



THE CORPORATION OF THE CITY OF WATERLOO

BY-LAW NO. 2013 – 014

TO ENACT A DEMOLITION CONTROL AREA BY-LAW

WHEREAS Section 33 of the *Planning Act*, R.S.O. 1990, C.P.13, as amended (the "Planning Act"), permits municipal councils to designate any lands within a municipality as an area of demolition control where a property standards by-law is in effect in the same area;

AND WHEREAS Property Standards By-law No. 2011-122, as amended, prescribes standards for maintenance and occupancy for all properties in the City of Waterloo pursuant to Section 15.1 of the *Building Code Act*, 1992, S.O. 1992 c.23 (the "Building Code Act");

AND WHEREAS no person shall demolish the whole or part of any Residential Property in a demolition control area unless that person has been issued a permit by the Council of the City of Waterloo;

AND WHEREAS under Section 23.1 of the *Municipal Act*, 2001, S.O. 2001 c. 25, as amended, authorizes a municipality to delegate its powers and duties to any person;

THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WATERLOO ENACTS AS FOLLOWS:

Definitions:

1. The following terms shall be defined as follows:

- a. **"Demolish"** or **"Demolition"** means the act of removing or tearing down the whole or part of a residential buildings structural **components** and/or **systems**;
- b. **"Dwelling Unit"** means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals;

- c. **“Residential Property”** means a building that contains one or more Dwelling Units, but does not include subordinate or accessory buildings which are incidental to the use of the main building; and
- d. **“Replacement Development”** means a building or group of buildings which replace a Residential Property that is the subject of a demolition control application.

Intent:

- 2. The intent of demolition control shall be:
 - a. to prevent the premature loss of housing stock and the creation of vacant parcels of land;
 - b. to prevent the premature loss of assessment;
 - c. to retain existing residential units until new uses have been considered and zoning or site plans approved;
 - d. to prevent block busting within residential neighbourhoods;
 - e. to prohibit the use of Demolition as a means to reduce maintenance costs; and
 - f. to prohibit the use of Demolition as a tactic to obtain zoning or other City approvals.

Applicable Lands:

- 3. All properties within the boundaries of the City of Waterloo, as amended from time to time, are designated as a demolition control area.
- 4. Anyone who Demolishes a Residential Property or any portion thereof without a demolition permit is in contravention of the Demolition Control Area By-law and can be fined up to \$50,000 for each Dwelling Unit contained in the Residential Property, the whole or any portion of which Residential Property has been Demolished.

Delegation of Authority:

- 5. Council hereby delegates its authority which is established under subsections 33(3) and 33 (6) of the Planning Act to the Chief Building Official with respect to the issuing of demolition permits for any Residential Property, with the following exceptions:

- a. the authority to refuse to issue a demolition permit;
 - b. the authority to issue a demolition permit for a designated property or a property within a designated heritage district all under the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended (the "Ontario Heritage Act"); or
 - c. the Chief Building Official deems it appropriate, at his or her discretion, to refer an application to Council for the issuance or refusal of a demolition permit.
6. A demolition permit issued by the Chief Building Official under Section 5 of this By-law may be subject to conditions, including but not limited to:
- a. That the owner constructs and substantially completes the Replacement Development in compliance with the approved building permit plans or approved site plans not later than two years from the date that the demolition permit is issued, or an alternative date as specified on the permit, pursuant to Section 33 (7) of the Planning Act;
 - b. That where a building is Demolished and the Owner fails to construct or substantially complete the new building by the time specified on the demolition permit, the clerk shall enter \$10,000.00 per Dwelling Unit Demolished on the collection roll to be collected in like manner as municipal taxes and shall form a lien or charge upon the subject lands; and
 - c. Other conditions related to the preservation or documentation of a non-designated or designated heritage property, as determined by Council.
7. Unless otherwise determined by the Chief Building Official, prior to the issuance of a demolition permit under Section 5 or 6:
- a. Any property that is the subject of a plan of subdivision application must obtain draft approval from the Regional Municipality of Waterloo; and
 - b. Any property that is the subject of a site plan application must obtain Site Plan Approval from the General Manager of Development Services.

Exemptions:

8. Council may exempt by by-law any Residential Property from this Demolition Control Area By-law.

9. This by-law does not apply if:

- a. The Residential Property has been found to be unsafe under Section 15.9 or 15.10 of the Building Code Act and an order has been issued under that section;
- b. The removal of the Residential Property is required to allow for environmental site remediation, as determined by a Record of Site Condition undertaken by a qualified professional, that has been accepted by the Ministry of the Environment and the Regional Municipality of Waterloo;
- c. The Residential Property is owned by The Corporation of the City of Waterloo and the Demolition is required for the imminent implementation of a City capital works project previously approved by Council, except if the Residential Property is designated or is in a designated heritage district under the Ontario Heritage Act;
- d. The Residential Property is a mobile home; or
- e. The lands are zoned Universities "BI" or "BI(wlu)".

Title, Repeal, and Effective Date:

10. This By-law may be referred to as the "Demolition Control Area By-law".

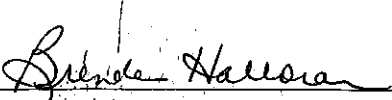
11. By-law No. 86-122 and By-law No. 04-044 are repealed.

12. This By-law shall come into effect on the date of passing hereof.

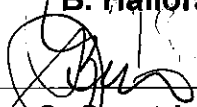
13. Notwithstanding Section 11 above, By-law No. 86-122 and By-law No. 04-044 are deemed to continue in force and effect with respect to any and all orders, appeals or prosecutions issued, filed or commenced under those By-laws and any assessment, rate, charge, tax, fee, liability, fine or penalty outstanding under By-law No. 86-122 and By-law No. 04-044 may be collected as if such By-laws had not been repealed.

Enacted this 28th day of Feb., 2013.

| Approval | Date | Print Name | Initials |
|----------|-----------|------------|----------|
| DS | Feb 11/13 | S. Aros | SA |
| Legal | Feb 5/13 | P. Kraemer | PK |
| Finance | Feb 11/13 | NA | NA |



 B. Halloran, Mayor



 S. Greatrix, City Clerk