Conclusion

One of the strategies in the City's Strategic Plan is to improve regulatory processes and by-law requirements. The Vacant Building By-law has not had a full review since its adoption in 2009. The amendments strengthen definitions, introduce a new definition of a registry and associated regulations, limit the time period of allowing boarded buildings and clarify requirements for Orders issued to address public safety and public nuisances. The amendments also allow for the issuance of penalties under the Administrative Monetary Penalty System By-Law.

**Submitted by: OREST KATOLYK, MLEO (C)
CHIEF MUNICIPAL LAW ENFORCEMENT OFFICER**

**Recommended by: GEORGE KOTSIFAS, P. ENG.
MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE
SERVICES & CHIEF BUILDING OFFICIAL**

Appendix 'A'

2021

By-law No.

By-law to amend By-law No. A-35
being "A by-law to regulate vacant buildings".

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, s. 10, gives the municipality broad authority to pass by-laws respecting the health, safety, and well-being of persons;

AND WHEREAS the *Municipal Act, 2001*, s. 128, provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS Municipal Council of The Corporation of the City of London is of the opinion that vacant buildings that are not secured against unauthorized entry constitute public nuisances by attracting vandals and creating various safety hazards;

NOW THEREFORE the Council of The Corporation of the City of London enacts as follows:

1. Section 1 of By-law No. A-35 is amended by inserting the following definition after the definition of "Fire Code" as follows:

"Inspection Registry" shall mean a City-maintained registry of vacant buildings that have been vacant for at least 30 consecutive days and an officer reasonably believes that the vacant building poses a risk to safety or is a public nuisance or could become a public nuisance;"

2. Subsection 3.1(2) of By-law No. A-35 is amended by adding the phrase "or is a public nuisance or could become a public nuisance" after the phrase "that a vacant building poses a risk to safety".
3. Subsection 3.1(2)(ii) is deleted and replaced with a new subsection 3.1(2)(ii) as follows:
 - "(ii) provide one set of floor plans (showing the current floor configuration) to the Fire Chief and one set of floor plans (showing the current floor configuration) to the Chief Building Official;"
4. Subsection 3.1(2) is amended by inserting new subsection (vii) after subsection 3.1(2)(vi) as follows:

"(vii) provide the officer with the phone number for the owner or their agent, and any other contact information the officer reasonably requires."

5. By-law No. A-35 is amended by inserting a new subsection 3.1(4) after subsection 3.1(3), as follows:

"(4) Where a vacant building has been vacant for at least 30 consecutive days, an officer who reasonably believes that a vacant building poses a risk to safety or is a public nuisance or could become a public nuisance may add such building to an Inspection Registry. Where a building is added to an Inspection Registry, the City may conduct regular exterior inspections of the building for compliance with this by-law. The owner of the building shall be responsible for any inspection fees arising from such inspections."

6. By-law No. A-35 is amended by inserting a new subsection 3.9 after subsection 3.8 as follows:

“3.9 Boarding – after 365 Days

Despite sections 3.1 through 3.8, a vacant building shall not be boarded up for a period exceeding 365 days, and the requirements of section 4.3 (Doors, Windows and Skylights) of the Property Standards By-law shall apply.”

7. Subsection 6.2 of By-law A-35 is amended by adding the word “heritage” after the phrase “inclusion of the”.

8. Section 6.5 of By-law A-35 is amended by:

- (i) adding the phrase “Property Standards, ” in the heading before the phrase “Building Code”, and
- (ii) adding the phrase “, the Property Standards By-law” after the phrase “*Building Code Act, 1992*”.

9. By-law No. A-35 is amended by renumbering subsection “7.2 to subsection 7.3”.

10. By-law No. A-35 is amended by inserting a new subsection 7.2 after subsection 7.1 as follows:

“7.2 Administrative Monetary Penalty

Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with the Administrative Monetary Penalty System By-law A-54, or any successor by-law, be liable to pay the City an Administrative Monetary Penalty.”

11. This bylaw shall come into force and effect on the day it is passed.

PASSED in Open Council on _____, 2021.

Mayor
Ed Holder

City Clerk
Catharine Saunders

First reading –
Second reading –
Third reading –

Appendix 'B'

Bill No. _____
2021

By-law No. A-54-_____

A by-law to amend By-law No. A-54, as amended, being "A by-law to implement an Administrative Monetary Penalty System in London" to designate By-law No. A-35 being "A by-law to regulate vacant buildings".

WHEREAS section 434.1 of the Municipal Act authorizes the City to require a person, subject to conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality;

AND WHEREAS the Municipal Council considers it desirable to enforce and seek compliance with the designated by-laws, or portions of those by-laws, through the Administrative Monetary Penalty System;

AND WHEREAS the Municipal Council on June 25, 2019 passed By-law No. A-54, being "A by-law to implement an Administrative Monetary Penalty System in London;"

AND WHEREAS the Municipal Council deems it appropriate to amend By-law No. A-54 with respect to designating By-law No. A-35 being "A by-law to regulate vacant buildings" under the Administrative Monetary Penalty System By-Law.

NOW THEREFORE the Council of The Corporation of the City of London enacts as follows:

1. That Schedule "A-1" of By-law No. A-54 be amended to include By-law No. A-35 being "A by-law to regulate vacant buildings" as a designated by-laws under the Administrative Monetary Penalty System By-Law;
2. That the definition of "Administrative Penalty" be amended to add "A-7" after "A-6";
3. That section 2.1 be amended to add "A-7" after "A-6";
4. That section 3.1 be amended to add "A-7" after "A-6";
5. That section 3.1a) be amended to add "A-7" after "A-6";
6. That the attached Schedule "A-7" be added to By-law No. A-54 to provide for a penalty schedule for By-law No. A-35 being "A by-law to regulate vacant buildings";
7. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on _____, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading –
Second Reading –
Third Reading –

Penalty Schedule for Vacant Buildings By-law

1. For the purposes of Section 2 of this By-law, Column 3 in the following table lists the provisions in the Designated By-law identified in the Schedule, as amended.

2. Column 2 in the following table set out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 3.

3. Column 4 in the following table set out the Administrative Penalty amount that is payable for contraventions of the designated provisions listed in Column 3.

Administrative Monetary Penalty System By-Law for Vacant Buildings

Column 1 Item #	Column 2 Short Form Wording	Column 3 Designated Provision	Column 4 Administrative Penalty Amount
1	Fail to ensure vacant building is secured	3.1.1 (a)	\$400.00
2	Fail to maintain liability insurance	3.1.1 (b)	\$400.00
3	Fail to protect vacant building against fire, accident or other danger	3.1.1 (c)	\$400.00
4	Fail to notify authorities of vacant building	3.1.2 (i)	\$400.00
5	Fail to provide floor plans	3.1.2 (ii)	\$400.00
6	Fail to provide copy of certificate of insurance	3.1.2 (iii)	\$400.00
7	Fail to remove combustible materials	3.1.2 (iv)	\$400.00
8	Fail to install security measures	3.1.2 (v)	\$400.00
9	Fail to secure a vacant building	3.1.2 (vi)	\$400.00
10	Fail to provide contact information	3.1.2 (vii)	\$400.00
11	Fail to comply with additional measures	3.8	\$400.00
12	Fail to notify Fire Department of intended compliance	4.1	\$400.00
13	Fail to secure fire damaged building	4.2	\$400.00
14	Fail to immediately secure fire damage building	4.3	\$400.00
15	Fail to install boarding materials and maintain in good repair	6.3 (a)	\$400.00
16	Fail to install boarding materials which are resistant to deterioration	6.3 (b)	\$400.00
17	Fail to disconnect utilities	6.4	\$400.00

At the discretion of the Officer, fines may be doubled for any and all subsequent repeat offences.