TO: Chair and Members  
Economic Development and Planning Committee  
WARD(S) AFFECTED: WARD 3  

COMMITTEE DATE: September 21, 2010  

SUBJECT/REPORT NO:  
Demolition Permit - 157 Eastbourne Avenue (PED10210) (Ward 3)  

SUBMITTED BY:  
Tim McCabe  
General Manager  
Planning and Economic Development Department  

PREPARED BY:  
Kim Roberts 905-546-2424 Ext. 2581  

SIGNATURE:  

RECOMMENDATION:  

That the Director of Building Services be authorized and directed to issue a demolition permit for 157 Eastbourne Avenue in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended, subject to the following conditions:

(a) That the applicant has applied for and received a building permit for a replacement building on this property;

(b) That the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property;

(c) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of $20,000;

(d) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (e)) in a form satisfactory to the Director of Building Services and to the City Solicitor; and,

Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.  
Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
(e) That if the said replacement building is not erected as required, the City Clerk be authorized to add the said sum, until payment thereof, as a lien or charge upon the property until paid.

EXECUTIVE SUMMARY

The owner of this property is proposing to demolish the existing single family dwelling and leave the property vacant so that a new single family dwelling can be constructed in the future. The property is owned by Hamilton East Kiwanis Non-Profit Homes Inc. (Kiwanis Homes) and the dwelling is presently vacant. Hamilton East Kiwanis Non-Profit Homes Inc. have indicated that a hardship would be created as a result of performing the required repairs pursuant to a Property Standards Order dated May 17, 2010. As such, they would like to demolish the existing dwelling and re-construct another single family dwelling when funding is available to do so.

Under Section 4 of the Demolition Control By-law 09-208 the Chief Building Official has the delegated authority to issue a demolition permit for residential properties that are considered to be “routine applications”. This application has been deemed a “routine application” as this property is located in the middle of an established neighbourhood and current zoning would permit a replacement residential use. Therefore, the standard conditions required to be registered on title that would require a building permit to be issued in conjunction with the demolition permit and the new dwelling to be substantially completed within two years of the date of the demolition would apply in accordance with the By-law.

However, where the owner of the property does not agree with the conditions being imposed, Section 7 of the By-law requires the Chief Building Official to advise Council. Council then retains all power to: issue, including imposing the standard rebuild conditions; issue without conditions or refuse to issue the demolition permit.

This report is presented to Council as the owners are not in agreement with the recommended conditions as set out in the Demolition Control By-law.

Alternatives for Consideration – See Page 4
**FINANCIAL / STAFFING / LEGAL IMPLICATIONS** (for Recommendation(s) only)

<table>
<thead>
<tr>
<th>Category</th>
<th>Implication</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial</td>
<td>Not applicable</td>
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<tr>
<td>Staffing</td>
<td>Not applicable</td>
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<tr>
<td>Legal</td>
<td>Not applicable</td>
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</tbody>
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**HISTORICAL BACKGROUND** (Chronology of events)

<table>
<thead>
<tr>
<th>Present Zoning</th>
<th>C</th>
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<tbody>
<tr>
<td>Present Use</td>
<td>Single Family Dwelling</td>
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<tr>
<td>Proposed Use</td>
<td>Single Family Dwelling</td>
</tr>
<tr>
<td>Brief Description</td>
<td>A recent inspection revealed that the two storey brick and protected frame single family dwelling is structurally sound but is in poor condition.</td>
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This land is in the St. Clair neighbourhood and is located in Ward 3. Please see attached location map shown as Appendix A to Report PED10210.

No interest to the Hamilton Municipal Heritage Committee.

Lot size 6.09m x 24.41m and having a lot area of 148.7 square metres.

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

Hamilton East Kiwanis Non-Profit Homes Inc.
281 Queenston Road
Hamilton, ON L8K 1G9

**POLICY IMPLICATIONS**

Not applicable

**RELEVANT CONSULTATION**

Not applicable
ANALYSIS / RATIONALE FOR RECOMMENDATION
(include Performance Measurement/Benchmarking Data, if applicable)

The present single detached dwelling is in poor condition and the applicant is proposing to demolish this single family dwelling and leave it as a vacant lot so that a single family dwelling can be constructed in the future when funding becomes available. The neighbourhood is well established with an urban character. To prevent a vacant lot from occurring within the existing neighbourhood the imposition of conditions for its replacement are deemed appropriate.

ALTERNATIVES FOR CONSIDERATION:
(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

Should the Committee wish to approve the demolition without imposing the conditions for a replacement dwelling, then the following recommendation may be appropriate:

That the Director of Building Services be authorized and directed to issue a demolition permit for 157 Eastbourne Avenue in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act as amended.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)


Growing Our Economy

◆ Investment in Hamilton is enhanced and supported
◆ Redevelopment of this property with the construction of a new single family dwelling will enhance the neighbourhood, provide additional taxes and curb urban sprawl.

Environmental Stewardship

◆ Redevelopment within established neighbourhoods uses existing infrastructure and provides an opportunity to use green products and technologies.
Healthy Community

- Plan and manage the built environment
- Replacing an older dwelling with new construction will enhance and add to the stability of the neighbourhood.

APPENDICES / SCHEDULES

Appendix “A”: Location Map

:KR
Attach (1)