SUBJECT: Demolition Permit – 968 West 5th Street (PED05202(a)) (Ward 8)

RECOMMENDATION:

(a) That the conditions for demolition of 968 West 5th Street, as set out in the Council resolution dated December 14, 2005, be extended for a further one year period such that the requirement to substantially complete the new dwelling be amended from two years to three years in accordance with By-law 09-208 and pursuant to the authority given to Council for such extensions per Section 33 of the Planning Act as amended; and,

(b) That Council accept the notice of application that was not submitted within the minimum required sixty day time limitations as set out in Section 33.(13) of the Planning Act for the relief of conditions imposed on the demolition permit for 968 West 5th Street as specified in Council’s resolution dated December 14, 2005.

EXECUTIVE SUMMARY:

City Council, at its meeting of December 14, 2005, authorized and directed the Director of Building Services to issue a demolition permit for 968 West 5th Street subject to the conditions that were required to be registered on title. The conditions were imposed to ensure that a new building be constructed and substantially completed within two years from the day the demolition commenced. The owner properly registered the conditions and has received the proper approvals to demolish the existing dwelling and construct a two storey single family dwelling. The construction has not commenced as of this date. The dwelling was demolished on July 6, 2007, and the new dwelling was to be substantially completed by July 6, 2009.
A request has been received from the owner to extend the conditions for substantial completion from two years to over four years due to economic hardship as the owner has indicated his loss of employment. Recognizing the economic downturn and having compassion for the owner’s unfortunate loss of employment, this Division is however recommending an extension of only one year and not the requested two plus years. The owner of this property has not maintained the land and there have been numerous complaints and violations under the Property Standards By-law and the Yard Waste and Maintenance By-law. The violations were regarding long grass and weeds and the parking of a derelict vehicle on the property. The owner has been issued two Provincial Offence Notices and has been ticketed twice for failure to maintain the property and for the parking of a derelict vehicle. Should Council approve the recommendation, the owner, if unable to meet the said conditions could make application for further extension. This might encourage the owner to comply with the City’s property maintenance requirements and show a commitment to abide with the By-laws imposed by the City. To date the owner has not shown a commitment to comply with the City’s property maintenance regulations thereby requiring significant staff resources to deal with complaints.

In accordance with Section 33 of the Planning Act, Council has the authority to deny the request, extend the conditions imposed or relieve the permit holder from the conditions altogether.

**BACKGROUND:**

**PRESENT ZONING:** “C” (Urban Protected Residential)

**PRESENT USE:** Vacant Land

**PROPOSED USE:** Single family dwelling

**BRIEF DESCRIPTION:** A recent inspection confirms that the lands are vacant. As mentioned above, our records indicate that there have been numerous ongoing complaints since the demolition regarding the illegal use of the lands for the parking of an inoperable motor vehicle as well as property maintenance including but not limited to long grass and weeds and garbage and debris.

A severance application (HM/B-06:89) was approved on June 28, 2006 to create 2 single family dwelling building lots and the conditions were complied with on June 28, 2007. The demolition permit and the building permit were issued on June 1, 2007. The proposed single family dwelling was to be located on one of the parcels of land, however, could have been built on the entire parcel of land without a severance. The severance had no impact on the demolition or construction of the proposed dwelling.
To date, there are no outstanding orders with regard to property standards and the illegal usage of the lands has been cleared.

This property is in the Gourley neighbourhood and is located in Ward 8. Please see attached location map shown as Appendix A to Report PED05202(a).

No Hamilton Municipal Heritage Committee interest. Lot size 15.2m x 64.9m.

The owner of the property, as per the demolition permit application is:

Mahmood Zakeri
24 Armour Cres.
Ancaster, ON L9K 1S1

**ANALYSIS/RATIONALE:**

As mentioned above, the Council resolution of December 14, 2005 authorized and directed the Director of Building Services to issue a demolition permit for the single family dwelling at 968 West 5th Street subject to the conditions being registered on title. Failure to substantially complete the building within the specified two years could result in the City Clerk adding a sum of $20,000 to the tax rolls for the dwelling previously demolished. The conditions were properly registered on title and the demolition permit and building permit were issued June 1, 2009. The demolition was completed on July 6, 2007. Therefore, the dwelling was required to be substantially completed by July 6, 2009. If Council agrees to extend the conditions for the recommended one year the new dwelling to be constructed must be substantially completed by July 6, 2010. Further, the applicant must apply for and receive an extension on the building permit that was issued in conjunction with and at the same time as the demolition permit. This will include additional fees required to be paid by the applicant including development charges that have increased since time of permit issuance and fees for extending the permit.

**ALTERNATIVES FOR CONSIDERATION:**

Section 33 of the Planning Act allows for Council to relieve the permit holder from the conditions or permits Council to extend the two year time limit for replacing dwelling units lost through demolition.

Therefore, Council could approve the recommendation, grant an extension of a longer period (per the owner’s request) or deny the recommendation. Should Council deny the recommendation the sum of $20,000 shall be added to the tax rolls as per the conditions registered on title in accordance with the original Council resolution of December 14, 2005.
FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

POLICIES AFFECTING PROPOSAL:

N/A

RELEVANT CONSULTATION:

Legal Services – Michael Kovacevic

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes □ No

Replacing an older dwelling unit with new construction will enhance and add to the stability of the neighbourhood.

Environmental Well-Being is enhanced. ☑ Yes □ No

Human health and safety are protected. A redeveloped property will improve the look of the neighbourhood while continue to provide essential needs.

Economic Well-Being is enhanced. ☑ Yes □ No

Investment in Hamilton is enhanced and supported.

Redevelopment of this property will enhance the neighbourhood, provide additional taxes and curb urban sprawl.

Does the option you are recommending create value across all three bottom lines? ☑ Yes □ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? □ Yes ☑ No

VB:vb
Attach. (1)
Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: PED05202(a) Date: Dec 9, 2009

Appendix "A" Scale: N.T.S. Planner/Technician: VBI/AL

Subject Property

668 West 5th Street

Ward 8 Key Map N.T.S.