SUBJECT: Demolition Permit – 174 Mountain Park Avenue and 10 Summit Avenue (PD03160(b)) (Ward 7)

RECOMMENDATION:

That the conditions for demolition of 174 Mountain Park Avenue and 10 Summit Avenue, as set out in the Council resolutions dated August 13, 2003 and November 28, 2007, be extended for a further one year period such that the requirement to substantially complete the new building be amended from three years to four years in accordance with By-Law 08-226 and pursuant to the authority given to Council for such extensions per Section 33 of The Planning Act as amended.

Tim McCabe
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

City Council, at its meeting of August 13, 2003, authorized and directed the Director of Building and Licensing to issue demolition permits for 174 Mountain Park Avenue and 10 Summit Avenue subject to 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 demolitions commenced. The owner properly registered the conditions and has received the proper approvals to construct an eleven storey, twenty unit multiple dwelling which is currently under construction.

A request was received in 2007 from the owner to extend the condition for substantial completion from two years to three years due to numerous delays and circumstances beyond his control. City Council, at its meeting of November 28, 2007, extended the
conditions for a further one year period such that the requirements to substantially complete the new building were amended from two years to three years.

Another request was received on October 15, 2008 from the owner to further extend the condition for substantial completion from three years to four years due to numerous delays and circumstances beyond his control.

**BACKGROUND:**

- **PRESENT ZONING:** E (Map E-24)
- **PRESENT USE:** Twenty Unit Multiple Dwelling currently under construction
- **PROPOSED USE:** Twenty Unit Multiple Dwelling currently under construction
- **BRIEF DESCRIPTION:** As mentioned above, the Council resolution of November 28, 2007, extended the conditions for a further one year period such that the requirements to substantially complete the new building were amended from two years to three years.

Failure to substantially complete the building within the specified three years could result in the City Clerk adding a sum of $20,000 per dwelling unit that was previously demolished, for a total of $340,000, to the tax rolls.

The conditions were properly registered on title and the demolition permit and building permit were issued December 22, 2005. The demolition commenced on January 10, 2006. Therefore the building is required to be substantially completed on January 10, 2009.

A recent inspection confirms that since the initial extension one year ago, the project has advanced considerably and includes the completion of the exterior cladding, installation of the windows and 90% completion of the exterior landscaping. Additionally, many of the interior finishes have been completed including the lobby, corridors and three of the model suites. The remaining interior finishes are in progress and the elevators are complete and functioning.

The owner has indicated that a six month extension may be sufficient to substantially complete the building however, the current economic uncertainty may have an effect on the sale of these condominiums and he feels confident that with a one year extension he will be able to substantially complete the building.
This land is in the Eastmount neighbourhood and is located in Ward 7. Please see attached location map shown as Appendix A to Report PD03160(b).

No LACAC interest. Lot size 23.77m x 35.97m

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

Famleigh Management Services Limited  
c/o Greg Fraliegh, President  
1 Hamilton Street South  
Waterdown, ON L0R 2H0

**ANALYSIS/RATIONALE:**

Section 33 of The Planning Act allows for Council to consider extending the minimum two year time limit for replacing dwelling units lost through demolition. This Department supports the extension requested. The project and development has been complex and the developers have proceeded, in our opinion, in a timely manner given the constraints faced. This included an Ontario Municipal Board Hearing, Site Plan Approval, changing market conditions and building design. The project is well underway and there is no thought that it will not be completed over the next 12 months.

**ALTERNATIVES FOR CONSIDERATION:**

If Council does not agree on the extension, total penalties of $340,000 would be assessed against the property. In view of the history of the project and the current status of construction, this would not be reasonable and may affect the financial viability of the project.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**POLICIES AFFECTING PROPOSAL:**

N/A

**RELEVANT CONSULTATION:**

N/A

**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

The construction of this condominium apartment building will provide a market niche and housing market choice for the community.

Environmental Well-Being is enhanced.  □ Yes  ☑ No

Economic Well-Being is enhanced.  ☑ Yes  □ No

Investment in Hamilton is enhanced and supported.

Redevelopment of this property with the construction of the new condominium apartment building 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

FP:fp
Attach. (1)
Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: PD03160(b)  Date: October 29, 2007

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

Subject Property

174 Mountain Park Avenue

Ward 7 Key Map  N.T.S.