

Report to Community and Protective Services Committee

To: Chair and Members
Community and Protective Services Committee
From: Scott Mathers, MPA, P. Eng., Deputy City Manager
Planning and Economic Development
Subject: Property Standards Related Demolitions
Date: October 4, 2022

Recommendation

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the attached by-law (Appendix 'A') **BE INTRODUCED** at the Council meeting October 17, 2022, it being noted that the effect of the by-law will be to permit the City of London to take necessary actions, including the potential demolition of the buildings and structures at the following locations: 421 Wharncliffe Road South, 254 Hamilton Road, and 7234 Littlewood Drive.

Executive Summary

Civic Administration wishes to advise Council of the potential demolition of the vacant buildings discussed herein to address ongoing neighbourhood nuisance, safety, and quality of life issues. All associated inspection, maintenance, and demolition costs are invoiced to the property owner.

Linkage to the Corporate Strategic Plan

Implement existing by-laws with a risk based protocol focusing on municipal for the purpose(s) of public safety and neighbourhood stability.

Background Information

City Council Policy directs that when a Property Standards Order is not complied with, the Chief Municipal Law Enforcement Officer (MLEO) may cause the property to be demolished once the matter has been reported to Council, and Council has passed a by-law approving of the potential demolition.

Property Information

421 Wharncliffe Road South:

The subject site is known municipally as 421 Wharncliffe Road South and is located on the west side of Wharncliffe Road, approximately 50m south of Euston Road. The building was a vacant single-storey commercial building of approximately 115m².

The property is in Municipal Electoral Ward 11. The building is not considered a heritage resource, nor is it within a heritage district. The property is not within the Conservation Authorities Regulated Area.

The building has been vacant for about two years and seen a number of Property Standards and Fire Prevention violations since the business closed. There is little structure remaining of the former Dairy Queen, as two recent fires have left the building gutted and partially destroyed.

A Property Standards Order was issued August 10th, 2022. Due to inaction by the owner, Staff are potentially seeking to have the building demolished at the owner's expense.



421 Wharncliffe Rd S – Front/Exterior



421 Wharncliffe Rd S – rear exterior

254 Hamilton Road:

The subject site known municipally as 254 Hamilton Road is located on the north side of Hamilton Road, just east of Adelaide Street North. It is a through-lot which backs on to Little Grey Street.

The vacant red brick, two-storey residential building sits in the middle of the lot and is approximately 250m². The property is in Municipal Electoral Ward 1 and within the Hamilton Road Community Improvement Plan (CIP). The building is not considered a heritage resource, nor is it within a heritage conservation district. The property is not within the Conservation Authorities Regulated Area.

There is a long history of by-law enforcement activity and property standards violations on this property. A Property Standards Order was registered on title in October of 2019, with no response to it nor other requests to fix or secure the property. Due to inaction by the owner, staff are potentially seeking to have the building demolished at the owner's expense.



254 Hamilton Road – Front Entrance



254 Hamilton Road – West Side



254 Hamilton Road – Rear West Side

7234 Littlewood Drive

7234 Littlewood Drive is a vacant industrial building/warehouse located in the southwest corner of the the City of London, west of Colonel Talbot Road near the highway 401 E interchange. It is an approximately 2500m², 6m tall warehouse structure that sits in the middle of a concrete parking lot with loading docks on either side and minimal landscaping at the front. The property is in Municipal Electoral Ward 9 and outside of the Urban Growth Boundary.



The building rests on land considered to have “archaeological potential”, however due to its slab-on-grade construction there shall be no disturbance of the ground should demolition be required. The building itself is not considered a heritage resource, nor is it within a heritage conservation district.

The building has been vacant for several years and has a list of By-law enforcement activities and Property Standards violations on it. The Property Standards Order was registered on title in June of 2022 and no reply has been received from the building owners regarding addressing the concerns laid out in the Order. There was a fire at the building on September 3. Due to continued inaction by the owner, staff are potentially seeking to have the building demolished at the owner’s expense.

Conclusion

As indicated, staff have undertaken several enforcement related inspections and actions to ensure the buildings described herein are maintained and secured. Notwithstanding these efforts no actions have been taken by the property owner(s) to comply with the Property Standards Orders.

Based on the evidence herein, Civic Administration is recommending the vacant abandoned buildings be considered for demolition due to matters of public safety and neighbourhood quality of life matters. All costs are borne by the property owners.

Prepared by:	Orest Katolyk, MPL, MLEO(C), Director, Municipal Compliance
Recommended by:	Scott Mathers, MPA, P. ENG., Deputy City Manager, Planning and Economic Development

Appendix “A”

Bill No.
2022

By-law No.

A By-law to approve the potential demolition of abandoned buildings with municipal addresses of 421 Wharncliffe Road South, 254 Hamilton Road, and 7234 Littlewood Drive 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 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 potential demolition of the abandoned buildings in the City of London (listed below) is approved and the properties may be cleared of all identified buildings, structures, debris, and refuse and left in a graded and levelled condition in accordance with the *City of London Property Standards By-law* and the *Ontario Building Code Act*. The municipal addresses of the properties are:
 - 421 Wharncliffe Road South
 - 254 Hamilton Road
 - 7234 Littlewood Drive
2. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on _____, 2022

Ed Holder
Mayor

Michael Schulthess
City Clerk

First reading - _____, 2022
Second reading - _____, 2022
Third Reading - _____, 2022