

The Corporation of the City of Guelph

By-law Number (2024) - 20923

A by-law to designate the City of Guelph as an area subject to demolition control in accordance with Section 33 of The Planning Act, 1990 and to repeal By-law Number (1988) - 12922.

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 under section 15.1 of the Building Code Act, 1992, S.O. 1992, c. 23, is in effect in the same area;

AND WHEREAS By-law Number (2000)-16454, as amended, prescribes standards of maintenance and occupancy for properties in the City of Guelph as a requirement for the establishment of a demolition control by-law;

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 Guelph;

AND WHEREAS under sections 9 and 10 of the *Municipal Act, 2001*, S.O. 2001, c. 25, in accordance with section 23.1 of the *Municipal Act, 2001*, the powers of a municipality under that or any other Act may be delegated to a person or a body, subject to the restrictions set in sections 23.1 to 23.5, inclusive, of the *Municipal Act, 2001*;

AND WHEREAS The Council of The Corporation of the City of Guelph ("Council") wishes to maintain the integrity of residential neighbourhoods; prevent the premature loss of housing stock; retain existing residential units, especially rental units, until new plans have been prepared; prevent the creation of vacant land; and prevent the premature loss of municipal assessment;

The Council of the Corporation of the City of Guelph enacts as follows:

Intent:

1. 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 prohibit the use of Demolition as a means to reduce maintenance and repair costs;
 - d. To prohibit the use of Demolition as a tactic to obtain zoning or other City approvals.

Definitions:

2. The following terms shall be defined as follows:
 - a. **"Chief Building Official"** means the Chief Building Official appointed by the City of Guelph Building By-law (By-law Number (2015) – 19985), or its successor for the purposes of enforcement of the Building Code Act.
"Demolition" or **"Demolish"** means the removal of the whole of a Residential Property, including the main floor assembly, but does not include a Renovation.
 - b. **"Dwelling Unit"** has the meaning prescribed in section 33(1) of the *Planning Act*, R.S.O. 1990, c. P.13.

- c. **"Renovation"** means the restoration of a residential building, or the removal of a portion of a residential building not including the main floor assembly, but does not include a Demolition.
- d. **"Residential Property"** has the meaning prescribed in section 33(1) of the *Planning Act*, R.S.O. 1990, c. P.13.

Applicable Lands:

- 3. All properties within the boundaries of the City of Guelph, 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 \$50,000.00 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 General Manager of Planning and Building Services, their designate or their successor thereto with respect to the approval of demolition permits for any Residential Property. The Chief Building Official shall consider the demolition permit once approval has been granted.
- 6. Every applicant for a Demolition Permit shall submit a completed demolition application to the City in the form and with such content as required by the City in its sole discretion. Incomplete applications shall not be accepted by the City and shall not constitute a demolition application.
- 7. The delegation of authority set out in this Article does not include the authority to issue or refuse to issue a Demolition Permit for a Residential Property listed or designated under the *Ontario Heritage Act*, R.S.O. 1990, c. O. 18.
- 8. If the application for a demolition permit is not supported by the General Manager of Planning and Building Services, their designate or their successor thereto, the applicant may request a decision from Council.

Conditions:

- 9. A demolition permit issued by the Chief Building Official, their designate or their successor thereto under Section 5 of this By-law may be subject to conditions issued by City Council including but not limited to:
 - a. That with the demolition permit application, the owner prepares and submit building plans for a new Residential Property on the same site;
 - b. That the owner constructs and substantially completes the Residential Property 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;
 - c. That where a Residential Property is Demolished and the owner fails to construct or substantially complete the new building by the time specified on the demolition permit, the municipal clerk shall enter \$20,000.00 per Dwelling Unit demolished on the collector's roll to be collected in like manner as municipal taxes and shall form a lien or charge upon the Subject Lands;

- d. That the applicant for the demolition control permit be required to register on title to the property notice of conditions (b) and (c) in a form satisfactory to the City Solicitor; and
- e. In accordance with the Ontario Heritage Act, other conditions related to the preservation or documentation of a listed or designated heritage property, as determined by Council. Other

Exemptions:

- 10. Council may exempt by by-law any Residential Property from this Demolition Control Area By-law.
- 11. This by-law does not apply if:
 - a. If the work done on the Residential Property is considered a Renovation.
 - b. The Residential Property has been found to be unsafe under Section 15.9 or 15.10 of the Building Code Act, 1992 and an order has been issued under that section;
 - c. An order to remove the Residential Property has been issued under Section 15 of the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4;
 - d. 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;
 - e. The Residential Property is owned by The Corporation of the City of Guelph and the Demolition is required for the imminent implementation of a City capital works project previously approved by Council;

Repeal of Previous By-law:

- 12. By-law Number (1988) - 12922 is hereby repealed.

Passed this 20th day of March, 2024.

Cam Guthrie, Mayor

**Stephen O'Brien, City Clerk [or]
Dylan McMahon, Deputy City Clerk**