

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: April 12, 2023

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 on **April 25, 2023**, 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: **689 Hamilton Road, 253, 255, and 257 Grey Street, and 520 South Street.**

Summary

The request for demolition approval is intended as a near-to-last effort to motivate property owners to address ongoing property standards, neighbourhood nuisance, safety, and quality of life issues. While demolition may be the ultimate outcome, Staff continue to find alternative solutions for these vacant buildings. All associated inspection, maintenance, and potential demolition costs are invoiced to the property owner from the time the building is identified as vacant until the ultimate demolition of the property. The properties reported herein have been neglected for several years and the request for demolition approval represents the next step in the compliance process.

Link to the Corporate Strategic Plan

Implement existing by-laws with a risk-based protocol focusing on the 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 Director of Municipal Compliance may have the property demolished once the matter has been reported to Council, and Council has passed a by-law approving of the potential demolition.

It should be noted that a Council endorsement, and subsequent by-law, does not circumvent an owner's responsibilities under the Vacant Buildings By-law, nor the steps taken by Staff to compel owners to take care of their own properties through the available tools. The by-law gives Civic Administration additional leverage to bring the property into compliance and the ability to begin the process of preparing a property for demolition if that is the ultimate outcome.

Property Information

689 Hamilton Road

The building at 689 Hamilton Road is a purpose-built commercial building that served as a gas station from 1947 until the late 1960s when it was converted to a restaurant. It has a footprint of approximately 163m² (1,800 sq ft) and the original building is two-storeys of concrete block with a wooden gable added to the north side. Until mid-2020 it was operating as a restaurant (Kentucky Fried Chicken) and it has been vacant since late 2020. The site is in Ward 1, the Hamilton Road Business Improvement Area, and the Hamilton Road Planning District.

The building is not within a Conservation Authority Regulated Area (floodplain). The building is listed on the Register of Cultural Heritage Resources as having interest, but it is not yet designated. Further evaluation is necessary to determine if a heritage listed property demonstrates sufficient cultural heritage value or interest to warrant conservation and designation pursuant to the Ontario Heritage Act. This will be a decision of Council.



689 Hamilton Road - Front – March 20, 2023



689 Hamilton Road – East side

The property owner was informed by Registered Mail in December 2021 that the building had been identified vacant by the City's Multi-Agency Vacant Building Initiative. There was no response.

After a year of monitoring, in January of 2023 a letter was sent by Registered Mail to the owner, requesting confirmation of the vacancy, proof of insurance, and contact information for the owner and/or their agent. There was no response.

A Property Standards Order was issued, and this Order included a "Schedule of Repairs" outlining all the violations and subsequent exterior repairs necessary to bring the property up to standard. Property Standards Orders are registered on the title of the property to ensure Orders carry forward if the buildings are subsequently sold.

A Demolition Initiation Letter has been sent to the owner to inform them of the confirmation of the Property Standards Order(s) and states that due to inaction, and the ongoing concerns for public safety, Civic Administration may seek to have the buildings demolished at the owner's expense.

Staff are now seeking Council's permission to pursue a Property Standards Compliance course of action which could result in demolition. This action is taken with the understanding that a Cultural Heritage Evaluation Report shall be completed to evaluate the heritage value of the building, and to have the building removed from the list, or designated by Council, prior to demolition being undertaken.

253, 255, 257 Grey Street

The three individual residential buildings at 253, 255, and 257 Grey Street have been vacant for some time but have recently fallen into disrepair and become public nuisances. The buildings at 253 and 255 Grey Street are one-and-a-half-storeys and the building at 257 Grey Street is a two-storey building. The buildings were constructed in the early 1920s. Two are brick and one is sided, and they have about the same 91m² (1,000 sq ft) footprint. There have been recent fire occurrences at this location.

The buildings are in Ward 13 and are within the Central London Planning District. They are not considered Heritage Resources nor are they within the Conservation Authority Regulated Area (floodplain). In 2018, the land on which the buildings are located, was part of a Zoning By-law Amendment, in conjunction with 147 Wellington St., which approved development of a 246 unit, 18-storey residential apartment building. Since then, the site - including the subject properties - was sold and the new owners applied for Site Plan Consultation in 2022 to develop the apartment building. Development as proposed would require the demolition of all buildings on the subject site, including the subject properties on Grey Street.

Registered Mail was sent in February of 2019 indicating that 255 Grey St had been deemed vacant by the City's Multi-Agency Vacant Building Initiative. There was no response by the owner, and property ownership changed around this time. On March 16th, Vacant Building Initiative Letters were sent for the three properties, informing the new owner of their responsibilities under the Vacant Building By-law, and that the buildings will be added to the Vacant Building Registry.

As well, three separate Property Standards Orders were issued for the subject properties. The Orders included a "Schedule of Repairs" outlining all the violations and subsequent exterior repairs necessary to bring the properties up to standard. Property Standards Orders are also registered on the title of the land(s) to ensure the Orders carry forward if the buildings are subsequently sold.



257-253 Grey St (from left to right) – October 2022 (Source: Google Street View)



253-257 Grey Street, rear (from left to right) – March 20, 2023

Demolition Initiation Letters have been sent to the owners to inform them of the Property Standards Order(s) which state that due to inaction, and the ongoing concerns for public safety, Civic Administration may seek to have the buildings demolished at the owner's expense.

520 South Street

The building at 520 South Street is a vacant residential structure that is in severe disrepair. The one-storey Ontario cottage was constructed circa 1873 and it has a footprint of approximately 140m² (1,500 sq ft). The property is in Ward 13 and in the Central London Planning District.

The building is not within a Conservation Authority Regulated Area (floodplain). The building is listed on the Register of Cultural Heritage Resources as having interest, but it is not yet designated. Further evaluation is necessary to determine if the listed heritage property demonstrates sufficient cultural heritage value or interest to warrant

conservation and designation pursuant to the Ontario Heritage Act. This will be a decision of Council.



520 South Street – Front – March 20, 2023



520 South St – March 20, 2023

The property has been the subject of multiple Work Orders and complaints due to untidy lot, storage of vehicles, etc. over the years. In 2002 the property was rezoned along

with a portion of 514 South St to the west, to permit development of the site at a higher density (75u/ha) and height (10m) than the surrounding lands (Z-6273).

A Property Standards Order was issued, and this Order included a “Schedule of Repairs” outlining all the violations and subsequent exterior repairs necessary to bring the property up to standard. The Order was registered on the title of the property, with no acknowledgement by the owner.

Staff are now seeking Council’s permission to pursue a Property Standards Compliance course of action which could result in demolition. This action is taken with the understanding that a Cultural Heritage Evaluation Report would need to be completed to evaluate the heritage value of the building, and to have it removed from the list or designated by Council, prior to demolition being undertaken.

Conclusion

As indicated, Staff have undertaken several inspections and actions at these locations to ensure the buildings described herein are maintained and secured. Notwithstanding these efforts no actions have been taken by the landowner(s) to comply with 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.

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.
2023

By-law No.

A By-law to approve the potential demolition of vacant buildings at 689 Hamilton Road, 253, 255, and 257 Grey Street, and 520 South Street 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 may wish 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* if required. The municipal addresses of the properties are:

- 689 Hamilton Road, London, ON
- 253 Grey Street, London, ON
- 255 Grey Street, London, ON
- 257 Grey Street, London, ON
- 520 South Street, London ON

2. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on _____, 2023

Josh Morgan,
Mayor

Michael Schulthess
City Clerk

First reading - _____, 2023
Second reading - _____, 2023
Third Reading - _____, 2023