

Review of Demolition Control By-law

Council Planning Meeting

March 20, 2024

What is Demolition Control?

- Municipalities can designate a demolition control area.
- Residential Property and Dwelling Units cannot be demolished unless the municipality has issued a demolition permit.

Planning Act Definitions

- “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.

Guelph's current Demolition Control By-law

- Came into force and effect on July 18, 1988.
- Requires a demolition permit to be held before permitting the demolition of the whole or any part of any Residential Property.
- If a person demolishes their property without receiving a demolition permit: they are liable for a fine of up to \$20,000 for each dwelling unit.
- Authority to approve residential demolition permits was delegated to the General Manager of Planning and Building Services in March 2017.

Common Demolition Control Issues

- Notice Requirements
- Ontario Heritage Act and Demolition
- Property Standards
- Demolition Control Conditions
- Private Tree Protection By-law
- Housing Stock

Issue #1: Notice Requirements

- City of Guelph staff post a demolition application notice sign on the property.
- Demolition Control is not a Planning Act public process: only the owner can appeal a decision.
- Staff continue to recommend a staff-led approach to providing notice.

Issue #2: Ontario Heritage Act and Demolition

- If a property is listed or designated, then the Ontario Heritage Act takes precedence.
- Council is the decision-making authority for demolition application for listed or designated properties.
- Owners of properties listed on the Municipal Register of Cultural Heritage Properties or designated must provide the City written notice of their intention to demolish.

Issue #3: Property Standards

- Property Standards and Demolition Control work together.
- Property Standards By-law is enforced by Property Standards Inspectors and the Property Standards Committee.
- Inspectors conduct site inspections and issue orders, where required.
- If orders are challenged, a Property Standards Committee meeting is held.

Issue #4: Demolition Control Conditions

- Conditions must conform to Planning Act.
- Can require the construction of the replacement building to be completed in two years or more.
- Applicant can apply to the City for relief from this condition or appeal to the OLT.

Issue #5: Private Tree Protection By-law

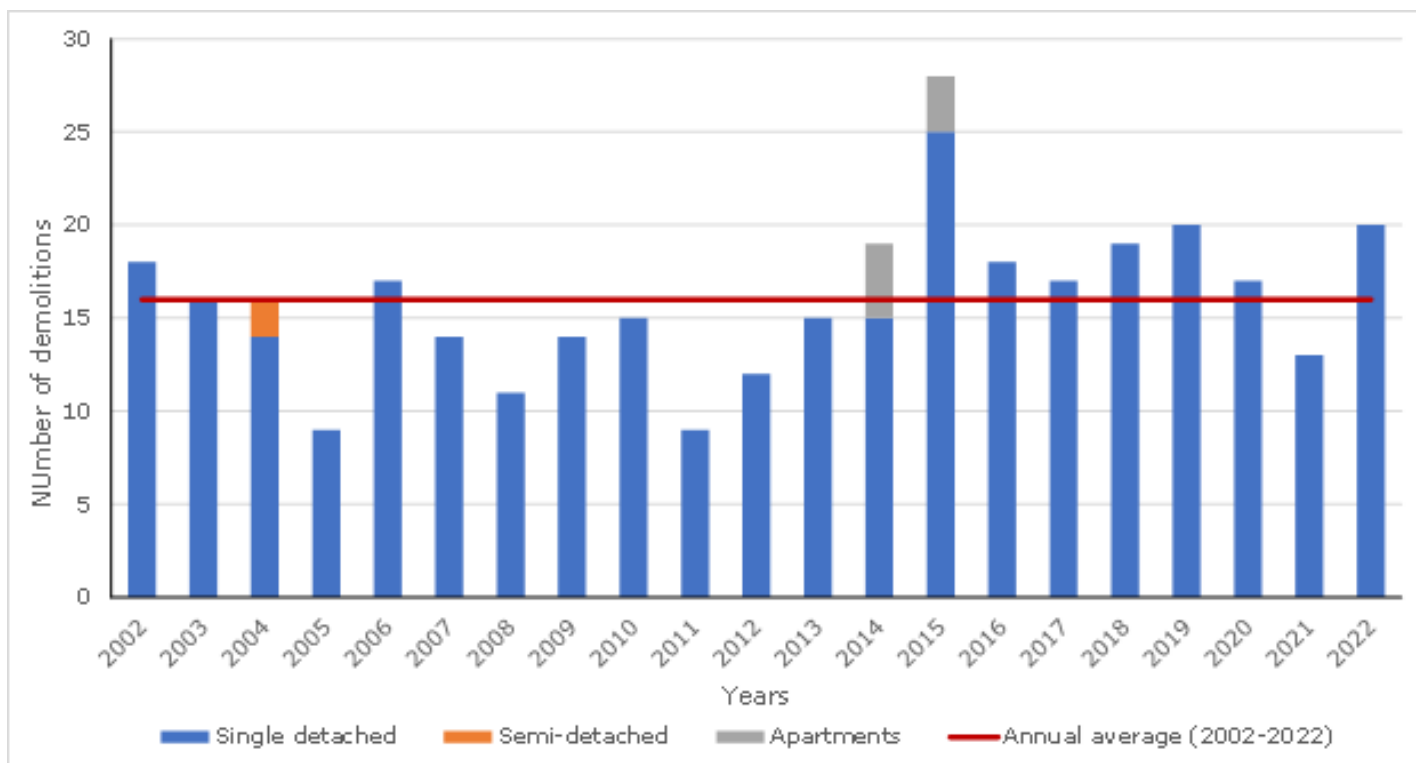
- The City of Guelph's Private Tree Protection By-law may apply to demolition applications.
- Staff review demolition permit applications to determine if a tree permit is needed.

Issue #6: Housing Stock

- Intent of Demolition Control is to prevent the premature loss of existing housing stock.
- City of Guelph wants to maintain a steady supply of housing, even during redevelopment.

Issue #6: Housing Stock

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



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

Updating the By-law

- New definitions for demolition and renovation;
- A new condition requiring the preparation and submission of building permit plans for a new building;
- Updating the offence charge to the maximum allowable;
- Include common exemptions for health and safety, capital works, etc.;
- Continue to delegate approval to the General Manager of Planning and Building Services.

Recommendation

1. That the Demolition Control Discussion Paper, as included in Attachment-1, be received.
2. That By-law 2024-20923, as shown in Attachment-2 of Report 2024-124, being a by-law to designate the entirety of the City of Guelph as a demolition control area, be approved.