SUBJECT: Demolition Permit, 254 Beach Road, Hamilton (PED08180) Ward 3

RECOMMENDATION:

That the Director of Parking and By-Law Services be authorized and directed to obtain a demolition permit to demolish 254 Beach Road (Lots 2-4 and 1-5) in accordance with Section 42(1) of the Property Standards Bylaw 03-117.

EXECUTIVE SUMMARY:

The former residential care facility at 254 Beach Road was severely damaged by fire in February 2005 and has been left in a severe state of disrepair ever since. Former management staff made some attempts in 2006 to enforce the provisions of the Property Standards By-Law to no avail.

Staff revived the previous enforcement efforts and has recently been dealing with the property owner/agent in an attempt to gain compliance with the Property Standards By-Law. The property owner has advised of plans to re-develop the site, however, despite extensions to the “Order to Comply”, no action has been taken to repair or demolish the building to date. While the owner’s agent has advised that they are actively working to demolish the building, at the time of the writing of this report, no action has been taken by the owner. Therefore, staff is recommending that the existing building be demolished, and the property levelled and graded, by the City, at the property owner’s expense, in accordance with the provisions of the Property Standards By-Law.
BACKGROUND:

Staff issued an “Order to Comply” pursuant to the City of Hamilton Property Standards Bylaw 03-117 on February 7, 2006 to undertake repairs to the fire-damaged structure located at 254 Beach Road. The order expired on March 7, 2006 and was not appealed by the property owners. There has been no action to date by the property owner(s) to bring the property into compliance, and staff did not pursue enforcement efforts until late 2007. While staff has been communicating with the owner/agent, and has been assured that they are moving towards demolishing the building, no action has been taken to demolish at the time Report PED08180 was prepared.

Section 42(1) of the City of Hamilton Property Standards Bylaw No. 03-117 states that if the owner or occupant of a property fails to repair or to demolish the property in accordance with an Order, the City of Hamilton, in addition to all other remedies, may repair or demolish the property; may clear the site of all buildings, structures, debris or refuse and leave the site in a graded and levelled condition; or may make the site safe or impede entry by erecting fences, barricades or barriers.

The property is located in Ward 3 which is not in the “Central Area” as defined in the City Council resolution passed on July 26, 1994, regarding demolition control. Therefore this property is not subject to special conditions regarding demolition control that would have required a building permit to be issued for a replacement dwelling on the property, or Site Plan Agreement to be finalized for the site and for reconstruction within a specific time frame.

In accordance with the Purchasing Policy, staff has obtained three (3) quotes to undertake the necessary work. The lowest bid to demolish the building and leave the property graded and level, is $24,600 (plus taxes). In accordance with Section 37(5) of the by-law, this cost would be added to the property tax roll for this address which the property owner is responsible for.

ANALYSIS/RATIONALE:

While the building has been fenced off to public access, there is a potential safety risk if persons, albeit trespassing, were to enter the property. Also, area residents have continually expressed concern about the condition of the property.

ALTERNATIVES FOR CONSIDERATION:

Demolition is recommended as it is apparent that it is not economically feasible to repair the building. To leave the building as is would not address the community concerns or the potential safety risks, and would continue to be a draw on enforcement resources.
FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Pursuant to the City of Hamilton By-Law 03-117, Section 37(3) authorizes a Municipal Law Enforcement Officer to give immediate effect to any Order that is confirmed or modified as final and binding under Section 15.3 (7) of the Building Code Act 1992 so as to provide for repair of the property; or clearing of all buildings, structures or debris from the site and the leaving of the site in a graded and levelled condition, where the cost of the work does not exceed $20,000.

Section 37(4) of the Property Standards By-Law requires City Council approval to carry out the requirements of an order where the work is estimated to cost over $20,000. The cost of demolishing this building has been estimated at $24,600 (plus taxes) and this cost would be added to the property tax roll for this address.

POLICIES AFFECTING PROPOSAL:

Purchasing Policy

RELEVANT CONSULTATION:

Legal Services has been consulted in the enforcement of the Property Standards By-Law at this location as well as in the preparation of Report PED08180.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, and 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

The recommendation is in response to community demands to demolish and remove this unsafe building.

Environmental Well-Being is enhanced. ☑Yes ☐No

n/a

Economic Well-Being is enhanced. ☑Yes ☐No

The property owner is apparently working on plans to replace the burned out building with a new residential care facility

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

MH:SB:jcs
Attach. (1)