

Demolition Control Discussion Paper

March 2024

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Executive Summary

Demolition Control allows municipalities to regulate the demolition of residential buildings. Section 33 of the Planning Act, 1990 is the applicable law that provides municipalities with these regulatory powers in the Province of Ontario. The Planning Act specifies what building types can be subject to demolition control, how applications are considered and approved, applicant appeal rights, and conditions that municipalities can include as part of a demolition permit.

The City of Guelph's current demolition control by-law came into force and effect on July 18, 1988. As the by-law conforms with the 1983 version of the Planning Act, staff are conducting this review so that the by-law conforms with current legislation and best practices from other municipalities are reviewed.

Staff have identified six (6) common demolition control issues for review. These issues are notice requirements, heritage properties, property standards, demolition control conditions, private tree protection by-law, and housing. They were identified based on staff feedback, commonly received questions from applicants, and Council direction.

This review has resulted in a staff recommendation to repeal our current Demolition Control By-law and replace it with a new Demolition Control By-law that incorporates the following changes:

- New definitions for demolition and renovation;
- A new condition that may be imposed to require the preparation and submission of building permit plans for a new building on the same site for any demolition permit application;
- Clear exemptions from demolition control;
- Updating the offence charge to the maximum allowable of \$50,000.00 per dwelling unit in the residential property to be demolished;
- Continuing to delegate approval authority to the General Manager of Planning and Building Services.

Staff are recommending these changes so that demolition control in the city of Guelph is strengthened as a tool to prevent the premature loss of housing stock while ensuring flexibility so that new development can proceed efficiently.

1. Purpose and structure of the Discussion Paper

This paper provides an overview of demolition control, the City of Guelph's current demolition control by-law, and common issues regarding demolition in the City of Guelph.

This paper reviews demolition notice requirements, the relationship between heritage and demolition, conditions that can be included as part of a demolition permit, how property standards and demolition control work together, the private tree protection by-law, and housing stock. Each of these play an important role in how the City of Guelph administers demolition permits and how demolition overall leads to effective and sustainable city building. Many of these common issues have informed parts of the recommended demolition control by-law.

Finally, this paper outlines the staff recommended demolition control by-law to replace the current demolition control by-law. This paper concludes with a summary of changes staff are recommending and reasonings for these changes.

2. What is Demolition Control?

Section 33 of the Planning Act, 1990 ("the Planning Act") is the applicable law that regulates demolition control in the Province of Ontario. The following summarizes the powers and provisions of Section 33.

This section permits a municipality to designate an area of the city as a demolition control area by by-law such that a residential property cannot be demolished until a demolition permit has been issued. This gives staff an opportunity to obtain necessary information from an applicant and conduct a full review to ensure that the demolition is following the appropriate requirements.

This section of the Planning Act also defines the terms "Dwelling Unit", and "Residential Property" as follows:

- "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;
- "Residential Property" means a building that contains one or more dwelling units, but does not include subordinate or accessory buildings the use of which is incidental to the use of the main building.

These definitions are incorporated into demolition control by-laws to specify what buildings can and cannot be subject to demolition control.

For a demolition control by-law to be in place, Section 33 of the Planning Act requires a property standards by-law under Section 15.1 of the Building Code Act, 1992 to be in force in a municipality. The area subject to demolition control is the same area that is subject to the property standards by-law.

When a demolition permit is applied for, Council or their delegate may issue the permit or refuse to issue the permit. If the permit application is refused or a decision is not made within thirty days of the application, the applicant can appeal to the Ontario Land Tribunal (OLT). However, if a replacement building permit has been issued to erect a new building on the site of the residential property to be demolished, Council or their delegate shall issue a demolition permit once they've submitted an application. Under these types of applications, Council or their delegate may include the condition that the applicant construct and substantially complete the new building by at least two years from the date of the demolition. If the applicant fails to complete the new building within the time specified, municipalities are permitted to place a lien on the property of \$20,000.00 or less for each dwelling unit within the residential property to be demolished. If the applicant is not satisfied with the time requirement condition, they may appeal to the OLT for a variation of the condition. The lien or charge is to be collected as municipal property taxes.

If the applicant does not consider it possible to complete the new building within the time specified on the permit or if the permit holder believes that it is no longer economically feasible to construct the new building, the applicant may apply to Council or their delegate for relief, which could include an extension of the completion date. Applicants are required to apply for relief before there are sixty days or less for the replacement building completion date specified on the permit. Council or their delegate may also decide to extend the date specified on the permit at any time. The applicant may appeal the decision for relief to the OLT.

Any person who demolishes a residential property without obtaining a demolition permit is liable for a fine of not more than \$50,000.00 for each Dwelling Unit contained in the Residential Property. A full copy of Section 33 has been included as Appendix A in this Review Paper.

3. Guelph's current Demolition Control By-law

The City of Guelph's current demolition control by-law came into force and effect on July 18, 1988. This By-law conforms with the Planning Act, 1983. Almost all the provisions for demolition control remain the same between the Planning Act, 1983 and the Planning Act, 1990. The only significant difference between the two pieces of legislation is that the offence fine was raised from \$20,000.00 for each dwelling unit contained in the residential property to \$50,000.00. An updated demolition control by-law will be required to conform to the Planning Act, 1990.

The City of Guelph's [current Demolition Control By-law](#) requires a demolition permit to be held before permitting the demolition of the whole or any part of any residential property, as defined. The current By-law also states that where a zoning by-law amendment has been granted by the City of Guelph which will require the demolition of an existing residential property, the Demolition Control By-law does not apply. Lastly, under the current By-law, if a person demolishes their property without receiving a demolition permit, they are liable for a fine of not more than \$20,000.00 for each dwelling unit contained in the residential property.

Authority to approve residential demolition permits was delegated to the General Manager of Planning and Building Services in March 2017. Demolition permits are issued by the City's Chief Building Official. If the application for a demolition permit is not supported by the General Manager of Planning and Building Services, the applicant may request a decision from Council. Council also retains approval authority with respect to buildings listed on the Municipal Register of Cultural Heritage Properties or designated under Part IV or V of the Ontario Heritage Act. An annual information report on the number of residential demolition permits is required to be presented to Council. Since authority was delegated to the General Manager of Planning and Building Services, 116 demolition permits have been approved.

4. Scope of Review

Staff are reviewing the Demolition Control By-law to ensure that the By-law follows Section 33 of the Planning Act. This also includes reviewing whether the City of Guelph's Demolition Control By-law is in conformity with other legislation such as the Ontario Heritage Act, the Building Code Act, the Municipal Act. Finally, staff have considered best practices from other comparator municipalities in Ontario.

It is the appropriate time to initiate a review and update of the City's Demolition Control By-law with the scope outlined above given the amount of time that has passed since the last demolition control by-law review was undertaken, the changes to the provincial legislation, policy and plans, and the ongoing work to address the housing crisis.

5. Common Demolition Control Issues

City staff have identified six issues surrounding demolition control in the city of Guelph.

5.1. Notice Requirements

Currently, once a demolition permit application has been received, City of Guelph staff post a demolition permit notice sign on the applicable property within 5 days after a complete application is received. The notice sign contains the property address, the file number, and the contact number for Building Services. Ward Councillors are also provided notice of the demolition application. As a part of the redevelopment process, staff continue to recommend keeping the community informed of any demolitions of residential properties in their area through this notice sign.

However, unlike a development application requesting an Official Plan Amendment and/or a Zoning By-law Amendment, demolition control is not a Planning Act public process and only the owner can appeal a decision as described in Section 2. Public notice is also not required under Section 33 of the Planning Act. As mentioned in Section 3, authority to approve demolition permits was delegated to the General Manager of Planning and Building Services in March 2017. Staff were supportive of this delegation because it would improve customer service and substantially reduce response times. In that report ([Report Number 17-23](#)), staff described that Building Services were erecting a sign on the property where a demolition permit for a residential building was applied for. This notice posting is not required by legislation and is a courtesy notice. Staff recommended that this practice be continued.

Some municipalities have passed by-laws that regulate public notices at infill construction sites and require applicants themselves to post public notice signs. However, due to the small number of demolition permit applications that the City of Guelph receives in a given year and that demolition control is not a public process, staff recommend that the City continue with a staff-led approach to public notice for demolition applications. As part of a demolition permit application, the City collects contact information on the contractor, the owner, and the applicant. Staff also require information on the anticipated cost of demolition, the area to be demolished and a utility sign-off from Alectra, Union Gas/Enbridge, and City of Guelph Water Services. Staff are recommending that the contact number for the builder/contractor now be included in the demolition permit notice sign. This will help direct potential concerns with the demolition to the appropriate party.

5.2. Ontario Heritage Act and Demolition

If a property is listed on the Municipal Register of Cultural Heritage Properties or designated under Part IV or V of the Ontario Heritage Act, then Section 34 of the Ontario Heritage Act applies and takes precedence over Section 33 of the Planning Act. Upon receipt of a complete application for demolition of a listed property, Council has 60 days to consult with Heritage Guelph. Upon receipt of a complete application for demolition of a designated property, Council has 90 days to consult

with Heritage Guelph and make a decision. Owners are still required to apply for and receive a building permit for the demolition.

When a demolition permit has been applied for a listed or designated property, Council is the required decision-making authority, and this authority cannot be delegated.

5.3. Property Standards

As mentioned in Section 2, for a demolition control by-law to be in place, there must be a by-law in force for properties in the same area which prescribes standards of maintenance and occupancy. This by-law is known as a property standards by-law. Both the demolition control by-law and the property standards by-law are designed to work in tandem with one another.

The City of Guelph's Property Standards By-law (2000)-16454) sets out structural standards whereby every part of a building shall be maintained in a sound condition to be capable of safely sustaining its own weight and any additional load to which it may be subjected to through normal use. Structural members or materials that have been damaged or indicate evidence of deterioration shall be repaired or replaced. In the city of Guelph, the Property Standards By-law is enforced by Property Standards Inspectors on a complaint basis. When the Property Standards Inspector receives a complaint, the Inspector conducts a site inspection and issues an order, as required. If the property owner wishes to challenge that order, they can do so at a Property Standards Committee meeting.

The Property Standards Committee hears appeals by property owners who received an Order of the Property Standards Inspector from the City. The Committee may confirm the Order, modify the Order, repeal the Order, or extend the time for complying with the Order provided that in the opinion of the Committee, the general intent and purpose of the property standards by-law are maintained. Meetings are only held as required and are scheduled when an appeal is received.

Under Section 15.1 of the Building Code Act, 1992 municipalities may require property that does not conform with the property standards by-law to be repaired and maintained to conform with the applicable standards or for the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition.

City of Guelph staff are preparing an amendment to the Property Standards By-law to permit Property Standards Inspectors to prepare Orders to Repair for heritage attributes, in accordance with heritage designation by-laws. This will permit City staff to prepare heritage-specific property standard orders. Staff are also reviewing a more proactive enforcement process for vacant structures through property standards. Property Standards Inspectors are aware of problematic properties and

react to complaints or specific concerns accordingly. Staff have also developed internal mapping that shows known vacant properties in the City of Guelph.

5.4. Demolition Control Conditions

Conditions of a demolition permit application under demolition control must conform to Section 33 of the Planning Act. Subsection 7 of Section 33 states that a demolition permit may be issued on the condition that the applicant for a building permit construct and substantially complete the new building by at least two years from the day demolition of the existing Residential Property is commenced. The two-year timeframe is a minimum and can be extended to a date that is specified in the permit. Failure to comply with this condition means that the City Clerk can apply a lien or charge to the property up to the sum of \$20,000.00 for each dwelling unit contained on the residential property that was demolished. This lien or charge is to be collected as municipal property taxes.

If the applicant considers it not possible to complete the new building within the time specified or if the applicant believes that the construction of the replacement building is no longer feasible, the applicant may apply to Council for relief of the conditions. The applicant can also appeal to the OLT for a variation of the conditions and the OLT's decision is final.

This is the only prescribed condition that can be included as part of a tandem building permit and demolition permit application. The Planning Act does not include prescribed conditions that can be included as part of a demolition permit submitted without an application for a replacement building permit.

In other provinces, municipalities can include other conditions, such as mandating deconstruction instead of demolition for heritage properties or certain property types. However, the Planning Act in Ontario is specific in that the only condition that can be required is the two-year timeframe for replacement as described above. City of Guelph staff continue to encourage and support deconstruction, especially through the work done by the Circular Opportunity Innovation Launchpad and their Deconstruction Pilot. Staff also recommend that applicants for demolition permits should continue to explore options for salvaging and recycling of demolition materials.

The City is also limited in the conditions it can mandate to what happens with a residential property as the demolition process unfolds. For example, if a residential property is purchased to be demolished and redeveloped in the future, the City cannot require that the residential property be rented or lived in during this period. The City may only incentivize or disincentivize vacant home retention. On September 22, 2023 City of Guelph staff presented an information report ([Report Number 2023-376](#)) on a Vacant Home Tax (VHT). The intent of a VHT is to encourage property owners to rent or sell residential property and dwelling units that are otherwise vacant.

A VHT imposes a tax on properties that remain vacant for a certain period, typically for greater than half a year. As explained in that staff report, the effectiveness of a VHT depends on several factors, including the local housing market, enforcement, and public policy considerations. The main purpose of the VHT is to change behaviour by enticing property owners to not have a vacant residential unit. The report concluded that implementing a VHT in Guelph is unlikely cover the expenses to run the program or fulfill the City's anticipated policy and economic goals that would justify doing so.

One of these public policy considerations is that demolition versus a substantial renovation is not immediately cost-effective for applicants, especially if the residential property is part of a future development proposal. If a dwelling unit in a residential property requires significant renovations to be suitable for rent, only to be demolished at a later point anyways, a property owner may decide that it is not worth the cost and apply for a demolition permit. Once the Residential Property is demolished, it would be ineligible for the VHT.

5.5. Private Tree Protection By-law

Where there are regulated trees located on the residential property to be demolished, applicants for demolition are required to follow the City of Guelph's Private Tree Protection By-law (2010)-19058). The current bylaw applies to regulated trees (at least 10 centimetres in diameter) on regulated properties (greater than 0.2 hectares). The City of Guelph's Private Tree Protection By-law is currently under review and these regulations may change.

When a demolition permit application is submitted to the City of Guelph, City of Guelph staff are responsible for determining if the Private Tree Protection By-law applies. Staff will review the application and determine if a tree permit is needed. If the tree or property is not regulated by the Private Tree Protection By-law, staff will still encourage the applicant to protect as many trees as possible, as set out in the City's Official Plan urban forest policies. If the demolition permit is in close proximity to the City's Natural Heritage System, Environmental Planning staff will review and assess potential impacts and concerns.

The tree permit and the demolition permit process are designed to run parallel to one another. However, as the City of Guelph's Private Tree Protection By-law is not applicable law under the Building Code Act, 1992, the City of Guelph cannot hold up or deny the tree permit based on the status of the demolition permit, and vice versa. If a regulated tree is impacted through the demolition process without an appropriate tree permit, the City of Guelph can issue a stop work order. If a tree permit application is submitted prior to redevelopment, the City of Guelph can take securities for trees removed or injured or ask for compensation through site plan approval.

If a tree is on City of Guelph property, the City is responsible for maintenance which includes conducting inspections, pruning, and when necessary, removals. When City staff receive a request for tree maintenance, they will visit the property to assess potential risks or hazards. If the trunk of a tree sits on the boundary between two property ownerships, it is a shared tree or a boundary tree. There is shared ownership and responsibility, such as requiring written consent from adjacent landowners when damage to boundary trees is possible or anticipated. The Forestry Act (1990) makes it an offense to injure or destroy a boundary tree without the adjacent landowner's formal consent as the asset is considered shared.

City staff's priority when considering boundary tree permit applications is first to attempt to preserve the trees, then, if preservation is not possible, require the applicant to receive formal consent from their adjacent landowner. It is the applicant's responsibility to contact the adjacent landowner and receive that consent.

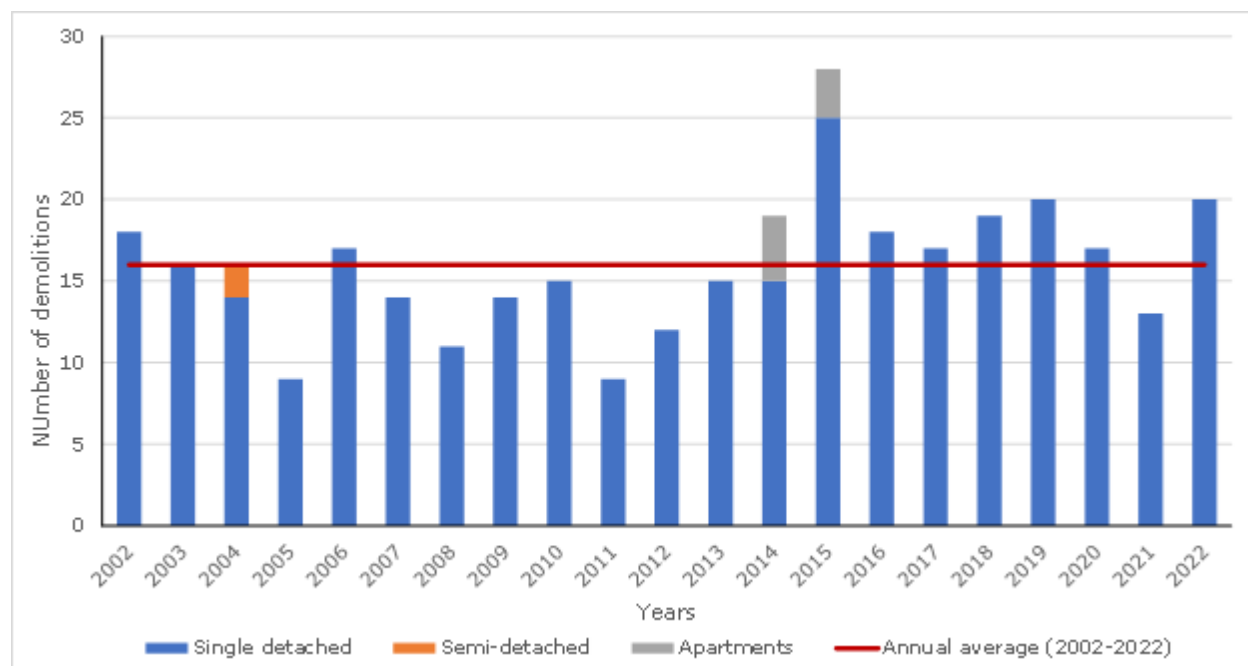
City staff will continue to enforce the Private Tree Protection By-law, where applicable as part of staff's review of demolition permit applications.

5.6. Housing Stock

The intent of demolition control in the Planning Act is to prevent the premature loss of existing housing stock in a municipality. Staff supports a consistent approach to the replacement of dwelling units that at least maintains the existing dwelling unit mix. By preventing the loss of dwelling units during redevelopment, especially rental units, the City can assist in maintaining a steady vacancy rate and existing affordability levels. Other municipalities have demolition control by-laws that require a replacement site plan application be submitted for a demolition control permit over a certain number of existing dwelling units, typically six or more. However, with changes made to the Planning Act through Bill 23 (More Homes, Built Faster Act, 2022), site plan approval is no longer required for 10 units or less, and the Planning Act prevails. Where demolition of rental units is permitted, landlords are obligated to compensate tenants in accordance with the regulations of the Residential Tenancies Act, 2006.

As reported in the City's State of Housing Report (2023), an average of 16 residential units have been demolished each year since 2002 in Guelph. The majority of these demolitions have been single detached dwellings, however most of those demolitions were replaced with new residential buildings. Overall, demolitions of single-detached homes are resulting in a net increase of housing supply.

Figure 1: Historic residential demolitions by structure type in Guelph, 2002-2022



Source: City of Guelph Planning, AMANDA permit tracking system, 2002-2022

Since 2002, 328 single detached dwellings, 7 apartment units and 4 semi-detached dwellings have been demolished for a total of 337 dwellings. Early in the reporting period, the majority of the demolitions resulted in single replacement units, however, towards the latter part of the period, many of the demolitions were to make way for the construction of townhouse or apartment developments.

In 2022, the 20 approved residential demolitions resulted in the creation of 240 residential units. Three of these demolitions are proposed to result in multiple unit dwellings with a 110-unit seniors apartment residence, a 98-unit apartment building and an 18-unit townhouse development. Five new single detached units will result from the demolition of two proposed severances, and nine of the approved demolitions will result in single replacement units. Four demolitions along Hanlon Road were necessary to allow for the future Hanlon Parkway interchange at Stone Road West and will not result in the creation of new units. The remaining two demolitions of single detached dwellings were either not used for residential purposes or there are currently no future development plans. Overall, the demolition of 20 units resulted in 240 new units, or a net increase of 220 units to Guelph's housing stock.

As part of the City's Housing Affordability Strategy, City staff will continue to monitor what role demolition plays in the loss of affordable housing stock in the city and if there are further policy changes that need to be made to prevent the premature loss of affordable housing stock.

6. Updating the By-law

Given these issues, staff are recommending a repeal and replacement of the demolition control by-law. Staff are also recommending a few key changes. First, staff are recommending new definitions for the terms “demolition” and “renovation” as part of the by-law. These definitions are linked through either the removal or maintaining of the main floor assembly, respectively. The removal of the main floor assembly has been City of Guelph policy for a significant period so it should be included as part of the By-law. When reviewing comparator municipalities, many municipalities rely on the Tarion New Home Warranty definition which is dependent on how much foundation of the building remains (i.e. a demolition permit would only be required if the proposed works would result in 39% or less of the existing foundation). This definition is weaker than what staff are proposing and would allow for more construction-level work without requiring a demolition permit.

Second, the recommended by-law will update the offence charge to the maximum allowable at \$50,000.00 per dwelling unit in the residential property to be demolished.

Third, staff are recommending the addition of a condition that will require the preparation and submission of building permit plans for a new building on the same site for any demolition permit application. Staff are recommending this condition so that housing stock is not lost prematurely without an efficient redevelopment plan. This is also aligned with the goals and objectives of the City of Guelph’s Property Standards By-law which seeks to maintain appropriate standards for the maintenance and occupancy of property, including provisions relating to property conditions.

Fourth, the recommended demolition control by-law also has several exemptions when demolition control will not apply. These exemptions include if the work done on the residential property is considered a renovation as defined, if the building has been deemed unsafe, if the residential property is required for the implementation of a capital works project, and other health and safety matters. Among comparator municipalities across Ontario, these exemptions were standard.

Finally, staff recommend that the approval of demolition permits continue to be delegated to the General Manager of Planning and Building Services. Through delegated authority, staff can process demolition permit applications without requiring a Council meeting. This allows Council to focus on more substantive issues while allowing staff to continue to provide efficient service delivery.

Delegated authority does not include the authority to refuse to issue a demolition permit, to establish conditions beyond what is included in the recommended by-law, and the authority to issue or refuse to issue a demolition permit for a residential property listed or designated under the Ontario Heritage Act.

7. Conclusion and Next Steps

City of Guelph staff will be presenting the recommended demolition control by-law to Council on March 20, 2024. This will be an opportunity to answer questions on the by-law from Council and the public. Staff are recommending approval of the by-law.

This recommended demolition control by-law will serve as an effective tool for improving the City's housing supply by preventing the premature loss of existing stock and encouraging the efficient creation of replacement housing units.

Appendix A - Section 33 of the Planning Act 1990

Demolition control area

33 (1) In this section,

“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; (“logement”)

“residential property” means a building that contains one or more dwelling units, but does not include subordinate or accessory buildings the use of which is incidental to the use of the main building. (“immeuble d’habitation”) R.S.O. 1990, c. P.13, s. 33 (1).

Establishment of demolition control area by by-law

(2) When a by-law under section 15.1 of the *Building Code Act, 1992* or a predecessor thereof is in force in a municipality or when a by-law prescribing standards for the maintenance and occupancy of property under any special Act is in force in a municipality, the council of the local municipality may by by-law designate any area within the municipality to which the standards of maintenance and occupancy by-law applies as an area of demolition control and thereafter no person shall demolish the whole or any part of any residential property in the area of demolition control unless the person is the holder of a demolition permit issued by the council under this section. R.S.O. 1990, c. P.13, s. 33 (2); 1997, c. 24, s. 226 (4).

Council may issue or refuse to issue permit

(3) Subject to subsection (6), where application is made to the council for a permit to demolish residential property, the council may issue the permit or refuse to issue the permit.

Appeal to Tribunal

(4) Where the council refuses to issue the permit or neglects to make a decision thereon within thirty days after the receipt by the clerk of the municipality of the application, the applicant may appeal to the Tribunal and the Tribunal shall hear the appeal and either dismiss the same or direct that the demolition permit be issued, and the decision of the Tribunal shall be final. 2017, c. 23, Sched. 5, s. 92.

Notice of appeal

(5) The person appealing to the Tribunal under subsection (4) shall, in such manner and to such persons as the Tribunal may direct, give notice of the appeal to the Tribunal. 2017, c. 23, Sched. 5, s. 92.

Application for demolition permit where building permit issued

(6) Subject to subsection (7), the council shall, on application therefor, issue a demolition permit where a building permit has been issued to erect a new building on the site of the residential property sought to be demolished.

Conditions of demolition permit

(7) A demolition permit under subsection (6) may be issued on the condition that the applicant for the permit construct and substantially complete the new building to be erected on the site of the residential property proposed to be demolished by not later than such date as the permit specifies, such date being not less than two years from the day demolition of the existing residential property is commenced, and on the condition that on failure to complete the new building within the time specified in the permit, the clerk of the municipality shall be entitled to enter on the collector’s roll, to be collected in like manner as municipal taxes, such sum of money as the permit specifies, but not in any case to exceed the sum of \$20,000 for each dwelling unit contained in the residential property in respect of which the demolition permit is issued and such sum shall, until payment thereof, be a lien or charge upon the land in respect of which the permit to demolish the residential property is issued.

Registration of notice

(8) Notice of any condition imposed under subsection (7) may be registered in the proper land registry office against the land to which it applies.

Registration of certificate

(9) Where the clerk of the municipality adds a sum of money to the collector's roll under subsection (7), a certificate signed by the clerk setting out the sum added to the roll, together with a description of the land in respect of which the sum has been added to the roll, sufficient for registration, shall be registered in the proper land registry office against the land, and upon payment in full to the municipality of the sum added to the roll, a certificate signed by the clerk of the municipality showing such payment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the sum was added to the roll is discharged.

Appeal to Tribunal

(10) Where an applicant for a demolition permit under subsection (6) is not satisfied as to the conditions on which the demolition permit is proposed to be issued, the applicant may appeal to the Tribunal for a variation of the conditions and, where an appeal is brought, the Tribunal shall hear the appeal and may dismiss the same or may direct that the conditions upon which the permit shall be issued be varied in such manner as the Tribunal considers appropriate, and the decision of the Tribunal shall be final. 2017, c. 23, Sched. 5, s. 92.

Application to council for relief from conditions of demolition permit

(11) Where a condition has been imposed under subsection (7) and the holder of the demolition permit considers that it is not possible to complete the new building within the time specified in the permit or where the holder of the permit is of the opinion that the construction of the new building has become not feasible on economic or other grounds, the permit holder may apply to the council of the municipality for relief from the conditions on which the permit was issued.

Notice of application

(12) Notice of application under subsection (11) shall be sent by registered mail to the clerk of the municipality not less than sixty days before the time specified in the permit for the completion of the new building and, where the council under subsection (14) extends the time for completion of the new building, application may similarly be made for relief by sending notice of application not less than sixty days before the expiry of the extended completion time.

Extension of time

(13) Despite subsection (12), the council may, at any time, extend the date specified in that subsection for the making of an application for relief from the conditions on which the permit was issued.

Powers of council on application

(14) Where an application is made under subsection (11), the council shall consider the application and may grant the same or may extend the time for completion of the new building for such period of time and on such terms and conditions as the council considers appropriate or the council may relieve the person applying from the requirement of constructing the new building.

Appeal to Tribunal

(15) Any person who has made application to the council under subsection (11) may appeal from the decision of the council to the Tribunal within twenty days of the mailing of the notice of the decision, or where the council refuses or neglects to make a decision thereon within thirty days after the receipt by the clerk of the application, the applicant may appeal to the Tribunal and the Tribunal shall hear the appeal and the Tribunal on the appeal has the same powers as the council has under subsection (14) and the decision of the Tribunal shall be final. 2017, c. 23, Sched. 5, s. 92.

Offence

(16) Every person who demolishes a residential property, or any portion thereof, in contravention of subsection (2) is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 for each dwelling unit contained in the residential property, the whole or any portion of which residential property has been demolished.

Standards for health and safety remain in force

(17) The provisions of any general or special Act and any by-law passed thereunder respecting standards relating to the health or safety of the occupants of buildings and structures remain in full force and effect in respect of residential property situate within an area of demolition control. R.S.O. 1990, c. P.13, s. 33 (3-17).

Certain proceedings stayed

(18) Subject to subsection (17), an application to the council for a permit to demolish any residential property operates as a stay to any proceedings that may have been initiated under any by-law under section 15.1 of the *Building Code Act, 1992* or a predecessor thereof or under any special Act respecting maintenance or occupancy standards in respect of the residential property sought to be demolished, until the council disposes of the application, or where an appeal is taken under subsection (4), until the Tribunal has heard the appeal and issued its order thereon. R.S.O. 1990, c. P.13, s. 33 (18); 1997, c. 24, s. 226 (5); 2017, c. 23, Sched. 5, s. 80.

Exemption re Building Code

(19) Where a permit to demolish residential property is obtained under this section, it is not necessary for the holder thereof to obtain the permit mentioned in subsection 8 (1) of the *Building Code Act, 1992*. R.S.O. 1990, c. P.13, s. 33 (19); 1997, c. 24, s. 226 (6).

Section Amendments with date in force (d/m/y)

1997, c. 24, s. 226 (4-6) - 17/06/1998

2017, c. 23, Sched. 5, s. 80, 92 - 03/04/2018